

SENATE FINANCE PRESENTATION
PERSONNEL APPEALS BOARD
APRIL 21,2025

Charles A Russell, Esq. Chairman

- The Personnel Appeals Board hears appeals from state employees who wish to contest certain applications of Personnel rules, most commonly disciplinary and termination matters. The Board hears on average 25-35 cases per year.
- Budgetarily, the PAB has historically been a component within the Department of Administrative Services. Per SB 487, 2024, PAB's proposed FY 26/27 budget included staffing and administrative infrastructure costs to establish itself as an independent state agency.
- House Finance Division 1 was able to eliminate the added budget request by proposing that the Public Employees Labor Relations Board provide the PAB with the space and administrative support it needs to function. HB2 amendment contains language authorizing this relationship.
- The PAB agrees with this arrangement.
- However, the budget reductions taken were inadvertently applied to certain hardware and software lines that the PAB requested to resolve existing legal issues. Currently, PAB members use personal equipment to conduct PAB business, and both the Attorney General's office as well as DoIT has recommended we obtain proper state system to conduct its business.
- We are requesting an adjustment of \$10K in 2026 (costs of modifications to the PELRB's legal case management system software licenses), and an adjustment of \$50K in 2027 (software licenses) to fix this situation. (Submit handout.)

Personnel Appeals Board						
Senate Finance Budget Request						
April 21,2025						
Accounting Unit: 01-0014-016-16010-10-57170000						
Description: Add back Div 1 reductions for software, system modifications						
	FY 2026			FY 2027		
Expenditure Class	HB Budget	Requested Change	Revised Budget	HB Budget	Requested Change	Revised Budget
020-Current Expenses	8,000		8,000	5,000		5,000
027- Transfers to OIT	10,000	(5,000)	5,000	-	5,000	5,000
030-Equipment New/Replacement	5,000	(5,000)	-	5,000	(5,000)	-
037-Technology - Hardware	-	5,000	5,000	-		-
038-Technology Software	-	15,000	15,000	-	5,000	5,000
049-Transfer to Other State Agency	1,208		1,208	1,208		1,208
050-Personal Service-Temp	92,600		92,600	92,600		92,600
070-Instate Travel Reimbursement	2,500		2,500	2,500		2,500
089 Transfer to DAS Maintenance Fund	600		600			-
TOTAL	119,908	10,000	129,908	106,308	5,000	111,308
Source of Funds						
General Fund	119,908	10,000	129,908	106,308	5,000	111,308
Total	119,908	10,000	129,908	106,308	5,000	111,308
Effective July 1, 2025						

STATE OF NEW HAMPSHIRE



PERSONNEL APPEALS BOARD

ANNUAL REPORT FISCAL YEAR 2024

SEPTEMBER 4, 2024

PREPARED ACCORDING TO

RSA 21-I:46, VI

By its members:

Charles Russell, Esq.

Marilee Nihan

Gail Wilson

Lisa Connell, Executive Secretary

Governor

Christopher T. Sununu

Executive Council

Joseph D. Kenney – District 1

Cinde Warmington – District 2

Janet Stevens – District 3

Theodore B. Gatsas – District 4

David K. Wheeler -District 5

Commissioner of Administrative Services

Charles M. Arlinghaus

Director of Personnel

Lorrie A. Rudis

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RSA 21-I:45 COMPOSITION OF THE BOARD

There is hereby established a personnel appeals Board as follows:

- I. The Board shall consist of up to five members, not more than three of whom shall be from the same political party. At least two members of the Board shall have been employed as labor relations or personnel professionals for at least five years. One member shall have been employed within a public personnel field of employment for at least three years. At least two members shall be attorneys licensed to practice in the State of New Hampshire and experienced in the conduct of adjudicative hearings and decision writing. Each member shall be appointed by the governor with the consent of the council for a term of three years and a person appointed to fill a vacancy shall be appointed for the unexpired term. Each member of the Board shall hold office until a successor is appointed and qualified. The governor shall designate one member as chairperson of the Board. The Board shall elect one member to serve as vice-chairperson. Both the chairperson and the vice-chairperson shall be attorneys and members in good standing of the New Hampshire Bar Association. No member of the Board shall be employed full-time in any agency of state government. Three members shall constitute a quorum to conduct hearings, deliberative sessions, and business meetings.
- II. Members of the Board shall convene in person to conduct appeal hearings and pre-hearing conferences with the Parties, to deliberate on concluded cases and pending motions, and to conduct periodic business meetings associated with their duties, and they shall designate one or more members to participate in legislative and regulatory matters that pertain to the Board. They shall read appeal records, motions, court decisions, and other evidentiary materials outside of scheduled hearings and meetings and in preparation for them. The members shall therefore be paid a stipend of \$200 in each biweekly state payroll cycle for the work performed outside of scheduled sessions. Members of the Board shall also be paid \$400 for each day devoted to the work of the Board and shall be reimbursed for travel, professional development, and other business-related expenses.
- III. Members of the Board shall be removed only as provided in RSA 4:1.

DUTIES OF THE BOARD

The Board conducts hearings on appeals from classified state employees who wish to challenge adverse disciplinary actions taken by the appointing authorities such as letters of warning, suspensions, and terminations.

The Board is a quasi-judicial body that requires the chairperson and vice-chairperson to be members of the N. H. Bar Association. The other members must have sufficient experience in labor relations, personnel management, or human resources administration. Each Board member must have the knowledge, experience, and expertise to render thoughtful and fair decisions.

Many cases that come before the Board involve complex facts, arguments, and legal issues that often require several days of testimony followed by thoughtful and time-consuming deliberation among the Board members. Therefore, it is imperative to the integrity of the appeals process to be able to recruit and retain qualified attorneys and experienced personnel professionals to serve on the Board.

At present, two of the members are attorneys, and two are experienced personnel professionals, one from the public sector and the other from the private sector.

CASE LOAD AND SCHEDULING

The Board scheduled prehearing conferences and hearings on the merits as timely as possible, taking into account the schedules of the Parties and their witnesses and the availability of a hearing room.

Cases filed in FY 2024 and trends appear in the tables, charts, and graphs that follow.

APPEALS RECEIVED DURING FY2024

(Arranged by State Agency)

DOCKET NUMBER	ACTION UNDER APPEAL	AGENCY NAME
2024-D-006	SUSPENSION	DEPARTMENT OF CORRECTIONS
2024-D-017	DEMOTION	DEPARTMENT OF CORRECTIONS
2024-D-019	LETTER OF WARNING	DEPARTMENT OF CORRECTIONS
2024-O-023	APPLICATION OF THE RULES	DEPARTMENT OF CORRECTIONS
2024-O-026	APPLICATION OF THE RULES	DEPARTMENT OF CORRECTIONS
2024-T-005	TERMINATION	DEPARTMENT OF CORRECTIONS
2024-T-008	TERMINATION	DEPARTMENT OF CORRECTIONS
2024-T-009	TERMINATION	DEPARTMENT OF CORRECTIONS
8 DEPARTMENT OF CORRECTIONS APPEALS		
2024-T-013	TERMINATION	DHHS - ADMINISTRATION
1 DHHS – ADMINISTRATION APPEAL		
2024-T-011	TERMINATION	DHHS – DIVISION OF CHILDREN YOUTH & FAMILIES
1 DHHS – DIVISION OF CHILDREN YOUTH & FAMILIES APPEAL		
2024-T-001	TERMINATION	DOS - EMERGENCY SERVICES
1 DOS – EMERGENCY SERVICES APPEAL		
2024-T-018	TERMINATION	GLENCLIFF HOME
1 GLENCLIFF HOME APPEAL		
2024-T-025	TERMINATION	HUMAN RIGHTS COMMISSION
1 HUMAN RIGHTS COMMISSION APPEAL		
2024-T-004	TERMINATION	LIQUOR COMMISSION
2024-T-027	TERMINATION	LIQUOR COMMISSION
2 LIQUOR COMMISSION APPEALS		

DOCKET NUMBER	ACTION UNDER APPEAL	AGENCY NAME
2024-D-015	SUSPENSION	NH STATE HOSPITAL
2024-T-002	TERMINATION	NH STATE HOSPITAL
2024-T-007	TERMINATION	NH STATE HOSPITAL
3 NH STATE HOSPITAL APPEALS		
2024-C-022	RECLASSIFICATION	DAS - DIVISION OF PERSONNEL
2024-D-012	SUSPENSION	DAS - DIVISION OF PERSONNEL
2024-T-021	TERMINATION	DAS - DIVISION OF PERSONNEL
3 DIVISION OF PERSONNEL APPEALS		
2024-T-020	TERMINATION	DAS - PLANT & PROPERTY MANAGEMENT DIVISION
1 DAS – PLANT & PROPERTY MANAGEMENT DIVISION APPEAL		
2024-D-010	SUSPENSION	DOS - STATE POLICE
2024-T-024	TERMINATION	DOS- STATE POLICE
2 DOS – STATE POLICE		
2024-O-016	APPLICATION OF THE RULES	VETERANS HOME
2024-T-003	TERMINATION	VETERANS HOME
2 VETERANS HOME APPEALS		
A TOTAL OF 27 APPEALS RECEIVED BY PERSONNEL APPEALS BOARD IN FY 2024		

APPEALS RECEIVED DURING FY2024

(Arranged by Appeal Type)

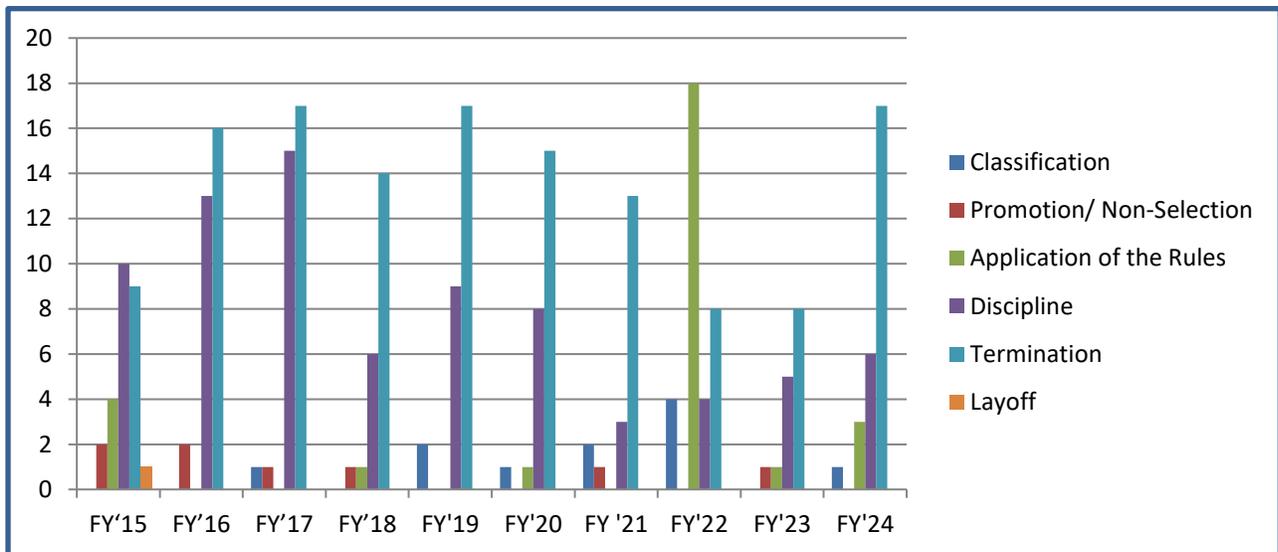
DOCKET NUMBER	AGENCY NAME	ACTION UNDER APPEAL
2024-O-016	VETERAN'S HOME	APPLICATION OF THE RULES
2024-O-023	DEPARTMENT OF CORRECTIONS	APPLICATION OF THE RULES
2024-O-026	DEPARTMENT OF CORRECTIONS	APPLICATION OF THE RULES
3 APPEALS OF AN APPLICATION OF THE RULES		
2024-D-017	DEPARTMENT OF CORRECTIONS	DEMOTION
1 APPEAL OF A DEMOTION		
2024-D-019	DEPARTMENT OF CORRECTIONS	LETTER OF WARNING
1 APPEAL OF A LETTER OF WARNING		
2024-C-022	DAS - DIVISION OF PERSONNEL	RECLASSIFICATION
1 APPEAL OF A RECLASSIFICATION		
2024-D-006	DEPARTMENT OF CORRECTIONS	SUSPENSION
2024-D-010	DOS - STATE POLICE	SUSPENSION
2024-D-012	DAS - DIVISION OF PERSONNEL	SUSPENSION
2024-D-015	NH STATE HOSPITAL	SUSPENSION
4 SUSPENSION APPEALS		
2024-T-001	DOS - EMERGENCY SERVICES	TERMINATION
2024-T-002	NH STATE HOSPITAL	TERMINATION
2024-T-003	VETERAN'S HOME	TERMINATION
2024-T-004	LIQUOR COMMISSION	TERMINATION
2024-T-005	DEPARTMENT OF CORRECTIONS	TERMINATION
2024-T-007	NH STATE HOSPITAL	TERMINATION
2024-T-008	DEPARTMENT OF CORRECTIONS	TERMINATION
2024-T-009	DEPARTMENT OF CORRECTIONS	TERMINATION
2024-T-011	DHHS – DIVISION OF CHILDREN YOUTH & FAMILIES	TERMINATION
2024-T-013	DHHS - ADMINISTRATION	TERMINATION
2024-T-014	NH STATE HOSPITAL	TERMINATION
2024-T-018	GLENCLIFF HOME	TERMINATION
2024-T-020	DAS - PLANT & PROPERTY MANAGEMENT DIVISION	TERMINATION
2024-T-021	DAS - DIVISION OF PERSONNEL	TERMINATION
2024-T-024	DOS- STATE POLICE	TERMINATION
2024-T-025	HUMAN RIGHTS COMMISSION	TERMINATION
2024-T-027	LIQUOR COMMISSION	TERMINATION

17 TERMINATION APPEALS

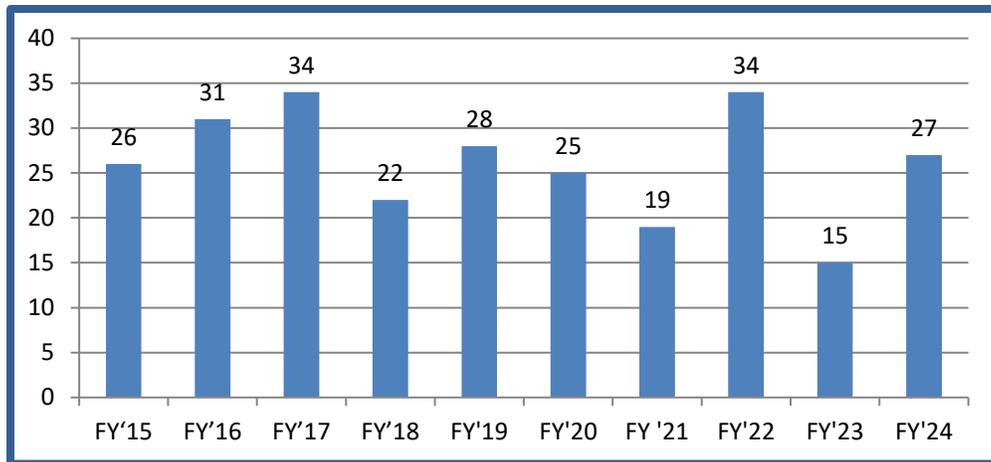
10-YEAR HISTORY OF APPEALS FILED

	FY'15	FY'16	FY'17	FY'18	FY'19	FY'20	FY '21	FY'22	FY'23	FY'24
Classification	0	0	1	0	2	1	2	4	0	1
Promotion/ Non-Selection	2	2	1	1	0	0	1	0	1	0
Application of the Rules	4	0	0	1	0	1	0	18	1	3
Discipline	10	13	15	6	9	8	3	4	5	6
Termination	9	16	17	14	17	15	13	8	8	17
Layoff	1	0	0	0	0	0	0	0	0	0
Total	26	31	34	22	28	25	19	34	15	27

BY TYPE OF APPEALS FILED PER YEAR



BY TOTAL NUMBER OF APPEALS FILED PER YEAR



APPEALS DISPOSED BY PERSONNEL APPEALS BOARD IN FY2024

DOCKET NUMBER	ACTION APPEALED	AGENCY NAME	FINAL ACTION
2023-D-011	LETTER OF WARNING	INSURANCE DEPARTMENT	DENIED
2023-O-015	SUSPENSION	DEPARTMENT OF CORRECTIONS	DENIED
2024-D-006	SUSPENSION	DEPARTMENT OF CORRECTIONS	DENIED
2024-D-010	SUSPENSION	DOS - STATE POLICE	DENIED
2024-D-015	SUSPENSION	NH STATE HOSPITAL	DENIED
2024-O-016	APPLICATION OF THE RULES	VETERAN'S HOME	DENIED
2024-T-005	TERMINATION	DEPARTMENT OF CORRECTIONS	DENIED
2024-T-008	TERMINATION	DEPARTMENT OF CORRECTIONS	DENIED
2024-D-012	SUSPENSION	DIVISION OF PERSONNEL	DISMISSED
2022-T-001	TERMINATION	DOS - FIRE SAFETY	GRANTED
2023-T-008	TERMINATION	NH STATE HOSPITAL	GRANTED
2023-T-012	TERMINATION	DEPARTMENT OF CORRECTIONS	GRANTED
2024-T-001	TERMINATION	DOS - EMERGENCY SERVICES	GRANTED
2023-T-003	TERMINATION	DEPARTMENT OF TRANSPORTATION	SETTLED
2023-T-009	TERMINATION	OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION	SETTLED
2024-D-017	DEMOTION	DEPARTMENT OF CORRECTIONS	SETTLED
2024-T-002	TERMINATION	NH STATE HOSPITAL	SETTLED
2024-T-003	TERMINATION	VETERAN'S HOME	SETTLED
2024-T-004	TERMINATION	LIQUOR COMMISSION	SETTLED
2024-T-007	TERMINATION	NH STATE HOSPITAL	SETTLED
2024-T-009	TERMINATION	DEPARTMENT OF CORRECTIONS	SETTLED
2024-T-025	TERMINATION	HUMAN RIGHTS COMMISSION	SETTLED

A TOTAL OF 22 APPEALS WERE DISPOSED BY THE PERSONNEL APPEALS BOARD IN FY2024

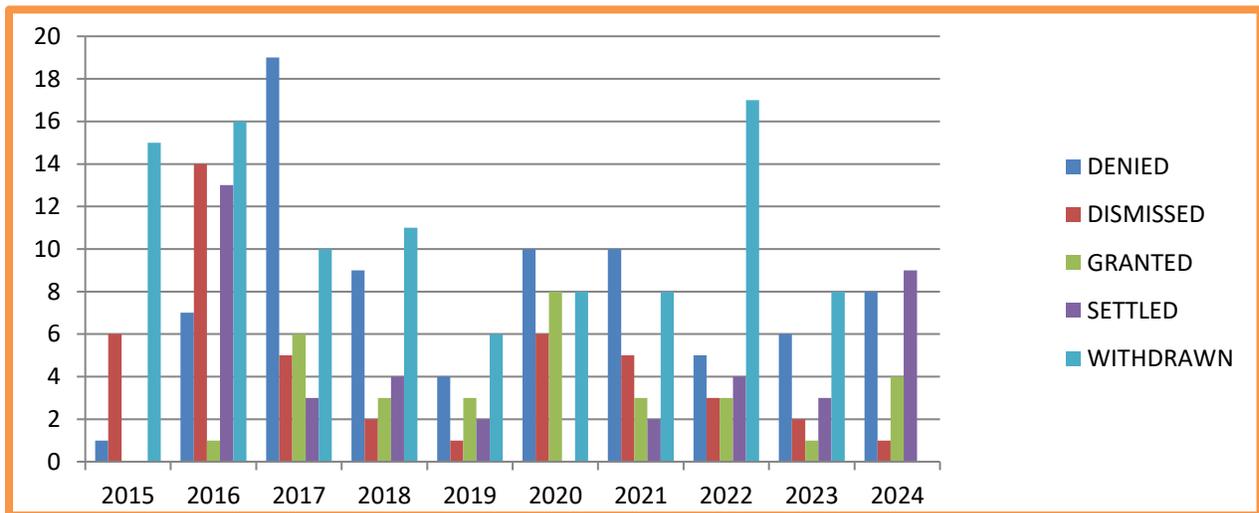
COMPARISON OF DISPOSITION OF APPEALS IN FY2024



10-YEAR COMPARISON OF APPEALS CLOSED PER YEAR

	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
DENIED	1	7	19	9	4	10	10	5	6	8
DISMISSED	6	14	5	2	1	6	5	3	2	1
GRANTED	0	1	6	3	3	8	3	3	1	4
SETTLED	0	13	3	4	2	0	2	4	3	9
WITHDRAWN	15	16	10	11	6	8	8	17	8	0
TOTAL	22	51	43	29	16	32	28	32	20	22

10-YEAR COMPARISON OF APPEAL DISPOSITIONS PER YEAR



STATISTICAL ANALYSIS

In FY 2024, the Board received 27 appeals. This was an 80% increase from the 15 appeals received in FY 2023.

The Board scheduled 39 appeals for prehearing conferences in FY 2024 over 15 days. However, of those scheduled, 10 were canceled and/or rescheduled; therefore, prehearing conferences were held for 29 appeals. Of note, some appeals had more than one prehearing conference.

Although notices were sent out for 27 hearings in FY 2024, 17 hearings were canceled due to settlement or dismissal of the appeals. Of the 10 hearings that were held in FY 2024, two of the hearings were held over two days.

The Board conducted business meetings after scheduled hearings and prehearings were held. The Board also met on a separate occasion solely to conduct its business and comply with the monthly meeting requirement of RSA 21-I:46.

The Board authored 13 decisions in FY 2024, affirming the disciplinary actions of state agencies in 8 cases, ruling in favor of the appellant in 4 cases, and dismissing 1 case. The Parties reached a settlement in 9 cases. Of the decisions rendered by the Board, 14 involved terminations (2 denied, 4 granted, and 8 settled); 1 involved a demotion (settled); 1 involved a letter of warning (denied), 1 application of the rules (denied); and 5 suspensions (4 denied and 1 dismissed). In FY 2024, no appeals were withdrawn. Therefore, a total of 22 appeals were disposed of by the Board in FY 2024, and of those 22 appeals, 1 originated in FY 2022, 6 originated in FY 2023, and the remaining 15 originated in FY 2024. The Board also received and disposed of many motions for reconsideration/ rehearing and issued orders on several other motions.

The time lag between the initial filing of an appeal and its final disposition varies from case to case. The scheduling may be affected by the availability of one or both Parties and their witnesses, attorneys, or union representatives. The Board may grant continuances for prehearings or hearings for good cause such as the unavailability of either Party or a critical witness, delays in the evidentiary discovery process, inclement weather, settlement in progress, sudden illness, or other exigent circumstances beyond the control of the Board or participants. In any event, the Board continues to strive to ensure that all appeals are heard in a timely manner within the context of the complexity of each case and accords priority to those cases that involve a sudden loss of compensation to the affected employee.

PUBLIC ACCESS TO RECORDS AND PROCEEDINGS

Documents submitted to the Board including, but not limited to, requests for hearings, pleadings, and attachments, are exempt from disclosure under the provisions of RSA 91-A:5, IV unless and until those documents are presented to the Board and are admitted into the record at a public hearing because those records include personnel records and records pertaining to internal personnel practices. Once those documents are introduced at a public hearing, however, they are included in the public record pursuant to RSA 21-I:42, IX (a)(3) and RSA 541-A, the Administrative Procedures Act, and they are open to public inspection unless otherwise exempt from disclosure by a court order or an order of the Board as authorized by RSA 91-A:5, IV.

The public is made aware of these rules by an advisory posted on the Board's website which states: "Hearings are open to the public. In most cases, documents in which a person files as an attachment to an original appeal or as evidence in an appeal become public records. As such, agencies and employees filing appeals need to be careful about releasing any documents that they would not want published and made available to the general public."

Employees can opt to go through an informal settlement process prior to having a full hearing before the Board. This process is not open to the public and is encouraged as a way for the Parties to resolve their dispute before going to the Board for adjudication or other disposition.

Each appeal file, including all submissions, notices, pleadings, exhibits, written communications, and decisions, as well as all tape-recorded hearings and related proceedings, is scanned and maintained electronically indefinitely. Hard copies of documents are shredded and recycled, and tape recordings are erased.

In accordance with the provisions of RSA 91-A the Board's website includes notices of public meetings with agendas, minutes of meetings, prehearing case conferences, hearings, decisions, and annual reports.

DECISIONS OF THE NH SUPREME COURT IN FY 2024

One of the Board's decisions has been appealed to the NH Supreme Court in FY 2024. The Supreme Court has requested that the Board provide the court with a certified copy of the file on the appeal by October 2024.

BOARD DEVELOPMENTS AND OBSERVATIONS IN FY 2024 AND RECOMMENDATIONS FOR THE FUTURE

The number of appeals the Personnel Appeals Board received in FY 2024 increased 80% from FY 2023. This, as well as changes in the Board's composition and planning the logistics of the Board's upcoming independence from other state agencies, has made for an extremely busy year.

Changes in Board Composition: The Board's composition changed again in FY 2024. The Board welcomed Attorney Charles Russell in September 2023 and with mixed feelings, accepted the resignation of Attorney Jason Major. The Board was thrilled about Attorney Major's appointment as a Circuit Court Judge but was sad to accept his resignation from the Board in order for him to take on the judgeship. Attorney Major was a great asset to the Board due to his legal expertise and his dedication and commitment to the Board. His final Board meeting was in June 2024. He is sorely missed.

Legislative Efforts Succeed in Increasing Personnel Appeals Board Independence: Since its inception, the Personnel Appeals Board has been administratively attached to the Department of Administrative Services, Division of Personnel. As was noted in last year's Annual Report, with a cooperative effort between the Department of Administrative Services and the Board, legislation was proposed in 2022/2023 as Senate Bill 75 to make the Board an entity independent from the Division of Personnel and from all other State agencies. Despite good faith efforts to arrive at final language for revisions to the proposed Bill, it was not finished before the crossover deadline at the Legislature, and SB75 was re-referred for further study. The language of the Bill was refined and finalized and was submitted for consideration in the 2023/2024 Senate session as SB 487. We are pleased to report that the Bill was passed by the Senate and House and was signed into law by the Governor in July 2024. Effective September 2024, the Personnel Appeals Board will be governed under RSA 273-D.

PAB Ongoing Efforts to Increase Operational Efficiency: The steps taken by the Board last year have had a noticeable impact on efficiency. The Board continues to hold one of its authorized Board appointments vacant. It also continues its efforts to maximize the amount of business conducted on Board meeting days, combining as many prehearing conferences as possible into one day, and when time allows, conducting merits hearings on the same days after prehearing conferences are concluded. Parties who appear regularly before the Board now generally understand that lengthy introductions of witnesses whom the Board sees on a frequent basis are not necessary. The Board also continues to request that Parties work together prior to hearings to identify the key issues in the case so that unnecessarily lengthy testimony is avoided. These actions have resulted in fewer hearing days, and, therefore, reduced Board expenditures.