

# State of New Hampshire

PERSONNEL APPEALS BOARD  
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88-R-101

## APPEAL OF WILLIAM CAMIRE

MARCH 09, 1988

On February 1, 1988, the Promotion Appeals Tribunal consisting of Loretta S. Platt, and members Sharon Sanborn, Human Resources Coordinator of the New Hampshire Hospital and Joan Day, Human Resources Coordinator of the Department of Employment Security, heard the appeal of William Camire. Mr. Camire, an employee of the Department of Transportation was appealing his non-selection to the position of Exploration Equipment Operator IV, salary grade 11. Mr. Camire was represented by State Employees' Association Field Representative Ann Spear. The Department of Transportation was represented by Frederick Priar, Section Supervisor.

Ann Spear represented that Mr. Camire had been employed by the Department of Transportation for approximately eleven (11) years. In December 1986 when Mr. Camire had applied for an equivalent position, though he was not selected, his letter of non-selection (Exhibit E) indicated that due to the level of experience and ability of the candidates, the decision had been a difficult one. Mr. Camire applied for another Exploration Equipment Operator IV position which was posted in September 1987 for which he was the only qualified in-house candidate. Mr. Camire was not selected for the position due to excessive use of leave time and his demonstrated unsatisfactory attitude and job performance.

Ms. Spear contended that because Mr. Camire was the only in-house candidate, he should have been afforded the opportunity to prove that he was capable of handling the job.

Mr. Priar, in his testimony, cited the rules of the Division of Personnel, Per 302.23 (1) and (2) whereby, it is the prerogative of the appointing authority to give weight to an employee's job performance when consideration is being given to promotions. He further stated that though Mr. Camire's non-selection letter of January 23, 1987 was positive in regards to job performance, attitude and attendance, these job characteristics were not consistent in Mr. Camire's case.

The October 11, 1987 non-selection letter (Exhibit G) which was issued to Mr. Camire stated that deficiencies in attendance, attitude and job performance required improvement prior to further consideration for promotion to Exploration Equipment Operator IV. It was suggested in that letter that Mr. Camire meet with his supervisor to evaluate his current job performance, which to date, Mr. Camire has not done.

APPEAL OF WILLIAM CAMIRE

Page 2.

March 9, 1988

The Tribunal ruled that though Mr. Camire was the only qualified in-house candidate for the position, his non-selection was not violative of the Rules of the Division of Personnel. Those Rules provide Per 302.03 (b) (1) **It is** the prerogative of the appointing authority to give such weight to an employee's job performance as he deems appropriate when considering the employee for appointment to vacancy, **(2) If** the appointing authority finds certain professional and personal qualifications lacking in an even ostensibly qualified the candidate for promotion, that employee ~~may~~ be denied promotion. In this case, the Board found that the employee's job performance was considered, that several professional and personal qualifications were found lacking, and that the employee was notified of these deficiencies and given an opportunity to discuss them with his supervisor, which he did not do.

Given the foregoing, the Board voted to deny the appeal.

FOR THE PROMOTION APPEALS TRIBUNAL



MARY ANN STEELE  
Executive Secretary

Ann Spear, Field Representative  
State Employees Association  
Raymond Lemieux  
Department of Transportation