

State of New Hampshire



PERSONNEL APPEALS BOARD

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APPEAL OF ROBERT MANGEELI Docket #91-O-38

Office of Economic Services

May 5, 1994

The New Hampshire Personnel Appeals Board (Bennett, Johnson and Rule) met Wednesday, October 20, 1993, to hear the appeal of Robert Mangelli, Administrator III in the Office of Economic Services. Mr. Mangelli's appeal was filed pro se. Virginia Lambertson, Director, appeared on behalf of the Division of Personnel.

On May 23, 1991, Mr. Mangelli, who was then employed as an Administrator I in the Department of Health and Human Services, applied for an Administrator III vacancy in the Office of Economic Services. His application was rejected on May 31, 1991, on the ground that his education was not in the appropriate field.

By letter dated June 17, 1991, Mr. Mangelli appealed his non-certification to the Director of Personnel, arguing that the criteria for certification were "limiting and exclusionary". In her response dated July 5, 1991, the Personnel Director advised the appellant that the specification for Administrator III in the Office of Economic Services required a bachelor's degree in human service, psychology, social work, public health or in business or public administration. She indicated that Mr. Mangelli's application listed his bachelor's degree as in government, not one of the required areas of study. She further indicated that the minimum qualifications did not provide for equivalent combinations of education and experience, and that his experience therefore could not be substituted for the degree requirement.

Mr. Mangelli testified that he had previously certified for the classification of Administrator III, until the Division of Personnel placed unreasonable restrictions upon the qualifying degrees. He argued that the exclusion only appeared to apply to the specific position for which he had applied. He further argued that it was unrealistic to deny a long-time administrator with an excellent record of achievement in the department an opportunity at promotion solely on the basis of a degree he had earned some 25 years earlier.

Mr. Mangelli also testified that his degree should have been considered a degree "in a related field". He said that his major in government involved government, history and economics. The other applications on file in his personnel file, however, list his majors as history and social studies, and history with a major study in government. The record reflects that Mr. Mangelli certified for the classification of Administrator III under the 1984 specification which allowed a degrees in political science, when accompanied by ten years' experience in a human services field such as welfare, social services, public health or a related field, six of which must have

been in a management or consultive position involving administrative or supervisory duties concerned with program administration, program planning and evaluation, business management or related management experience.

Ms. Lamberton testified that "Administrator" class series had originally been designed solely for use in the Department of Health and Human Services. In the late 1980's, the specification was revised to allow the Administrator classification to be used in other departments. She testified that the minimum qualifications were then established in consultation with the agency human resource personnel.

The general class specification revised in April, 1990, listed the following statement of minimum qualifications:

1. Possession of a Master's degree from a recognized college or university with major study in a field relevant to program area in which position is assigned.
2. Seven years' experience in a field or occupation relevant to program area in which position is assigned, six years of which must have been in a management or consultive position involving administrative or supervisory duties concerned with program administration, program planning and evaluation, business management or related management experience.

Or

1. Possession of a Bachelor's degree from a recognized college or university with major study in a field relevant to program area in which position is assigned.
2. Ten years' experience in a field or occupation relevant to program area in which position is assigned, six years of which must have been in a management or consultive position involving administrative or supervisory duties concerned with program administration, program planning and evaluation, business management or related management experience.
3. Considerable knowledge of program administration and evaluation. Considerable knowledge of state and federal laws relating to the programs within assigned areas. Considerable knowledge of the principles of supervision, administration, and community organization as applicable to specialized program area. Ability to prepare budgets. Ability to express ideas clearly and concisely both orally and in writing. Ability to evaluate and analyze program effectiveness and resource management. Ability to speak before public groups and legislative committees. Ability to establish and maintain effective working relationships with federal, state and other public officials.

Conditional approval was given to a proposed supplemental job description for the position of Administrator III in the Office of Economic Services on May 24, 1989. That SJD included a requirement for a Master's degree with a major study in psychology, social work, public health, business/public administration or a related field. The specification also required eight years experience in human services, five years of which include administration, planning, program and/or fiscal management, program design or equivalent experience. Each additional year of approved work experience may, at the discretion of the Director, be substituted for one year of required formal education. Neither government nor political science were listed among the

acceptable degrees for certification.

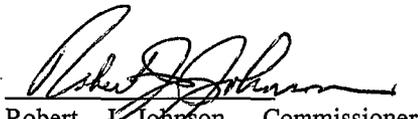
In 1991, at the request of the Department of Health and Human Services, the supplemental job description was revised again, altering the minimum qualifications to require a Master's degree in human services, psychology, social work, public health or in business or public administration. Again, neither government nor political science were listed among the acceptable degrees for certification.

Ms. Lamberton testified that as a result of complaints from several employees, including Mr. Mangelli, the minimum qualifications were again reviewed in the summer of 1991. She testified that administration in the Department of Health and Human Services and in the Office of Economic Services requested that the minimum qualifications be revised to more clearly reflect the nature of the work performed. Specifically, the department requested that more weight should be given to experience in the actual program fields administered by the office such as AFDC and food stamps. However, those changes were effected after Mr. Mangelli's application was rejected and another candidate who met the qualifications in effect at the time was selected for the position which Mr. Mangelli was seeking.

At the conclusion of the hearing, Mr. Mangelli agreed that since there was no longer an Administrator III position in the Office of Economic Services, there was no real relief which could be granted even if he were deemed to have met the minimum qualification. In light of all the evidence, the Board found that Mr. Mangelli had failed to meet his burden of proving that his application for Administrator III should have been certified as meeting the minimum qualifications. , Therefore, the Board voted to deny his appeal.

THE NEW HAMPSHIRE PERSONNEL APPEALS BOARD


Mark J. Bennett, Chairman


Robert J. Johnson, Commissioner


Lisa A. Rule, Commissioner

cc: Virginia A. Lamberton, Director of Personnel
Robert Mangelli, Administrator, Office of Economic Services
Sandra Platt, Administrator, Dept. of Health and Human Services