

State of New Hampshire

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

APPEAL OF REBECCA BOUDREAU
Docket #91-T-12
New Hampshire Hospital

Response to State's Motion for Clarification
and
Appellant's Objection

October 11, 1991

The New Hampshire Personnel Appeals Board (McNicholas, Bennett and Rule) met Wednesday, October 9, 1991, to review New Hampshire Hospital's Motion to Clarify Reinstatement Order in the above-captioned appeal, and the appellant's response to same, which the Board deems an objection to that Motion.

Upon review of the record in this matter, and the Board's August 28, 1991 Order, the Board found that no further clarification of that order was required. The Board's decision in this matter clearly provided that:

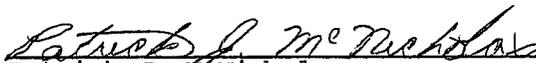
The Hospital shall notify her in writing that failure to report promptly at the expiration of the leave of absence shall be deemed cause for dismissal. The Hospital shall inform the employee in writing that in order to avoid discharge under the provisions of Per 307.06 (c)(1), the employee shall, within fifteen days, report to work with full medical clearance to return to duty, or shall be considered to be in violation of a posted or published rule that, in itself, warns of automatic discharge. Therefore, failure to take such corrective action will result in her formal discharge from employment pursuant to Per 308.03 (a) (1) Mandatory discharge.

The Board voted to deny New Hampshire Hospital's request for clarification of its order, in consideration of the fact that the Hospital has offered no evidence that it complied with the terms of the Board's August 28, 1991 order as provided above.

APPEAL OF REBECCA BOUDREAU
October 9, 1991
page 2

Having denied the Hospital's request for clarification of the reinstatement order, the Board need not address those objections raised by the appellant in her response.

THE PERSONNEL APPEALS BOARD


Patrick J. McNicholas


Mark J. Bennett


Lisa A. Rule

cc: Virginia A. Vogel, Director of Personnel
Sharon A. Sanborn, Director of Human Resources, New Hampshire Hospital
Barbara Maloney, Director of Legal Services, New Hampshire Hospital
Michael C. Reynolds, SEA General Counsel