

State of New Hampshire

WPPID566



PERSONNELAPPEALSBOARD
State House Annex
Concord, New Hampshire 03301
Telephone (603) 271-3261

Response to Appellant's Motion for Reconsideration
re: Robert Pierce et al. (New Hampshire Liquor Commission)

Docket #90-0-4

January 17, 1991

By order dated June 1, 1990, the Personnel Appeals Board dismissed the Appeal and/or Request for Declaratory Ruling filed by the State Employees' Association on behalf of Robert Pierce et al. of the New Hampshire Liquor Commission relative to the job descriptions of Liquor Investigators employed by the New Hampshire Liquor Commission. On June 20, 1990, SEA Field Representative Margo Hurley filed a Motion for Reconsideration, arguing that the Board did have jurisdiction to "tell the New Hampshire Liquor Commission it cannot make a rule (Internal Policy Issues) that by its existence and enforcement forces employees to disregard state statutes [RSA 180:2, RSA 188-F:231, RSA 188-F:27 and Weldy v. Kingston (128 NH 325, 1986)". The State submitted its Objection to Motion for Reconsideration dated June 28, 1990.

On October 23, 1990, SEA Field Representative Margo Hurley filed a request to amend the petitioners' June 20, 1990 Motion for Reconsideration. Per-A 204.06 (b) of the Rules of the Personnel Appeals Board provides that a motion for rehearing "...shall set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable." Having provided no reasonable explanation for the untimely filing, the Board denies the request for amendment.

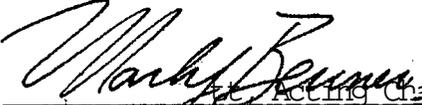
The Board, after considering all the materials presented by both the petitioner(s) and the State, affirms its decision that Petitioners' proposed ruling, to the extent that it addresses RSA 180:2, RSA 188-F:231, RSA 188-F:27 and Weldy v. Town of Kingston (128 NH 325, 1986), is outside the Board's jurisdiction.

Response to Appellant's Motion for Reconsideration
re: Robert Pierce et al. (New Hampshire Liquor Commission)
Docket #90-0-4

page 2

The petitioner has failed to demonstrate that the Board's order is unreasonable or unlawful. Accordingly, the petitioners' Motion for Reconsideration is denied.

THE PERSONNEL APPEALS BOARD


Acting Chairman
Mark J. Benne


Robert J. Johnson

cc: Margo Hurley, Field Representative
State Employees' Association

George E. Liouzis, Human Resource Coordinator
New Hampshire State Liquor Commission

Virginia A. Vogel, Director of Personnel

David S. Peck, Assistant Attorney General
Civil Bureau