

# State of New Hampshire



## PERSONNEL APPEALS BOARD

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

### Request for Reconsideration Appeal of Marjorie Gerrish and Paul Saunders

November 29, 1988

By letter dated October 10, 1988, SEA Field Representative Stephen J. McCormack filed, on behalf of the above-named appellants, a request for reconsideration of the Personnel Appeals Board's September 22, 1988 decision in their classification appeal. The appellants, whose positions are currently allocated at salary grade 12, had originally requested reallocation to salary grade 17.

in support of the Motion for Reconsideration, SEA Representative McCormack argued that "the stated appellants are only administratively attached to the Division of Public Health," that they are "the enforcement arm for the Division of Public Health for the safety and protection of the Barber and Cosmetology industry and the public it serves," and that "it is obvious that the duties performed by the [appellants] clearly fall within the scope addressed under the fifth (5th) degree for the position attribute of Errors." George Morse, Jr., Assistant Director of the Division of Public Health Services, by memo addressed to the Board dated October 10, 1988, expressed his support for the reconsideration request.

Mr. McCormack, on behalf of the appellants, stated that the appellants were two of only four full-time employees of the Barber and Cosmetology Board, and that their enforcement activities generate over \$300,000 annually in revenues for the State of New Hampshire. Mr. McCormack then argued, "Asking two (2) Barber and Cosmetology Inspectors to insure compliance with existing state laws and only compensating them at a Salary Grade 12 is improper." Mr. McCormack contended that the appellants should be rated at the fifth degree for the attribute of Errors because, "All of the information and data that they gather is used as the basis by which decisions are made for this specialized field."

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The Board found that the appellants' responsibility for "gathering" data is not synonymous with "preparation of information on which department heads base vital decisions," as defined by the fifth degree for Errors in the Evaluation Manual. The Board also found that the relationship of the appellants' enforcement activities to the number of dollars generated annually in revenue for the State of New Hampshire has no bearing upon the appropriate classification or compensation of these appellants. Therefore, the Board voted unanimously to reaffirm its decision of September 12, 1988, finding the appellants' positions properly allocated at salary grade 12.

Based upon the foregoing, the Board voted to deny the requested reconsideration.

FOR THE PERSONNEL APPEALS BOARD



MARY ANN STEELE  
Executive Secretary

cc: Stephen J. McCormack  
SEA Field Representative

Barbers and Cosmetology Board

Virginia A. Vogel  
Director of Personnel

George Morse, Sr.  
Assistant Director of Public Health Services  
Division of Public Health