

State of New Hampshire

PERSONNEL APPEALS BOARD
Edward J. Haseltine, Chairman
Gerald Allard
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EXECUTIVE SECRETARY
Mary Ann Steele

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

87-0-105

July 18, 1986

Dennis T. Martino
Field Representative
State Employees' Association of N.H.
163 Manchester Street
Concord, New Hampshire 03301

re: Andrea Carr

Dear Mr. Martino:

By letter dated June 10, 1986, you requested a hearing on behalf of the above named individual.

Per 302.23(c) states, in part, "At any time during the probationary period an appointing authority may remove an employee whose performance does not meet the required work standard, provided that he shall report such removals to the director and to the employee. Such dismissal shall not be arbitrary, illegal, capricious or made in bad faith."

File copies of correspondence in this matter indicates the following:

1. On January 31, 1986 Ms. Carr voluntarily demoted herself from the position of Mental Health Worker I to a radio dispatcher position.
2. On April 25, 1986, Chief Security Officer Charles Goodale notified Ms. Carr that he was not recommending her for permanent status due to "...extremely poor judgment on [her] part as well as a misuse of Hospital property and work-time..."
3. As a result of your April 29, 1986 request, a May 14, 1986 meeting was held between you, Ms. Carr, Charles Goodale, Virginia Vogel and Chester Batchelder to discuss Ms. Carr's "...transfer and removal from her probationary position as a Security Dispatcher."
4. By letter dated May 21, 1986, Assistant Superintendent Batchelder notified you that he supported the decision to remove Ms. Carr from the Security Dispatcher position and return her to her former position of Mental Health Worker I.

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The above referenced correspondence would indicate that the Hospital made an administrative decision to remove Ms. Carr from the Security Dispatcher position in accordance with Per 302.23(c). Further, this Board would note that the Hospital was under no firm obligation to return Ms. Carr to her formerly held position which, in essence, resulted in a one labor grade increase for Ms. Carr.

Based on the foregoing, finding no indication that the action taken by New Hampshire was arbitrary, illegal, capricious, or made in bad faith, the Board denies your request for a hearing on Ms. Carr's behalf.

Very truly yours,

FOR THE PERSONNEL APPEALS BOARD

A handwritten signature in cursive script that reads "Mary Ann Steele".

MARY ANN STEELE
Executive Secretary

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cc: Virginia Vogel
NHH Director of Human Resources