

State of New Hampshire



PERSONNEL APPEALS BOARD

54 Regional Drive, #5

Concord, NH 03301

NOTICE OF SCHEDULING PREHEARING CONFERENCES #2

8:30 a.m. to 9:00 a.m.

Wednesday, May 27, 2020

Due to the Covid 19 Pandemic, this hearing will be held via telephone conference.

May 27, 2020 (9:00am – 1:00pm)

Meeting link: <https://das-fdm.webex.com/das-fdm/j.php?MTID=mc4cfd9dd92b52f2252696309d922f>

Meeting number: 478 284 705

Password: 654321

Join by phone +1-415-655-0003 United States Toll

Access code: 478 284 705

Join by video system: Dial 478284705@das-fdm.webex.com

The Board, under the authority of RSA 541-A:31, RSA 21-I:58, and Per-A 206.03 of the Code of Administrative Rules, has scheduled **MANDATORY PREHEARING CONFERENCES** as outlined below to facilitate the scheduling of an evidentiary hearing and a just disposition of each of the matters listed. Notices are being sent to the current representatives of record.

Melissa Simmons #2018-T-013

DHHS

For the Appellant: Sean Bolton, Field Representative, SEA

For the State: Attorney Rahkiya Medley

Brett Parenteau #2019-T-002

Dept. of Safety, Div. of State Police

For the Appellant: Attorney Marc Beaudoin

Attorney John Krupski

For the State: Attorney Marta Modigliani

Attorney David Hilts

Colin Cardin #2019-T-014
Dept. of Environmental Services

For the Appellant: Attorney Gary Snyder, SEA
For the State: Attorney Jennifer Ramsey, Attorney General's Office

Peter Palmer #2020-T-010
DHHS NH Hospital

For the Appellant: Sean Bolton, Field Representative, SEA
For the State: Attorney General's Office

Scott Brightman #2020-T-011
Dept. of Military Affairs and Veterans Services

For the Appellant: Attorney Gary Snyder, SEA
For the State: Attorney General's Office

Asa Bourrie #2020-T-013
Dept. of Safety
Div. of Fire Standards, Training, & Emergency Medical Services

For the Appellant: Attorney Gary Snyder, SEA
For the State: Attorney David Hilts

Per-A 206.03(b) of the NH Code of Administrative Rules (Rules of the Personnel Appeals Board) states:
Prehearing conferences shall be convened to narrow the factual issues or for any other purpose set forth
in RSA 541-A:31,V to consider:

- (1) Offers of settlement;
- (2) Simplification of the issues;
- (3) Stipulations or admissions as to issues of fact or proof by consent of the parties;
- (4) Limitations on the number of witnesses;
- (5) Changes to standard procedures desired during the hearing by consent of the parties;
- (6) Consolidation of examination of witnesses; or
- (7) Any other matters which aid in the disposition of the proceeding.

In order to narrow the factual issues and define more clearly the scope of the appeals, the Board requests that the parties supply the following information at or before the scheduled prehearing conference:

Both parties shall submit:

- (1) A concise summary of their respective case.

At the scheduled prehearing conference, each party shall be prepared to address the following:

- (1) Scope of the hearing.
- (2) Outstanding discovery issues.
- (3) Stipulations or admissions as to issues of fact or proof.
- (4) Offers of settlement.
- (5) Number of witnesses expected to testify in a hearing on the merits.
- (6) Special scheduling,
- (7) Amount of time required to hear the case.
- (8) Pending motions, whether dispositive or non-dispositive.

All prehearing activities shall be conducted in accordance with Chapters Per-A 100-200 of the NH Code of Administrative Rules (Rules of the Personnel Appeals Board). Each party has the right to have an attorney represent them at their own expense. Parties should advise the Board immediately if they believe there are reasons that any member or alternate member of the Board should not participate in the prehearing conference or later hearing. Members of the Board include Norman Patenaude, Marilee Nihan, Gail Wilson, and Jason Major.

Motions for postponement or special scheduling will be considered only for exceptional circumstances and must be made in writing to the Personnel Appeals Board within ten (10) calendar days of the date of this notice to be considered. Except in the event of a *bona fide* emergency, untimely requests will be denied. Further, except for good cause shown, failure of an appellant to appear as scheduled may result in dismissal of 541-Athe appeal for lack of prosecution.

Non-public session pursuant to RSA 91-A:3, II(j) to deliberate on motions filed in an adjudicative proceeding pursuant to RSA 541 or RSA 541-A.

FOR THE PERSONNEL APPEALS BOARD

Gail E. Wilson

Gail E. Wilson
Commissioner
Personnel Appeals Board

cc: Attorney Gary Snyder, State Employees Association, 207 North Main Street, Concord, NH 03301
Sean Bolton, Field Representative, SEA, 207 North Main Street, Concord, NH 03301
Beth Aborn, State Employees Association, 207 North Main Street, Concord, NH 03301
Attorney John Krupski, Milner & Krupski, PLLC, 109 North State Street, Concord, NH 03301
Attorney Marc Beaudoin, Milner & Krupski, PLLC, 109 North State Street, Concord, NH 03301
Attorney David Hilts, Dept. of Safety, 33 Hazen Drive, Concord, NH 03305
Attorney Marta Modigliani, Dept. of Safety, 33 Hazen Drive, Concord, NH 03305
Attorney Rahkiya Medley, DHHS, 129 Pleasant Street, Concord, NH 03301
Attorney Jennifer Ramsey, Office of the Attorney General, 33 Capitol Street, Concord, NH 03301