

DIRECTOR OF PERSONNEL  
Mrs. Judy S. Bastian

# State of New Hampshire

DEPUTY DIRECTOR  
David L. Rines



## DEPARTMENT OF PERSONNEL

State House Annex—Room #1  
Concord, New Hampshire 03301  
Telephone: (603)271-3261

86-P-103

January 17, 1986

Ann Spear  
Field Representative  
State Employees' Association  
163 Manchester Street  
Concord, NH 03301

re: Chester A. Hall,, Jr.

Dear Ms. Spear:

By letters dated December 13, 1985 and January 6, 1986, you requested a hearing before the Promotion Appeal Tribunal on behalf of Mr. Hall.

Mr. Hall's notification of non-selection to the position of Highway Maintainer I is dated December 5, 1985. Personnel records from this Department and the Department of Public Works and Highways indicate that Mr. Hall's employment with Public Works and Highways was terminated on November 23, 1985.

Per 302.03(a) of the "Rules of the Department of Personnel" states, "A vacancy shall be filled whenever possible and reasonable by promotion of a qualified employee from within the department or agency." (Emphasis added.) The "Rules" further define Employee as "A person legally occupying a position."

Under the "Rules of the Department of Personnel" Mr. Hall did not qualify as an employee of the Department of Public Works and Highways when his non-selection occurred, rendering this appeal inappropriate.

Accordingly, your request for a hearing on Mr. Hall's behalf is denied.

Very truly yours,

A handwritten signature in cursive script that reads "Judy S. Bastian".  
JUDY S. BASTIAN  
Director of personnel

JSB/mas

cc: Raymond Lemieux, Personnel Officer  
Department of Public Works & Highways