

State of New Hampshire



PERSONNEL APPEALS BOARD

25 Capitol Street
Concord, New Hampshire 03301
Telephone (603) 271-3261

APPEALS OF ROBERT M. LEE, JR. - DOCKET #99-C-7

BRIAN A. PERRY - DOCKET #99-C-8

CLAYTON J. PEASE JR. - DOCKET #99-C-9

RICHARD F. HOLLORAN - DOCKET #99-C-10

August 5, 1999

The New Hampshire Personnel Appeals Board (Wood, Rule and Johnson) met on Wednesday, August 4, 1999, under the authority of RSA 21-I:57, to hear the classification appeals of Robert M. Lee, Jr., Brian A Perry, Clayton J. Pease, Jr. and Richard F. Holloran, employees of the Department of Transportation. Messrs. Lee, Perry, Pease and Holloran were appealing the Personnel Director's decision to not increase the salary grades assigned to their positions in the Intricate Equipment Technician class series. Virginia Lamberton, Director of Personnel, appeared for the hearing as scheduled. None of the appellants (Lee, Perry, Pease or Holloran) appeared for the hearing, had a representative appear on their behalf at the hearing, or notified the Board that they would be unable to attend the hearing.

In the notice of scheduling that the Board had sent to each of the appellants at their business address on June 21, 1999, the Board wrote that, "Except for good cause shown, failure of an appellant to appear as scheduled shall result in dismissal of the appeal." Therefore, in accordance with the conditions established in the June 21, 1999, NOTICE OF SCHEDULING, the Board voted to dismiss the appeal. However, Personnel Director Lamberton asked the Board to reconsider its decision, and recommended that the Board continue the matter to another date. In support of that request, she explained that the employees might have had difficulty getting released from work, as they, not the agency, had made the original request for reclassification. In

light of that information, the Board also considered the possibility that the appellants may not have received their NOTICE OF SCHEDULING at their place of work. Therefore, the Board voted to continue the matter until Wednesday, September 1, 1999, at 1:30 p.m. Ms. Lamberton agreed to provide the appellants' home addresses to the Board so that notice of the rescheduled hearing could be mailed directly to them at their homes.

The appellants and/or their representative will be expected to appear at that hearing. Any further request to postpone or reschedule the hearing must be submitted to the Board in writing within ten days of the date of this order. Otherwise, should the appellants or their representative fail to appear as scheduled, the matter will be dismissed effective September 1, 1999.

FOR THE PERSONNEL APPEALS BOARD



Mary Ann Steele, Executive Secretary

NH personnel Appeals Board

cc: Virginia A. Lamberton, Director of Personnel, 25 Capitol St., Concord, NH 03301
Frances Buczynski, Human Resources Administrator, Dept. of Transportation, Hazen Dr.,
Concord, NH 03301
Robert M. Lee, Jr., 149 Kendall St., Franklin, NH 03253
Brian Perry, 49 W. Portsmouth St., Concord, NH 03301
Clayton Pease, Jr., 36 Summer St., Apt. B, Penacook, NH 03303
Richard Holloran, 6 Granny Howe Rd., Chichester, NH 03234

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February 10, 2000

The New Hampshire Personnel Appeals Board (Wood, Rule and Barry) met on Wednesday, September 1, 1999, under the authority of RSA 21-I:57, to hear the appeals of Robert M. Lee, Jr., Brian A. Perry, Clayton J. Pease, Jr., and Richard F. Holloran concerning their request for reallocation of their positions as Intricate Equipment Technician for the Department of Transportation. The appellants appeared *pro se*. Mr. Pease acted as spokesperson for the three appellants. Sara Willingham, Administrator, appeared for the Division of Personnel.

Without objection by either party, the appeals were heard on offers of proof by the representatives of the parties. The record of the hearing in this matter consists of pleadings submitted by the parties prior to the hearing, the audio tape recording of the hearing on the merits, notices and orders issued by the Board, and documents admitted into evidence as follows:

State's Exhibits

- A. Letter dated 8/26/98 from Fran Buczynski to Director Lainberton
- B. Position Classification Questionnaire for position #20017 Intricate Equipment Technician III, labor grade 13 with current and proposed supplemental job descriptions
- C. Position Classification Questionnaire for position #20434, Intricate Equipment Technician II, labor grade 11 with current and proposed supplemental job descriptions

- D. Position Classification Questionnaire for position #20429, Intricate Equipment Technician I, labor grade 9 with current and proposed supplemental job descriptions
- E. Position Classification Questionnaire for position #20431, Intricate Equipment Technician I, labor grade 9 with current and proposed supplemental job descriptions
- F. Decision letter addressed to Fran Buczynski dated 11/4/98
- G. Letter of appeal dated 12/23/98
- H. Class specification for Intricate Equipment Technician I, labor grade 9
- I. Class specification for Intricate Equipment Technician II, labor grade 11
- J. Class specification for Intricate Equipment Technician III, labor grade 13
- K. Organization Chart, Bureau of Transportation Planning, DOT
- L. Point Factors for Intricate Equipment Technician I, II and III

At the Board's request, the State also provided the point spreads for positions of Traffic Signal Technician II, III and IV.

Appellants' Exhibits

The appellants submitted a packet of documents including the following:

Position classification questionnaires, supplemental job descriptions and class specifications for each of the appellants' positions; a summary of traffic counting devices placed and serviced by the Department of Transportation between 1981 and 1998, performance summaries, and color-coded comparisons of the duties of Intricate Equipment Technician positions and Traffic Signal Technician positions.

The appellants argued that over the course of the last 17 years, the counting devices that the appellants use and service have changed from mechanical devices to electronic devices, and that the number of traffic counts performed had increased during that time from 541 counts in 1981 to 2137 in 1997. Mr. Pease argued that although their immediate supervisor and Division of Personnel recognized that there had been technical changes in the way the jobs are performed, they did not understand the actual tasks required in the positions under review. Mr. Pease also suggested that there was a misunderstanding about the information contained in the appellants' proposed supplemental job descriptions, and that the duties listed were not supposed to have replaced the existing list of accountabilities, but should have been added to that list.

Therefore, he argued, the proposed supplemental job description lists far fewer duties and responsibilities than the appellants are actually required to perform.

Mr. Pease argued that the appellants are required to solder electrical circuit boards, change computer chips, and rewire traffic counting devices. He argued that repair and maintenance of the mechanical systems was much simpler. He also argued that in "the old days," the crew used to put out six or seven counters a week, whereas with the new equipment, the number of counts performed has increased dramatically. Mr. Pease argued that the counts started to double after the mechanical equipment had been replaced with electronic equipment.

Mr. Pease argued that the wording in the specifications for Traffic Signal Technicians and Intricate Equipment Technicians are similar, but the "Basic Purpose" of the Intricate Equipment Technician doesn't mention working with electrical equipment. He argued that there were more similarities in the positions than the correspondence indicated, and he noted that the appellants had received no support for their request or help in completing the questionnaires from Human Resources or from the department.

The appellants argued that it had been 30 years since the appellants' positions had been upgraded, and that there had been significant changes that warranted an upgrading; They argued that the equipment is much more sophisticated and can measure vehicle speed, direction, weight and classification, and that it can be downloaded from the various modules into a computer. The appellants said that office staff performed the actual downloading of information, as the appellants did not have time to do it themselves.

Ms. Willingham argued that in reviewing the positions for possible reallocation or reclassification, the reviewers considered both of the "technician" series. Ms. Willingham said that although the Division of Personnel believed the proposed supplemental job description was intended to replace the current supplemental, adding the new duties to the old ones really didn't demonstrate a difference that would impact on the job classifications.

Ms. Willingham explained that a review of the positions by the Division of Personnel verified the assignments that the incumbents were expected to perform. She said that in completing the review, the only significant difference between the current and proposed supplemental job descriptions was the use of a computer to extract information from the counters, but that the appellants were not responsible for downloading or analyzing the information. Ms. Willingham said that it was the Division's belief that the proposed supplemental job description was intended to replace the existing supplemental job description, but that even if the existing and proposed duties were included in the specification, it did not represent a substantial or material change in the nature of complexity of the work performed.

After considering the evidence, argument and offers of proof, the Board made the following findings of fact and rulings of law:

FINDINGS OF FACT AND RULINGS OF LAW

1. Intricate Equipment Technician I, II and III are rated at levels 2, 3, and 4 respectively for the "Skill" factor. Skill is defined by the Evaluation Manual as meaning, "...the combination of preparation and learning through experience and training necessary to perform a specific job function. This factor measures the amount of time spent in practical preparation in the same or related work."
2. At level 2, a position, "Requires skill in applying instructions to accomplish different job functions OR in operating machines for a variety of different purposes," and equates to one to two years of experience.
3. At level 3, a position, "Requires skill in recommending routine changes in standardized operating procedures OR in retrieving, compiling, and reporting data according to established procedures OR in operating complex machines," and equates to two to four years of experience.
4. At level 4, a position, "Requires skill in developing formats and procedures for special applications OR in investigating and reviewing the use of equipment and data for a specialized function," and equates to three to six years of experience.

5. The current "Skill" factor ratings are appropriate for the amount of experience required in the existing classifications and grade allocations.
6. Intricate Equipment Technician I, II and III positions are rated at level 2 for the "Knowledge" factor, and are described by the Evaluation Manual as "...the general educational development necessary to perform specific job functions..." Level 2 imposes the minimum educational requirement of graduation from high school or possession of a G.E.D. There was neither evidence nor argument to support an increase in the "Knowledge" factor.
7. The Intricate Equipment Technician I, II and III job specifications are rated at level 2 for the "Impact" factor which measures, "...the manner in which the basic purpose of the job functions of a position interact with and respond to the overall needs of the agency. This factor measures the probability for and consequences of error in relation to the achievement of agency goals and objectives, including the responsibility for planning and developing agency programs, implementing operational procedures, and providing services to specific client populations.
8. The current rating at level 2 entails, "...responsibility for contributing to agency objectives by ensuring the accuracy of support activities within one or more organizational units. Errors at this level affect the work of others or have measurable monetary consequences, and require immediate verification and correction in order to complete succeeding work operations."
9. The evidence reflects that the appellants' positions in the Bureau of Traffic Planning are properly rated at level 2 in that they involve deploying and servicing traffic counting devices, retrieving the data collection units, and providing them to other bureau staff for subsequent reporting within the department.
10. Intricate Equipment Technician I and II positions are rated at level 2 for the "Supervision" factor, which is defined in the Evaluation Manual as requiring, "partial supervision of other employees doing work which is related or similar to the supervisor, including assigning job duties, providing training, giving instructions or checking work." The Technicians I and II indicate that they are asked to supervise temporary summer help, and their positions are accurately rated at level 2 as a result.
11. The position of Intricate Equipment Technician III is rated at level 3 for the "Supervision" factor, entailing "direct supervision of other employees doing work which is related or

- similar to the supervisor, including scheduling work, recommending leave, reviewing work for accuracy, performance appraisal, or interviewing applicants for position vacancies."
12. The Intricate Equipment Technician III directly supervises Intricate Equipment Technician I and II incumbents and temporary help, and is correctly rated at level 3 for "Supervision."
 13. The positions of Intricate Equipment Technician I, II and III are allocated at level 3 for the "Working Conditions" factor, which measures "the specific working environment and physical conditions to which an employee is exposed in performing required job duties and tasks. This factor measures the uncontrollable job elements which affect an employee's mental or physical capacity to complete job assignments in the normal course of work, including occupational hazards such as injury or disease."
 14. The positions are properly rated at level 3, that "Requires performing regular job functions in an environment which includes exposure to continuous physical elements or a number of disagreeable working conditions with frequent exposure to minor injuries or health hazards."
 15. The appellants' positions are correctly rated at level 4 for the "Physical Demands" factor, requiring, "...medium to heavy work, including continuous physical exertion [75% or more of the time] such as frequent bending, lifting, or climbing."
 16. The appellants' positions are correctly rated at level 2 for the "Communications" factor, which measures, "...the requirements of the position to articulate and express the goals of the agency."
 17. Level 2 for Communications involves, "obtaining and exchanging information, referring inquiries to the appropriate source, or responding to questions from state employees or members of the general public," and is consistent with the appellants' description of their contact within the agency as well as with contractors, vendors and members of the general public.
 18. Intricate Equipment Technician I and II positions are rated at level 2 for the "Complexity" factor, while the Intricate Equipment Technician III position is rated at level 3.
 19. Level 3 for "Complexity" is described by the Evaluation Manual as, "...a combination of job functions to establish facts, to draw daily operational conclusions, or to solve practical problems. This level also requires providing a variety of alternative solutions where only limited standardization exists."

20. The Evaluation Manual describes "Complexity" as the measure of the "diversity of the tasks performed, the application of fundamental principles to solve specific problems, and the level of judgment required to apply knowledge acquired through training and experience."
21. The evidence does not support increasing the allocation of this factor from level 2 to level 3 for the Intricate Equipment Technician I and II positions, nor does it support increasing the Intricate Equipment Technician III position beyond that level.
22. The appellants' positions are correctly rated at level 2 for the "Independent Action" factor . According to the Evaluation Manual, "Independent Action means the amount of decision making, initiative, and responsive effort required in originating new or more efficient work methods and procedures. This factor measures the type, frequency, and priority of well-defined alternatives and the extent to which instructions or policies guide action in selecting and applying strategies to enhance service delivery of the agency."
23. The amount of choice involved in applying technical or administrative policies or among alternative courses of action is consistent with level 2, "...in performing job functions according to a variety of prescribed policies and procedures."
24. Overall, the current class specification and point allocation correctly describes the appellants' positions.
25. Changes in the types of monitoring and counting devices has permitted the work unit to perform substantially more work, but have not substantially changed the purpose of the positions under review or the nature of the duties performed, and are insufficient to support a reallocation of the positions.

APPLICABLE LAW

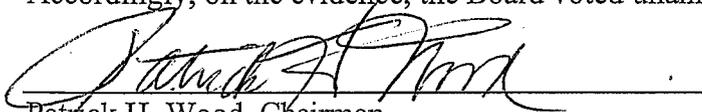
- A. "The employee or the department head, or both, affected by the allocation of a position in a classification plan shall have an opportunity to request a review of that allocation in accordance with rules adopted by the director under RSA 541-A, provided such request is made within 15 days of the allocation. If a review is requested by an employee, the director shall contact the employee's department head to determine how the employee's responsibilities and duties relate to the responsibilities and duties of similar positions throughout the state. The employee or department head, or both, shall have the right to appeal

the director's decision to the personnel appeals board in accordance with rules adopted by the board under RSA 541-A. If the board determines that an individual is not properly classified in accordance with the classification plan or the director's rules, it shall issue an order requiring the director to make a correction." [RSA 21-I:57]

DECISION AND ORDER

The evidence does not support the appellants' assertion that their positions are incorrectly classified or allocated. Changes in the positions as described by the appellants relate to evolving technologies and the resulting ability to complete more work and produce a more usable work product. However, those changes did not affect the basic purpose or scope of the work, or the essential functions of the jobs in a way that would require reclassification. Review of the positions in relationship to the Evaluation Manual indicate that each of the evaluation factors was properly rated, and that the resulting salary grades are appropriate for the duties and responsibilities of each position.

Accordingly, on the evidence, the Board voted unanimously to DENY the appeals.


Patrick H. Wood, Chairman


Lisa A. Rule, Commissioner

James J. Barry, Commissioner

cc: Thomas F. Manning, Director of Personnel, 25 Capitol St., Concord, NH 03301
Frances Buczynski, Department of Transportation, Hazen Dr., Concord, NH 03301
Appellants Lee, Perry, Pease and Holloran