State of New Hampshire

PERSONNEL APPEALS BOARD
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APPEAL OF RADIO DISPATCHERS - DEPT. OF TRANSPORTATION
Response to Appellants' Motion for Reconsideration
N.H. Personnel Appeals Board Decision - June 20, 1988

October 5, 1988

By letter dated July 8, 1988, SEA Field Representative Ann Spear filed on behalf of the above named appellants a motion for reconsideration in which she stated, "reconsideration or rehearing [was] requested on a June 20, 1988 Personnel appeals Board decision." She further stated, "The decision overturned a previous one of April 14, 1988 which awarded an upgrade of two labor grades to certain Radio Dispatchers of the Department of Tranportation. The new decision [June 20, 1988] was based on a review of a Motion for Reconsideration brought by Virginia Vogel, Director of Personnel, on May 2, 1988."

At its meeting of September 14, 1988, the Personnel Appeals Board, Commissioners Cushman and Platt sitting, voted to deny the requested relief. The Board reaffirmed its decision on the original Motion for Reconsideration in which it found that the appellants failed to sustain their burden of proof. Upon review of the submissions, the Board did not find sufficient evidence of material changes in the positions under appeal to warrant their reclassification and/or upgrading.

In her letter to the Board, Field Representative Spear states that her appellants "are extremely concerned that, for the first time to our knowledge, the Board has reversed itself upon receipt of a motion to do so." While it has no bearing upon this appeal itself, the Board must remind the appellants and their representative that frequent motions for reconsideration of Board decisions are filed. The purpose of these Motions for Reconsideration is to apprise the Board of possible errors due to a misinterpretation or misapplication of the facts or relevant legal principles. Contrary to the appellants' assertion, the Board has reversed itself previously upon receipt of such Motions for Reconsideration. In this case, the Motion for Reconsideration filed by the Division of Personnel provided sufficient grounds for such reconsideration and reversal.

Upon review of the arguments set forth in the appellants' request for reconsideration, however, the Board did not find sufficient grounds to again reconsider its decision. The Board therefore voted to deny the appellants' Request for Reconsideration.

FOR THE PERSONNEL APPEALS BOARD

Mary Ann Steele

MARY ANN STEELE
Executive Secretary

mas
cc: Ann Spear
SEA Field Representative

Raymond J. Lemieux
Human Resource Coordinator
Department of Transportation

Virginia A. Vogel, Director
Division of Personnel

State of New Hampshire

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MOTION FOR RECONSIDERATION
Appeal of Radio Dispatchers - Dept. **of** Transportation

June 20, 1988

On May 2, 1988, Virginia A. Vogel, Director of Personnel, filed a Motion for Reconsideration in the classification appeal of Radio Dispatchers, Department of Transportation. The Personnel Appeals Board, consisting of Commissioners Cushman and Platt, reviewed that motion at its meeting of June 14, 1988.

In its April 14, 1988 decision, the Personnel Appeals Board voted to reallocate certain Radio Dispatcher positions located in Divisions One and Five, Department of Transportation, to the title of Senior Radio Dispatcher, salary grade 9. The Board voted to increase the Experience attribute for those positions to the 5th degree. In her Motion, the Director argued that the evidence presented at the hearing and in pre-hearing submissions by the appellants did not support such an increase. Specifically, the motion referred to L.E. Hillsgrove's comments, contained in the original submissions of the appellants concerning the length of training necessary to prepare an individual to exercise the position responsibilities without supervision. In his January 28, 1985 memo (part of SEA Exhibit 1) Mr. Hillsgrove stated, "Our newest dispatcher has been training this winter season and we have just recently been able to leave him alone in the office during a period of storm activity." The Board also considered Mr. Hillsgrove's comments contained in the same memorandum that the Dispatchers should be reallocated to "keep the morale of its employees at a reasonable level."

The Board, upon reconsideration of this appeal, concluded that the evidence did not support increase in the Experience attribute, nor reallocation of the cited Divisions One and Five positions to Senior Radio Dispatcher, salary grade 9. Based upon the foregoing, the Board voted to rescind its decision of April 14, 1988 in the classification appeal of Radio Dispatchers, and further voted to uphold the decision of the Division of Personnel regarding allocation of the positions of Radio Dispatcher and Senior Radio Dispatcher to salary grades 7 and 8 respectively.

FOR THE PERSONNEL APPEALS BOARD

Mary Ann Steele

MARY ANN STEELE, Executive Secretary

cc: Ann Spear, SEA Field Representative

Virginia A. Vogel, Director of PErsonnel

Raymond J. Lemieux, Human Resources Coordinator
Department of Transportation

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APPEAL OF RADIO DISPATCHERS, Dept. of Transportation

April 14, 1988

On December 8, 1987, the Personnel Appeals Board, Commissioners Allard, Cushman and Platt sitting, heard the appeal of the Radio Dispatchers, Salary Grade 7, with the Department of Transportation. The appellants, represented by SEA Field Representative Ann Spear, were appealing the recommendation of the Division of Personnel, creating two Radio Dispatchers job classifications, that of Radio Dispatcher, salary grade 7 and Senior Radio Dispatcher, Salary Grade 8. The appellants contended that the positions should be upgraded to Radio Dispatcher I, Salary Grade 8 and Radio Dispatcher II, Salary Grade 10. Edward J. McCann, Classification and Compensation Administrator, appeared on behalf of the Division of Personnel. Both parties made submissions to the Board prior to the hearing.

The appellants argued that the attributes of Experience and Supervision had been improperly rated by the Division of Personnel in evaluating the Radio Dispatcher position. They further contended that the attributes of Complexity of Duties and Experience had been improperly rated by the Division of Personnel in evaluating the proposed Senior Radio Dispatcher positions.

Upon review of the evidence, the Board concluded that the Radio Dispatcher positions had been properly assigned to Salary Grade 7. The Board found that the attribute of Experience had been properly rated at the third degree for this position. The Board found that the training required to function in this position was properly addressed at the third degree, concluding that the knowledge required to handle certain situations could be obtained during the probationary period.

The Board found that the evidence submitted did not justify an increase in the rating of Supervision, finding that the position responsibilities did not support an assignment of any points in this attribute. The Board did not find that the appellants exercised "partial supervision over other employees such as checking, instructing or advising." Accordingly, the Board concluded that the Radio Dispatcher position was properly titled and assigned a Salary Grade 7.

In reviewing the proposed Senior Radio Dispatcher position, the Board concluded that the attribute Complexity of Duties had been properly rated at the third degree. The Board found that the work assignments of both the Radio Dispatcher and Senior Radio Dispatcher positions were essentially the same and thus concluded that the position had been properly rated at the third degree.

In reviewing the attribute of Experience, the Board found that the duties of those appellants assigned to maintenance Divisions One and Five would support an upgrade to the 5th degree, or two years' experience. The Board based its conclusion on the limited availability of a supervisor during second and third shifts. Contrary to the appellants' contentions, however, the Board did not find that an increase in the amount of work would support such an increase.

For the foregoing reasons, the Board found the position of Radio Dispatcher properly assigned a Labor Grade 7. The Board further voted to increase the Labor Grade assigned to the Senior Radio Dispatcher to Labor Grade 9.

FOR THE PERSONNEL APPEALS BOARD

Mary Ann Steele

MARY ANN STEELE
Executive Secretary

cc: Ann Spear, SEA Field Representative

Raymond J. Lemieux, Personnel Officer, DOT

Virginia A. Vogel, Director of Personnel
State of New Hampshire

Wallace E. Stickney, Commissioner
Department of Transportation