

# State of New Hampshire

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86-P-001

## PROMOTION APPEAL TRIBUNAL DECISION

In the Matter of:

MICHAEL P. LANDRY and DAVID JOHNSON

The Promotion Appeal Tribunal met on December 18, 1985 to consider the appeals of Michael P. Landry and David Johnson for their non-selection to the position of Corrections Corporal in the Department of Corrections, Division of Medical and Forensic Services, Secure Psychiatric Unit. Although each appellant filed an individual appeal, it was agreed by all parties that both appeals could be heard together. The appellants were represented by Stephen J. McCormack, Field Representative of the State Employees' Association. The Secure psychiatric Unit was represented by Brenda Gosselin, RN, Nurse Coordinator.

Mr. McCormack stated that the appeal was based on the denial and the process used in the denial. He said that the selection policy established by Warden Cunningham following a decision of this Tribunal dated March 21, 1985 (exhibits attached) was not followed in this selection process.

Ms. Gosselin testified that the Division of Medical and Forensic Services was officially established on July 1, 1985 and did not come under the supervision of Warden Cunningham. She stated that Commissioner Powell is the immediate supervisor of the Division because it is on an equal basis with the Prison (Bureau of Adult Care) on the organizational chart. She also testified that the statute that established the Division of Medical and Forensic Services was very explicit in mandating that all Hospital Forensic Unit employees be given "first dibs" to the positions in the new division. Ms. Gosselin described the interview and selection procedure used to fill this particular vacancy. She stated that she had never seen the policy established by Warden Cunningham - a policy which was established before the Division of Medical and Forensic Services came into being. She also stated that instructions were received from Commissioner Powell and policies established by Warden Cunningham did not apply to her Division.

It is the finding of the Tribunal that the "Rules of the Department of Personnel" were properly followed and complied with and the appeals of Mr. Landry and Mr. Johnson are denied.

It is the recommendation of the Tribunal, however, that serious

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consideration be given, by the Division of Medical and Forensic Services, to the establishment of specific criteria and selection procedures for promotions similar to those established by Warden Cunningham for the Bureau of Adult Care. This will prevent future misunderstandings on the part of all parties and let the employees know exactly what to expect at selection boards. (This does not mean that employees should be given specific questions that will be used - criteria does not mean specific questions.)

  
Edward J. Haseltine, Chairman  
Promotion Appeal Tribunal

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copy: Stephen J. McCormack, Field Representative  
State Employees' Association of N. H.

Conrad Chapman, Personnel & Training Officer  
Department of Corrections

January 31, 1986