

State of New Hampshire



PERSONNEL APPEALS BOARD

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

APPEAL OF GINGER STOCKWELL Dept. of Postsecondary Technical Education Docket #90-L-7

June 4, 1990

On April 10, 1990, Ginger Stockwell, through her SEA Field Representative Margo Hurley, filed a request for a hearing before the Board to appeal her March 23, 1990 notice of lay-off from her position of Accounting Technician at New Hampshire Technical Institute, effective May 3, 1990. Ms Stockwell alleges that at the time of lay-off, she was not the most junior employee classified as an Accounting Technician within the Department of Postsecondary Technical Education, that her lay-off violated the procedures outlined by the Director of Personnel, and that her lay-off was in retaliation for an earlier appeal of a letter of warning. She requests that she be reinstated to her position of Accounting Technician.

On April 19, 1990, Dr. H. Jeffrey Rafn, Commissioner of the Department of Postsecondary Technical Education, filed an objection, and a request that the Board deny Appellant's request for hearing. In his objection, Commissioner Rafn argues that:

- 1) Lay-off is not appealable, although an employee may appeal determination of seniority date;
- 2) that promotional probationary employees are not considered "probationary" for the purposes of determining the order of lay-off;
- 3) that Ms Stockwell's appeal cites as its basis departmental seniority as opposed to the elimination of a function in the business office;
- 4) and that since Ms Stockwell has less than five (5) years of service, her lay-off was accomplished under the provisions of Per 308.05(b), "...Employees having less than 5 years of service, shall be laid off generally on the basis of ability...".

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The Personnel Appeals Board, under the authority of RSA 21-I:58, will hear Ms. Stockwell's appeal on Wednesday, July 11, 1990 at 2:00 p.m. in Room 401, State House Annex, Concord, New Hampshire. The hearing and all pre-hearing activities shall be conducted in strict compliance with the Rules of the Personnel Appeals Board. Motions for postponement or special scheduling will only be considered for exceptional circumstances. Such motions must be made in writing and be received within ten calendar days of the date of this order to be considered.

FOR THE PERSONNEL APPEALS BOARD



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

cc: Margo Hurley, SEA Field Representative
Dr. H. Jeffrey Rafn, Commissioner
Dept. of Postsecondary Technical Education
Virginia A. Vogel, Director of Personnel
Civil Bureau, Attorney General's Office