

State of New Hampshire

PERSONNEL APPEALS BOARD
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Gerald Allard
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APPEAL OF JANIS KINGSLEY

1988-0-118

November 12, 1987

The Personnel Appeals Board, Commissioners Haseltine, Platt and Allard sitting, heard the appeal of Janis Kingsley, Director of Education for the Youth Development Center, on September 9, 1987. The appellant was represented at the hearing by SEA Field Representative Stephen J. McCormack. Classification and Compensation Administrator Edward J. McCann represented the Division of Personnel. Both parties to the appeal made written submissions for the Board's consideration prior to the date of the hearing.

The Youth Development Center had originally requested that Ms. Kingsley's position be reclassified from its current title, salary grade 20, to Education Coordinator, salary grade 27. The Division of Personnel, upon completion of its review of the position, recommended upgrading the appellant's position to salary grade 22, and further recommended upgrading the job attributes of Initiative and Errors. At the hearing, the appellant amended the original request to ask that the Board consider upgrading Ms. Kingsley's position to a new title of either Education Coordinator or Assistant Superintendent, salary grade 25.

In support of her appeal, the appellant contended that additional points should be awarded for the attributes of Supervision, Experience and Education. In consideration of the testimony given and the documentation submitted, the Board made the following findings.

SUPERVISION

The appellant suggested reallocating this attribute from the 4th to the 5th degree. The Board found, however, that the appellant's position remains properly rated at the 4th degree, involving "responsibility for assigning work, discipline, solving work problems, methods of operation, reviewing work of subordinates...supervision and administration from 75% to 100% of the time." Additionally, when reviewed in conjunction with the appeals of the

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School Principal and Head Teacher, the Board noted that all three positions appear to claim the same supervisory responsibility. Therefore, the Board must conclude that the supervisory functions not attributed to the Director of Treatment and Clinical Services and to the Superintendent are shared by the remaining administrative staff. The Board thus found this attribute correctly evaluated at the 4th degree.

EXPERIENCE

The appellant indicated that the position she holds should be rated at the 7th rather than the 6th degree for this attribute, increasing the experience requirement to 5 to 6 years at entry level in the position. The Board was not convinced by either written or oral testimony that this attribute warranted an increase.

EDUCATION

The appellant asked that the Board increase the Education attribute from the 5th to the 7th degree, thus requiring one or two years of graduate work or its equivalent. The appellant stated that Assistant Superintendent positions are required by New Hampshire Department of Education standards to possess a master's degree. The Board, however, had not made any finding that the appellant's position should be reclassified to Assistant Superintendent and, thus, did not find this argument compelling. Further, during the review and reconsideration process, neither the appellant nor the agency apprised the Division of Personnel of any concern that failure to employ personnel possessing a level of certification deemed appropriate by the Board of Education might result in jeopardizing the YDC's program approval. The appellant first made the argument at the hearing, that the standards described were mandatory and that failure to meet those standards would, in fact, place the program approval status in jeopardy. The Board, therefore, requested that the appellant submit documentation to support this claim, and notified the appellant that it would defer final decision until such time as that documentation could be reviewed by the Board.

On October 1, 1987, SEA Representative McCormack forwarded to the Board a letter from New Hampshire Special Education Director Robert T. Kennedy verifying that the Youth Development Center might lose its program approval if the Education Director's position were not required to possess an educational background rated at the 7th degree in the Evaluation Manual. Based upon that documentation, the Board voted to increase this factor accordingly.

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In consideration of the foregoing, the Board voted to upgrade the appellant's position from Director of Education, salary grade 22 to salary grade 23, effective the beginning of the pay period immediately following the Board's receipt on October 1, 1987 of the requested documentation from the appellant. Retroactive compensation resulting from the Division of Personnel's recommendation to upgrade the appellant's position from salary grade 20 to salary grade 22 shall be effective the pay period immediately following January 18, 1985, the date the original request for reclassification of the position was received by the Division of Personnel.

FOR THE PERSONNEL APPEALS BOARD



MARY ANN STEELE
Executive Secretary

cc: Stephen J. McCormack, Field Representative
State Employees' Association

Ronald G. Adams, Superintendent
Youth Development Center

Virginia A. Vogel
Director of Personnel