

# State of New Hampshire

WPPID546



## PERSONNEL APPEALS BOARD

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### APPEAL OF RHODY OLGATI Division of Elderly and Adult Services Docket #89-0-22

June 25, 1990

The New Hampshire Personnel Appeals Board (McNicholas, Cushman and Rule) met Wednesday, May 9, 1990, to hear the appeal of Rhody Olgiati, a Social Worker employed by the Department of Health and Human Services, Division of Elderly and Adult Services. On September 19, 1989, Mr Olgiati had requested a hearing before the Board to appeal his failure to pass a "structured oral interview" for promotion to a position of Area Program Coordinator.

Mr Olgiati appeared pro se. Although notice of the scheduled hearing had been sent to Richard Chevrefils, Director of the Division of Elderly and Adult Services, no one from that Division appeared on the agency's behalf. The Board delayed the hearing an additional fifteen minutes in the event that the agency intended to send a representative. When none had appeared by 11:00 a.m., the Board voted to go forward with the hearing.

At the Board's request, Personnel Director Virginia Vogel appeared to answer inquiries from the Board concerning the structured oral interview process. Ms Vogel noted for the record that she was not appearing either in support of or in opposition to the appeal as filed.

Ms Vogel explained that when a position vacancy is posted, the posting itself indicates whether or not the applicant is required to complete a written exam and/or a structured oral examination. Although Ms Vogel confirmed that the posting did not explain what a structured oral interview/exam consists of, she believed it was incumbent upon the applicant to inquire about the process when he/she is unfamiliar with the structured oral format.

In support of his appeal, Mr Olgiati contended that he was unaware that his answers during his promotional interview for the position of Area Program Coordinator would be evaluated and assigned numerical ratings to derive an eventual over-all "score", and that it could be possible to "fail" an interview of this nature. Finally, he argued that he was never made aware that the score derived from the interview would determine his possible placement and eventual ranking on a register of eligibles for future vacancies for the position of Area Program Coordinator.

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When asked how he was notified of the structured oral interview, **M**r Olgiati testified that he had received a call from Fred Creed's office informing him that he had been scheduled for an interview. **H**e was not informed that the interview would constitute an oral exam, nor was he informed that the interview would be conducted by a three member panel. **M**r Olgiati argued that he would have been better prepared, and would have made more careful, formal responses had he believed that a numeric score would be assigned to his answers, and would eventually be converted to an exam grade. **H**e used, as an example, an instance in which he was asked to list the objectives of the Older Americans Act. **H**e insisted that if he had know in advance that the interview would serve as a test, he would have done some review of relevant materials beforehand.

**M**r Olgiati submitted for the Board's review a letter from Kaarina Massarene stating that her notification of the interview for Area Program Coordinator, the interview itself, and subsequent notice of non-selection to the position of Area Program Coordinator was essentially the same as that described by **M**r Olgiati. She wrote, "I simply wish to validate **M**r Olgiati's claims by stating that **I**, also, was not informed prior to my appointment that **I** would be administered an oral exam and that this would be graded at a later point by the personnel department."

The Board asked **M**r Olgiati what remedy he sought through the instant appeal. **H**e replied that he honestly was unsure if any remedy were possible, but believed that he should at least have an opportunity to set the record straight, and make the Board aware of the deficiencies in the agency's use of the structured oral interview process. **H**e also suggested that the Board could take steps to ensure that candidates notified of oral exams in the future receive adequate notice.

After considering the testimony and evidence presented, the Board voted to allow **M**r Olgiati to have his score in the original structured oral exam for the position of Area Program Coordinator to be stricken from his records in the Division of Elderly and Adult Services, and the Division of Personnel. The Board further voted to allow **M**r Olgiati to re-take the examination for Area Program Coordinator if he so chooses. Should **M**r Olgiati wish to re-take the examination, he shall so notify the Personnel Appeals Board and the Director of the Division of Elderly and Adult Services within ten days of the date of this order. The Division of Elderly and Adult Services shall then prepare questions which will be used in the oral exam, forwarding them, along with a copy of the questions asked in the original oral exam, to the Division of Personnel for review to determine that those questions are similar in scope and complexity to those asked in the original interview. When the interview is conducted, in addition to a three-member interview panel, a representative of the Division of Personnel shall be present to monitor the interview and review the scoring.

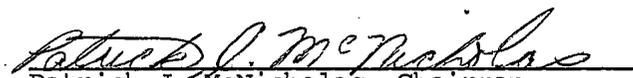
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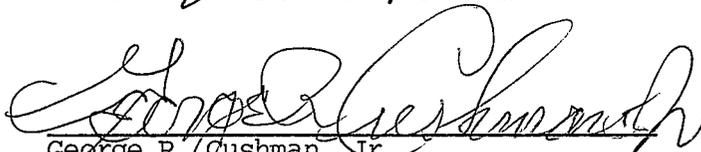
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The Board agrees that employees have a responsibility to familiarize themselves with the various steps in the promotional process. In light of the uncontroverted testimony of Mr. Olgiati, and the corroborating statement from Ms. Massarene concerning the casual nature of the "notice" received by the candidates in the interviews at the Division of Elderly and Adult Services, the Board finds that the agency failed to provide proper notice of an examination, and that such failure could have contributed to Mr. Olgiati's failure of the examination.

The Board strongly recommends that the Director of Personnel instruct the various agencies in the structured oral examination process. The Director should also recommend that all agencies provide notice of such examinations to the candidate(s) in writing, with a clear explanation that the interview will serve as an oral examination, what the minimum passing grade will be, and that the score attained will establish a candidate's position on a register of eligibles for that position in that agency. The Board does not consider the simple notation of oral examination or interview on the posting to be sufficient notice of a formal examination. The notice should also explain that the interview will consist of a series of questions designed to test the candidate's relevant technical knowledge as well as his/her suitability for the position.

THE PERSONNEL APPEALS BOARD

  
Patrick J. McNicholas, Chairman

  
George R. Cushman, Jr.

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Lisa A. Rule

cc: Rhody Olgiati  
Richard Chevrefils  
Virginia A. Vogel  
Civil Bureau - Attorney General's Office