

State of New Hampshire



PERSONNEL APPEALS BOARD

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APPEAL OF ROBERT GAGNE
Docket #91-P-22
New Hampshire State Liquor Commission

February 27, 1992

The New Hampshire Personnel Appeals Board (McNicholas and Rule) met Monday, January 20, 1992, to hear the appeal of Robert Gagne, an employee of the New Hampshire State Liquor Commission. Mr. Gagne represented himself at the hearing on the merits. George Liouzis, Human Resource Coordinator, represented the Liquor Commission. Mr. Gagne was appealing his non-selection for promotion to the position of Retail Store Manager II, Store #12, Laconia.

In his March 11, 1991 notice of appeal, Mr. Gagne alleged that in the previous six years he had applied for at least five promotions and that although he had "come very close to being chosen" he had been denied promotion for non-merit factors. Mr. Gagne did not specify what non-merit factors he believed were taken into consideration.

In the hearing on the merits, Mr. Gagne testified that he has 21 years of experience with the Liquor Commission. He said he was not alleging that the successful candidate was not qualified, but that he believed Liquor Commission promotions were not handled fairly. He testified that 20 years ago, promotional decisions were based on written promotional examinations, length of experience and interviews with the Store Manager.

He argued that as part of the "downtrend" to part-time employees, the Commission had given up promotional examinations and had stopped giving consideration to experience and length of service. Mr. Gagne argued that the Liquor Commission "pre-selected" candidates for promotion and "maneuvered" them into positions where they could be promoted more easily. He also argued that even before interviews are held, it appears everyone knows in advance who will be selected for promotion.

He recommended that selections be based on the following criteria:

- 50% - Interview results
- 25% - Past experience
- 25% - Recommendation of the immediate supervisor.

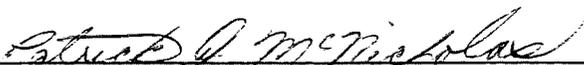
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David Gildersleeve, Director of Store Operations for the Liquor Commission, testified that each of the candidates for promotion had been interviewed by a panel consisting of himself, Mr. Liouzis, and Andrew Clark, Manager of Store 12 in Laconia. He testified that each of the candidates had been asked the same five questions meant to test the candidates' knowledge of marketing and merchandising, inventory control, customer service, cash control and personnel management. He said the interviewers were assessing job knowledge in general. Mr. Gagne was not considered the best candidate and was therefore not selected for promotion.

Mr. Liouzis testified that pre-selection for promotion does not occur. He testified that when candidates assume the selection decision has already been made and they walk into the interview with that attitude, they hurt their own chances for promotion. He testified that applications for promotion are reviewed to ensure that the candidate meets the minimum qualifications for the position. He testified that during the promotional interview, the interviewers test each candidate's familiarity with the job and basic understanding of the position.

On all the evidence, the Board found that Mr. Gagne had not persuaded the Board by a preponderance of the evidence that he was the best qualified candidate for promotion. The Board found that the Liquor Commission did not exceed or abuse its discretion by denying Mr. Gagne promotion to Retail Store Manager II.

THE PERSONNEL APPEALS BOARD


Patrick J. McNicholas, Chairman


Lisa A. Rule

cc: Virginia A. Vogel, Director of Personnel
George E. Liouzis, Human Resource Coordinator, N.H. State Liquor Commission
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