

State of New Hampshire



PERSONNEL APPEALS BOARD

State House Annex
Concord, New Hampshire 03301
Telephone (603) 271-3261

APPEAL OF JEFFREY PERKINS Request for Reconsideration

November 29, 1988

On Wednesday, October 12, 1988, the Personnel Appeals Board, Commissioners Cushman and Platt sitting, reviewed a request for reconsideration filed by the State Employees' Association on September 28, 1988 on behalf of Jeffrey Perkins, an employee of the Department of Corrections. Mr. Perkins had requested that the Board reconsider its decision of September 15, 1988 in which it found Mr. Perkins position properly classified as Director of Food Services, salary grade 20.

In consideration of this request and the record of appeal before it in the classification appeal of Mr. Perkins, the Board voted unanimously to uphold its decision of September 15, 1988. In response to the appellant's arguments, the Board made the following rulings:

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The appellant argued that, "it is still possible to either reestablish or establish a position under the guidelines of RSA 21-I:54," thus requesting that the Board concur with appellant's recommendation that he be classified in a single-incumbent classification of Director of Food Services II, salary grade 22. The remedies permitted by statute do not require that the Board revise its decision. The Board, in its original decision, found that Mr. Perkins' position was properly classified as Director of Food Services and that salary grade 20 was appropriate for the duties and responsibilities he described at the hearing and in his written submissions to the Board.

The appellant stated, "the current Resident Food Service Director [at New Hampshire Hospital] receives a salary scale of \$32,700.00 (minimum) to \$49,000.00 (maximum). If one were to equate this dollar figure to the State Classified Salary Scale, it would equal approximately a Salary Grade 28...Please note that the cited salaries are salaries only, no other benefits are included." The appellant did not show good cause for not introducing this "new" evidence at the hearing, and therefore the Board refuses to consider it. Even if the Board were to consider this evidence, it would not change the decision in this classification matter. The appellant and his representative should be aware that the classification system determines salaries based upon comparison between various classified positions. The Board's responsibility is to review

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the decision of the Director of Personnel in classifying and allocating a position within the State classified service. Since the Resident Food Service Director for New Hampshire Hospital is not a classified position, there is no merit to appellant's argument in comparing their salaries, with or without benefits, when discussing the proper classification or allocation of the position occupied by Mr. Perkins.

Based upon the foregoing, the Board voted to uphold its original decision and to deny the relief requested by Mr. Perkins in his September 28, 1988 request for reconsideration.

FOR THE PERSONNEL APPEALS BOARD



MARY ANN STEELE
Executive Secretary

cc: Stephen J. McCormack, SEA Field Representative

Richard Greenwood, Human Resource Coordinator
Department of Corrections

Ronald L. Powell, Commissioner
Department of Corrections

Virginia A. Vogel
Director of Personnel

State of New Hampshire

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APPEAL OF JEFFREY PERKINS

September 15, 1988

On Tuesday, August 23, 1988, the New Hampshire Personnel Appeals Board consisting of Commissioners Cushman and Brickett heard the classification appeal of Jeffrey Perkins, an employee of the Department of Corrections. Mr. Perkins appeared pro se. Edward J. McCann, Classification and Compensation Administrator, represented the Division of Personnel. Mr. Perkins had appealed the Division of Personnel's March 31, 1988 decision recommending reclassification of his position from Prison Steward, salary grade 18, to Director of Food Services, salary grade 20. Both parties submitted written materials for the Board's consideration prior to the hearing.

Based upon the record before it, and in consideration of the testimony received, the Board voted to deny the appeal. In reaching that decision, the Board made the following findings of fact and rulings of law.

The Department of Corrections had, on February 1, 1988, requested review and upgrading of the subject position from salary grade 18 to salary grade 20. After reviewing this position, the Division of Personnel approved the requested salary grade increase, but recommended the position title be reclassified to Director of Food Services to more accurately reflect the position responsibilities and to allow the single position classification of Prison Steward to be abolished.

On April 25, 1988, Corrections Commissioner Powell requested reconsideration of the Personnel Director's decision, suggesting that the position be reallocated to Director of Food Services II, salary grade 22. On May 11, 1988, the Division of Personnel denied that request, indicating that the classification of Director of Food Services II had been abolished and that the Division of Personnel would neither recommend nor approve reestablishing a two-tiered class series for the Director of Food Services.

In the appellant's June 8, 1988 letter to the Board he states, "I agree with the above statement [made by the Director of Personnel that 'the job specification for Director of Food Services ■, Salary Grade 20 appears to outline Mr. Perkins assignments within the State Prison Complex.']. The appellant argued, however, that his position was more adequately described by the specification for Director of Food Services 11 and that he "Performs moderately complex and involved work directing a food service operation in a large state institution." He continued, "As you can see, we are 'the largest' state institution in terms of food service. Based upon the aforementioned

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information, it is my contention that the proper title and labor grade is Director of Food Services **II**, Labor Grade 22 not Director of Food Services **I**, Labor Grade 20." As a result of the abolition of the classification Director of Food Services **II**, the specification for this class no longer addresses any difference between "operation in a state institution" and "operation in a large state institution". Therefore, the Board found this argument unpersuasive.

Upon review of the existing specification for Director of Food Services **I**, salary grade 20, the Board found this classification and description of position responsibilities accurately outlined the duties described by the appellant in his written and oral presentation. Based upon the foregoing, the Board voted to deny the appeal, finding the appellant's position properly classified as Director of Food Services **I**, salary grade 20. The Board further voted to recommend that the Director of Personnel consider eliminating the Roman numeral designation in this classification to avoid future confusion in position review or reclassification requests.

FOR THE PERSONNEL APPEALS BOARD



MARY ANN STEELE
Executive Secretary

cc: **Mr** Jeffrey Perkins
New Hampshire Department of Corrections

Mr Richard Greenwood, Human Resources Coordinator
New Hampshire Department of Corrections

Virginia A. Vogel
Director of Personnel