



STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

CHRISTOPHER T. SUNUNU
Governor

May 12, 2020

Frank Edleblut
Commissioner
101 Pleasant Street
Concord, N.H. 03302

Dear Commissioner Edelblut,

Pursuant to my authority under Executive Order 2020-04, as extended by Executive Orders 2020-05 and 2020-08, and Emergency Order #37 I have approved your written request, in attachment, to take the following actions related to Executive Branch hiring:

1. Hiring of a Business Administrator III with a current allocation of 28% general fund (\$25,051) and 75% federal fund (\$64,419). With that federal allocation for this position will increase due to the addition of the federal CARES Act fund responsibilities; resulting in a reduction to general funds.

The Department of Administrative Services is authorized to take the actions necessary to effectuate this authorization.

Sincerely,

A handwritten signature in blue ink that reads "Chris T. Sununu".

Christopher T. Sununu
Governor

CC Charles Arlinghaus, Commissioner, Department of Administrative Services



Frank Edelblut
Commissioner

Christine M. Brennan
Deputy Commissioner

STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION
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POSITION WAIVER

May 7, 2020

His Excellency, Governor Christopher T. Sununu
State House
Concord, NH 03301

Dear Governor Christopher T. Sununu:

REQUESTED ACTION

Approval is requested for a waiver of Emergency Order # 37 in order to fill the following position within the:

Agency:	Education Dept	
Reason Code:	Full Time Position	
Position #:	13306	
Position Title:	Business Administrator III	
Anticipated Hire Date (MM/DD/YY):	June 19, 2020	
Labor Grade:	27	
Step:	3	
Date of Vacancy (MM/DD/YY):	October 25, 2019	
Vacancy Rate (%)	20%	
Appropriation:	Agency	056 Education Dept
	Department	056 Education Dept
	Bureau	5605 Office Of Dep Commissioner
	Accounting Unit (XXXX)	7007 Fiscal Management
	Class	010 Personal Services Perm Clas
	Expense Account (500XXX):	500100 Regular Officers And Employees
Total Annual Salary:	\$	60,470
Total Annual Benefits:	\$	29,000
Total Cost	\$	89,470
Estimated # of Pay Periods in FY:		-

Funding	% of Funding (ex: 5 = 5%)	Total Cost Based on Estimated Pay Periods Left in FY
0010 General Fund	100%	89,470
	See Note Below	-
		-
		-
		-
		-
Total	100%	89,470

EXPLANATION

NOTE: While this position was budgeted in a general fund account, the position is cost allocated based on programs assigned with a current allocation of 28% general fund (\$25,051) and 75% federal fund (\$64,419). It is expected that the federal allocation for this position will increase due to the addition of the federal CARES Act fund responsibilities; resulting in a reduction to general funds.

This position is needed to oversee the finances of the CARES Act funds. It is becoming evident those funds will have significantly more reporting requirements than our current programs. The Department needs to hire this position to get ahead of those reporting requirements.

In addition to the CARES Act responsibilities, this position acts as the Fiscal Officer for over 30 accounts within the Department; the majority of which are federally funded; including several Title Program funds (Title I, Title II, Homeless, etc.), State and Federal Assessment funds, Data driven funds, State Building Aid and Adequacy. Fiscal management of these funds involves ensuring following federal and state rules, laws and guidance, payments to schools relative to Adequacy, Building Aid and other school allocated and/or contracted funds, oversight of federal spend in conjunction with state appropriations, ensuring Match/MOE requirements are met, and the upcoming development of the biennial budgets for FY22/23, etc.

Standard Questions:

1. What services or constituency group will be affected if this position is not filled?

All schools will be affected as this position oversees the finances and funding for CARES Act funding, Adequacy and Building Aid, several Title programs including \$40M in Title I funds, State and Federal Assessment funds, Accountability funds, Public School Infrastructure funds, Lead Removal Drinking Water funds, Robotics Education funds, etc.

2. Are the services/duties performed by this position required by law, rule, court order or some other mandate? If yes, explain.

Federal guidance requires oversight and submission of federal financial reports, CARES Act; Every Student Succeeds Act of 2015; McKinney-Vento Homeless Assistance Act. Additionally, the following state laws require financial oversight and the processing of payments: RSA 21-N:6 Division of Learner Support; RSA 193-E Adequate Public Education; RSA 194-B Chartered Public Schools; RSA 195-C School Building Authority-State Guarantee; RSA 198 School Money; RSA 21-I:6 Department of Administrative Services, Budget Unit; RSA 21-N:5 Department of Education, Duties of the Deputy Commissioner.

3. Did the position become vacant because of a promotion or personnel action within the organization, or did the incumbent move to another state position? Define

The position became vacant on October 24, 2019 due to the incumbent taking a promotional position with another state agency.

4. Can other personnel within the department cover the duties of this position? Explain in detail

The Department has a Fiscal Management unit that consist of four Business Administrators (BA) that oversee and fiscally manage \$1.5 Billion in agency funds. These funds consists of general and federal funds, Education Trust Funds, transfers from other agencies, private funds and fee generated funds. The Department interviewed over 10 applicants, and was unable to find a suitable candidate prior to the hiring freeze. While this work has been covered by the other three BA's these past six months, this has become more challenging with the work required in developing the new 22/23 budget, and now with the addition of overseeing the federal CARES Act funds.

In addition to the above, another business administrator will be leaving the Department for a position outside of the state on June 30th; which will leave only two remaining.

The pending departure of that second BA is a significant concern to the Department as we have made significant strides in implementing fiscal compliance these past few years, including cleaning up prior audit issues and funding challenges. One specific example was funding challenges within our Vocational Rehab program that resulted in lay offs and the implementation of an "order of selection". It is due to the close collaboration of the business administrator and the program administrator that that order of selection was able to be closed in a little over one years time. It is important to the department to have these business administrators so we can continue this detailed fiscal oversight and collaboration. While the learning curve for this position is challenging due to the varied and unique programs assigned, that is further complicated with the departure of the second position, which will significantly reduce the level of experience, knowledge and job abilities of the unit.

5. Can the duties be completed by a part-time position? Explain in detail

No, a full-time position is needed. The onboarding and learning curve for these positions is intense, such that they have to learn state rules around budgeting, appropriations, revenue collections, Governor and Council and Fiscal Committee items; as well as, the federal programs guidance, rules, allowability, etc. for each of the federal programs assigned and discussed above. Plus, the additional reporting requirements of the CARES Act is unknown to all at this time, requiring research and interpretation of guidance that continues to change.

6. If this position has been vacant for a period of time, explain how the work previously done by this position has been allocated to, or covered by others during this vacancy period.

The day to day work of this position has been split up among the other three business administrators. That was challenging but manageable in the short term. Long term we have new budgets to develop and now with COVID-19 we have over \$46M in CARES Act funds to administer and report on. Also, as mentioned, one of the remaining three BA's have given notice and will be gone come June 30.

7. Has this position been reclassified or established with the passage of the FY '20-21 budget or after?

Yes, this position was reclassified from a Business Administrator II to a Business Administrator III.

8. Do you anticipate filling this position with an internal candidate? Explain

Unknown.

9. If you are hiring at a step beyond 1, please provide justification.

Due to past challenging in filling these positions, I'm requesting to have the ability to hire at a step 3, if needed.

List of currently pending submitted waivers with the priority ranking (#1 = top ranking):

N/A

List of waivers previously granted:

N/A

Respectfully submitted,

Tammy Vaillancourt

Chief Financial Officer

on behalf of Commissioner Frank Edelblut