

State of New Hampshire

PERSONNEL APPEALS BOARD

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APPEAL OF PAUL SAUNDERS AND MARJORIE GEHRISH September 22, 1988

On Tuesday, June 14, 1988, the Personnel Appeals Board consisting of Chairman Loretta Platt and Commissioner George Cushman, heard the classification appeal of Paul Saunders and Marjorie Gerrish, Barber Inspector and Cosmetology Inspector for the Barbers and Cosmetology Board. The appellants were represented by the Division of Personnel. Both parties to the appeal submitted written materials for the Board's review prior to the hearing.

The appellants, in an original request dated November 17, 1987, had asked that the Division of Personnel review their positions. They suggested at the time that the positions of Barber and Cosmetology Inspector should be upgraded from salary grade 12 to salary grade 17. On December 23, 1987, the Division of Personnel responded to the Barbers and Cosmetology Board denying the requested upgrading.

At the hearing, the appellants amended their original upgrading request, asking instead that the positions be upgraded from salary grade 12 to salary grade 15. In support of that request, the appellants asked that the Board increase the following position attributes: Education, Errors and Working Conditions. Upon review of the evidence presented, the Board voted unanimously to deny the request. In making that determination, the Board made the following findings and rulings.

EDUCATION

Appellants' positions are currently rated at the third degree, requiring a four year high school education, or completion of grammar school plus three to four years' apprenticeship. The appellants argued that this attribute should be increased to the fourth degree which would require the equivalent of four years of high school plus three to four years' apprenticeship, or high school plus two years of technical college education to perform high skilled trades. The appellants argued that the Barber and Cosmetology Board "requires any barber or cosmetologist to possess the cited minimum educational requirements and in order for an Inspector to effectively perform the duties outlined in the position specification any incumbent must, at least, possess the same educational background as the people being inspected." The appellants then referred to RSA 313-A regarding qualifications required of individuals applying for licensure as a barber or cosmetologist. RSA 313-A:9 and 10, however, do not require a high school education. Rather, the statute requires that applicants for such licensure "have completed the second year of high school or its equivalent..." See RSA 313-A:10 II and RSA 313-A:10 III. The Board found that the educational requirements described by the appellants in

their position classification questionnaire which they signed on August 25, 1987 (SEA Attachment II) indicates the requirements include completion of high school and possession of a barber's or cosmetologist's license. The Board did not find this description consistent with the fourth degree for Education in that licensure does not require three to four years apprenticeship or two years of technical college education. The Board therefore voted to deny the requested increase for the Education attribute, finding it properly evaluated at the third degree.

ERRORS

The appellants have requested an increase in this attribute from the fourth to the fifth degree. In the appellants' August 25, 1987 position classification questionnaire, they state, "Contrary to the 4th degree description, our work as State Inspectors is very carefully scrutinized by the governing Board of Cosmetology and Barbering and is a basis for vital decisions made by the Board. In regards to preparation, my bi-monthly reports are also carefully scrutinized by Department heads and Board members." Review of the position specifications for these positions indicate that the incumbents are responsible for inspections to determine compliance with state statutes applicable to barber shops, barber schools or other establishments which are subject to the provisions of RSA: Chapter 313 and Rules and Regulations promulgated by the Department of Health and Human Services, Director of the Division of Public Health Services. The Board did not find, therefore, that the Inspectors are responsible for "preparation of information on which department heads [i.e. Commissioner of Health and Human Services, Director of the Division of Public Health] base vital decisions.. ." The Board voted to deny the requested increase, finding the appellants' positions properly evaluated at the fourth degree for Errors.

WORKING CONDITIONS

The appellants, whose positions are currently evaluated at the second degree for Working Conditions, have requested an increase to the fourth degree. The fourth degree is defined in the Evaluation Manual as "Work involving disagreeable elements or factors or combination of elements or factors of major importance such as heat, cold, fumes, wet, noise, etc., which are continuous. Exposure to lost-time accidents such as eye injuries, broken bones, hernia, loss of fingers, or some exposure to occupational disease but not incapacitating." The Board found this definition of Working Conditions exceeded that which was described by the appellants in both their written and oral presentations. The Board therefore voted to deny the requested increase to the fourth degree for this attribute, finding that the second degree accurately described the Working Conditions required by the appellants' positions.

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Based upon the forgoing, the Board voted unanimously to deny the appeal of Mr. Saunders and Ms. Gerrish, finding their positions properly allocated at salary grade 12.

FOR THE PERSONNEL APPEALS BOARD



MARY ANN STEELE
Executive Secretary

cc: Stephen J. McCormack
SEA Field Representative

Earl Titus, Chairman
Barbers and Cosmetology Board

Virginia A. Vogel
Director of Personnel