

# State of New Hampshire



## PERSONNEL APPEALS BOARD

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

### APPEAL OF IRENE LANDRY - DOCKET #95 O-7 Department of Education<sup>1</sup>

#### Order for More Specific Facts Pursuant to Per-A 202.02 Rules of the Personnel Appeals Board

July 17, 1995

On June 22, 1995, the New Hampshire Personnel Appeals Board received a letter dated June 20, 1995, from Thomas F. Hardiman, SEA Director of Field Operations, requesting a hearing on behalf of Irene Landry. Mr. Hardiman asserted that Ms. Landry's increment date had been adjusted because she was absent from work and receiving Worker's Compensation benefits.

RSA 21-I:58 states the following, in pertinent part:

#### **"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. ..."

Per-A 202.01 (a) - (c) of the Rules of the Personnel Appeals Board also states:

"(a) Any notice of appeal shall be filed within fifteen (15) days of the 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."

Mr. Hardiman failed to specify the date of the action under appeal so that the Board might determine whether the June 22, 1995 appeal was timely filed. Mr. Hardiman also failed to specify whether or not Ms. Landry is a permanent employee eligible to appeal an application of the Personnel Rules under RSA 21-I:58. Therefore, upon its own motion, under the authority of Per-A 202.02 "Order for More Specific Facts", the Board voted to allow Mr. Hardiman ten (10) days from the date of this order in which to submit a statement specifying Ms. Landry's employment status (i.e., permanent, probationary, provisional, seasonal, temporary or part-time) and the date of the action giving rise to the appeal, and the means by which the appellant had notice of that action.

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<sup>1</sup> On June 23, 1995, the Board received a telephone call from the Department of Education indicating that Ms. Landry was an employee of the Department of Education rather than the Department of Transportation. The Board has now confirmed that information.

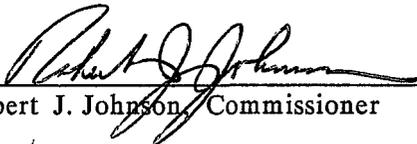
Furthermore, in the interest of expediting its review of this issue in the event that the Board finds the appeal to be timely, and determines that the appellant is entitled to appeal under the provisions of RSA 21-I:58, the appellant shall specify those materials facts in dispute, if any, so that the Board might decide the matter as provided by Per-A 202.04 (a) (1) of the Rules of the Personnel Appeals Board. The appellant shall also submit a brief memorandum of law supporting her claim that a Worker's Compensation absence can not be considered a leave of absence.

THE PERSONNEL APPEALS BOARD



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Mark J. Bennett, Commissioner



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Robert J. Johnson, Commissioner



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Lisa A. Rule, Commissioner

cc: Virginia A. Lamberton, Director of Personnel  
Thomas F. Hardiman, SEA Director of Field Operations  
Susan Auerbach, Administrator, Department of Education