

State of New Hampshire



PERSONNEL APPEALS BOARD
25 Capitol Street
Concord, New Hampshire 03301
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APPEAL OF HEALTH AND HUMAN SERVICES EMPLOYEES

DOCKET #99-O-9 THROUGH #99-O-20

April 14, 1999

This matter was scheduled for hearing on the merits on April 21, 1999, per the Board's order of March 3, 1999. The State Employees' Association has objected to this order by Motion for Postponement dated March 15, 1999, to which the State responded on March 25, 1999. The arguments in favor of the SEA's Motion and those in opposition by the State track arguments earlier raised in connection with the Board's consideration of whether nor not to stay proceedings pending arbitration of a grievance related to these layoff seniority appeals. (See the Board's order of January 7, 1998) That arbitration has since occurred but has not resulted in an award affecting the appropriateness of the Board's exercising its jurisdiction to hear the instant appeals and decide matters regarding seniority and remedies within the Board's statutory jurisdiction. Accordingly, the Board had declined to reschedule this matter for on April 21, 1999.

On April 8, 1999, the SEA filed a Motion for Emergency Postponement of the scheduled April 21, 1999, hearing due to the unavoidable unavailability of its counsel and the Field Representative to which this matter was assigned. That Motion alleges good cause for postponement, particularly in light of the procedural history of this matter outlined herein. Accordingly, the Motion for emergency Postponement is granted. A prehearing conference shall be scheduled for May 12, 1999, at 8:30 a.m. in Room 411, State House Annex, Concord, New Hampshire, to narrow issues and plan the hearing on the merits of these appeals. The SEA has agreed in its Motion for emergency Postponement that such postponement of these hearings will

not extend the time used to calculate any back pay or benefits due the appellants should they prevail, as set forth in our previous orders, and that representation is re-incorporated herein.

THE PERSONNEL APPEALS BOARD



Mark J. Bennett, Chairman



Patrick H. Wood, Commissioner

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