State of New Hampshire

PERSONNEL APPEALS BOARD
State House Annex
Concord, New Hampshire 03301
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1989-P-102

APPEAL OF NANCY SIMPSON AND ROBERT TETREAULT

February 13, 1989

On October 19, 1988, the Promotion Appeals Tribunal consisting of Loretta S. Platt and members John Roller, Human Resources Coordinator (Department of Environmental Services) and JoAn Bunten, Human Resources Specialist (Division of Personnel), heard the appeal of Nancy Simpson and Robert Tetreault, employees of the Office of Child Support, Division of Human Services. The appellants, who were represented at the hearing by SEA Field Representative Stephen McCormack, were appealing their non-selection to the position of Supervisor III at the Manchester District Office within the Office of Child Support, Division of Human Services. Jan Beauchesne, Human Resources Coordinator for the Division of Human Services represented the State. Testifying on behalf of the Office of Child Support were Shelia Cassell, Administrator II, Robert Diversi, Supervisor IV and William Mattil, Chief, Program Operations.

The State Employees' Association submitted Attachments 1 through 8 on behalf of the appellants. These attachments included correspondence to the appellants regarding their non-selection, a copy of the position posting, job descriptions and a copy of Personnel Rule Per 302.03.

In her opening statement, Ms. Beauchesne testified that there were five applicants for the vacancy and that the Division made its selection in accordance with current rule Per-302.03 (a) Promotion from Within a Department or Agency. She stated that the vacancy was filled with a qualified, permanent employee from within the department and that selection was based upon the capacity for the vacant position, ability as evidenced by past performance and length of service with the department, and that the Division followed the appropriate procedures when posting the position. All five applicants held permanent status and were certified as meeting the minimum qualifications for promotion. The candidates were given a Structured Oral Interview by an Oral Interview Board as required by 301.12(a); the board consisted of Ms. Cassell and Mr. Diversi.

Mr. McCormack requested the scores of all of the candidates as they received only the scores of the appellants. Mr Tetreault received the highest score and Ms. Simpson received an 83.6. The Division did not give all of the scores; however, the candidate selected did receive the lowest of all five applicants.

Ms. Cassell testified that the Oral Interview Board reviewed the KSA's (Knowledge, Skills and Abilities) and developed questions that addressed them. The Board advised the candidates that the position, now assigned to the Manchester District Office, would eventually be transferred to the Nashua District Office. The Division of Personnel scored the interviews and based on this all candidates were referred for a second interview. The second interview board consisted of Ms. Susan Haas the Supervisor of the Manchester District Office and Mr. Diversi, acting Administrator.

Mr. Diversi testified that at the second interview a series of nine questions were asked. The selection of the candidate was based upon the responses to the series of questions. During the interview process the board decided that Mr. Tetreault would not be an appropriate selection based on his responses. They compared the strengths and weaknesses of the two other candidates and determined that Ms. Krzyzaniak was the best selection.

Mr. McCormack testified pointing out the strengths of the appellants that he felt should have been taken into consideration during the interview process.

Mr. Mattil testified in support of the selection of Ms. Krzyaniak by the Division, emphasizing that she had shown extraordinary leadership.

The Tribunal found that there was a 6.5 point spread in the scores awarded to the applicants. The Tribunal further found that when the first three-member interview panel could not select a candidate, the applicants were referred to a second interview panel. During his interview with the second panel, appellant Tetreault exhibited an attitude abut clients which the panel found to be negative[1]. The Tribunal further found that Mr. Tetreault and the successful applicant were from the same district office and that although he was an SEO II and she an SEO I, she was the acting office supervisor when the office supervisor was not available.

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[1] The Tribunal found that although Mr. Tetreault was the only applicant asked whether he would have difficulty working with a mainly female staff, that this question did not invalidate the selection process. The Tribunal found that only those questions asked of all interviewees should have been scored in the interview process. The Tribunal found, however, that there were other issues including Mr. Tetreault's attitude about clients which would support the Division's decision to select another applicant.

The Tribunal found that although Ms. Simpson was also qualified for the job and a strong candidate, the interview panel could have properly determined that the successful applicant had the best ability to perform the duties of the position. Having found no violation of the Rules of the Division of Personnel, the Tribunal voted to uphold the decision of the Division of Human Services.

FOR THE PROMOTION APPEALS TRIBUNAL

Mary Ann Steele

MARY ANN STEELE, Executive Secretary
Personnel Appeals Board

job
cc: Stephen J. McCormack
SEA Field Representative

Jan D. Beauchesne, Human Resource Coordinator
Division of Human Services

Virginia A. Vogel
Director of Personnel