

State of New Hampshire



PERSONNEL APPEALS BOARD

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

APPEAL OF GOULETTE, HAMLIN-MORIN

January 27, 1989

On December 13, 1988, the Personnel Appeals Board, Commissioners Brickett, Cushman and Platt sitting, conducted a hearing in the above-captioned matter. The State was represented by Assistant Attorney General Daniel Mullen. SEA Field Representative Stephen McCormack appeared on behalf of the appellants.

The purpose of the hearing was to determine the parties' compliance with the Board's December 21, 1987 order which set out certain procedures which the parties were to have followed in resolving this appeal. These steps included placing notices in newspapers, conducting reviews of records to determine which individuals were entitled to retroactive compensation under the Supreme Court decision in this matter¹, and reviewing claims already submitted.

The Board found as a result of the evidence presented that with the exception of publication in the SEA newsletter, none of the five announcements which were to have been placed in a newspaper of general circulation by May, 1988, were in fact placed. The Board found that as late as October 28, 1988, the parties were still discussing the appropriate language to be used in these notices. The Board also found that no reviews of records had been conducted nor had any claims submitted been reviewed.

Although the SEA requested attorneys' fees as a result of this non-compliance, the Board found culpability on the part of both parties. It was apparent to the appellants as early as January, 1988, that the order of the Board was not being followed, yet no steps were taken to seek sanctions until October 1988, at which time the language to appear in the notices was still under negotiation.

¹ Petition of SEA, Thomas J. Goulette, et al, 129 NH, (July 23, 1987).

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The Board is very concerned about the delays surrounding the resolution of this matter. The Board ordered the parties at the hearing to process² all requests then pending by December 31, 1988. All those claims approved shall be paid by January 15, 1989. A status report shall be filed by January 31, 1989. This report shall contain an agreed statement of procedure setting forth those steps to be taken to insure the equitable and expeditious resolution of this matter.

² By "processing," the Board means that the requests shall be reviewed by the appropriate state representative and either be denied or approved for processing by December 31, 1988.

FOR THE PERSONNEL APPEALS BOARD



MARY ANN STEELE, Executive Secretary

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cc: Daniel J. Mullen, Assistant Attorney General
Michael C. Reynolds, SEA General Counsel