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STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF THE COMMISSIONER

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Lori A. Shibinette
Commissioner

Lori A. Weaver
Deputy Commissioner

December 8, 2022

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Pursuant to RSA 94:6, the Department of Health and Human Services respectfully requests to place Rosemary Wiant at Step 7 for the position of General Counsel, Hampstead Hospital and Residential Treatment Facility (HHRTF), Position #9U723, unclassified salary grade HH, earning \$120,562.00, effective December 30, 2022 upon Governor and Council Approval. 100% Other Funds.

EXPLANATION

In May 2022, the State of New Hampshire purchased Hampstead Hospital and Residential Treatment Facility (HHRTF), a psychiatric inpatient and residential treatment facility focusing on the behavioral health needs of children, youth, and young adults. On March 31, 2022, the Department established six non-classified positions for the HHRTF Executive Team: Chief Executive Officer, Chief Operating Officer, Chief Financial officer, Compliance Officer, General Counsel, and Contract Manager. Chapter 272, Laws of 2022, 272:33 established the six roles as full-time unclassified positions to replace the non-classified positions. Finally, following Korn Ferry review and support of the rationale of the assigned letter grades for each unclassified position, on October 13, 2022, the Joint Committee on Employee Classification (JCEC) ratified Korn Ferry approval of assigned letter grades and approved the transfer of the six non-classified positions to newly established unclassified positions.

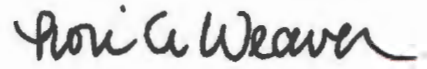
Position #9U723, General Counsel, HHRTF, oversee all legal and regulatory aspects of programs and services at the facility. This includes providing expert legal guidance for decision-making, an integral part of a 24/7 healthcare organization. The position has significant scope of authority and accountability and extensive and complex responsibilities leading strategy across the hospital system. It requires eight years in the active practice experience, four years of which must have been in a management level position.

Ms. Wiant has a *Juris Doctor* (JD) as well as a Master's Degree in Economics. She brings over 19 years of experience practicing law, including nearly 10 years in State Government. Most recently, she served as Legal Counsel and Director of Administration at the NH Liquor Commission, overseeing cross-cutting legal, operational, and policy issues and teams, including the development and launch of an agency-wide risk management program.

Although it is not the goal for government to compete with private industry, our goal is still to recruit and hire quality, experienced employees to enable the department to provide services to the citizens of New Hampshire effectively and efficiently. Based on research, the average salary

for a General Counsel with the experience that we are looking to utilize is between \$100,000 and \$190,000 (ZipRecruiter.com). Ms. Wiant was originally hired into a non-classified position at a HH letter grade step 7 with an annual salary of \$120,562.00. This request is part of the administrative process allowing for the transfer from a non-classified position to an unclassified position while maintaining the salary paid upon hire.

Respectfully submitted,

A handwritten signature in black ink that reads "Lori A. Weaver". The signature is written in a cursive, flowing style.

Lori A. Weaver
Deputy Commissioner

ROSEMARY WARIANT

EDUCATION:

University of New Hampshire School of Law, Concord, NH **Juris Doctor, May 2003**
(formerly Franklin Pierce Law Center)

*Top 10 percent
Merit Scholarship*

West Virginia University, Morgantown, WV **M.A. Economics, 1988**

*Arlen G. and Louise Stone Swiger Doctoral Teaching Fellowship
Graduate Teaching Assistant in Economics, Statistics, and Finance*

West Virginia University, Morgantown, WV **B.A. Economics and Spanish, 1986**

*Cum laude
Economic Club of Pittsburgh Scholastic Achievement Award
Professor and Mrs. Enoch Howard Vickers Award
Diploma of Commercial Spanish (issued by the Official Chamber of Commerce and Industry of Madrid)*

WORK EXPERIENCE:

Director of Administration, NH Liquor Commission **February 2019 - present**

- Provide oversight and support to agency operations, including human resources, finance and accounting, audit, legal services, and information technology
- Ensure policies and procedures are in place to promote efficiency, consistency and continuity of operations
- Oversee Division of Enforcement and Licensing response to LBA performance audit
- Develop and implement formal agency-wide risk management program
- Oversaw contracting, design, development and implementation through phase 1 of eCommerce and Enterprise Resource Planning solutions, which will replace the aged legacy system and support the full breadth of the NHLC's operations by integrating the various functional areas of the NHLC's business processes, from the retail stores and warehouse through back office financials and payroll
- Oversaw initial setup of payment processing and call center systems for curbside service at onset of Covid-19 crisis
- Represent the Commission on inter-agency committees and work groups

Legal Counsel, NH Liquor Commission **March 2017 - February 2019**

- Provided legal advice to all divisions within the Commission including licensing, auditing, enforcement, finance, human resources, marketing, and store operations
- Work closely with the Commission's Human Resources department on internal policies and procedures and to address employee disciplinary matters with fairness, consistency and in accordance with relevant laws, administrative rules and collective bargaining agreements
- Work closely with the Division of Enforcement as needed to address legal questions on matters such as licensing and to assist with enforcement actions for violations of Title XIII by licensees
- Manage the contracting process and work collaboratively with other divisions to understand existing systems and processes to develop, draft and issue thorough Requests for Proposals, negotiate contract terms, and draft final contract documents
- Research and draft Commission responses to questions raised by public officials
- Represent the Commission before administrative tribunals such as the Personnel Appeals Board, the NH Human Rights Commission and the Equal Employment Opportunity Commission
- Manage the rulemaking process, including updating and drafting administrative regulations and representing the Commission before the Joint Legislative Committee on Administrative Rules
- Coordinate with the NH Department of Justice as necessary on legal and labor relations matters
- Oversee the process for responding to Right-to-Know requests

Supervisor of Enforcement, NH Banking Department

June 2015 - March 2017

- Directed and coordinated the enforcement activities for the Consumer Credit Division, including prioritizing goals and developing strategies for investigating and adjudicating violations of state and federal law by entities subject to the Department's jurisdiction
- Supervised staff in the Enforcement Unit, including assigning, reviewing and rejecting work and identifying training opportunities
- Prepared Department orders initiating enforcement actions
- Negotiated settlements and drafted consent orders to resolve enforcement matters
- Represented the Department in adjudicative hearings
- Advised the Commissioner, Deputy Commissioner and senior management on labor relations matters
- Assisted with developing and drafting agency policies
- Assisted with drafting legislation and administrative rules, and represent the Department at hearings
- Member of the Department's Labor Management Committee

Assistant Attorney General, NH Department of Justice

October 2007-May 2013, October 2013-June 2015

- Provided legal counsel and representation to state executive agencies and professional licensing boards, including the Department of Administrative Services, Department of Cultural Resources, NH Lottery Commission, Board of Nursing, Guardian ad Litem Board and Family Mediator Board
- Researched and provided written opinions using state and federal statutes, administrative regulations, and case law to answer client questions and provide guidance
- Reviewed and approved contracts, grants, leases and other agreements for state executive agencies
- Represented the State before the Personnel Appeals Board and Public Employee Labor Relations Board in personnel and labor relations matters, working closely with the Manager of Employee Relations and the Division of Personnel
- Wrote appellate briefs and presented oral argument before the NH Supreme Court in civil and criminal appeals
- Counseled licensing boards and commissions through all phases of adjudicative hearings, including drafting final decisions and orders
- Advised clients around responding to right-to-know requests
- Prepared and presented training seminars on subjects including administrative law and right-to-know
- Mentored new attorneys with client counseling and administrative litigation matters
- Monitored legislation, provided testimony to committees and assisted with drafting legislation
- Served on Department of Justice Ethics Committee

Procedures Administrator, NH Department of Administrative Services

May 2013 - October 2013

- Worked with various divisions and agencies to develop and write both internal and statewide policies
- Drafted revisions to the Division of Personnel administrative rules
- Served as hearing officer in public works contract dispute
- Responded to right-to-know requests for information
- During this time, continued to handle unfair labor practice complaint litigation before the PELRB for the Attorney General's office

Staff Attorney, Disabilities Rights Center, Concord, NH

August 2003 - October 2007

- Represented private clients in cases involving the rights of persons with disabilities, including issues of employment discrimination, reasonable accommodation, fair housing, eligibility for public mental health services, social security benefits, and special education
- Provided oral and written testimony to legislative committees regarding new legislation and changes to administrative rules on matters such as employment of persons with disabilities and eligibility and rights of persons who receive services in the State community mental health system
- Co-counsel responsible for funding and budget arguments in a class action lawsuit involving the provision of community-based care by the State of New Hampshire to persons with acquired brain disorder
- Court-appointed guardian ad litem in juvenile matters where educational or mental health issues were of concern

- Policy Researcher, Disabilities Rights Center, Concord, NH** **January 2003 – April 2003**
- Researched and collected data on special education assessments across the U.S.
- Research Consultant, Fair Housing Project – NH Legal Assistance, Manchester, NH** **January 2003 – November 2003**
- Researched and gathered data for the *Analysis of Impediments to Fair Housing, 2004 Update*
- Law Clerk, NH Legal Assistance, Manchester, NH** **May 2002 – August 2002**
- Participated in cases involving unemployment compensation, landlord-tenant disputes, public housing, domestic violence, social security, and elderly issues
- Law Clerk, Disabilities Rights Center, Concord, NH** **May 2001 – December 2001**
- Interviewed clients, researched legal issues, and assisted with litigation on issues involving health insurance coverage, mental health services, and service animal accommodations
- Assistant Professor of Economics – Adjunct, University of Southern Indiana, Evansville, IN** **1995 – 2000**
- Taught Principles of Economics, designed to develop student understanding of the micro, macro, and international trade disciplines
- Financial Consultant, JJB Hilliard, WL Lyons, Inc., Evansville, IN** **1995 – 1998**
- Researched, prepared, and implemented investment and portfolio management strategies based on client needs and goals
 - Developed successful “Women & Investing” seminar program, which significantly increased client base

Additional previous employment as Marketing Director, Advertising Account Executive, Client Service Account Manager, and Client Service Representative between 1989 and 2000.

PROFESSIONAL ACTIVITIES AND MEMBERSHIPS:

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| Active member of the New Hampshire Bar | 2003 – present |
| Co-Chair of Eliminating Disparities Workgroup, NH Commission to Develop a Comprehensive State Mental Health Plan | 2006 – 2007 |

COMMUNITY ACTIVITIES:

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| UNH Therapeutic Riding Program | 2011 – present |
| Workgroup of Task Force Against Racism and Intolerance | 2005 – 2006 |
| Dress for Success | 2001 – 2003 |
| Co-Chair, Public Interest Coalition, Franklin Pierce Law Center | 2001 – 2002 |
| Co-Chair, 9 th and 10 th Annual Public Interest Auction, Franklin Pierce Law Center | 2001 – 2002 |
| Leadership Evansville (Indiana) | 1997 – 1998 |
| German Township Fire Department, Evansville, IN | |
| o EMS First Responder and Firefighter | 1993 – 1996 |
| o Vice President, Board of Directors | 1995 |

LANGUAGES:

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- Fluent written and spoken Spanish