

State of New Hampshire



PERSONNEL APPEALS BOARD
25 Capitol Street
Concord, New Hampshire 03301
Telephone (603) 271-3261

APPEAL OF THOMAS FLYNN

Department of Health and Human Services

Docket #92-0-13

January 31, 1997

The New Hampshire Personnel Appeals Board (Bennett, Rule and Barry) met on Wednesday, January 22, 1997, under the authority of RSA 21-I:58, to hear the appeal of Thomas Flynn, an employee of the Department of Health and Human Services. Mr. Flynn was appealing the Personnel Director's decision denying him certification for promotion from Social Worker II to Social Worker III. The appellant was represented at the hearing by Margo Steeves, SEA Field Representative. Virginia Lamberton, Director of Personnel, appeared on behalf of the State. The appeal was made on offers of proof by the representatives of the parties. The record in this matter consists of the audio tape recording of the hearing on the merits of the appeal and documents submitted by the parties prior to the hearing.

Ms. Steeves argued that in 1991, the Director of the Division of Elderly and Adult Services forwarded a request through the Department of Health and Human Services to the Division of Personnel, asking to promote Mr. Thomas Flynn within his position from Social Worker II to Social Worker III. Ms. Steeves argued that when the Personnel Director reviewed Mr. Flynn's qualifications, she mistakenly compared them to the minimum requirements for the classification of Social Worker Consultant, not Social Worker III. She also argued that the Director of Personnel improperly refused certification by finding that Mr. Flynn's graduate course work was "not in the study of human behavior," when the class specification contained no such requirement.

Ms. Steeves argued that the Social Worker III specification makes provision for study in "related fields" and that Mr. Flynn reasonably assumed that by pursuing a Master's degree in Public Administration, he would meet the minimum qualifications for promotion to Social Worker III. Ms. Steeves argued that although Mr. Flynn's Master's degree was granted by Northeastern under their Political Science Department, his additional course work did relate to the field of "behavior" and "human relations" and therefore should qualify him for promotion.

Ms. Lamberton argued that in creating the qualifications for the Social Worker series, the Division of Personnel and the agency agreed that Social Worker Trainees could begin employment with an appropriate bachelor's degree, and that after a year of on-the-job training and supervision, they would be eligible for promotion to Social Worker I. She said that progression through the class series was then contingent upon the incumbent obtaining additional experience and relevant education. Ms. Lamberton asserted that in order to be promoted to Social Worker III, an employee needed to possess a bachelor's degree in social work, psychology, education, guidance, social science or a related field involving emphasis upon human relations plus twelve hours of graduate study in "any of the behavioral sciences."

Ms. Lamberton argued that when the classification was developed, there was no Master of Social Work program available in the State for those who were seeking promotion. Therefore, the Division of Personnel agreed that graduate degrees in Psychology could also be applied toward promotion to Social Worker III. Ms. Lamberton argued that in 1991, when Mr. Flynn's second promotion request was received, she determined that Mr. Flynn's graduate work was in the field of Political Science, not a behavioral science, and therefore was inapplicable for the purposes of promotion within that class series. Ms. Lamberton noted that social workers are field, or line workers responsible for implementing, not establishing policy. She argued that the courses which Mr. Flynn had identified as qualifying him for promotion all related to policy development and planning. She said that while they were appropriate for the purposes of public administration, they did not qualify as study in a behavioral science.

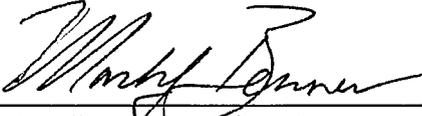
Ms. Latnberton said that in reviewing Mr. Flynn's qualifications, she was aware that Northeastern University, where he had obtained his Master's Degree in Public Administration, did not have a Master's program in Sociology. Therefore, she compared the course content of the study he had completed with course work from the University of New Hampshire and the University of Maine. She said that the course work described by the appellant clearly fell within the field of Political, not Social or Behavioral Science. She also noted that at both UNH and U. Maine, the Master of Public Administration degree falls under the Political Science department, not the Department of Social or Behavioral Science.

The 1992 Webster's Collegiate Dictionary defines "behavioral science" as, "a science or branch of learning, as psychology or sociology, that derives its concepts from observation of the behavior of living organisms," whereas "human relations" is defined as, "the study of group behavior for the purpose of improving interpersonal relationships, as among employees." In spite of Ms. Steeves' assertions, the Board did not find that the courses identified by Mr. Flynn as studies in "human relations" would qualify him for promotion. The course descriptions do not define study within a "science or a branch of learning, as psychology or sociology, that derives its concepts from observations of the behavior of living organisms." Even if the Board were to find that the identified courses should be considered "human relations," or that "human relations" and "behavioral science" are related fields, the specification for Social Worker II makes no provision for study "in a related field" at the graduate level.

Having reviewed the documents submitted by the parties, and in consideration of their offers of proof, the Board voted unanimously to deny Mr. Flynn's appeal. The Board found that the appellant did not meet the minimum qualifications for Social Worker III. The courses identified in the appellant's transcript for conference of a Master of Public Administration degree were political science courses. The twelve hours of graduate study identified by the appellant as courses in "human relations" or "human behavior" do not meet the definition of study in a "behavioral science" and therefore do not satisfy the minimum qualifications for promotion to Social Worker III.

Accordingly, the Board voted unanimously to deny Mr. Flynn's appeal. In so doing, the Board upheld the Director's decision denying the appellant certification for promotion.

THE PERSONNEL APPEALS BOARD



Mark J. Bennett, Acting Chairman



Lisa A. Rule, Commissioner



James J. Barry, Commissioner

cc: Virginia A. Lambertson, Director of Personnel
Margo Steeves, SEA Field Representative
Sandra Platt, Human Resources Administrator, Dept. of Health and Human Services