

State of New Hampshire

PERSONNEL APPEALS BOARD
Edward J. Haseltine, Chairman
Gerald Allard
Loretta Platt



EXECUTIVE SECRETARY
Mary Ann Steele

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

98-7-102

APPEAL OF DR. LIVIUS FISTEAG

January 19, 1988

By letter dated August 5, 1987, Dr. Livius Fisteag filed an appeal before the Personnel Appeals Board concerning his termination from employment as a result of budget cuts, reorganization due to course demands and a reduction in force at the Vocational Technical College in Manchester. Dr. Fisteag indicated a desire to discuss possible resolution of the issue with Commissioner Mary Pillsbury Brown of the Department of Post-Secondary Education and consequently asked the matter be held in abeyance.

On November 12, 1987 the Board requested from Commissioner Brown additional information regarding the status of Dr. Fisteag's employment. Commissioner Brown responded by letter dated November 30, 1987 stating that the appellant was a probationary employee when notified of his termination. Further, Commissioner Brown indicated that Dr. Fisteag had been offered both part-time employment in the Division of Community Education and assistance by the Department in securing other employment.

On December 7, 1987, the appellant submitted a letter dated October 7, 1987, expressing dissatisfaction with Commissioner Brown's decision denying him reinstatement and requesting that a hearing be scheduled.

Upon review of the materials submitted by both the appellant and the agency, the Board made the following findings.

1. On October 1, 1987, Dr. Livius Fisteag was notified that he would be terminated from employment effective December 22, 1987 as a result of reorganization at the Voc Tech. in Manchester.
2. Dr. Fisteag was a probationary employee when notified of his termination.
3. Dr. Fisteag was offered part-time employment and counseling.

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Per 305.05 of the "Rules of the Department of Personnel" States "An appointing authority may lay-off an employee within his department whenever necessary by reason of abolition of a position, because of change in organization, lack of work, insufficient funds, or like reasons."

Despite the appellant's argument that the Department of Post-Secondary Vocational Technical Education has sufficient funds to support his position, the Board found nothing improper in the decision to terminate the appellant's position as a result of reorganization and reallocation of funds.

Based upon the foregoing, the Board voted unanimously to dismiss the appeal.

FOR THE PERSONNEL APPEALS BOARD



MARY ANN STEELE
Executive Secretary

cc: Commissioner Mary Pillsbury Brown
Postsecondary Voc. Tech. Education
Dr. Livius Fisteag
Virginia A. Vogel
Director of Personnel

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APPEAL OF LIVIUS FISTEAG

March 30, 1988

On Tuesday, March 29, 1988, the Personnel Appeals Board reviewed the appeal of Dr. Livius Fisteag, a former probationary employee of the Vocational Technical College at Manchester. On October 14, 1987, Dr. Fisteag had filed an appeal before the Personnel Appeals Board concerning his termination from employment at the College. The Board had issued a decision on January 19, 1988 dismissing the appeal, finding that Dr. Fisteag's employment had been terminated as a result of a reduction in force, and that the College had exercised its rights pursuant to Per 305.05 of the "Rules of the Department of Personnel" that, "An appointing authority may lay-off an employee within his department whenever necessary by reason of abolition of a position, because of change in organization, lack of work, insufficient funds, or like reasons."

By letter dated January 29, 1988, Dr. Fisteag informed the Board that he intended to submit further documentation to the Board for consideration in this matter. On February 26, 1988, the Board received a document from the appellant dated February 17, 1988 in which the appellant requested reconsideration of the Board's decision dismissing the matter. The appellant attached a set of documents and exhibits for the Board's consideration.

Upon review of the materials submitted by Dr. Fisteag, the Board voted to reaffirm its decision of January 19, 1988 dismissing the appeal. The request for reconsideration is, therefore, denied.

FOR THE PERSONNEL APPEALS BOARD

A handwritten signature in cursive script that reads "Mary Ann Steele".

MARY ANN STEELE
Executive Secretary

cc: Dr. Livius Fisteag
Commissioner Mary Pillsbury Brown
Dr. Richard E. Mandeville

88-T-102