

# 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

87-0-100

June 3, 1986

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

re: Marie C. Libby

Dear Mr. McCormack:

The Personnel Appeals Board at its meeting on May 20, 1986, considered your April 17, 1986 letter requesting reconsideration of the Board's decision dated March 31, 1986, denying your request for a hearing on behalf of the above-named individual.

Per 306.04(a) of the "Rules of the Department of Personnel" states, "Appointing authorities shall give written notice within 60 days to the director 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."

In your letter, you state that Ms. Libby, "...acted upon directions given to her from her supervisor, in belief that all instructions were complete..." and further that "...the Division of Human Services...failed to forward the request." This situation is clearly addressed in Per 306.04(a). Ms. Libby's alleged ignorance of this provision in the "Rules" does not negate its applicability to her situation.

Records in the Division of Personnel indicate that the Division of Human Services requested a review of a number of clerical positions, including Ms. Libby's, on April 24, 1985. Any resulting retroactive compensation, since the review request was received prior to passage of Chapter 12, Laws of 1986 on March 27, 1986, would be determined in accordance with Per 306.04(5)(d) which stated that, "...compensation shall be made retroactive to the beginning of the next pay period immediately following the date the appeal was received in proper form by the director." (Emphasis added.)

Stephen J. McCormack  
State Employees' Association of N. H.

June 3, 196

page 2

Your request for reconsideration and concurrent request for a hearing on Ms. Libby's behalf is, therefore, denied.

Very truly yours,

FOR THE PERSONNEL APPEALS BOARD

*Mary Ann Steele*

MARY ANN STEELE,  
Executive Secretary  
N. H. Personnel Appeals Board

mas

cc: Judy Bastian, Director of Personnel