

WPPID641

December 5, 1990

Conrad V. Moran, Director
State Veterans' Council
359 Lincoln Street
Manchester, New Hampshire 03103-4901

1991-0-014

re: Petition for Rules

Dear Director Moran:

By letter dated October 23, 1990, you filed a Petition for Rules, asking that the Board initiate rulemaking under the provisions of Per-A 102.01 (a) and Per 102.01 (d). Specifically, you asked that the Board amend Per 308.05 of the Rules of the Division of Personnel.

Your petition is denied, consistent with the provisions of N.H. RSA 21-I:43 I.

The provisions of RSA 21-G:9, II(b) shall not apply to the rules adopted pursuant to this section. It is the intent of the general court that the director of personnel shall have the sole authority to adopt and interpret, subject to the appeals process established under this chapter, the rules provided for in this section.

RSA 21-I:46 V provides that "The Board may advise the director with regard to all existing rules of the division. The director shall submit all proposals to adopt rules to the board for their advice prior to filing a notice of proposed rule under RSA 541-A:3-a." The Board's only rulemaking authority, as defined by RSA 21-I:46 VII, relates to the the establishment of procedures for the conduct of the Board's own business. The sole authority to adopt substantive rules affecting classified employees is vested in the Director of Personnel under the provisions of RSA 21-I:43 II.

FOR THE PERSONNEL APPEALS BOARD



Patrick J. McNicholas, Chairman

cc: Virginia A. Vogel, Director of Personnel