

State of New Hampshire



PERSONNEL APPEALS BOARD
25 Capitol Street
Concord, New Hampshire 03301
Telephone (603) 271-3261

APPEAL OF ROBERT COMEAU

DOCKET #2006-T-015

NH VETERANS HOME

December 15, 2006

Representatives of the parties to the above-titled appeal appeared before the New Hampshire Personnel Appeals Board on December 15, 2006, and presented a settlement agreement for the Board's review and approval. Attorney Michael Reynolds appeared on behalf of the appellant. Attorney Anthony Blenkinsop appeared on behalf of the State.

Having reviewed the terms of the agreement, the Board issued the following order:

The within Settlement Agreement, having been reviewed and approved, is adopted as a decision and order of the Personnel Appeals Board.

FOR THE PERSONNEL APPEALS BOARD

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

Mary Ann Steele, SPHR
Executive Secretary to the NH Personnel Appeals Board

cc: Karen Levchuk, Director of Personnel
Attorney Michael Reynolds, SEA General Counsel
Attorney Anthony Blenkinsop, Department of Justice
Melissa Milione, Human Resources Administrator, NH Veterans Home
Senior Assistant Attorney General Michael Brown, Department of Justice

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This Settlement Agreement is intended to resolve the termination appeal filed by Mr. Comeau at the NH Personnel Appeals Board (PAB), Docket #2006-T-015, as well as the two letter of warning appeals pending before the Director of Personnel. It is intended to end the pending appeals on those matters and to make Robert Comeau whole under the personnel system as if he had not been terminated.

1. The NH Veterans' Home (NHVH) shall reinstate Mr. Comeau, to the shift it believes best fit its needs.
2. Mr. Comeau shall return to the NHVH on January 19,2007 as an LNA III, LG 14, Step 3 (the step Mr. Comeau would have been in as of his return to work date had he not been terminated). NHVH will assign Mr. Comeau duties consistent with his LNA III position as may be reasonable considering the needs of NHVH.
3. The parties recognize that Mr. Comeau's LMNA certification has lapsed.
4. Mr. Comeau shall receive retroactive pay from the date of termination to his return to work date. Any outside earnings that have increased beyond what he was earning before he was terminated shall be deducted from the retroactive check.
5. NHVH shall reimburse to Mr. Comeau, or to the medical providers, all out-of-pocket medical/dental expenses incurred during the termination that he would not have had to have paid had he not been terminated.
6. All sick leave Mr. Comeau had upon termination shall be restored.
7. Leave time will be accrued and placed on the books for the period from his termination date to his reinstatement date (e.g., sick leave; annual leave; floating holidays; bonus; etc.).
8. NHVH will contribute the full amount of NH Retirement System (NHRS) contributions it would have made had Mr. Comeau not been terminated and

will make full deductions of Mr. Comeau's share of NHRS contributions from his retroactive check.

9. Upon the effective date of this Agreement, Mr. Comeau shall withdraw, with prejudice, the termination appeal presently pending before the PAB, Docket No. 2006-T-015.
10. Upon the effective date of the Agreement, Mr. Comeau shall withdraw, with prejudice, the two letter of warning appeals presently pending before the NH Director of Personnel.
11. By entering into this Agreement and taking the actions agreed to, neither party makes any admission or incurs any liability whatsoever other than what is expressly agreed to herein.
12. Upon the effective date of this Agreement, the NHVH shall void the letter of termination and letters of warnings referred to herein, and shall take whatever actions are necessary to ensure that the letter of termination and letters of warnings are considered void at both the NHVH and NH Division of Personnel.
13. This Settlement Agreement shall become effective upon its adoption, in writing, as a decision and order of the PAB.

Date: December 8, 2006 _____
/s/
Robert Comeau

Date: December 8, 2006 _____
/s/
Michael C. Reynolds, General Counsel

Date: December , 2006 _____
/s/
Melissa Milione, HR Administrator
NH Veterans' Home

12/15/06 The within Settlement Agreement
having been reviewed and approved is adopted
as a decision and order of the PAB.
Healy, Commissioner