

# State of New Hampshire

PERSONNEL APPEALS BOARD  
Edward J. Haseltine, Chairman  
Gerald Allard  
Loretta Platt



EXECUTIVE SECRETARY  
Mary Ann Steele

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

1987 C-000

## APPEALS OF JANET PORTER AND HOLLY ROY DEPARTMENT OF LABOR

December 17, 1987

On September 24, 1987, the Personnel Appeals Board, Commissioners Haseltine, Platt and Allard sitting, heard the appeals of Janet Porter and Holly Roy, employees of the Department of Labor, who appeared appealing the Division of Personnel's decision denying requests to upgrade their positions. The appellants were represented at the hearing by Anne Eaton, Director of the Workers' Compensation Division of the Department of Labor. Edward J. McCann, Classification and Compensation Administrator, represented the Division of Personnel. The appellants did not submit materials for the Board's consideration prior to the hearing, but rather brought those materials with them. The Board voted to allow the materials into the record in light of the fact that the appellants had no formal representation by either private counsel or the State Employees' Association.

The appellants requested that the positions of Clerk I and Clerk II in the Workers' Compensation Division be reclassified to Clerk II and Clerk III. In support of this request, they asked that the Board consider the increased volume of work they are expected to process and the fact that they now make contacts with attorneys' and physicians' offices to request information necessary to complete a claimant's file. Also, the appellants testified that they have been assigned increased degrees of responsibility for assuring that claimant files as requested by Department of Labor Hearings Officers are complete and up-to-date prior to hearings.

The Division of Personnel reiterated its original findings that volume of work alone is insufficient to warrant reclassification or upgrading of a position. The Division further stated that the review conducted did not disclose any increased responsibility for maintenance of claimant files, nor for additional contacts outside of the Department of Labor.

The Board found that the Division of Personnel review had adequately assessed the work performed by the appellants at the time of the initial review in June of 1986. In light of the considerable amount of time which has elapsed between the requested position reallocation and hearing the appeal, however, the Board voted to consider the additional duties and responsibilities described by the appellants. Among those new responsibilities was training and supervision of another clerk in the Division, and preparation of claimant files when and as requested by Hearings Officers for the division in which the appellants are employed. The Board then asked if reclassification of these two positions would not lead to requests to upgrade the new position of Clerk I or the position of Claims

APPEALS OF JANET PORTER AND HOLLY ROY

page 2

Supervisor. The appellants, through Director Eaton, stated that there would be no further reclassification requests as a result of any decision by the Board to upgrade the Clerk I and II positions under consideration.

Because the appellants submitted none of this information prior to the hearing, the Board voted to make any changes to the classifications effective the beginning of the pay period immediately following the date of this decision. The Board then voted to order the reclassification of the subject positions from Clerk I and II to Clerk II and III respectively.

FOR THE PERSONNEL APPEALS BOARD

A handwritten signature in black ink that reads "Mary Ann Steele". The signature is written in a cursive, flowing style.

MARY ANN STEELE, Executive Secretary

cc: Anne Eaton, Director  
Workers' Compensation Division  
Department of Labor

Janet Porter  
Department of Labor

Holly Roy  
Department of Labor

Virginia A. Vogel  
Director of Personnel