

# State of New Hampshire

**PERSONNEL APPEALS BOARD**  
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Loretta Platt



**EXECUTIVE SECRETARY**  
Mary Ann Steele

**PERSONNEL APPEALS BOARD**  
State House Annex  
Concord, New Hampshire 03301  
Telephone (603) 271-3261

APPEAL OF JAMES LAW, WILLIAM NEHRING, GREGORY MARQUIS

Motions for Reconsideration

March 8, 1988

On January 13, 1988, the Division of Personnel filed with the Personnel Appeals Board a Motion for Reconsideration in the Appeals of William Nehring, James Law and Gregory Marquis, employees of the Department of Transportation whose positions were reclassified from Engineering Technician IV, salary grade 18 to Landscape Specialist, salary grade 19 by order of the Board dated January 7, 198[8]. The Division of Personnel argued that the position responsibilities performed by the incumbents had not changed materially and therefore should not be reclassified.

On January 22, 1988, the appellants also filed a Motion for Reconsideration and Rehearing, requesting that the Board rehear the matter, arguing that the decision was "arbitrary and unreasonable because [they] were denied the opportunity to have the full facts reviewed by the Board. Upon asking, we received improper information advising that it was not necessary to make available to the Board copies of the materials submitted to Personnel. It was assumed that the Board already had the materials [relating to the initial reclassification request and subsequent reconsideration request]."

The Board, upon consideration of both motions before it, and absent any specific requests for findings and rulings has made the following findings and rulings.

A hearing was held before the Personnel Appeals Board on October 13, 1987 at which time the appellants and the Division of Personnel presented oral and written testimony relative to the request that the appellants' positions be upgraded. After reviewing written submissions from both the appellants and the Division of Personnel, and after hearing oral argument from both parties, the Board voted to reclassify the appellants' positions from Engineering Technician IV to a new title of Landscape Specialist, increasing appellants' salary grades from 18 to 19. In considering the requests for reconsideration, the Board reviewed of the information submitted at the hearing and found the decision supported by the record. The Board therefore voted to reaffirm its earlier decision, increasing appellants' positions to Landscape Specialist, salary grade 19.

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The Board further found that a motion for reconsideration, filed by either party, was not the proper forum in which to introduce new evidence. The Rules of the Personnel Appeals Board, Per-A 208.02(a - c), specifically require that appellant(s) submit written arguments which "shall cover all aspects of the appeal." The appellants' argument that they were misled and believed that the Board had access to additional information relative to their classification review is unsupported by any evidence. Further, both the opposing party and appellant had several opportunities for rebuttal and response as outlined in Per-A 208.03, Per-A 208.04 and Per-A 208.05. Therefore, the Board was not persuaded by either the appellant or the Division of Personnel that new evidence or arguments related to the reclassification request should be considered.

Based upon the foregoing, the Board found that the record of the appeal supported the findings of the Board and the Board's decision to reallocate the appellants' positions from Engineering Technician IV, salary grade 18 to a new title of Landscape Specialist, salary grade 19. Therefore, the requests for reconsideration filed by the appellants and by the Division of Personnel are both denied.

FOR THE PERSONNEL APPEALS, BOARD



MARY ANN STEELE  
Executive Secretary

cc: Virginia Vogel  
Director of Personnel

James Law, William Nehring, Gregory Marquis  
Department of Transportation

Raymond J. Lemieux, Personnel Officer  
Department of Transportation