

State of New Hampshire

PERSONNEL APPEALS BOARD
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APPEAL OF ROYAL PAGE

August 1, 1988

On April 12, 1988, the Personnel Appeals Board, Commissioners Cushman and Platt sitting, conducted a hearing in the appeal of Royal Page. Mr. Page, an employee of the New Hampshire State Prison had appealed his non-selection to the position of Corrections Corporal in 1986. The Promotion Appeals Tribunal had denied his appeal and he had appealed to the New Hampshire Supreme Court. In February, 1988, this appeal was remanded to the Appeals Board for further proceedings.

Although both parties were notified of the proceedings, the Prison did not send a representative to the hearing. The record before the Board indicates that in 1986 the Prison posted four vacancies for the position of Corrections Corporal. Five applications were received. Applicants were interviewed by an "in-house promotions board" and received scores. Mr. Page received the lowest of the five scores. The fourth highest score, however, was only 1.95 points higher than Mr. Page's score and was received by a probationary employee.

In his appeal Mr. Page contended that he should have received the promotion instead of the probationary employee. In reviewing this appeal, the Board found that although probationary employees may receive promotions, "preference in selection must be given to permanent employees." Per. 302.03 (b)(3). While such preference does not require that a permanent employee must be promoted over a probationary employee in every case, the record in this case does not indicate a reason for not selecting the appellant over a probationary employee. Although prison officials might have clarified their reasoning at the April 12, 1988 hearing, they did not appear.

Thus, upon review of the record before the Board, the Board voted to order the promotion of Royal Page. The appellant shall be immediately promoted to the position of Corrections Corporal.

FOR THE PERSONNEL APPEALS BOARD

A handwritten signature in cursive script that reads "Mary Ann Steele".

MARY ANN STEELE
Executive Secretary

cc: Michael C. Reynolds
SEA Field Representative

David J. O'Connor
Department of Corrections