

State of New Hampshire



PERSONNEL APPEALS BOARD

25 Capitol Street
Concord, New Hampshire 03301
Telephone (603) 271-3261

APPEAL OF RICHARD ALLEN *Department of Corrections* *Docket #97-0-7*

Thursday, October 23, 1997

By letter dated April 14, 1997, SEA Field Representative Margo Steeves made a Motion for Reconsideration of the Board's April 7, 1997, decision dismissing Mr. Allen's appeal in which she alleged that the Department of Corrections, "...did not use the employee performance evaluation as the tool it was intended to be." She argued that the appellant was not appealing the substance of the performance evaluation, although he did disagree with its contents. Ms. Steeves asserted, "It is a violation of the merit system to not evaluate fairly," and that the evaluation was used "to retaliate against [the appellant] for appealing the transfer [PAB Docket #97-P-1]."

The Board voted unanimously to deny Ms. Steeves' Motion. Per-A 204.06 requires a party seeking rehearing to "set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable." After permitting the opposing party five days in which to respond to such a motion, the Board "may grant such rehearing if in its opinion good reason therefor is stated in the motion." In the Board's opinion, the appellant did not demonstrate that the order complained of was either unlawful or unreasonable.

THE PERSONNEL APPEALS BOARD

Handwritten signature of Mark J. Bennett in cursive.

Mark J. Bennett, Acting Chairman

Handwritten signature of Robert J. Johnson in cursive.

Robert J. Johnson, Commissioner

Handwritten signature of Lisa A. Rule in cursive.

Lisa A. Rule, Commissioner

cc: Virginia A. Lamberton, Director of Personnel
Margo Steeves, SEA Field Representative
Paul Brodeur, Commissioner, Department of Corrections

State of New Hampshire



PERSONNEL APPEALS BOARD
25 Capitol Street
Concord, New Hampshire 03301
Telephone (603) 271-3261

APPEAL OF RICHARD ALLEN
Department of Corrections
Docket #97-0-7

April 7, 1997

The New Hampshire Personnel Appeals Board (Bennett, Johnson and Rule) met Wednesday, February 26, 1997, to review the appeal of Richard Allen, an employee of the Department of Corrections, concerning his allegation that the Department "...did not use the employee performance evaluation as the tool it was intended to be."

RSA 21-I:58 I states, in pertinent part, "Any permanent employee who is affected by any application of the personnel rules, except for those rules enumerated in RSA 21-I:46, I and the application of rules in classification decisions appealable under RSA 21-I:57, may appeal to the personnel appeals board within fifteen days of the action giving rise to the appeal." RSA 21-I:46 I (a) specifically excludes appeals arising out of the rules adopted by the director of personnel when they are related to, "Performance evaluations of classified employees; provided, however, that an employee who is disciplined or has other adverse action taken against him as a result of an evaluation may appeal that action."

The Board, on its own motion, voted to dismiss Mr. Allen's appeal as a matter outside the Board's statutorily defined subject matter jurisdiction.

THE PERSONNEL APPEALS BOARD

Handwritten signature of Mark J. Bennett in cursive.

Mark J. Bennett, Acting Chairman

Handwritten signature of Robert J. Johnson in cursive.

Robert J. Johnson, Commissioner

Handwritten signature of Lisa A. Rule in cursive.

Lisa A. Rule, Commissioner

cc: . Virginia A. Lamberton, Director of Personnel
Margo Steeves, SEA Field Representative
Paul Brodeur, Commissioner, Department of Corrections