

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  
Telephone (603) 271-3261

87-0-101

June 3, 1986

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

re: Pearl B. Little

Dear Mr. McCormack:

At its meeting on May 20, 1986, the New Hampshire Personnel Appeals Board considered your May 8, 1986 request for a hearing on behalf of Pearl B. Little regarding "...an injustice..." resulting from a decision made by Personnel Director Judy Bastian on April 14, 1986 concerning the effective date of retroactive compensation.

Per 306.04(a) of the "Rules of the Department of Personnel" states, "Appointing authorities shall give written notice within 60 days to the director 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 so that his position be studied." The fact that Ms. Little claims in her memo of April 1, 1986 to Personnel Director Judy Bastian that she "...was not informed..." of her "...right to pursue this action through the Office of Personnel," has no bearing upon the application of Per 306.04(a). If the appointing authority failed to request a review of Ms. Little's position earlier than April 19, 1985, the fact remains that April 19, 1985 is the date the request was "...received in proper form by the director," in accordance with Per 306.04(5)(d). Ms. Little's claim that she was unaware of the provisions allowing her to independently request a review of her position is immaterial and has no bearing upon the propriety of the Personnel Director's decision of April 14, 1986. Failure of the appointing authority to request a position review for Ms. Little within 60 days of "...material changes in the duties does not alter the Director's obligation to properly apply the "Rules of the Department of Personnel" in this or any other instance.

Further, as the request to review Ms. Little's position was received prior to enactment of Chapter 12, Laws of 1986, any resulting retroactive compensation would be awarded in accordance with Per 306.04(5)(d) which stated, "...compensation shall be made retroactive to the beginning

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of the next pay period **immediately** following the date the appeal was received in proper form by the director." (Emphasis added.)

**Thus**, finding no indication that the "Rules of the Department of Personnel" were improperly **applied**, the Personnel Appeals Board affirms the April 14, 1986 decision of the Director of Personnel. Your request for a hearing on Ms. Little's behalf **is, therefore**, denied.

Very truly **yours**,

FOR THE PERSONNEL APPEALS BOARD



MARY ANN STEELE

Executive Secretary

N. H. Personnel Appeals Board

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cc: Judy Bastian, Director of Personnel