

State of New Hampshire



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

Appeal of Glenn R. Gagne
New Hampshire Department of Postsecondary **Technical** Education
Docket #95-D-1

August 23, 1995

By letter dated September 13, 1994, Glenn R. Gagne, an employee of the New Hampshire Department of Postsecondary Technical Education, requested a hearing in pursuit of "a Title IX grievance" which the appellant claims to have filed on June 7, 1994. In his request, Mr. Gagne indicated that, "All of the documentation that [he had submitted] is now in the N.H. Department of Postsecondary Technical Education..."

RSA 21-I:46 and 58 establish the Board's jurisdiction to hear and decide appeals by permanent employees. They state, in pertinent part:

21-I:46 Powers and Duties of Board.

I. The personnel appeals board shall hear and decide appeals" as provided by RSA 21-I:57 and 21-I:58 and appeals of decisions arising out of the application of rules adopted by the director of personnel...

21-I:58 Appeals

I. 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 15 calendar days of the action giving rise to the appeal. The appeal shall be heard in accordance with the procedures provided for adjudicative proceedings in RSA 541-A. If the personnel appeals board finds that the action complained of was taken by the appointing authority for any reason related to politics, religion, age, sex, race, color, ethnic background, marital status, or disabling condition; or was taken in violation of a statute or of rules adopted by the director, the employee shall be reinstated to the employee's former position or a position of like seniority, status, and pay. The employee shall be reinstated without loss of pay, provided that the sum shall be equal to the salary loss suffered during the period of denied compensation less any amount of compensation earned or benefits received from any other source during the period.... In all cases, the personnel appeals board may reinstate an employee or otherwise change or modify any order of the appointing authority or make such other order as it may deem just. [Amended 1990, 140:2, XII, eff. June 18, 1990.]

PART Per-A 202.01 of the Board's Rules require the following information in order to properly file an appeal:

(a) Any notice of appeal shall be filed in writing within fifteen (15) days of the

Appeal of Glenn Gagne
Docket #95-D-1

- action giving rise to the appeal.
- (b) Such notice of appeal shall state the action complained of, and shall contain a detailed description of why the appellant believes the action was inappropriate.
 - (c) Such notice of appeal shall be filed in accordance with Part Per-A 206.

In this instance, the appellant has failed to provide sufficient information for the Board to know whether or not it is a timely appeal of a decision within the subject matter jurisdiction of this Board.

Therefore, under the authority of RSA 21-I:58, the appellant is directed to submit to the Board a statement of more specific facts as provided in Per-A 202.02 of the Rules of the Personnel Appeals Board. The appellant shall clearly identify the nature of the dispute, the date of the action in dispute, and his requested remedy. Failure to submit that statement within 30 shall be deemed cause to dismiss this matter.

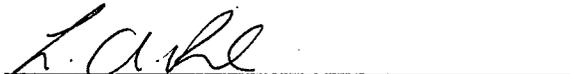
THE PERSONNEL APPEALS BOARD



Mark J. Bennett, Acting Chairman



Robert J. Johnson, Commissioner



Lisa A. Rule, Commissioner

cc: Virginia A. Lamberton, Director of Personnel
Sara Sawyer, Human Resources Administrator, Postsecondary Technical Education
Glenn R. Gagne, NHTC-Berlin, 2020 Riverside Drive, Berlin, NH 03570