

State of New Hampshire



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

Appeal of Richard Lagace – Docket #2011-C-002

Department of Corrections

June 21, 2012

By letter dated June 14, 2012, Personnel Director Karen Hutchins requested that the Board dismiss the classification appeal of Richard Lagace, a former employee of the NH Department of Corrections. In support of that request, Ms. Hutchins asserted that Mr. Lagace retired from State Service effective June 1, 2012, and that his last day worked was May 29, 2012. Ms. Hutchins argued that because the Appellant is no longer an employee of the State of New Hampshire, he would no longer be affected by a decision by the Board regarding the appropriate classification of the position that he held prior to his retirement, and that he would not be entitled to any compensation for reasons set forth in RSA 21-I:54, III. Finally, Ms. Hutchins argued that the Department of Corrections, where the position under appeal is located, did not take exception to the Division's classification decision.

RSA 21-I:54, III, states:

The director shall make a decision on any request for reclassification or reallocation from department heads or position incumbents within 45 days of receipt of a completed request for reclassification or reallocation as defined by rules adopted under RSA 21-I:43, II(u). Except as otherwise provided by law, rule, or bargaining agreement negotiated under the provisions of RSA 273-A, no increases in salary shall be allowed for any request until a final decision is made by the director, or if the director's decision is appealed, by the personnel appeals board. Increases in salary due to reclassification or reallocation shall become effective at the beginning of the next pay period following the final decision of the director or the board.

In light of the Appellant's retirement from State service, the Board found that any decision of the Board regarding the classification of the position that the Appellant held prior to his retirement would have no effect on the Appellant himself, as the Appellant would not be in the State's employee at the beginning of the next pay period following the final decision of the Board. Therefore, in the absence of an objection from the Department of Corrections, the Board voted unanimously to DISMISS the appeal as moot, and to cancel the hearing that had been scheduled for July 11, 2012..

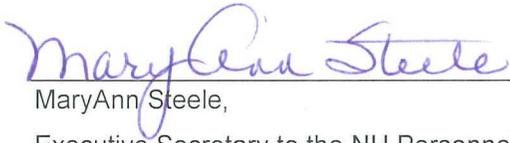
THE NEW HAMPSHIRE PERSONNEL APPEALS BOARD

Patrick Wood, Chair

Philip Bonafide, Vice-Chair

Robert Johnson, Commissioner

Joseph Casey, Commissioner


MaryAnn Steele,

Executive Secretary to the NH Personnel Appeals Board

cc: Karen Hutchins, Director of Personnel
Lisa Currier, HR Administrator, Department of Corrections
Richard Lagace