

# State of New Hampshire

WPPID700



## PERSONNEL APPEALS BOARD

State House Annex  
Concord, New Hampshire 03301  
Telephone (603) 271-3261

### APPEAL OF BARBARA BIRSE Docket #89-O-20 Division of Elderly and Adult Services

February 27, 1991

The New Hampshire Personnel Appeals Board (McNicholas, Johnson and Bennett) met Wednesday, February 13, 1991, to consider the above captioned appeal which was received by the Board on July 17, 1989. The matter had been held in abeyance pending a final order in the appeals of Susan Bailey (No. 89-O-16), Linda Burton (No. 89-O-14) and Christine Eaton (No. 89-O-15) relative to the refusal of the Director of Personnel to review their positions for possible reclassification or reallocation. Having found the instant appeal to also arise from the Personnel Director's refusal to accept the appellant's position review request, the Board, upon its own motion, voted to consolidate this appeal with the appeals of Bailey, Burton and Eaton. (Per-A 202.07 N.H.C.A.R.)

The Director of Personnel had determined that under the provisions of Chapter 408:105 effective June 5, 1989, no classification, allocation or evaluation reviews received on or after that date could lawfully be conducted. Chapter 209:4 of the Laws of 1990 clarified the General Court's ban on position reclassifications or reallocations:

"Notwithstanding any other provision of law, the director of personnel shall not consider any requests for reclassification or reallocation until July 1, 1991."

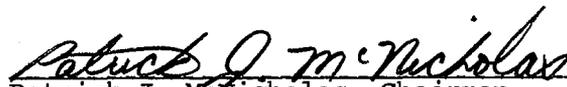
The Board's final order, dismissing the appeals of Bailey, Burton and Eaton, provides in pertinent part:

"The instant appeals are dismissed. The Director of Personnel is ordered to consider the classification of the affected positions under the then lawful system pertinent thereto as soon as she is lawfully and reasonably able to do so in accordance with said system. The Director may require that the appellants submit new position classification questionnaires at that time, or such other information as may be warranted for consideration under the then applicable system." (A copy of the full text of the Board's order is attached herewith.)

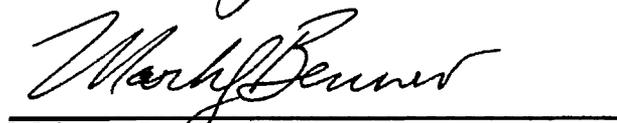
page 2

Appeal dismissed.

THE PERSONNEL APPEALS BOARD

  
Patrick J. McNicholas, Chairman

  
Robert J. Johnson

  
Mark J. Bennett

cc: Virginia A. Vogel, Director of Personnel  
Barbara Birse, Elderly and Adult Services, Portsmouth District Office  
30 Maplewood Ave, P.O. Box 599, Portsmouth N.H. 03301-0599  
Director, Division of Elderly and Adult Services  
Dr. Harry Bird, Commissioner, Dept. of Transportation  
Jan D. Beauchesne, Human Resource Coordinator, Health & Human Services