

State of New Hampshire

Appeal of Denise Roy-Innarelli
Docket #92-C-2



PERSONNEL APPEALS BOARD
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**APPEAL OF DENISE ROY-INNARELLI
DOCKET #92 - C-2
DEPARTMENT OF EMPLOYMENT SECURITY**

May 6, 1994

The New Hampshire Personnel Appeals Board (McNicholas, Bennett and Johnson) met Wednesday, March 10, 1993, to hear the classification appeal of Denise Roy-Innarelli, an employee of the Department of Employment Security. Ms. Roy-Innarelli, who was appealing the Division of Personnel's decision denying her request for reclassification from Chief of Counselling Services to Program Specialist IV, was represented at the hearing by SEA Field Representative Margo Hurley. Virginia A. Lamberton, Director of Personnel, appeared on behalf of the Division of Personnel.

In her original appeal to the Board, filed pro se, Ms. Roy-Innarelli had asked the Board to find that the evaluation factors of Knowledge, Complexity and Independent Action should have been allocated at the 5th degree. Additionally, Ms. Hurley argued that the factors of Working Conditions and Physical Demands were also under-valued and should be reviewed by the Board. Ms. Roy-Innarelli, Chief of Counselling Services, said she believed she may not have provided sufficient information to the Analyst assigned to her position review because she had completed the classification questionnaire immediately before taking "maternity leave", and that she was called in from that leave for her interview with Classification Analyst Robert Ahlgren. Inasmuch as there is no requirement for a personal interview with an individual seeking reclassification, the Board found that the appellant had suffered no prejudice as a result of being interviewed during a period of leave.

The Division of Personnel issued its decision on September 12, 1991, that Ms. Roy-Innarelli's position was properly allocated at Program Specialist III, and that the majority of the tasks outlined in her classification questionnaire and during her field interview were consistent with those contained in the Program Specialist III specification. After the request for upgrading had been denied, Commissioner John Ratoff asked the Director of Personnel to reconsider her decision. In support of his reconsideration request, Commissioner Ratoff forwarded to the Personnel Director a letter dated September 25, 1991, suggesting that the review by the Division of Personnel had over-looked Ms. Roy-Innarelli's responsibilities for

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the USES testing program. Commissioner Ratoff also argued that the reclassification review failed to identify Ms. Roy-Innarelli's duties of "evaluating, monitoring and coordinating" within the framework of counselling and testing services.

The Director responded to the reconsideration request by letter dated October 11, 1991, in which the Director advised Commissioner Ratoff that Ms. Roy-Innarelli's USES testing program responsibilities were reflected in the Program Specialist III class specification. The Director affirmed her decision. A timely appeal of the Director's decision was filed on October 25, 1991, and a hearing on the merits was scheduled for August 19, 1991. Ms. Roy-Innarelli had just arranged for representation by the State Employees' Association, and her representative had not had sufficient time to prepare for the appeal. Additionally, another hearing scheduled for that date was not completed in the amount of time allotted for hearing. Ms. Roy-Innarelli and the Division of Personnel agreed to a postponement. The rescheduled hearing on the merits of Ms. Roy-Innarelli's appeal was then set for March 10, 1993.

At the conclusion of the hearing, the Director submitted proposed findings of fact and rulings of law for the Board's consideration. While the Board is mindful of its obligation to respond to proposed findings of fact and rulings of law and often finds them helpful, 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.

In written arguments submitted to the Board on October 23, 1991, the appellant argued that her position warranted reclassification to the level of Program Specialist IV. She argued that her position is responsible for expertise to resolve problems of a specialized nature. She stated that she must resolve problems arising in the testing program during the delivery of service to individuals in her own agency as well as for outside agencies and employers in need of counselling and testing services. She suggested that the appropriate allocation for this factor was the fifth level rather than its current assignment at the fourth level.

The factor "Knowledge" is defined by the Evaluation Manual as follows:

"Knowledge" means the combination of preparation and learning through formal education or through experience in a position which requires formal education necessary to perform specific job functions. This factor measures the educational background or technical knowledge required to meet the minimal job performance standards.

Ms. Roy-Innarelli's position is currently allocated at the fourth level, requiring "logical or scientific understanding to analyze problems of a specialized or professional nature in a particular field." By contrast, the fifth level entails the use of "logical or scientific expertise to resolve problems of a specialized or professional nature in a wide range of applications." Examples offered by Ms. Roy-Innarelli in her classification questionnaire included the following:

Counselors needing direction on how to proceed with difficult counseling cases; solving problems involving test results which are difficult to interpret or problems encountered during test administration, problems with training programs/contacts at

various institutions for eligible individuals under the Trade Act Program.

The appellant does not develop either the tests themselves or the standards for assessing the test results. Issues involving policy questions are referred to her supervisor. The "expertise" involved in her duties includes monitoring and training of vocational counselors in the agency in the application of the counseling process, as well as familiarity with other State and federal programs. The Board did not believe these duties required the use of "logical or scientific expertise to resolve problems of a specialized or professional nature in a wide range of applications. The Board found there was not a sufficient basis upon which to reallocate the Knowledge factor to the fifth level.

For the factor of "Complexity", Ms. Roy-Innarelli argued that her position requires the ongoing evaluation of both the counseling and testing programs offered through all thirteen of her department's local offices. She argued that she provides written reports of those evaluations to the Director of Operations for his use. She stated that through her ongoing evaluations, she detects problems encountered with procedures and resolves them by determining and recommending the corrective action that needs to be taken, and developing new or modified procedures which ensure the ongoing effectiveness of both programs. She also stated that her position requires evaluation of personnel in outside agencies who are interested in contracting for the release of Department of Labor tests. She stated that she must first determine their eligibility to obtain and use the tests, and monitor those contractors for continued compliance with the controlling regulations. She suggested that this level of complexity warranted an increase in that evaluation factor from the fourth to the fifth level.

The Evaluation Manual defines the factor of "Complexity" as follows:

"Complexity" means the combination of specific job functions in relation to the overall structure and purpose of the job. This factor measures 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.

The appellant's position is currently rated at the fourth level, described as follows:

Requires coordinating a combination of diverse job functions in order to integrate professional and technical agency goals. This level also requires providing a variety of alternative solutions where only limited standardization exists.

The Board found this level more accurately describes the appellant's position responsibilities than the requested fifth level. The fifth level is described as follows in the Evaluation Manual:

Requires evaluating a combination of wide-ranging job functions to determine work procedures, to solve problems, and to reach conclusions by applying analytical, technical, or scientific thinking. This level also requires planning policies and long-term strategies, drawing conclusions based on available criteria, and evaluating the effectiveness of program objectives.

The Board believes that Ms. Roy-Innarelli is responsible for providing the kind of information required by her supervisors to plan policies and long-range strategies, and evaluate the effectiveness of program objectives. While the Board does not in any way mean to denigrate Ms. Roy-Innarelli's contribution to the over-all effectiveness of the testing and counselling program within her agency, the Board does not believe that the complexity of her position responsibilities rises to the level of the fifth degree.

Ms. Roy-Innarelli argued that her position was improperly allocated for the "Independent Action" factor. That factor is defined as follows:

"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.

The Fourth level is described as follows:

Requires analytical assessment in analyzing and developing new work methods and procedures subject to periodic review and in making decisions according to established technical, professional or administrative standards.

Upon review of Ms. Roy-Innarelli's position classification questionnaire and the oral argument presented at the hearing, the Board found that this level more than adequately addresses the requirements of Ms. Roy-Innarelli's position. The Board found there was no evidence to warrant reallocating this factor to the fifth level which is defined as follows:

Requires independent judgment in planning and evaluating work procedures and in supervising the development of professional, technical and managerial standards under administrative direction and according to broad departmental guidelines.

Ms. Roy-Innarelli is not responsible for supervising the development of professional, technical or managerial standards for the administration of State and Federal testing instruments. While she may exercise some discretion in scheduling examinations and in permitting outside agencies to contract for the use of Department of Labor tests, she is strictly bound by already developed State and federal standards for the use and administration of various testing instruments in the performance of her duties.

Although arguments in favor of increasing the allocation for the factors of Physical Demands and Working Conditions were not raised in the appellant's original pleadings, Ms. Hurley asked the Board during the hearing on the merits to adjust these factors. After reviewing the appellant's classification questionnaire and considering the written and oral presentations made by the parties, the Board found no evidence to support increasing either factor.

Ms. Lamberton noted during the course of her oral argument that the appellant's position, if classified as a Program Specialist III, would be allocated at the third level for the "Supervision" factor. Supervision is defined in the Evaluation Manual as meaning "training, guiding and directing the efforts of state employees as well as managing the functional activities of an organizational unit." The definition for "Supervision" also includes

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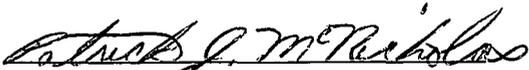
pointed out, Ms. Roy-Innarelli's position is currently allocated as a Program Specialist III, which is rated at level three for this factor. Level three is described as follows:

Requires 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.

As the record reflects, Ms. Roy-Innarelli has no supervisory responsibility within the meaning of the classification plan. The Director argued that although Ms. Roy-Innarelli technically should not be awarded any points for "Supervision", the role of classification is to determine where the majority of the job assignments fall out within the classification plan. She asked the Board to find that Ms. Roy-Innarelli's position is defined, in a general sense, by the classification Program Specialist III. She argued that in terms of the overall assignments, the levels allocated to the various evaluation factors result in a total position assessment consistent with Program Specialist III, salary grade 22. The Board agrees.

Accordingly, the Board voted to deny Ms. Roy-Innarelli's appeal.

THE PERSONNEL APPEALS BOARD


Patrick J. McNicholas, Chairman


Mark J. Bennett, Commissioner


Robert J. Johnson, Commissioner

cc: Virginia A. Lamberton, Director of Personnel
John Ratoff, Commissioner, Department of Employment Security
Margo Hurley, SEA Field Representative