

# State of New Hampshire

WPPID998



## PERSONNEL APPEALS BOARD

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

### APPEAL OF FREDERICK CLEWS

Docket #92-T-8

N. H. State Port Authority

December 21, 1992

The New Hampshire Personnel Appeals Board (McNicholas, Johnson and McGinley) met Wednesday, September 30, 1992, to consider the hearing request filed November 14, 1991, by Frederick Clews, a former temporary part-time employee of the New Hampshire State Port Authority. In his request for hearing, Mr. Clews stated he had officially received notice of termination from his employment as the Hampton Harbormaster by Thomas Orfe, Chief Harbormaster of the New Hampshire Port Authority.

In his notice of appeal, Mr. Clews stated he had always conducted himself "...in a professional manner and served the New Hampshire State Port Authority with pride and integrity". He said he took exception to Mr. Orfe's statement that he had brought discredit of the Port Authority. However, he did not dispute any of the factual allegations giving rise to the decision to terminate his employment.

The October 29, 1991 letter of termination signed by Thomas Orfe, Chief Harbormaster, made the following factual allegations:

1. Mr. Clews had worked as a part-time temporary Harbormaster since August 24, 1979. Between August, 1979 and October 29, 1991, Mr. Clews worked a total of 3,541 hours. Mr. Clews was never a permanent full-time employee or temporary full-time employee of the New Hampshire State Port Authority.
2. On July 20, 1989 the appellant took a sworn Oath of Office as a harbormaster and peace officer. Harbormasters appointed by the Port Authority have the authority to make arrests for offenses occurring within their jurisdictions, under the provisions of RSA 271-A:8-e. Under the authority of RSA 188-F, New Hampshire Police Standards and Training Council mandated that all individuals appointed as part-time harbormasters be certified as successfully completing a mandatory course of training by January 3, 1991.
3. Mr. Clews was notified of his enrollment in the part-time officer's school from January 30, 1990, through April 21, 1990, for which he would have received both salary and mileage reimbursement for the period of attendance. Mr. Clews advised the Port Authority he could not attend training on weekends, however. He was subsequently enrolled in the part-time certification training through the Hampton Police Department to allow him to attend classes during the week.

APPEAL OF FREDERICK CLEWS  
Docket #92-T-8  
page 2

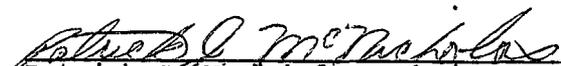
5. Although he had been notified by letter dated March 31, 1990, that failure to attend the mandatory training would result in his not being reappointed, Mr. Clews did not attend the Hampton Police School.

6. In a letter dated August 26, 1991, the Police Standards and Training Council notified the New Hampshire Port Authority that all harbormasters must be certified as having received the appropriate training to be certified as peace officers. Mr. Clews did not attend the required training and was ultimately dismissed by letter dated October 29, 1991.

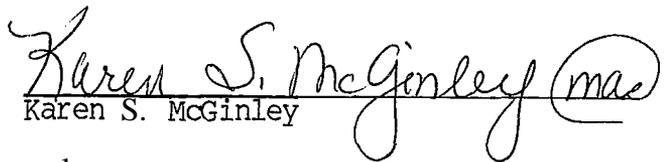
By letter dated December 23, 1991, Chief Harbormaster Thomas Orfe requested on behalf of the Port Authority that the Board dismiss the instant appeal. Specifically, Mr. Orfe argued the appellant was a part time employee who did not meet the minimum qualifications of his job description by having failed to attend the necessary training to become certified as a part-time police officer. Mr. Clews did not object to the request that the appeal be dismissed.

Per-A 202.01(b) of the Rules of the Personnel Appeals Board requires that notices of appeal "...state the action complained of, and shall contain a detailed description of why the appellant believes the action was inappropriate." The Board found the appeal to be deficient in that the appellant failed to offer any description of why termination was inappropriate. Inasmuch as the appellant neither disputed the factual allegations contained in his notice of termination nor objected to the grounds set forth in the Port Authority's motion to dismiss, the Board voted unanimously to dismiss Mr. Clews' appeal.

THE PERSONNEL APPEALS BOARD

  
Patrick J. McNicholas, Chairman

  
Robert J. Johnson

  
Karen S. McGinley

cc: Virginia A. Vogel, Director of Personnel  
Thomas Orfe, chief Harbormaster, New Hampshire State Port Authority  
555 Market Street, Box 506, Portsmouth, New Hampshire 03801  
Frederick Clews, 100 Landing Road, Hampton, NH 03842