



PERSONNEL APPEALS BOARD

November 6, 2025 at 4:00 PM

Aldermanic Chambers, City Hall (3rd Floor)

Members: Ernesto Burden, Susan Champagne, Samantha Piatt, Adam Schmidt

AGENDA

The Clerk calls the meeting to order.

The Clerk calls the roll.

1. Adoption of the organizational rules of the Personnel Appeals Board.
Ladies and Gentlemen, what is your pleasure?
2. Discussion regarding a personnel matter.
If the Board so desires, a motion is in order to enter into non-public session pursuant to RSA 91-A:3, II (a), regarding the dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her.

If there is no further business, a motion is in order to adjourn.



City of Manchester

Human Resources Department

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RULES OF THE PERSONNEL APPEALS BOARD

ORGANIZATIONAL RULES

1. **Definitions.**

A. **Terms defined.** The following words and phrases, when used in these rules shall have the following meanings, unless otherwise clearly indicated by the context.

B. "Board" means the Personnel Appeals board.

C. "Days" means calendar days.

D. "Director" means the Director of Human Resources.

2. **Jurisdiction.** Pursuant to Ordinance #33.005

A. The appeal procedure and appeals board as defined herein shall apply only to those permanent employees of the city who are not affiliated with a union or who do not have appeal rights under collective bargaining agreements. It shall not apply to department heads.

B. Appeals to the Personnel Appeals board are limited to actions taken by departments to dismiss or suspend permanent employees or to demote for cause any permanent employee and such appeal may be made only after the employee has exhausted the administrative procedures within his/her department.

3. **Suspension of Rules.**

In the interest of expediting a hearing, or for other good cause, the Board may, unless otherwise precluded by law, suspend the requirements or provisions of any rules on application of a party or on the Board" motion.

4. **Prehearing Procedures.**

A. **Filing of an Appeal**

a. Any notice of appeal shall be filed in writing within ten (10) work days of the action-giving rise to the appeal.

b. Such notice of appeal shall state the action complained of, and shall contain a detailed description of why the appellant believes the action was inappropriate.

B. **Order for More Specific Facts.** The board shall order the appellant to furnish more specific facts upon its own motion or if it agrees with the motion of an opposing party. Unless otherwise ordered by the Board, the appellant shall respond within ten (10) days.

C. **Response to Allegations.** Upon receipt of an appeal or a response to an order for more specific facts, the Board shall issue an order requiring specific action including but not limited

To requiring the opposing party to respond to any allegations, scheduling a hearing, or requiring other action appropriate to the circumstances of the individual case. Unless otherwise ordered by the Board, the opposing party shall respond within ten (10) work days.

D. Disposition without Evidentiary Hearing.

1. If at any time the board determines that there are not material facts in dispute so that the Board may reach a decision without taking the testimony of witnesses, the board upon its own motion or if it agrees with the motion made by a party shall either:

- a. Decide the appeal without an evidentiary hearing; or
- b. Order any party to explain in writing why the board should hold a hearing to receive additional evidence and/or legal argument and why the board should not find against the party on the facts presented.

2. Should the Board order any party to submit a written explanation, unless otherwise ordered by the board, such party shall have twenty (20) work days to respond to such order. Unless otherwise ordered by the board, the other party shall have ten (10) work days within which it may rely to such response. Thereafter, the board may take any of the following actions:

- a. Dispose of the appeal without an evidentiary hearing;
- b. Grant up to fifteen (15) minutes to each party to present oral argument. No evidence may be introduced at such argument except for any agreed statement of facts or any uncontested documents; or
- c. Grant an evidentiary hearing.

3. Any disposition without evidentiary hearing shall be subject to a request for rehearing.

E. Prehearing Conference. Upon its own motion or if it agrees with a motion of any party, the Board shall at a time convene a prehearing conference to be held by one of its members or alternates to narrow the factual issues, or for any other purpose.

F. Appearances.

1. Any party may appear without representation.
2. Any party may be represented by any person of good character, including an attorney.
3. If on party has such a representative, such representative shall notify the board and other party of such representation in writing at least five (5) working days before the date of the hearing. The late filing of appearances may be allowed, upon motion, by the board for good cause shown.
4. The Board may exclude a representative for failure to file an appearance or for disruptive, disrespectful or otherwise improper conduct at a hearing.

G. Related cases.

1. The Board, upon its own motion or the motion of any party, may consolidate related cases.
2. The board, upon its own motion or the motion of any party, may defer hearing related cases, whether or not consolidated, pending the decision and appeal of a test case selected by the Board.

H. Exchange of Certain Information.

1. The Board strongly encourages the informal exchange of information.
2. (1) Each party shall deliver to the other party, or representative, the following information, which it intends to present in its direct case:
 - a. The names and addresses of all lay witnesses;
 - b. The names and addresses of all expert witnesses, including the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify and a opinions to which the expert is expected to testify and a summary of the grounds for each opinion; and
 - c. A list of all exhibits to be offered, including affidavits or other written statements.
3. Delivery may be personal or by first class mail. Personal delivery shall include delivery of the information to a secretary or other responsible person at the office of a party or of a party's representative. Personal delivery shall be completed at least 72 hours before a hearing. Delivery by mail shall be deemed complete upon mailing, but shall be completed at least 5 days before a hearing.
4. The Board may exclude any witness or exhibit not timely disclosed.
5. The party intending to offer any exhibit shall make such exhibit reasonably available to the other party for inspection and copying.

I. Notice and Continuances.

1. The Board shall give the parties fourteen (14) days notice of any scheduled hearing.
2. The Board may continue, reschedule, recess or adjourn any hearing.

J. Hearing Procedures

1. Upon its own motion, or if it agrees with the motion of any party, the Board shall permit the parties to present a brief opening statement prior to the submission of any evidence. If one party is permitted to present an opening statement, then the other party shall be permitted to present an opening statement.
2. The appointing authority shall have the right to present the initial opening statement if opening statements are permitted by the Board.
3. Upon its own motion, or if it agrees with the motion of any party, the board shall permit parties to present brief closing statements after submission of all the evidence. If one party is permitted to present a closing statement, then the other party shall have the right to present a closing statement.
4. Either party may waive the right or privilege of presenting an opening or closing statement.

K. Order of Presentation of Evidence.

1. In appeals of disciplinary decisions, the appointing authority shall present its evidence first.
2. Upon the close of the appointing authority's case, the employee may present evidence.

3. Upon the close of the employee's case, the Board may allow the appointing authority to present rebuttal evidence.
4. The Board shall permit such cross-examination as is necessary for a full and true disclosure of the facts. Re-direct examination and re-cross examination shall be allowed as to matters previously raised by the opposing party with that witness only upon approval of the Board.

L. Evidence.

1. The board shall not be bound by the rules of evidence. The Board shall, however, give effect to the rules of privilege recognized by law.
2. the board may exclude any evidence which could be excluded in the Superior Court.

M. Oaths or Affirmations.

1. The board shall administer an oath or affirmation to a witness prior to receiving testimony.
2. The Board shall administer an oath or affirmation to any interpreters to accurately and completely translate all questions put and answers given, to the best of their ability.