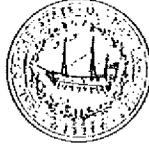


State of New Hampshire

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

APPEAL OF PHILIP SOULE'

December 4, 1987

On Tuesday, August 20, 1987, the Personnel Appeals Board, Commissioners Haseltine and Allard sitting, heard the classification appeal of Philip Soule', an employee of the Division of Human Services. Mr. Soule' was appealing the Division of Personnel's decision denying his June 24, 1985 request that his position be reclassified from Administrator III, salary grade 30 to Administrator IV, salary grade 32. In his appeal, Mr. Soule' requested that his position be reclassified to at least the level of salary grade 32. Classification and Compensation Administrator Edward J. McCann represented the Division of Personnel.

At the outset of the hearing, Mr. Soule' presented a packet of information for the Board's consideration at the hearing. Mr. McCann objected to such late filing of materials, noting that the Division of Personnel had not had an opportunity to respond to Mr. Soule's arguments. The Board voted, however, to allow Mr. Soule' to submit his comments as part of the record, noting the Division of Personnel's objection.

In part, the appellant argued that he has 9 employees reporting to him directly including 2 Administrator II positions, 3 Administrator I positions, and 1 physician. Mr. Soule' contended that the degree of supervision exercised over this professional staff was more adequately described in the specification for Administrator IV than in the Administrator III specification, arguing that he and his staff are responsible for program development and implementation. Additionally, Mr. Soule' contended that changes in both the Medicare and Medicaid programs which occurred as a result of the Omnibus Reconciliation Acts of 1981, 1982, 1985 and 1986 had increased his span of control and the degree of responsibility required. Mr. Soule' indicated that "Since May of 1986, the Administrator of OMS has been assigned to represent the Commissioner of Department of Health and Human Services by serving on the Health Services Planning and Review Board" and that he has "also just negotiated an agreement with the Medicaid Fraud Control Unit at the Attorney General's Office..."

The Board asked whether an upgrading of the appellant's position would result in additional reclassification requests from other Administrator positions in the Division of Human Services. Both the appellant and Clifton Stickney testified that none of the other Administrator III incumbents had appealed their position review decisions, that Mr. Soule's position responsibilities were sufficiently different from the other Administrator III positions, and that a decision by the Board to upgrade the appellant's position should not generate any further upgrading requests from the other Administrator III incumbents.

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The Board found that the duties and responsibilities described by the appellant could warrant upgrading the position from Administrator III to Administrator IV, but that the increased responsibilities appear to have occurred principally after the initial position review by the Division of Personnel. Further, the Board found that the material to support Mr. Soule's appeal was not available until the date of the hearing. Therefore, the Board voted to make the change in Mr. Soule's position effective the first pay period immediately following the date of the hearing, or the beginning of the first pay period immediately following August 20, 1987.

FOR THE PERSONNEL APPEALS BOARD



MARY ANN STEELE
Executive Secretary

cc: Philip Soule'
Division of Human Services
Office of Medical Services

Jan Beauchesne, Personnel Officer
Division of Human Services

Virginia A. Vogel
Director of Personnel