



87-P-126

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Division of Personnel  
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PROMOTION APPEALS TRIBUNAL DECISION

In the Matter Of:

Maurice Gauthier

July 8, 1987

On June 10, 1987, the Promotion Appeals Tribunal heard the appeal of Maurice Gauthier, an employee in the Division of Water Supply and Pollution Control. Mr. Gauthier was appealing his non-selection to the position of Wastewater Treatment Plant Operator at the Franklin Wastewater Treatment facility.

Mr. Gauthier testified that he had been offered the promotion to Wastewater Treatment Plant Operator. Compensation for this promotion would have been calculated pursuant to the Code of Administrative Rules Part Per 304 Compensation Plan. Per 304.01 (d) Promotion: "When a qualified employee is promoted, he shall be placed at the lowest step in the new class that will provide an increase of at least the equivalent of one annual increment in his former class."

Both Mr. Gauthier and Randolph Monte, Chief of Operations at the Franklin plant testified that Mr. Gauthier was selected for the vacant Wastewater Treatment Plant Operator position, but that Mr. Gauthier agreed to accept the promotion only if he could be placed at Step II in the new salary range. When the Department denied Mr. Gauthier's request, the appellant then requested placement at Step I in the new salary range, rather than Step Minimum as outlined in the compensation plan. This request was also denied by the Department on the basis of Per 306.01 Code of Administrative Rules, Request for Changes by Department Heads. "Any departmental head or appointing authority may request the director [of personnel] to review and change the allocation, class specification, class evaluation, step in range, maintenance deduction or charge or other pertinent classification or compensation factors affecting one or more employees under his jurisdiction. Such requests for changes will be given consideration by the director." In this instance, the department did not feel that such a request was appropriate.

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The Tribunal found that Mr. Gauthier was not denied selection for this vacancy, nor is his appeal appropriate for non-selection. Pursuant to Per 306.01, requests for a step in range other than that outlined in the compensation plan are made at the discretion of the appointing authority. Refusal of the appointing authority to request additional steps in range as a starting salary for the appellant does not constitute grounds for appeal of non-selection.

Based upon the foregoing, the Tribunal found that Mr. Gauthier was selected for the position of Wastewater Treatment Plant Operator and that such selection was made in accordance with the Rules of the Department of Personnel. The Tribunal further found that Mr. Gauthier refused promotion to this position, and that such refusal does not constitute grounds for an appeal of non-selection. The Tribunal therefore voted to deny Mr. Gauthier's appeal.

FOR THE PROMOTION APPEALS TRIBUNAL



MARY ANN STEELE

Executive Secretary

N. H. Personnel Appeals Board

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cc: Maurice Gauthier  
Randolph Monte  
William A. Healy  
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