



DEPARTMENT OF PERSONNEL
State House Annex—Room #1
Concord, New Hampshire 03301
Telephone: (603)271-3261

PROMOTION APPEAL TRIBUNAL DECISION

In the Matter Of:

Peter H. McDonald

November 21, 1986

The Promotion Appeal Tribunal met on October 29, 1986 to hear the appeal of Peter H. McDonald regarding his non-selection for the position of Probation/Parole Officer I for the Department of Corrections. At the request of Mr. McDonald, who appeared pro se, the hearing was closed. The Department of Corrections was represented by Personnel and Training Officer Conrad Chapman.

In his testimony, Mr. McDonald stated that he felt the Promotion Board had erred in three ways: 1) part-time temporary personnel were selected over permanent, full-time personnel who should have been given first preference; 2) the Promotion Board violated their own rules in that the criteria were flawed; and 3) one person who was promoted is a litigant against the State of New Hampshire.

Mr. McDonald then called Mr. Thomas Tarr, Director of Field Services for the Department of Corrections, as a witness. In questioning Mr. Tarr, Mr. McDonald referred to a number of documents - evaluations and letters - referring to the appellant's excellent work record and job performance. He also asked Mr. Tarr, who was Chairman of the Promotion Board, to outline the specific items on which selection was based. Mr. Tarr listed those criteria as education, experience, written skills, verbal skills, and over-all rating. Mr. Tarr stated that the interview panel was concerned about Mr. McDonald's "cavalier" attitude. He testified that Mr. McDonald had come into the interview room with a can of tonic in his hand and, according to Mr. Tarr, conveyed the impression that he felt he should be selected due to his present status as Administrator of Programs. Mr. Tarr also testified that the interview panel questioned Mr. McDonald's degree of interest in the Probation/Parole Officer I position since, during the interview, Mr. McDonald had only offered a one-year commitment to the position. Mr. Tarr further stated that the interview panel considered all applicants at the same time following the interviews. The panel then made recommendations to the Commissioner regarding selection of the successful candidates.

PROMOTION APPEAL TRIBUNAL DECISION

In the Matter Of:
Peter H. McDonald

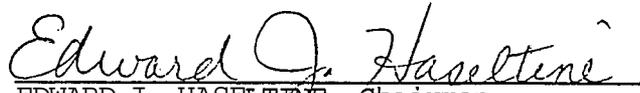
November 21, 1986

page 2

In summation, Mr. McDonald stated there should have been strict interpretation of Per.302.03(b)(3) and requested that the Tribunal vacate the positions filled by the temporary employees and order a new Promotion Board to consider permanent employees before part-time or temporary employees.

Personnel Officer Chapman summed up by stating that required procedures for posting and filling the vacancies were followed.

It is the finding of the Tribunal that while Per 302.03(b)(3) states in part that, "...preference in selection must be given to permanent employees..." as Mr. McDonald contends, Per 302.03 (a) states, "A vacancy shall be filled whenever possible and reasonable [emphasis added] by promotion of a qualified permanent employee..." Per 302.03(b)(1) further states, "It is the prerogative of the appointing authority to give such weight to an employee's job performance as he deems appropriate when considering the employee for appointment to a vacancy," and Per 302.03(b)(2) states, "If the appointing authority finds certain professional and personal qualifications lacking [emphasis added] in even ostensibly qualified candidates for promotion employees may be denied promotion." The Tribunal further finds that the appropriate sections of the Personnel Rules were properly followed in posting and filling the vacancies for Probation/Parole Officer I. Mr. McDonald's appeal is hereby denied.


EDWARD J. HASELTINE, Chairman
Promotion Appeal Tribunal

mas

cc: Peter H. McDonald, Administrator of Programs
Department of Corrections

Thomas Tarr, Director
Division of Field Services

Conrad Chapman, Personnel Officer
Department of Corrections