

State of New Hampshire

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PROMOTION APPEAL TRIBUNAL DECISION

In the Matter Of:

WAYNE CASSAVAUGH

August 28, 1986

The Promotion Appeal Tribunal met on Thursday, July 17, 1986 to hear the appeal of Lt. Wayne Cassavaugh relative to his non-selection to the position of Corrections Captain at the New Hampshire State Prison, Department of Corrections.

Lt. Cassavaugh was represented by Stephen J. McCormack, Field Representative of the State Employees' Association. The Prison was represented by Warden Michael J. Cunningham.

Mr. McCormack testified that a selection procedure had been established by Warden Cunningham and in using that established procedure Lt. Cassavaugh had received the greatest number of points and, "...should be promoted to Captain." He presented several exhibits to substantiate his testimony. He also stated that Lt. Cassavaugh had been in front of a Promotion Board several times and this time came out the highest and should be promoted.

Warden Cunningham stated that the selection procedure requires the scores of all applicants be submitted to the Warden who will select the individual to be promoted. The Warden has the right and the responsibility to select the best possible person for the available job. He also called upon Major George Ash and David J. O'Connor, Administrator of Security. They had both sat on the Promotions Board and both testified as to the criteria for selecting the Corrections Captain, who was to be the Third Shift Supervisor.

After hearing all testimony, the Board determined that all appropriate provisions of the "Rules of the Department of Personnel" were properly followed and Lt. Cassavaugh's appeal is, therefore, denied.

The Board also wants to emphasize that the promotion procedure is not an automatic and mechanical point count. If it were a computer could

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handle all promotions.

In addition, Lt. Cassavaugh's non-selection for this position in no way reflects upon his work history and experience. It simply means he was not considered the best possible candidate for this specific position.

DATED:

August 28, 1986


GERALD ALLARD, Chairman
Promotion Appeal Tribunal

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cc: Stephen J. McCormack, SEA
Warden Michael Cunningham, State Prison
Conrad Chapman, Dept. of Corrections