

State of New Hampshire



PERSONNEL APPEALS BOARD

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Appeal of Mary Upton

Docket # 99-C-20

Regioizal Community Technical Colleges - NHTI

October 14, 1999

The New Hampshire Personnel Appeals Board (Rule, Johnson and Barry) met in public session on Wednesday, September 22, 1999, under the authority of RSA 21-I:57, to hear the appeal of Mary Upton, an employee of the New Hampshire Technical Institute. Ms. Upton was appealing the Director's April 6, 1999, decision denying her request for reclassification fi-om Statistical Assistant, salary grade 13 to Administrative Assistant I, salary grade 15. Ms. Upton was represented at the hearing by Brian Mitchell of the State Employees' Association. Personnel Director Virginia Lamberton appeared on behalf of the Division of Personnel.

The hearing in this matter was conducted, without objection, on offers of proof by the representatives of the parties. The record of the hearing in this matter consists of pleadings submitted by the parties prior to the hearing, notices and orders issued by the Board, the audio tape recording of the hearing, and documents admitted into evidence as follows:

State's Exhibits:

- A. Letter dated November 2, 1998 from Sara Sawyer to Director Lamberton
- B. Position Classification Questionnaire for position #18899, Statistical Assistant
- C. Proposed supplemental job description for position #18899

- D. Organizational Chart for Office of Academic Affairs
- E. Decision letter to Sara Sawyer dated April 6, 1999
- F. Class specification for Administrative Assistant I
- G. Class specification for Statistical Assistant

Appellant's Exhibits

The appellant offered into evidence two letters in support of the appeal. The Board declined to accept those exhibits as they were not disclosed to the Division of Personnel prior to the hearing. The only other documents available to the Board were the attachments to her initial request for hearing that included:

- Appeal Letter for the Personnel Appeals Board
- Supporting Organizational Charts and Supplemental Job Descriptions
- Copy of Division of Personnel Decision Letter
- Copy of Original Desk Audit Document

Before taking up the merits of the appeal, Ms. Lambertson informed the Board that she had received no notice of appearance from Mr. Mitchell, nor had she received any correspondence or copies of exhibits from the appellant herself. She asserted that the only information she had about the appeal was information she had requested from the Board after receiving notice of scheduling. On that basis, Ms. Lambertson objected to Mr. Mitchell's late notice of appearance.

Mr. Mitchell asserted that he had filed written notice with the Board by letter dated July 23, 1999, that he would be representing Ms. Upton. He admitted that he had not forwarded a copy of his letter to the Director.

The Board checked its mail log to determine whether or not Mr. Mitchell's letter was noted as received. For the dates of 7-20-99 through 9-20-99, there was no indication of receipt in log. After deliberating briefly, the Board over-ruled the Director's objection, finding that the State suffered no substantial prejudice by lack of notice.

Mr. Mitchell argued that the appellant had worked for the State for approximately 12 years, during which time her position had changed. He argued that the appellant supervises secretaries in the office and provides administrative support to the Academic Affairs Office. He referred the Board to State's Exhibit A, in which Human Resources Administrator Sara Sawyer wrote that the agency supported a desk audit of the position, and State's Exhibit B, in which College President Simonton wrote that the appellant has responsible, para-professional responsibilities comparable to other Administrative Assistants at the Technical Institute. Mr. Mitchell argued that the appellant's responsibilities for managing the day-to-day functions of the office warranted an increase in the Supervision factor. He also argued that the appellant's duties include speaking to other employees about policies and procedures, and that the change in assignments warranted an increase in the Communications factor as well.

Ms. Lamberton argued that the "Scope of Work" on an employee's approved supplemental job description should reflect the "Basic Purpose" found on the class specification for the employee's position classification. She argued that the "Scope of Work" suggested by the appellant in her proposed supplemental job description is more consistent with the Statistical Assistant classification than that of Administrative Assistant.

Ms. Lamberton also argued that although the appellant's proposed supplemental job description indicates that the appellant, "Supervises subordinate employees within a specific agency program or work unit," neither the classification questionnaire nor the field audit offered any evidence of supervisory responsibilities. Specifically, Ms. Lamberton noted that Part I of the Position Classification Questionnaire completed by Ms. Upton showed that she does not perform supervisory functions such as denying time off, recommending hiring or terminating employees, conducting performance appraisals, overseeing the interaction of agency employees or policies, disciplining employees, recommending leave, solving personnel problems or providing training. She also argued that when asked on the questionnaire to list the titles of those positions she directly supervised, the appellant wrote, "N/A." Ms. Lamberton said that although the organizational chart proposed by the appellant shows her supervising two clerical employees, there is no evidence that she currently has supervisory responsibility or authority. Ms.

Lamberton said that although the appellant has no supervisory duties, her position is rated at level 3 for the Supervision factor, which is described by the Evaluation Manual 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."

The Board asked why the position would be allowed to retain a higher rating for the Supervision factor than the work assignments warranted. The Director explained that the nature of the work performed by the appellant best fits the "Basic Purpose" for the classification of Statistical Assistant, and that the point spread assigned to the classification is intended to describe work performed by the majority of the positions in that classification.

Ms. Lamberton argued that the appellant's responsibilities were properly rated at level 3 for the Communication factor, defined by the Evaluation Manual as, "Requires explaining facts, interpreting situations, or advising individuals of alternative courses of action. This action also requires interviewing or eliciting information from state employees or members of the general public." Ms. Lamberton said that the Communication factor relates to articulating and expressing the goals of the agency, that the appellant's interactions with agency personnel, students and members of the public does not rise to the level of "...summarizing data, preparing reports, and making recommendations based on findings which contribute to solving problems and achieving work objectives..." at the agency level.

After reviewing the evidence and considering the parties' arguments and offers of proof, the Board made the following findings of fact and rulings of law:

Findings of Fact

1. Ms. Upton's position is assigned to the Office of Academic Affairs.
2. On Part III of the Classification Questionnaire, President Simonton wrote, "Ms. Upton has a very responsible para-professional position in our organization. She does work comparable

to our other Administrative Assistants and it seems to me that it would be appropriate to reclassify her to that level."

3. On Part III of the Classification Questionnaire, Human Resources Administrator Sara Sawyer described the basic purpose of the appellant's position as, "To provide administrative support and statistical analysis and reporting to the VP of Academic Affairs at the NHTI." She listed Administrative Secretary, labor grade 13 and Executive Secretary, labor grade 10 as positions performing similar work.
4. The Scope of Work proposed by Ms. Upton for her supplemental job description is, "Collects and coordinates student, academic and faculty information; provides statistical support to the Vice President of Academic Affairs Office as it relates to faculty loads, enrollment and other data. Supervises subordinate employees within a specific agency program or work unit. This position reports to the Vice President of Academic Affairs."
5. Ms. Upton does not have subordinate employees to supervise or evaluate.
6. The Basic Purpose of the Administrative Assistant I classification is, "To supervise the administrative and office management functions of an organizational unit or section, with responsibility for scheduling staff assignments."
7. The Basic Purpose of the Statistical Assistant classification is, "To compile and review a variety of statistical data, and to perform preliminary statistical analysis of information for use by supervisory staff.."
8. With the exception of the Supervision factor, Ms. Upton's duties and responsibilities are accurately reflected in the current assignments for the factors of Skill, Knowledge, Impact, Working Conditions, Physical Demands, Communication, Complexity and Independent Action.

Rulings of Law

- A. "The director shall establish a formal written class specification covering each position in the classified system. The purpose of the class specification shall be to identify the job functions, distinguishing factors, examination requirements, and the minimum qualifications which apply to all positions in the same class." [Per 301.02 (a)]

- B. "The duties and work assignments for each position in the state classified service shall be defined by a supplemental job description established by this rule." [Per 301.03 (a)]
- C. "The supplemental job description shall be developed and updated by the appointing authority or the supervisor assigned by the appointing authority to oversee the work assignments of the position." [Per 301.03 (b)]
- D. "Any work assignment which affects more than 10 percent of the total working time of the position shall be listed on the description by the appointing authority, designated supervisor or the employee of the position in accordance with this rule." [Per 301.03 (c)]
- E. An employee's supplemental job description must include, "A statement of the scope of work for the position, which shall be related to the basic purpose section of the class specification and shall specify how the broad purpose of the specification translates into a specific role within the goals and objectives of the agency." [Per 301.03 (d) (7)]
- F. "Allocation Review. – The employee or the department head, or both, affected by the allocation of a position in a classification plan shall have an opportunity to request a review of that allocation in accordance with rules adopted by the director under RSA 541-A, provided such request is made within 15 days of the allocation. If a review is requested by an employee, the director shall contact the employee's department head to determine how the employee's responsibilities and duties relate to the responsibilities and duties of similar positions throughout the state. The employee or department head, or both, shall have the right to appeal the director's decision to the personnel appeals board in accordance with rules adopted by the board under RSA 541-A. If the board determines that an individual is not properly classified in accordance with the classification plan or the director's rules, it shall issue an order requiring the director to make a correction." [RSA 21-I:57]

Decision and Order

The evidence reflects that the Director reviewed Ms. Upton's position and classified her position correctly in accordance with RSA 21-I:57, the classification plan and the Director's rules. The duties described by the appellant in her classification questionnaire fit the Basic Purpose and Characteristic Duties and Responsibilities appearing on the class specification for Statistical

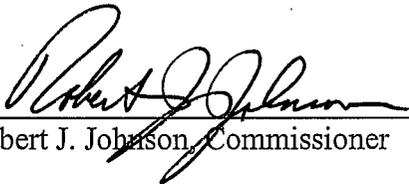
Assistant, salary grade 13. Although the proposed supplemental job description and proposed organizational chart indicate that Ms. Upton fills a supervisory role, the evidence reflects that she has no supervisory duties. The appellant's proposed supervisory responsibility for two Secretary II positions would be rated appropriately at the 3rd level for Supervision in the current classification of Statistical Assistant.

Therefore, on the evidence, argument and offers of proof, the Board voted unanimously to DENY Ms. Upton's appeal and affirm the Director's decision that her position is properly classified as a Statistical Assistant, salary grade 13.

THE PERSONNEL APPEALS BOARD



Lisa A. Rule, Acting Chair



Robert J. Johnson, Commissioner



James J. Barry, Commissioner

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