

State of New Hampshire



PERSONNEL APPEALS BOARD

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APPEAL OF SUSAN ANDERSON Docket #92 -O-23 and Docket #94 -O-1

November 17, 1993

The New Hampshire Personnel Appeals Board (Bennett, Johnson and Rule) met Wednesday, October 20, 1993, to hear the appeal of Susan Anderson, an employee of the Department of Safety relative to her non-certification for the classification of Human Resources Coordinator II, salary grade 22, at the Department of Safety. Ms. Anderson was represented at the hearing by SEA Field Representative Margo Hurley. The State was represented by Virginia Lamberton, Director, New Hampshire Division of Personnel.

At the outset of the hearing, the Director of Personnel noted that the materials she had prepared for the hearing involved Ms. Anderson's non-certification for the classification of Human Resources Coordinator I (Health and Safety Officer), salary grade 20, at the Department of Transportation, and that she was unaware there was an earlier appeal. After discussion between the parties, Ms. Lamberton, Ms. Hurley and Ms. Anderson agreed that the materials prepared for Docket #94-O-1 would also apply to #92-O-23, and that a decision in the latter appeal would be equally applicable to the earlier appeal. Accordingly, the cases have been consolidated for the purposes of review and decision.

The specification for Human Resources Coordinator II attached as Exhibit IV to Ms. Anderson's April 13, 1992 appeal (Docket #92-O-23) contains the following statement of minimum qualifications:

Education: Bachelor's degree from a recognized college or university with major study preferably in industrial relations, personnel management, or business administration. Each additional year of approved formal education may be substituted for one year of required work experience.

Experience: Four years' experience in professional personnel work at an administrative, supervisory or technical level with experience in one or more of the following: job classification, examination, job analysis, personnel administration, labor relations, recruitment or related experience.

The specification for Human Resources Coordinator I attached as Exhibit A to Ms. Anderson's July 27, 1993 appeal (Docket #94-O-1) contains the following statement of minimum qualifications:

Education: Bachelor's degree from a recognized college or university with major study preferably in industrial relations, personnel management, or business administration. Each additional year of approved formal education may be substituted for one year of required work experience.

Experience: Three years' experience in professional personnel work at an administrative, supervisory or technical level with experience in one or more of the following: job classification, examination, job analysis, personnel administration, labor relations, recruitment or related experience.

When Ms. Anderson was denied certification for both Human Resources Coordinator I and II, the denial was based on the Director's finding that her education and experience did not satisfy the minimum qualifications for either classification. The only difference between the two specifications which would have been used for certification of Ms. Anderson's application for Human Resources Coordinator I or II is the additional year of experience required at the Human Resources Coordinator II level.

The Director testified at the hearing that under the heading of "Education" on both the specification for Human Resources Coordinator I and II, the word "preferably" was properly used to exclude consideration of Ms. Anderson's degree in Theater Arts as meeting the minimum requirement for a bachelor's degree from a recognized college or university with major study *preferably in industrial relations, personnel management or business administration*. Ms. Hurley argued that the wording of the specification would allow any bachelor's degree from a recognized college or university to be deemed sufficient to satisfy the minimum educational requirements of the position. In her written arguments submitted in support of the April 1992 appeal (Docket #92-O-23) Ms. Hurley also argued that a number of Ms. Anderson's courses in preparation for her degree in Theater Arts would be readily transferrable to a business degree.

Webster's New Collegiate Dictionary defines "preferable" as "having greater value or desirability; being preferred." The term can not be construed to mean "to the exclusion of all others" in the context of the above-referenced class specifications. If the specification is intended to exclude from consideration all degrees but those in industrial relations, personnel management or business administration, then it should so state. Ms. Anderson's degree in theater, although possibly of "lesser value" in the process of selection for a position of Human Resources Coordinator, should have been considered sufficient to satisfy the *minimum educational requirements* for the classifications of Human Resources Coordinator I and II as they were advertised.

Ms. Anderson's description of her duties as a Payroll Officer on an application dated January 18, 1993 (Exhibit A, Docket #94-O-1) are as follows:

- Complete responsibility for accurately auditing information and the preparation of all payrolls for DOS (1200+/- employees), complete responsibility for accurately preparing all personnel paperwork including promotions, increments, etc., maintain all payroll/personnel records, benefit representative for life insurance and dental insurance programs, assist in budget preparation.

Although Ms. Anderson claimed she worked as a Payroll Officer I (salary grade 13) from August 1980 to August 1992, she also listed the following positions held during that same period of time: Account Technician, Account Clerk III and Account Clerk II. In her January 18, 1993

application for employment as a Human Resources Coordinator, Ms. Anderson described her position responsibilities in those positions as being the "Same as Payroll Officer".

The Board is not persuaded that an Account Clerk II and a Payroll Officer I have the same functions or level of responsibility. The Board is also not persuaded that any of the duties listed by the appellant can be considered "professional personnel work at an administrative, supervisory or technical level". The appellant's familiarity with the payroll and personnel system may be as extensive as she claims. However, familiarity with a system does not equate to responsibility for administration of that system through job classification, examination, job analysis, personnel administration, labor relations, or recruitment.

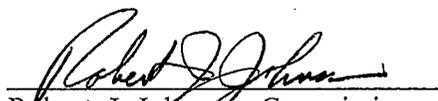
Although Ms. Anderson's educational background should have been considered sufficient to satisfy the requirements on the specifications for H.R. Coordinator I and II, her experience is insufficient for certification at either level position. Both positions in question call for "professional personnel work at an administrative, supervisory or technical level with experience in one or more of the following: job classification, examination, job analysis, personnel administration, labor relations, recruitment or related experience." The Board does not consider responsibility for "accurately auditing information and the preparation of all payrolls for DOS (1200+/- employees)" or "accurately preparing all personnel paperwork" to be "professional personnel work at an administrative, supervisory or technical level" as described by the specification for either Human Resource Coordinator I or II.

Accordingly, the Board voted unanimously to deny Ms. Anderson's appeal.

THE NEW HAMPSHIRE PERSONNEL APPEALS BOARD



Mark J. Bennett, Acting Chairman



Robert J. Johnson, Commissioner



Lisa A. Rule, Commissioner

cc: Virginia A. Lamberton, Director of Personnel
Margo Hurley, SEA Field Representative
Claude Ouellette, Human Resources Administrator, Dept. of Safety
John Scott, Human Resources Administrator, Dept. of Transportation