

State of New Hampshire



PERSONNEL APPEALS BOARD

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

APPEAL OF PAUL PLOURDE

Docket #89 -C-22
Department of Transportation

September 28, 1993

On May 25, 1993, the Personnel Appeals Board received Director Lamberton's request for rehearing in the classification appeal of Paul Plourde. The appellant's objection to that request was received by the Board on June 2, 1993. An additional letter of rebuttal was received from the State Employees' Association on behalf of the appellant on June 9, 1993. Having reviewed the request for rehearing, the objection and rebuttal in conjunction with the Board's May 5, 1993 decision in this matter, the Board voted to deny the request for rehearing and to affirm its decision in this matter.

During the hearing on the merits of Mr. Plourde's appeal, and in the pleadings submitted by the Director at the conclusion of the hearing, the Director specifically asked the Board to make factual findings that the evaluation attribute's of Complexity of Duties, Experience and Initiative were assigned the appropriate degrees and points, that the classification of "Auto Body Repairman" properly described the work performed by the appellant, and that the position was properly allocated at salary grade 12. However, in her request for rehearing, the Director now argues that the Board lacks the authority to address these same issues, contending that the Board's jurisdiction is limited to "...proper classification and allocation of positions." (See Rehearing Request, page 2).

Having reviewed the Director's request and the appellant's objection in conjunction with the Board's decision in this matter, the Board found that the State failed to offer a compelling argument which would support a rehearing request. The Board heard and decided Mr. Plourde's appeal on the basis of the testimony, evidence and oral argument offered by both of the parties at the time of the hearing. The Board voted unanimously to deny the request for rehearing and, in so doing, to affirm its May 5, 1993 decision in this matter.

FOR THE PERSONNEL APPEALS BOARD

A handwritten signature in cursive script that reads "Patrick J. McNicholas".

Patrick J. McNicholas, Chairman

cc: Virginia A. Lamberton, Director of Personnel
Jean Chellis, SEA Field Representative
Charles O'Leary, Commissioner, Department of Transportation

State of New Hampshire



PERSONNEL APPEALS BOARD

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

APPEAL OF PAUL FLOURDE

June 14, 1989
Docket #89-C-22

By letter dated June 9, 1989, SEA Field Representative Jean Chellis filed on behalf of Paul Plourde and all others similarly situated, an appeal of the Division of Personnel's May 25, 1989 classification decision for the position of Auto Body Repairman within the New Hampshire Department of Transportation.

Per-A 202.01 of the Rules of the Personnel Appeals Board requires, in pertinent part, "Such notice of appeal shall state the action complained of, and shall contain a detailed description of why the appellant believes the action was inappropriate." This appeal as filed fails to satisfy the requirements of Per-A 202.01(b).

Per-A 202.01 (c) provides that "Such notice of appeal shall be filed in accordance with Part Per-A 206", which requires that "Copies of all papers filed by any party shall, at or before the time of filing, be served by a party or person acting for him on all other parties to the case." [Per-A 206.02 (c)]. The above-noted letter of appeal does not notify the Division of Personnel, as a party to the appeal, that such appeal has been filed.

This appeal as filed cannot be accepted. In consideration of the foregoing, the Board (Commissioners Cushman and Bennett) has voted to allow Appellant seven calendar days from the date of this order to comply with the requirements for filing of a classification appeal, to comply with notice requirements outlined in the Rules of the Personnel Appeals Board, and to specify the grounds upon which such appeal is made. Failure to comply with this order may result in the immediate dismissal of this appeal.

FOR THE PERSONNEL APPEALS BOARD

A handwritten signature in cursive script that reads "Mary Ann Steele".

MARY ANN STEELE
Executive Secretary

cc: Jean Chellis, SEA Field Representative
Raymond J. Lemieux, DOT Personnel Officer
Virginia A. Vogel, Director of Personnel