

State of New Hampshire

DIRECTOR OF PERSONNEL
Mrs. Judy S. Bastian

DEPUTY DIRECTOR
David T. Rines



86-P-100

DEPARTMENT OF PERSONNEL

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

PROMOTION APPEAL TRIBUNAL DECISION

In the Matter of:

DORIS G. NUTTLEMAN

April 17, 1986

The Promotion Appeal Tribunal met on January 14, 1986 to hear the appeal of Doris G. Nuttleman relative to her non-selection to the position of Executive Director, New Hampshire Board of Nursing. Ms. Nuttleman was represented by SEA Field Representative Dennis T. Martino. The Board of Nursing was represented by Chairperson Sophia Antoniou.

Mr. Martino testified as to the extensive professional background of the appellant and how it applied to, and qualified her for, the position in question. He further stated that as Assistant Director, Ms. Nuttleman was the only candidate with experience in the role of Director. He also introduced, on the appellant's behalf, the following exhibits:

- Appellant's #1 - Resume of Doris G. Nuttleman
- Appellant's #2 - November 26, 1985 letter to Nuttleman from Antoniou
- Appellant's #3 - December 13, 1985 letter to Nuttleman from Antoniou
- Appellant's #4 - October 31, 1985 letter to Antoniou from Urekew

In her testimony, Chairperson Antoniou described the interview process and how it was the responsibility of the Board of Nursing to recommend a candidate for Executive Director, Board of Nursing, to the Commissioner of Education. She further described why the Board did not feel that Ms. Nuttleman's background, particularly with regards to interpersonal skills in both her present and previous employments, was the best possible candidate for the position and thus did not recommend her for appointment.

Per 302.03(1) states in part, "It is the prerogative of the appointing authority to give such weight to an employee's job performance as ... deems appropriate when considering the employee for appointment..."

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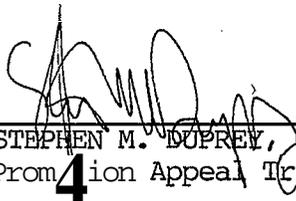
DORIS G. NUTTLEMAN

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and (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."

It is the finding of the Tribunal that the Board of Nursing acted in accordance with the "Rules of the Department of Personnel" and acted within its discretionary authority. Therefore, Ms. Nuttleman's appeal is denied.



STEPHEN M. DUPREY, Chairman
Promotion Appeal Tribunal

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cc: Dennis T. Martino, Field Representative
State Employees' Association of N. H.

Sophia Antoniou, Chairperson
N. H. Board of Nursing

Charles Marston, Acting Deputy Commissioner
N. H. Dept. of Education