

State of New Hampshire



**PERSONNEL APPEALS BOARD**

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

P

88-P-104

Appeal of Laurence French  
Request for Reconsideration and Rehearing

March 13, 1989

On December 13, 1988, the Personnel Appeals Board, Commissioners Cushman and Platt sitting, reviewed the Motion for Rehearing and Reconsideration filed in the above-captioned matter. After review of the record, including the case of Watson v. Fort Worth Bank and Trust, 56 USW 4922 (1988), the Board voted to deny the Motion. In so doing, the Board noted that the original Request for Continuance filed by the appellant had been granted.

FOR THE PERSONNEL APPEALS BOARD

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

Executive Secretary

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cc: Ann Spear, Field Representative  
State Employees' Association

Lisa Currier, Human Resource Coordinator  
Laconia Developmental Services

Virginia A. Vogel  
Director of Personnel

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# State of New Hampshire

PERSONNEL APPEALS BOARD  
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Gerald Allard  
Loretta Platt



EXECUTIVE SECRETARY  
Mary Ann Steele

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88-104

## APPEAL OF LAURENCE FRENCH

August 10, 1988

On July 19, 1988, the Promotion Appeals Tribunal consisting of Chairman Loretta Platt and members Joan Day, Human Resources Coordinator (Department of Employment security) and John Roller, Human Resources Coordinator (Department of Environmental Services) heard the appeals of Dr. Laurence French. Dr. French, an employee of Laconia Developmental Services (formerly Laconia State School) was appealing his non-selection to the position of Director of Clinical Services, salary grade 30. Dr. French was represented by SEA Field Representative Ann Spear. Laconia Developmental Services was represented by Lisa Currier, Human Resources Coordinator, and Dr. Richard Crocker, Superintendent.

Ms. Spear contended that Dr. French was fully qualified for the position and should have been afforded the opportunity to prove he was capable of fulfilling the requirements of the vacancy for which he had applied. Ms. Spear went on to say that Dr. French felt that he had been discriminated against in promotions dating back to October 1983, and submitted exhibits I - XXII in support of this argument.

Dr. French testified that, in his view, he had all the necessary qualifications for the position and was discriminated against when Dr. Crocker did not select him for the vacancy. When asked by the Tribunal for the basis of the alleged discrimination, Dr. French could not give a specific reason, but instead stated that a pattern of non-selection had been set and that Exhibits I - XXII would document this pattern.

Dr. Crocker testified that his selection was in total compliance with the provisions of Per 302.03 (b). He went on to state that the position in question had increasing responsibilities in planning, developing and managing residential services and that he had made his selection based upon those responsibilities. Dr. Crocker stated that the successful candidate had nine years of experience in managing living units and that Dr. French had not mentioned any management experience as it pertains to residential services during his interview.

After reviewing the testimony and evidence received, the Tribunal voted to deny Dr. French's appeal. In reaching that decision, the Tribunal made the following findings.

Per 302.03(b)(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." While Dr. French was certified as meeting the minimum qualifications for consideration in his application for promotion to the position of Director of Clinical Services, Laconia Developmental Services did not find him to be the most

APPEAL OF DR. LAURENCE FRENCH

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suitable candidate for the vacancy. Further, the appellant had the same opportunity as the other candidates to explain his background in managing residential services. The Board found that the position in question had increasing responsibility for the management of residential services and that the successful applicant met the qualifications of the position.

Having reviewed the evidence presented, the Board found no evidence of discrimination or violation of personnel rules concerning the selection made for the position under appeal. The successful candidate met the qualifications for the position and had more seniority in the department than did the appellant. While neither of these factors would require selection of that candidate, they are certainly valid considerations. See Per 302.03(b).

For the foregoing reasons, the Tribunal voted to deny the appeal.

FOR THE PROMOTION APPEALS TRIBUNAL



MARY ANN STEELE  
Executive Secretary  
Personnel Appeals Board

cc: Lisa Currier, Human Resource Coordinator  
Laconia Developmental Services

Ann Spear Field Representative  
State Employees' Association

Virginia A. Vogel  
Director of Personnel