

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 86-198 In re: Muriel C. Desrosiers

the court upon May 15, 1986 made the following order:

Motion for enlargement of time.in which to file petition for writ of certiorari is granted. Petition shall be filed on or before May 26, 1986, without further continuance.

CC: Personnel Commission
Counsel: William P. Briggs; Attorney General
Personnel Commission



Ralph H. Wood,

Clerk

State of New Hampshire

DIRECTOR OF PERSONNEL
Mrs. Judy S. Bastian

DEPUTY DIRECTOR
David T. Rines



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86-P-003

PROMOTION APPEAL TRIBUNAL DECISION

In the Matter of:

MURIEL C. DESROSIERS

April 14, 1986

The Promotion Appeal Tribunal met on January 14, 1986 to hear the appeal of Muriel C. Desrosiers relative to her non-selection to the position of Executive Director, New Hampshire Board of Nursing. Ms. Desrosiers was represented by SEA Director of Field Operations Chris Henchey. The Board of Nursing was represented by Chairperson Sophia Antoniou.

Mr. Henchey testified as to the extensive professional background of the appellant and how it applied to, and qualified her for, the position in question. Mr. Henchey also introduced on the appellant's behalf the following exhibits:

- Appellant's #1 - December 6, 1985 letter from Antoniou to Desrosiers
- Appellant's #2 - Vita of Muriel C. Desrosiers
- Appellant's #3 - December 13, 1985 letter from Desrosiers to Antoniou
- Appellant's #4 - October 18, 1985 letter from Economopolus to Antoniou
- Appellant's #5 - October 24, 1985 letter from Kennedy to Antoniou

In her testimony, Chairperson Antoniou described the interview process and how it was the responsibility of the Board of Nursing to recommend a candidate for Executive Director, Board of Nursing, to the Commissioner of Education. She further described why the Board did not feel that Ms. Desrosiers' experience and background were most appropriate for the position in that she did not have the variety and breadth of experience that would be of most benefit to the administration of nursing programs in the state. Specifically, it was the Board's finding that Ms. Desrosiers failed to demonstrate sufficient knowledge of current nursing practice in fields other than school health and programs for the physically or mentally handicapped. The Nursing Board did not feel that Ms. Desrosiers was the best possible candidate for this position and thus did not recommend her for appointment.

PROMOTION APPEAL TRIBUNAL DECISION

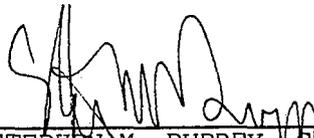
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MURIEL C. DESROSIERS

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Per 302.03(1) states in part, "It is the prerogative of the appointing authority to give such weight to an employee's job performance as ... deems appropriate when considering the employee for appointment..." and (2) states, "If the appointing authority finds certain professional and personal qualifications lacking in even ostensibly qualified candidates for promotion, employees may be denied promotion."

It is the finding of the Tribunal that the Board of Nursing acted in accordance with the "Rules of the Department of Personnel" and acted within its discretionary authority. Therefore, Ms. Desrosiers' appeal is hereby denied.



STEPHEN M. DUPREY, Chairman
Promotion Appeal Tribunal

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cc: Chris Henchey, Director of Field Operations
State Employees' Association of N. H.

Sophia Antoniou, Chairperson
N. H. Board of Nursing

Charles Marston, Acting Deputy Commissioner
N. H. Dept. of Education