

State of New Hampshire



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

Appeal of Joseph McHugh

Docket #98-O-2

Division of State Police

Thursday, October 23, 1997

The New Hampshire Personnel Appeals Board (Rule, Johnson and Wood) met on Wednesday, August 13, 1997, under the authority of RSA 21-1, to consider the July 7, 1997, appeal of Joseph McHugh, an employee of the Department of Safety, Division of State Police. Mr. McHugh alleged that he was demoted from the rank of State Police Corporal to Trooper First Class as a result of a reclassification that occurred on February 28, 1997.

The appellant asserted that he had carried the rank of State Police Corporal since December 24, 1993. He stated that on February 28, 1997, Corporals were upgraded to salary grade 20, and when he later discovered that he had not received a pay increase and questioned his superiors. He said he was informed that he "was not a 'promoted' corporal but an 'upgraded' corporal and was being 'reclassified' as a Trooper," not demoted to Trooper.

The appellant argued that while Per 101.20 of the Rules of the Division of Personnel defines demotion as "a transfer of an employee from one position to another position having a lower salary grade," Webster's Collegiate Dictionary defines demotion as "to reduce to a lesser grade or rank." He argued that under State Police Rules and Regulations, demotion is classified as major discipline, and that by loss of rank, he had been demoted without cause or due process. He argued that he had exhausted all the steps of informal settlement described by the Rules of the Division of Personnel, and was therefore entitled to appeal his demotion to the Personnel Appeals Board.

After considering Mr. McHugh's appeal, the Board finds:

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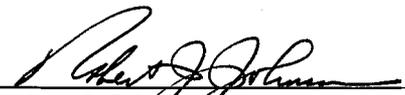
1. the definition of "demotion" under Per 101.20 is controlling and that under this definition, the appellant was not demoted;
2. the reorganization plan for the Division of state Police as approved by the Director of Personnel on February 28, 1997;
3. the effective date of the change in classification was the first day of the pay period immediately following the date of approval of the reclassification by the Director of Personnel on February 28, 1997, Per 303.04 (h) and Per 303.05 (a);
4. an employee who is not satisfied with the Director's decision may appeal that decision within 15 days of the date of the Director's decision; Per 304.02 (a); and
5. the appellant's written request for reconsideration was filed on June 6, 1997.

In light of the above findings, the Board dismisses the appeal of Joseph McHugh of his reclassification as untimely.

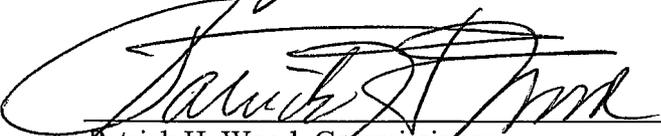
THE PERSONNEL APPEALS BOARD



Lisa A. Rule, Acting Chairman



Robert J. Johnson, Commissioner



Patrick H. Wood, Commissioner

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