

State of New Hampshire

PERSONNEL APPEALS BOARD
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EXECUTIVE SECRETARY
Mary Ann Steele

PERSONNEL APPEALS BOARD
State House Annex
Concord, New Hampshire 03301
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86-0-101

August 28, 1986

Stephen J. McCormack
Field Representative
State Employees' Association of N.H.
163 Manchester Street
Concord, New Hampshire 03301

re: Byron Coparanis

Dear Mr. McCormack:

The New Hampshire Personnel Appeals Board at its meeting on August 26, 1986, considered your request for reconsideration of the Board's July 18, 1986 decision denying a hearing on behalf of the above-named individual.

In your request, you contend that the original request for an appeal on Mr. Coparanis' behalf was timely due to the fact that he was not notified until May 20, 1986 by David Bundy, Director for Children and Youth Services, that the June 4, 1985 request by Director Bundy to have Mr. Coparanis' salary adjusted had been denied.

The Board finds that Mr. Coparanis, while pursuing his request "through channels" had the opportunity to independently request a review of his position directly through the Division of Personnel. Per 303.04(a) states: "Appointing authorities shall give written notice within 60 days to the director [of personnel] of material changes in the duties and responsibilities of the positions occupied by their employees. If an appointing authority fails to so notify the director, the employee may file a written request with the director that his position be studied." According to the records reviewed by this Board, Mr. Coparanis claims to have been acting in the capacity of Administrator II beginning November 15, 1984. Therefore, finding that Director Bundy had taken no steps to address this situation within 60 days of the alleged change in responsibilities, Mr. Coparanis could have requested that the Department of Personnel review his position. Mr. Coparanis failed to make any such request of the Division of Personnel. It was at that time incumbent upon Mr. Coparanis to exercise those options afforded him by the "Rules of the Department of Personnel" to seek some remedy. Mr. Coparanis failed to do so.

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Further, the Board finds that no indication in correspondence during the time-frame in question to indicate that such a request, had it been timely-filed, would have been granted by the Division of Personnel. Additionally, the "Rules" specify that any adjustment in Mr. Coparanis' pay would have begun the pay period following the date of the Personnel Director's decision. Therefore, no adjustment could have been made for the alleged change in responsibilities which you claim to have occurred as of November 15, 1984.

The Board therefore reaffirms its decision of July 18, 1986 that Mr. Coparanis' request is not timely. Your request for reconsideration is, therefore, denied.

Very truly yours,



MARY ANN STEELE
Executive Secretary
N. H. Personnel Appeals Board

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cc: Judy S. Bastian, Director of Personnel