

State of New Hampshire

88-A-109

PERSONNEL APPEALS BOARD
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APPEAL OF NICHOLAS KALIPOLITES

JANUARY 18, 1988

On January 11, 1988, the Promotion Appeals Tribunal consisting of Chairman Loretta S. Platt and member Joan Day Agency Personnel Officer of the Department of Employment Security and George Liouzis Agency Personnel Officer of the Liquor Commission, heard the appeal of Nicholas Kalipolites. Mr. Kalipolites, formerly an employee of the Division of Mental Health and currently working at the Division of Human Services, Bureau of Audits, was appealing his non-selection to the position of Business Administrator II, Division of Mental Health. Mr. Kalipolites appeared pro se. Carol Drew Director of Administration Support of the Division of Mental Health appeared on that agency's behalf.

At the hearing, the appellant contended that he was better qualified for the position than the successful applicant. He cited both his long years of experience in the private and public sector as well as several deficiencies in the current accounting procedures of the Division. He further contended that the successful applicant was not qualified for the position given her lack of a Bachelor's degree.

No requests for findings and rulings were presented. Accordingly, after considering all of the evidence presented, the Tribunal made the following findings and rulings.

Mr. Kalipolites was one of six applicants for the posted position, all of whom were tested and certified for the position. Mr. Kalipolites received the lowest test score of the applicants. The six applicants were also interviewed by a panel consisting of Ms. Drew and Frank Danieli, Business Administrator III, at the Division of Mental Health. Upon review of the applicants, the panel found that the experience of the successful applicant most "closely fit the duties which were relevant to the" posted position.

The Tribunal found that the successful applicant had 18 years experience in State Service whereas the appellant had approximately four at the time of selection. Moreover, although the appellant contended that the position of Business Administrator II required a Bachelor's degree, the Tribunal found upon review of the job description that a combination of Education and Experience totalling 9 years would satisfy the minimum qualifications of the position.

Per 302.03 specifically provides that "selection for [a] promotion shall be based upon capacity for the vacant position, ability as evidenced by past performance, and length of service with the department." The Tribunal found that the Division of Mental Health properly applied this rule in selecting the successful applicant.

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Although the appellant attributed several alleged deficiencies in the Division of Mental Health accounting system to the successful applicant's lack of expertise, the Tribunal found that the appellant was not responsible for all of the areas which were the subject of his argument and further that a failure to implement certain modernization procedures could not be attributed to one employee at the position level of the successful applicant.

Although the appellant's credentials were extensive and his background impressive, the Tribunal did not find that he should have received the promotion over the successful applicant. Based upon the foregoing, the Tribunal voted to deny Mr. Kalipolites' appeal.

FOR THE PROMOTIONAL TRIBUNAL



MARY ANN STEELE
Executive Secretary

cc: Carol Drew
Division of Mental Health

Linda Radigan, Deputy Director
Division of Mental Health

Jan D. Beauchesne, Personnel Officer