# State of New Hampshire

**PERSONNEL APPEALS BOARD**
25 Capital Street
Concord, New Hampshire 03301
**Telephone** (603)271-3261

APPEAL OF DORIS PRYZBYLA

**DOCKET #93-C-14**

Department of Health and Human Services

Response to Appellant's Motion for Reconsideration

**November 17, 1993**

By letter dated October 20, 1993, SEA Field Representative Margo Hurley filed a Motion for Reconsideration of the Board's October 8, 1993 decision in the above-captioned appeal. In support of that Motion, Ms. Hurley reiterated some of the arguments offered during the September 1, 1993 hearing on the merits of Ms. Pryzbyla's appeal. She also argued that Ms. Pryzbyla had been humiliated by the downgrading of her position, and that agencies should not be permitted "...to remove responsibilities from an employee, and then proceed with a positioa review," allowing agencies to "...harm employees for non-merit factors." Ms. Hurley also argued that Ms. Pryzbyla was not prepared for the position review and had no input in completing it.

Contrary to those assertions, the record reflects that the review was initiated by the Division of Personnel after inconsistencies were discovered in several supplemental job descriptions forwarded by the Department of Health and Human Services to the Division of Personnel for approval prior to recruiting for vacant positions,. The record also reflects that Ms. Pryzbyla completed and signed a position classification questionnaire dated June 5,1992 (State's Exhibit 6), and that Ms. Pryzbyla was personally interviewed as part of the review process (Testimony of Marian Stanton). Ms. Pryzbyla testified at the hearing that the completed classification questionnaire accurately reflected her duties at the time of the review. When asked what had changed in her position, she testified that some of her functions had been computerized, but that she was still performing accounting duties,

Having failed to demonstrate that the Board's October 8, 1993 was clearly unlawful or unreasonable in light of the evidence and the record before it, the Board voted unanimously



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to deny the motion for reconsideration and to affirm its decision denying Ms. Pryzbyla's appeal.

THE PERSONNEL APPEALS BOARD

Patrick J. McNicholas, Chairman

Robert J. Johnson, Commissioner

Lisa A. Rule, Commissioner

cc: Virginia A. Lamberton, Director of Personnel
Margo Hurley, SEA Field Representative
Sandra Platt, Administrator, Health and Human Services

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**APPEAL OF DORIS PRYZBYLA**
**DOCKET #93-C-14**
**Department of Health and Human Services**

**October 8, 1993**

The New Hampshire Personnel Appeals Board (McNicholas, Johnson and Rule) met Wednesday, September 1, 1993, to hear the reclassification appeal of Doris Pryzbyla, an employee of the Department of Health and Human Services, whose position was downgraded following a review of her position classification from Accountant III, salary grade 20, to Clerk II, salary grade 6. The appellant was represented at the hearing by SEA Field Representative Margo Hurley. Virginia Lamberton, Director, appeared on behalf of the Division of Personnel. Also testifying was Marian Stanton, the Division of Personnel Classification Analyst who conducted the field audit of Ms. Pryzbyla's position.

At the conclusion of the hearing, Personnel Director Lamberton submitted requests for findings of fact and rulings of law. While the Board is mindful of its obligation to respond to proposed findings of fact and rulings of law and finds them helpful in focusing the review on the material facts in dispute, detailed, compound proposed findings which do not allow the Board to focus on the issues are not helpful in reaching a decision. Accordingly, the Board will make its own findings in this case. To the extent that the proposed findings are consistent with the Board's decision, they are granted. Otherwise, they are denied.

On April 20, 1992, after discovering some inconsistencies in supplemental job descriptions forwarded by the Department of Health and Human Services to the Division of Personnel for approval prior to recruiting for vacant positions, the Division of Personnel requested that the incumbent of position #12198, Accountant III, complete and return a position classification questionnaire for study. The completed questionnaire was returned to the Division of Personnel on June 20, 1992. A review was conducted, including a field interview with Ms. Pryzbyla and her supervisor on September 2, 1992. Following the review, the Director forwarded her November 18, 1992 decision to the Department of Health and Human Services, downgrading the subject position from Accountant III to Account Clerk II.

Ms. Hurley argued that Ms. Pryzbyla was actually the "victim of in-house politics". She argued that Ms. Pryzbyla was frequently assigned special troubleshooting assignments outside of her regular work area, and that her regular duties were taken away. She suggested that the Board and the Division of Personnel had an ethical obligation to find "an appropriate classification" within the Department of Health and Human Services to utilize Ms. Pryzbyla's special skills and abilities rather than downgrading her position based on the continual erosion of the number and types of tasks she was assigned to perform.

3 The Board reviewed the accountabilities from the class specification and supplemental job



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descriptions for the classification of Accountant III, finding that Ms. Pryzbyla performed virtually none of those duties at the time her position was reviewed. In comparing the duties described by Ms. Pryzbyla in her position classification questionnaire with the tasks performed by an Account Clerk II position at the Department of Employment Security. The Board found that Ms. Pryzbyla performed some similar taskes (i.e., performing routine PC duties utilizing LOTUS applications, performing routine typing, calculations and photocopying, and filing correspondence or accounting documentation).

Although the Board is sympathetic to Ms. Pryzbyla's circumstances, it has no authority to order the Department of Health and Human Services to find her a position tailored to her abilities or interests solely for the purposes of protecting her salary. Similarly, when an employee appeals a position classification decision, the Board's review of that decision is limited to the propriety of the position allocation based upon the duties and responsibilities of the incumbent at the time of the position review. In this case, Ms. Pryzbyla's job responsibilities as described on her Position Classification: Questionnaire are consistent with the classification of Account Clerk II, salary grade 6. Therefore, Ms. Pryzbyla's appeal is denied.

THE PERSONNEL APPEALS BOARD

Patrick J. McNicholas, Chairman

Robert J. Johnson, Commissioner

Lisa A. Rule, Commissioner

cc: Virginia A. Lamberton, Director of Personnel
Margo Hurley, SEA Field Representative
Sandra Platt, Administrator, Health and Human Services