

State of New Hampshire

PERSONNEL APPEALS BOARD
Edward J. Haseltine, Chairman
Gerald Allard
Loretta Platt



EXECUTIVE SECRETARY
Mary Ann Steele

PERSONNEL APPEALS BOARD
State House Annex
Concord, New Hampshire 03301
Telephone (603) 271-3261

86-0-101

August 28, 1986

Stephen J. McCormack
Field Representative
State Employees' Association of N.H.
163 Manchester Street
Concord, New Hampshire 03301

re: Byron Coparanis

Dear Mr. McCormack:

The New Hampshire Personnel Appeals Board at its meeting on August 26, 1986, considered your request for reconsideration of the Board's July 18, 1986 decision denying a hearing on behalf of the above-named individual.

In your request, you contend that the original request for an appeal on Mr. Coparanis' behalf was timely due to the fact that he was not notified until May 20, 1986 by David Bundy, Director for Children and Youth Services, that the June 4, 1985 request by Director Bundy to have Mr. Coparanis' salary adjusted had been denied.

The Board finds that Mr. Coparanis, while pursuing his request "through channels" had the opportunity to independently request a review of his position directly through the Division of Personnel. Per 303.04(a) states: "Appointing authorities shall give written notice within 60 days to the director [of personnel] of material changes in the duties and responsibilities of the positions occupied by their employees. If an appointing authority fails to so notify the director, the employee may file a written request with the director that his position be studied." According to the records reviewed by this Board, Mr. Coparanis claims to have been acting in the capacity of Administrator II beginning November 15, 1984. Therefore, finding that Director Bundy had taken no steps to address this situation within 60 days of the alleged change in responsibilities, Mr. Coparanis could have requested that the Department of Personnel review his position. Mr. Coparanis failed to make any such request of the Division of Personnel. It was at that time incumbent upon Mr. Coparanis to exercise those options afforded him by the "Rules of the Department of Personnel" to seek some remedy. Mr. Coparanis failed to do so.

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Further, the Board finds that no indication in correspondence during the time-frame in question to indicate that such a request, had it been timely-filed, would have been granted by the Division of Personnel. Additionally, the "Rules" specify that any adjustment in Mr. Coparanis' pay would have begun the pay period following the date of the Personnel Director's decision. Therefore, no adjustment could have been made for the alleged change in responsibilities which you claim to have occurred as of November 15, 1984.

The Board therefore reaffirms its decision of July 18, 1986 that Mr. Coparanis' request is not timely. Your request for reconsideration is, therefore, denied.

Very truly yours,



MARY ANN STEELE

Executive Secretary

N. H. Personnel Appeals Board

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cc: Judy S. Bastian, Director of Personnel

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July 18, 1986

Stephen J. McCormack
Field Representative
State Employees' Association of N.H.
163 Manchester Street
Concord, New Hampshire 03301

re: Byron Coparanis

Dear Mr. McCormack:

On June 3, 1986, you wrote to the Personnel Appeals Board requesting a hearing on behalf of Byron Coparanis regarding "denial of a pay-adjustment for his work as Acting Regional Administrator." Following receipt of your request, this Board studied Division of Personnel correspondence regarding this issue and has made the following determination:

1. The initial request to temporarily upgrade Mr. Coparanis' position was not made in a timely fashion. According to the records, while Mr. Coparanis alleges to have worked at the level of Administrator II beginning November 15, 1984, Director Bundy did not request temporary upgrading of that position until June 4, 1985, better than seven months later.
2. Correspondence from Director Bundy dated January 24, 1985 regarding individuals functioning in the capacity of Administrators II does not mention Mr. Coparanis and would, therefore, indicate that as much as two months after Mr. Coparanis claims to have been functioning as a regional administrator, Director Bundy did not acknowledge same.
3. Per 306.04(6)(5)a. states: "If the decision of the director is unsatisfactory...an appeal to the commission by written notice to the chairman may be requested within 15 calendar days from the date of the director's decision. If no request for appeal to the commission is made within this 15 day period, the grievance will be considered closed on the basis of the director's decision..." There is no record of Mr. Bundy or Mr. Coparanis requesting an appeal within 15 days of the Personnel Director's August 27, 1985 decision.
4. At no time did Mr. Coparanis request that the Personnel Director study his position for possible reallocation. Had such a request

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been made, and had the position been reallocated as a result of that request, Mr. Coparanis would have been awarded retroactive compensation beginning the first pay period following the date the request was received in proper form by the [personnel] director.

It is not unreasonable for this Board to expect persons such as Mr. Coparanis or Mr. Bundy to be familiar with the "Rules of the Department of Personnel." Those "Rules" specifically outline procedures and time-frames under which State employees may appeal decisions made regarding their employment. This Board can find no indication that those procedures or time-frames have been observed.

The Personnel Appeals Board hereby affirms the Personnel Director's decision regarding temporary upgrading and retroactive compensation for Byron Coparanis.

Your request for a hearing on Mr. Coparanis' behalf is, therefore, denied.

Very truly yours!

FOR THE PERSONNEL APPEALS BOARD



MARY ANN STEELE
Executive Secretary

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cc: Judy S. Bastian
Director of Personnel