

# State of New Hampshire

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## PERSONNEL APPEALS BOARD

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

APPEAL OF ROBERT PUTNAM  
New Hampshire Liquor Commission  
Docket #91-O-1

\*  
91-0-101

October 11, 1991

The New Hampshire Personnel Appeals Board (McNicholas, Johnson and Bennett) met Wednesday, October 9, 1991, to review its docket of pending appeals. On July 27, 1990, Robert Putnam requested a hearing before the Board to appeal "...his transfer from his position of fill-in Manager III at Store #41 to Manager I in Store #73. The Manager II has been out of the store on [Workers'] Compensation for an injury that has taken longer to mend than was originally anticipated." (See letter of appeal, July 25, 1990)

The appellant argued in that request that his supervisor informed him he was "not capable of managing that store" but refused to provide him any examples of why his work was not satisfactory. The appellant contended that his "transfer" was made for some reason other than "the best interests of the agency" as provided by Per 302.05(b) of the Rules of the Division of Personnel.

The Board, in consideration of the information provided by the appellant in his original request for hearing, believes the matter may actually involve a temporary promotion subject to the provisions of Per 304.01 (f) which states:

"Employees receiving temporary promotions have no appeal rights upon the termination of their temporary promotion and return to their permanent positions."

The appellant is hereby directed to submit the following information so that the Board may determine whether or not to schedule a hearing on the merits:

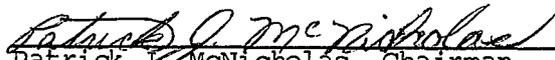
1. His position classification, salary grade and work location prior to his fill-in assignment at Store #41.
2. His position classification and salary grade while assigned to Store #73.
3. His position classification, salary grade and work location subsequent to his assignment at Store #73.

The appellant shall also submit a detailed explanation of why this matter should be reviewed as an involuntary transfer rather than a termination of temporary promotion and return to permanent position.

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The appellant shall submit the requested information within fifteen calendar days. A copy shall be submitted simultaneously to the Liquor Commission, which shall be allowed fifteen days in which to file a response.

THE PERSONNEL APPEALS BOARD

  
Patrick J. McNicholas, Chairman

  
Robert J. Johnson

  
Mark J. Bennett

cc: Virginia A. Vogel, Director of Personnel  
Margo Hurley, SEA Field Representative  
George E. Liouzis, Human Resource Coordinator, N.H. Liquor Commission