

State of New Hampshire



PERSONNEL APPEALS BOARD

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Appeal of Denise Richard Docket #93 - C - 19 Department of Fish and Game

June 1, 1994

The New Hampshire Personnel Appeals Board (Bennett, Rule and McGinley) met Wednesday, December 1, 1993, to hear the classification appeal of Denise Richard, an employee of the Department of Fish and Game. Ms. Richard, who appeared pro se, was appealing the Division of Personnel's March 18, 1993 decision denying a request to reclassify Ms. Richard's position from Fish and Game Radio Dispatcher, salary grade 10 to Police Communications Specialist, salary grade 13. The Division of Personnel was represented by its director, Virginia A. Lamberton.

On January 12, 1993, the Division of Personnel received a completed request to reclassify Ms. Richard's position, and reallocate it from salary grade 10 to salary grade 12. Ms. Lamberton said that a review had been completed, including a job audit interview with the appellant on January 28, 1993. On February 1, 1993, the position was also discussed with Conservation Officer Lieutenant Acerno. Ms. Lamberton said that some of the duties of the position had changed by virtue of new equipment used in the communications center, but that the essential elements of the job and the nature of the responsibilities of the position had not changed. She noted that while there are similarities to the position of Police Communications Specialist, that classification also requires incumbents to operate video and audio perimeter surveillance systems to screen access to a secured facility, monitoring duty functions of Police Communications specialist Trainees, including training and checking their work assignments, taking notes and filling out report forms, including documentation of towed vehicles, emergency responses and traffic records, and assisting in training new employees to use the communications equipment.

In her March 18, 1993 letter to Dr. Normandeau, Executive Director of the Fish and Game Department, denying the request to reallocate Ms. Richard's position, the Director outlined her decision as follows:

This position was reviewed by the Division of Personnel in June 1985, at which time no change in salary grade or class title was made. Essentially, it appears that the function of the subject position is the same today as it was during the 1985 job audit. The primary function continues to be that of relaying messages to individuals within and outside the department, and to answer questions regarding hunting and fishing licenses and violations, motor vehicle registrations, OHRV registrations and NCIC checks. I

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would agree that methodology of researching this information has changed, as the incumbent now uses the automated information system and the State Police On-Line Telecommunications System. However, I am not convinced that the job duties of this position have become more complex just because the incumbent directly accesses information via automated systems instead of researching through microfiche or contacting the Division of State Police.

In your reclassification package, you suggested a comparison of this position with the Police Communications Specialists in the Department of Safety. Although some similarities may exist, it is important to note that the Police Communications Specialists are responsible for training, certifying and re-certifying the position incumbent in the operation of the State Police On-Line Telecommunications System. In addition, the Division of State Police operates a 24 hour communications dispatch center and is also available to receive calls for the Fish and Game Department. Fish and Game communications lines, however, are not automatically answered by Police Communications specialists. ...

Ms. Lamberton noted that dispatchers at New Hampshire Hospital, who are responsible for an around the clock operation are allocated at salary grade 8, and that Department of Transportation Radio Dispatchers, who dispatch crews and contractors and contact the State Police about road conditions are allocated at a grade 7. She also indicated that the positions which will be assigned to the Enhanced 911 emergency response network will not be allocated at salary grade 13, the salary grade requested by the appellant for her own position.

Ms. Richard argued that a number of her duties had changed since the last position review. Specifically, she noted that she is now authorized to use the SPOTS terminal (State Police On-Line Telecommunications System). She said she is responsible for paging officers as part of search and rescue efforts and has to decide when officers need to be paged. She also stated that she maintains three phone lines and communicates with 44 field offices.

Ms. Richard contended that these additional responsibilities warranted an increase in the "Knowledge" factor. Ms. Richard said there had been no real changes in the factors of "Working Conditions" or "Physical Demands", but that there had been increases in the "Complexity" factor. Ms. Richard said she is responsible for prioritizing her own work. Ms. Richard said that her work should be considered more complex than that performed by Police Communications Specialists at the Department of Safety because of the increase in the number of cases of rabies in the State. She said that when someone calls the department to report a possible rabid animal, she must direct the-callers to the appropriate State or local agency if they have been exposed. She said she must also make sure that her department picks up and disposes of the animal. She also said that in the near future, when she goes off duty, her calls are to be answered by Merrimack County Dispatch through the Sheriff's Office.

Ms. Richard stated that in the 1970's, the position she occupies was allocated at a salary grade 12. She said the incumbent was not responsible for typing search warrants or accessing the NCIC computer system. She suggested that when there were fewer duties, the position was allocated at a higher salary grade. She also asked the Board to find that her duties were

comparable to, if not greater than, similar positions in the Department of Safety. She argued that the dispatchers at the various State Police troop stations are not responsible for doing any training and do not need to be certified to run the NCIC computer system.

The Board reviewed the class specifications for Radio Dispatcher (salary grade 7), Fish and Game Radio Dispatcher (salary grade 10) and Police Communications Specialist (salary grade 13). Police Communications Specialists are allocated at higher levels than the Fish and Game Radio Dispatcher in the areas of Knowledge, Working Conditions, Physical Demands and Complexity. The appellant's point appears to be well taken, that the State Police positions do not appear to be sufficiently different from her own position to warrant an increased point allocation for those factors which are higher. However, the Board has no evidence before it of the actual position responsibilities for the Communications Specialist positions at the Division of State Police and must rely on the information submitted by the appellant and the Division of Personnel in determining if the appellant's position is properly allocated.

After considering the available information, the Board found there was insufficient evidence to warrant increasing any of the factors in question. For the "Knowledge" factor, the appellant's position is currently allocated at the second level which "Requires understanding and using business or trades vocabulary or basic arithmetic to perform standard operating procedures." The Evaluation Manual defines "Knowledge" as follows:

"Knowledge" means the combination of preparation and learning through formal education or through experience in a position which requires formal education necessary to perform specific job functions. This factor measures the educational background or technical knowledge required to meet the minimal job performance standards.

In order to increase this attribute to the third level, it would be necessary for the appellant to demonstrate that her job "requires knowledge of business practices and procedures or technical training in a craft or trade, including working from detailed instructions, to apply knowledge in a variety of practical situations." The Board did not find that her job assignments rose to that level, or that the education and experience requirements for the position warranted the requested increase. The Police Communications Specialist position requires three years' experience in communication work as a minimum entrance requirement for the position, while the Fish and Game Radio Dispatcher position requires two years. Both positions require certification in the use of SPOTS. The Fish and Game Department indicated that it would take 2-6 weeks of on-the-job training for an incumbent to perform at the minimum performance standards. The State Police positions require approximately one year.

For the factors of "Working Conditions" and "Physical Demands", the Board found there was insufficient evidence to warrant increasing either factor. Although the appellant argued that the working conditions and physical demands in her position are comparable to those at the Division of State Police, and that they should be increased consistent with those positions, the Board had no evidence to support that position. Having reviewed the allocation of these factors with their description in the Evaluation Manual, the Board found that they are properly allocated for this position.

The appellant also argued that the "Complexity" factor for her position should be increased consistent with positions of Police Communications Specialist. The Evaluation Manual defines "Complexity" as follows:

"Complexity" means the combination of specific job functions in relation to the overall structure and purpose of the job. This factor measures the diversity of the tasks performed, the application of fundamental principles to solve specific problems, and the level of judgment required to apply knowledge acquired through training and experience.

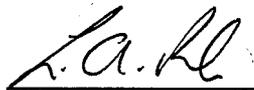
The appellant's position is currently allocated at the second degree for this factor, requiring "a combination of job functions using minimal judgment to perform a variety of job tasks according to clearly prescribed standard practices and procedures". The Board did not find that the appellant's responsibilities rose to the next higher level, which would require a combination of functions to "establish facts, to draw daily operational conclusions, or to solve practical problems. This level also requires providing a variety of alternative solutions where only limited standardization exists." The Board did not believe that Ms. Richard is responsible for providing alternative solutions where only limited standardization exists.

On the record before it, the Board found there was insufficient evidence of material or substantial changes in Ms. Richard's duties and responsibilities to support reallocating her position to Police Communications Specialist, salary grade 13. Accordingly, the Board voted to deny her appeal. In so doing, the Board granted the Director of Personnel's Request for Findings of Fact and Rulings of Law to the extent that they are consistent with the decision above.

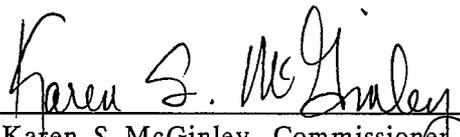
THE PERSONNEL APPEALS BOARD



Mark J. Bennett, Vice-Chairman



Lisa A. Rule, Commissioner



Karen S. McGinley, Commissioner

cc: Virginia A. Lamberton, Director of Personnel
Denise Richard, Fish and Game Radio Dispatcher
Donald Normandeau, Executive Director, Fish and Game Department