Massachusetts
Civil Service Commission

2008 Calendar Year Statistics

Highlights

- Total discipline and bypass appeals pending before the Commission as of December 31, 2008: 277; 10 more than one month ago; and 174 less than one year ago, representing a 39% decrease in appeals pending before the Commission during calendar year 2008;
- The Commission closed out 435 discipline and bypass appeals during CY08, as compared to 261 new appeals filed during the same time period;
- Superior Court Decisions issued in 2008 related to Civil Service Commission: 28; Decisions Affirmed: 27; Decisions Overturned / Remanded: 1.

Massachusetts Civil Service Commission
Open Discipline and Bypass Cases: Month-End Report

	Dec 07	Jan 08	Feb 08	March 08	April 08	May 08	June 08	July 08	Aug 08	Sep 08	Oct 08	Nov 08	**Dec 08**
OPEN DISCIPLINE CASES	**218**	201	185	174	175	161	152	147	151	141	140	141	**144**
OPEN BYPASS CASES	**233**	214	196	184	168	167	160	138	132	120	117	126	**133**
TOTAL OPEN DISCIPLINE & BYPASS CASES	**451**	415	381	358	343	328	312	285	283	261	257	267	**277**

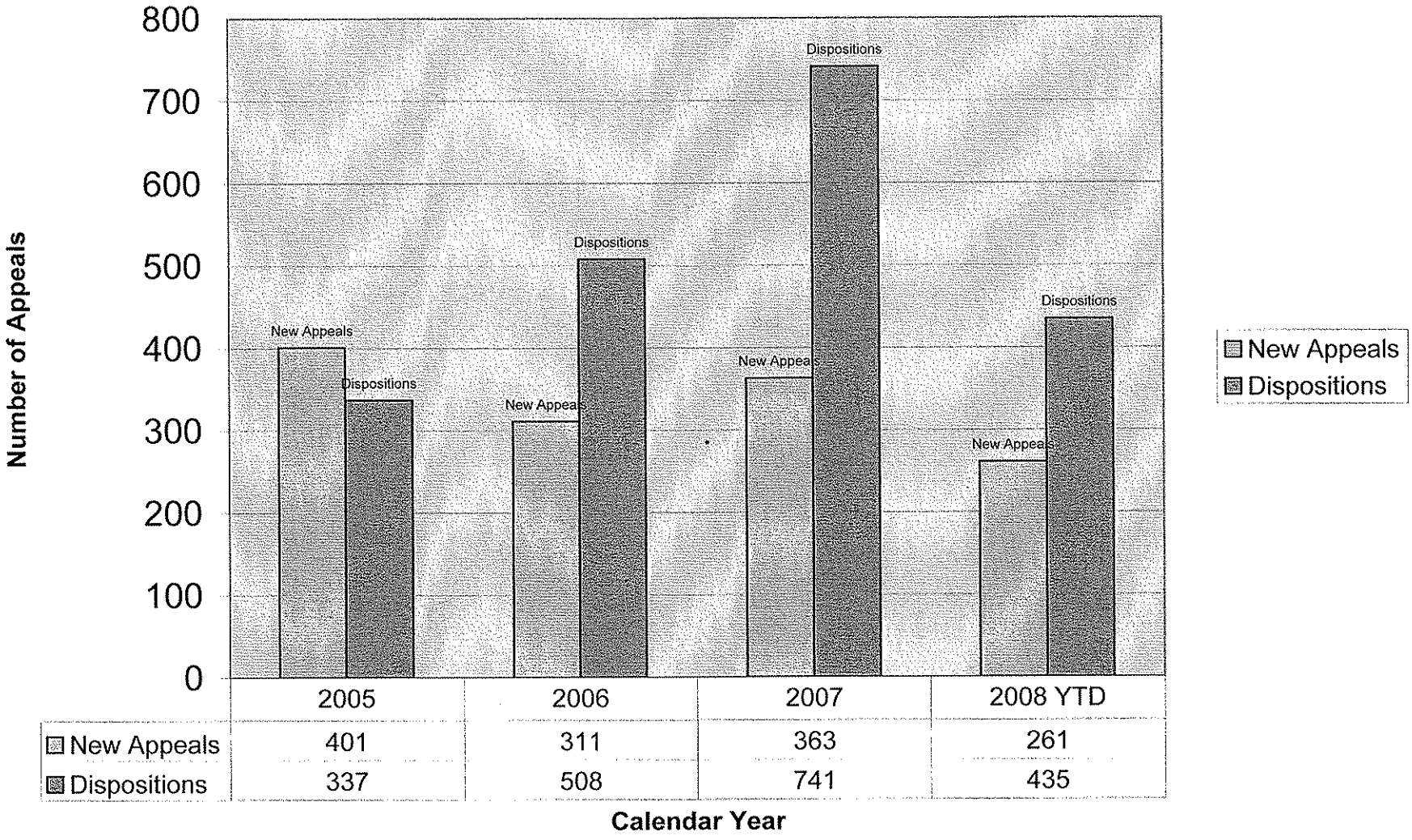
1/1/09

Massachusetts Civil Service Commission
Open Discipline and Bypass Cases: Month-End Aging Report

YEAR APPEAL FILED	**Dec 07**	Jan 08	Feb 08	March 08	April 08	May 08	June 08	July 08	Aug 08	Sep 08	Oct 08	Nov 08	**Dec 08**
Pre-2004	**20**	18	17	14	12	11	11	11	12	10	10	10	**10**
2004	**25**	22	17	15	12	9	8	7	7	5	4	4	**4**
2005	**79**	67	58	58	48	45	42	36	32	29	25	25	**23**
2006	**86**	73	63	58	52	49	46	36	35	22	21	21	**21**
2007	**241**	217	191	172	157	139	122	96	86	73	67	64	**63**
2008	**--**	18	35	41	62	75	83	99	111	122	130	143	**156**
Total	**451**	415	381	358	343	328	312	285	283	261	257	267	**277**

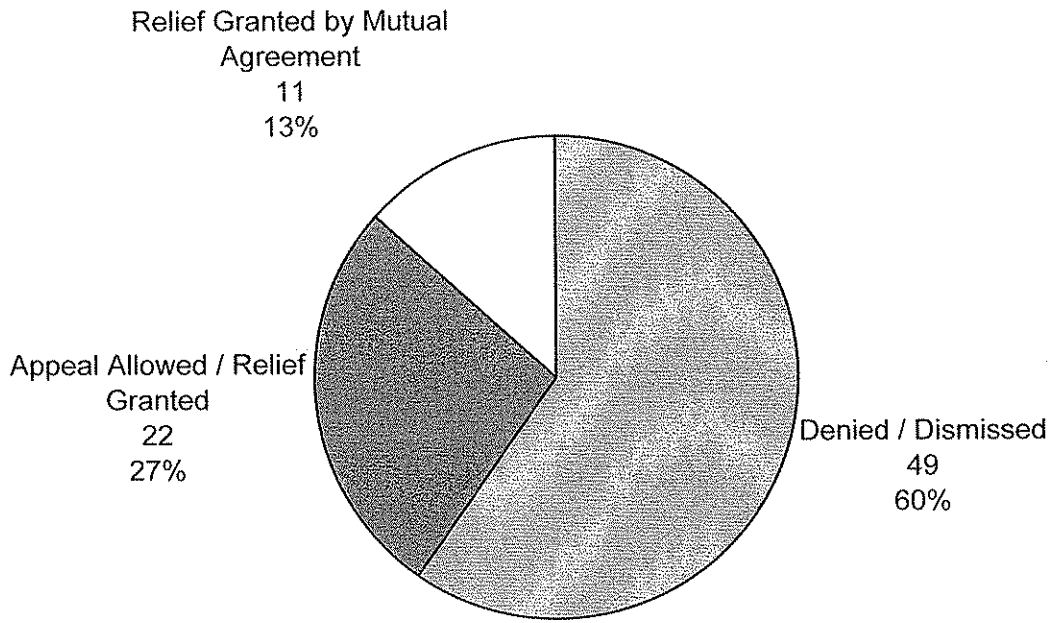
1/1/09

Discipline and Bypass Cases
New Appeals Filed v. Dispositions



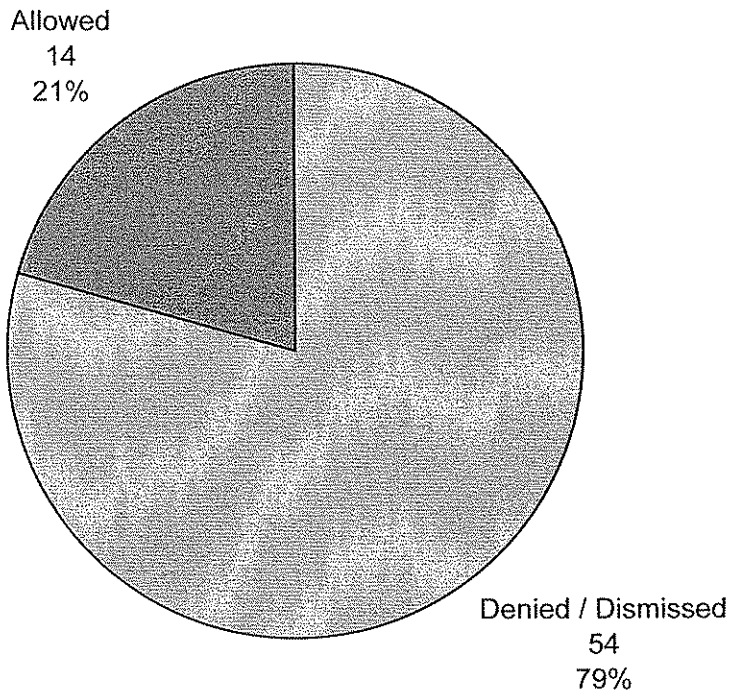
	2005	2006	2007	2008 YTD
New Appeals	401	311	363	261
Dispositions	337	508	741	435

2008 Bypass and Related Appeals Seeking Relief: 82 Decisions



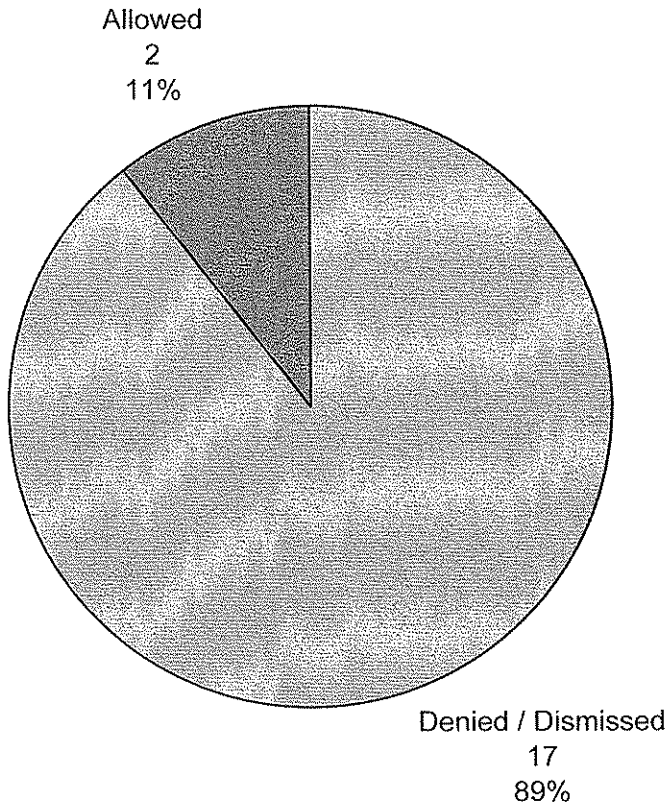
In Calendar Year 2007, 60% of bypass appeals were denied; relief was allowed in 10% of the appeals; and relief was allowed by mutual agreement regarding 30% of the appeals.

2008 YTD Disciplinary Appeals: 68 Substantive Decisions
Allowed v. Denied



In Calendar Year 2006, there were 87 substantive disciplinary decisions; 82% of the appeals were denied; and 18% were allowed; In Calendar Year 2007; there were 110 substantive discipline decisions; 85% were denied; 15% were allowed

2008 YTD Classification Appeals: 19 Substantive Decisions
Allowed v. Denied



In Calendar Year 2006, there were 17 substantive classification decisions; 94% were denied and 6% were allowed; In calendar year 2007, there were 20 substantative classification decisions; 100% were denied

COURT DECISIONS ISSUED SINCE JANUARY 1, 2007 REGARDING APPEAL OF COMMISSION DECISIONS
NUMBER OF COMMISSION DECISIONS AFFIRMED BY COURT – 44 (90%); OVERTURNED / REMANDED – 5 (10%)

Date of Court Decision	Court	Date of Commission Decision	Original Commission Decision In Favor Of?	Case Name	CSC Case No.	Commissioner	Court Decision	Issues
1/5/07	Suffolk Superior (Judge Locke)	8/17/05	Appellant (Bypass Appeal Allowed)	Gaudette v. Town of Oxford	G-02-298	Henderson	**Remanded** to Commission for de novo hearing (Appellant failed to appear for remand hearing; appeal was dismissed for lack of prosecution.)	▪ Commission conclusion that there was bias not supported by findings; ▪ Commission correct in ruling that negative reasons should have been given at time of bypass in this particular case. Court concerned, however, that Commission then proceeded to determine if negative reasons were supported by evidence.
2/8/07	Suffolk Superior (Judge Walker)	1/28/05	Appointing Authority (Termination Upheld)	Ly v. Lowell Police Department	D-01-1317	Henderson	**Affirmed**	▪ Appellant's "Carney Rights" were not violated; issue of whether information was obtained by police department as part of "criminal" investigation or "internal investigation.
2/21/07	Suffolk Superior (Judge Walker)	2/16/06	Appointing Authority (Termination Upheld)	Loughlin v. City of Fitchburg	D-03-10; D-04-274	Henderson	**Affirmed**	▪ Employee was terminated for poor performance, insubordination; rudeness and removing confidential information from files of fellow employees; ▪ On appeal to Superior Court, Appellant argued that Commission acted unlawfully by considering illegally obtained evidence (tape-recorded phone conversation); ▪ Court ruled that tape was only minimally mentioned in Commission decision and not heavily relied on in making decision; ▪ Court referenced credibility determinations made by CSC.

12/31/08; cases do not include default orders that resulted from failure to appear or failure to prosecute appeal.

Date of Court Decision	Court	Date of Commission Decision	Original Commission Decision In Favor Of?	Case Name	CSC Case No.	Commissioner	Court Decision	Issues
3/7/07	Suffolk Superior (Judge Fahey)	4/10/04	Appellant (Bypass Appeal Allowed)	Nelson Nahim v. Boston Police Department	G-02-400	Guerin	**Affirmed**	▪ Commission had allowed bypass appeal. Although 209A issued, it was limited in scope and the circumstances surrounding its issuance were subsequently determined to be suspect.
3/14/07	Suffolk Superior (Judge Sanders)	11/24/06	Appointing Authority (Termination Upheld)	Pau G. Chafe v. City of Chelsea	D-05-89	Guerin	**Affirmed**	▪ Commission dismissed disciplinary appeal which was filed four years after termination, far beyond the 10-day filing requirement.
3/13/07	Suffolk* Superior (Judge Cratsley) *Superior Court Decision affirmed by Appeals Court on 4/25/08	10/3/05	Appointing Authority (Promotional Bypass Appeal Dismissed)	Palmer et al v. Department of Correction	G2-03-438	Guerin	**Affirmed**	▪ Court affirmed Commission's decision that DOC promotions were conducted in accordance with applicable provisions of c. 31.
3/26/07	Middlesex Superior (Judge Fischman)	3/11/05	Appellant (30-day suspension overturned)	Metzler v. Lowell Public Schools	D-02-860	Taylor	**Affirmed**	▪ Commission overturned 30-day suspension issued to custodian for charges related to sexual harassment; ▪ No credible evidence to support charges; case relied heavily on credibility assessments of various witnesses; ▪ Court upheld Commission's decision without much comment.

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4/23/07	Suffolk Superior (Judge Walker)	10/20/06	Appointing Authority (Layoffs upheld)	Porio, Shea & Trachtenberg v. DOR and HRD	D-02-715; D-02-763; D-02-408	Bowman	**Affirmed**	▪ Plight of the Provisionals ▪ In regard to layoffs, individuals promoted to provisional positions are considered to have left their permanent position; ▪ Court decision centered on whether the SJC decision in Andrews was retroactive to this case (Timberlane exceptions). Court ruled that CSC correctly determined that Andrews case was effective retroactively.
5/7/07	Suffolk Superior (Judge Cratsley)	6/29/06	Appellant and HRD	Weinburgh v. Haverhill and HRD		Bowman	**Reversed**	▪ Court ruled that Commission (and HRD) were wrong to determine that an individual "shall have been employed" in the next lower position in order to sit for promotional exam, ruling that a retroactive seniority date, previously ordered by the Commission, was sufficient to allow the Appellant to sit for the exam.
9/4/08	*Appeals Court*	---	---	---	---	---	***Appeals Court Affirmed the Judgment of the Superior Court; Commission and HRD appealing to SJC***	
5/22/07	Suffolk Superior (Judge MacDonald)	4/25/06	Appointing Authority (Termination Upheld)	Dapkas v. Department of Correcction	D-02-793	Marquis	**Affirmed**	▪ Court affirmed CSC Decision in which it determined DOC had reasonable justification for terminating an employee with a long disciplinary history for falsifying forms regarding an alleged on-duty injury not disturbing the Commission's credibility assessments, which were central to the decision.

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6/7/07	Appeals Court	11/5/04	Appointing Authority (Termination Upheld)	Fierimonte v. Lowell Public Schools	D-03-407	Henderson	**Affirmed**	▪ Appeals Court ruled that the overwhelming evidence of the Appellant's poor work performance was more than ample to support the Commission's decision.
6/21/07	Appeals Court	10/9/03	Appointing Authority (Termination Upheld)	Pearson v. Town of Whitman	D-01-1564	Tierney	**Affirmed**	▪ Appeals Court ruled that Commission was correct in determining that there was substantial evidence justifying termination
6/25/07	Plymouth Superior Court (Judge Powers)	4/20/06	Appointing Authority / HRD	Gillis v. City of Boston and HRD	G-02-587	Taylor	**Affirmed**	▪ Commission's decision was not arbitrary or capricious when it determined that Appellant was not eligible for preference authorized by G.L. c.31, s. 26.
7/6/07	Plymouth Superior Court (Judge McLaughlin)	8/16/05	Appointing Authority (5-day suspension)	Lapworth v. Town of Carver	D-02-417	Guerin	**Affirmed**	▪ Commission possessed substantial evidence to support its conclusions regarding the Appellant's misconduct.
7/12/07	Suffolk Superior Court (Judge Troy)	2/16/06	Appellant (termination overturned)	Mullen and McGuiness v. DOC	D-05-53 & D-05-54	Henderson	**Vacated / Remanded**	▪ Commission decision not supported by substantial evidence; was arbitrary and capricious and exceeded Commission's authority.
8/22/07	Bristol Superior Court (Judge Moses)	3/23/06	Appointing Authority (termination upheld)	Markland v. City of Fall River	D-02-882	Guerin	**Affirmed**	▪ Findings of Commission supported by substantial evidence and were not arbitrary or capricious.

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9/20/07	Suffolk Superior Court (Judge Hogan)	1/10/06	Appointing Authority (upheld decision to bypass)	Anthony Gaul v. City of Quincy	G-02-673	Taylor	**Affirmed**	▪ Appellant was bypassed for reasons related to driving record; 209A; incomplete application; and being a smoker. ▪ Commission's decision was "legally sound and was not arbitrary, capricious or an abuse of discretion".
10/30/07	Bristol Superior Court (Judge Kane)	7/7/05	Appointing Authority (upheld denial of request for reclassification)	Nancy Fournier v. Department of Revenue	C-02-558	DALA	**Affirmed**	▪ Substantial evidence for the magistrate to find that Fournier did not perform the duties of the position being sought more than 50% of the time.
10/30/07	Bristol Superior Court (Judge Kane)	7/7/05	Appointing Authority (upheld denial of request for reclassification)	Theresa Hyde v. Department of Revenue	C-02-334	DALA	**Remanded**	▪ Magistrate erred by relying solely on job duties established by DOR and HRD after the Appellant's request for reclassification was required. ▪ Case must be re-heard and decided based upon job duties in place at time of appeal.
10/30/07	Plymouth Superior Court (Judge Chin)	6/15/06	Appointing Authority (upheld one-day suspension)	Raymond Orr v. Town of Carver	D-02-2	Bowman	**Affirmed**	▪ Commission did not abuse its discretion when it found that Orr's posting of an offensive cartoon was not activity protected under G.L. c. 150e; ▪ Commission did not abuse its discretion by assigning the case to another Commissioner to write decision after a former Commissioner left the Commission; ▪ Decision supported by the evidence and not arbitrary or capricious.

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Date of Court Decision	Court	Date of Commission Decision	Original Commission Decision In Favor Of?	Case Name	CSC Case No.	Commissioner	Court Decision	Issues
11/26/07	Suffolk Superior Court (Judge Cratsley)	1/12/07	Appointing Authority and HRD (ruled there was no bypass)	James Verderico v. Boston Police Department	G-02-213	Bowman	**Affirmed**	▪ On remand, the Commission was directed to determine if the Appellant would still have been "not reachable" on civil service list based on end of consent decree in City; ▪ Commission concurred with HRD that Appellant would not have been reachable and hence, there was no bypass; ▪ Court concurred.
12/18/07	Suffolk Superior Court (Judge Brassard)	10/16/06 & 3/15/07	Appointing Authority and HRD (Granted C.S. Permanence to provisional employees and upheld transfer)	BPPA v. City of Boston and HRD	G-06-113; G-07-33; I-07-34	Taylor / Guerin / Bowman / Ittleman	**Affirmed**	▪ On this consolidated appeal, the Court upheld all three Commission decisions related to the merger of the Boston Municipal Police Department with the Boston Police Department; ▪ Commission correctly determined that union in this case did not have standing; ▪ Commission has "significant discretion" in determining what response and to what extent, if at all an investigation under Section 2A is appropriate; ▪ The exercise of authority under Chapter 310 is "largely committed, if not entirely committed, to the informed discretion of the Civil Service Commission".

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Date of Court Decision	Court	Date of Commission Decision	Original Commission Decision In Favor Of?	Case Name	CSC Case No.	Commissioner	Court Decision	Issues
1/18/2008	Bristol Superior (Judge Gary Nickerson)	5/18/06	Appointing Authority (Decision not to grant reclassification affirmed)	Daniel Burns v. Department of Revenue	C-03-183	DALA	**Affirmed**	▪ Serving as a "back-up supervisor" did not meet the requirement of the higher classification which specified that the incumbent supervises 1-5 employees; ▪ Magistrate's decision was not arbitrary and was based on substantial evidence.
1/31/08	Appeals Court	1/3/05	Appointing Authority (Decision not to grant reclassification affirmed)	Anne Hartnett v. Department of Revenue	C-03-184	DALA	**Affirmed**	▪ "Assisting" superiors with certain higher level duties does not mean that the employee had the "authority" to perform the duty.
2/4/08	Hampden Superior Court (Judge Carhart)	2/16/06	Appellant (Overturning Termination)	Jason Brouillard v. Holyoke Police Department	D-03-130	Henderson	**Affirmed**	▪ Involves issue of probationary employee becoming tenured at end of probationary period absent written notice by the Appointing Authority; ▪ Appellant could not be terminated under the provisions of Section 34 as the notice was sent by the Police Chief, not the Mayor (Appointing Authority)
2/6/08	Suffolk Superior Court (Judge Cratsley)	9/8/06	Appointing Authority (Decision not to grant reclassification affirmed)	Arvanitis & Jacobs v. DOC	C-02-645 & C-02-646	Taylor	**Affirmed**	▪ No memorandum from Court; ▪ Commission re-asserted that it does not have jurisdiction over challenges to a *reallocation* of positions resulting from collecting bargaining agreement

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3/3/08	Suffolk Superior (Judge Hopkins)	7/27/06	HRD	Shea v. HRD	G1-03-219	Bowman	**Affirmed**	▪ G.L. c. 31, § 40 does not require HRD to place an employee's name on every employment list for which the employee is remotely qualified. Rather, they are only required to place the employee's name on the list for the permanent civil service position from which the employee was laid off.
3/12/08	Suffolk Superior Court (Judge Cosgrove)	2/9/07	Appointing Authority (upheld termination)	McCoy v. Town of Wayland	D-05-171	Guerin	**Affirmed**	▪ Court found that: "while progressive discipline is certainly a hallowed precept of labor law, the court is not persuaded that it is necessarily an indispensable prerequisite for dismissal; particularly, where, as here, the violations are serious." ▪ The Appellant's undisputed lying and falsification of documents, considered in light of his length of service and prior record as a police officer, sufficed to support this discharge.
3/17/08	Hampden Superior Court (Judge Carhart)	5/17/07	Appellant (Decision to bypass not justified)	Randolph & Shewchuk v. City of Springfield	G-02-215 & G-02-801	Guerin	**Affirmed**	▪ Commission's findings that promotions were marked by improper political and community pressure were not arbitrary or capricious.
3/20/08	Suffolk Superior Court (Judge Brassard)	10/27/06	Appointing Authority (Suspensions upheld)	Ameral & Kiely v. Somerville Police Department	D-03-292 & D-03-289	Bowman	**Affirmed**	▪ No accompanying memorandum from court; ▪ Commission decision concluded that the Appellants were untruthful thus justifying their suspensions.

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Date of Court Decision	Court	Date of Commission Decision	Original Commission Decision In Favor Of?	Case Name	CSC Case No.	Commissioner	Court Decision	Issues
3/31/08	Suffolk Superior (Judge Macdonald)	5/4/06	Appellant (in part) Suspension reduced from 13 months to 8 months	Reilly v. Department of State Police	D-05-382	Marquis Bowman	**Affirmed**	▪ The Commission had the Authority to review the Colonel's disciplinary action in general; (G.L. c. 22C, § 13) ▪ Modification justified given reasons articulated by Commission in its decision.
4/29/08	Suffolk Superior (Judge Cratsley)	11/30/06	Appointing Authority (upholding suspension and demotion)	Robert Downer v. Town of Burlington	D-03-188	Bowman	**Affirmed**	▪ Case involved alleged racial remarks made by Appellant; ▪ Court ruled that facts as found by the hearing officer as well as the credibility determinations made by him provide substantial evidence supporting the Commission's decision.
6/3/08	Middlesex Superior Court (Judge Zobel)	5/26/05	Appointing Authority (upholding termination)	Gregory Ratta v. Town of Watertown	D-02-85	Guerin	**Affirmed**	▪ Employee was terminated after OUI conviction which followed a drug test failure; ▪ Employee argued disparate treatment; ▪ Court ruled that: "Absent a showing of motivation akin to selective prosecution – of which the record is bare – Plaintiff cannot, by pointing to other, retained employees, avoid the Town's well-grounded decision to terminate him.

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6/27/08	Essex Superior Court (Judge Murtagh)	3/23/07	Appointing Authority (upholding termination)	Paul Murphy v. Salem Police Department	D-03-405	Bowman	**Affirmed**	▪ Court ruled that decision (to uphold termination) was based on "a rational explanation of the evidence presented in three days of hearings and found in the Commissioner's findings of fact."
6/30/08	Suffolk Superior Court (Judge Lauriat)	11/24/06	Appellant (psychological bypass not justified)	Kerri Cawley v. Boston Police Department	G1-06-95	Bowman	**Affirmed**	▪ The Commission "has not gone so far as to conclude that [the Appellant] is psychologically fit to become a police officer. Instead, the Commission has concluded that [the Appellant] has been deprived of an opportunity to participate in a hiring process that is free from personal bias. This is well within the authority and discretion of the Commission."
6/30/08	Suffolk Superior Court (Judge Quinlan)	4/20/07	Appointing Authority (upholding 1-day suspension)	Ronald Fries v. Town of Norwell	D-04-529	DALA	**Affirmed**	▪ The Commission's decision "was based upon substantial evidence. There was a directive. The plaintiff was aware of the directive. The plaintiff violated that directive without justification or cause…The Commission's decision was not [arbitrary]."
7/2/08	Suffolk Superior Court (Judge Holtz)	4/5/07	Appointing Authority (upholding promotional bypass for sergeant)	Mark Zielinski v. City of Everett	G2-04-133	Guerin	**Affirmed**	▪ No evidence of political considerations in bypass decision; ▪ Decision by Commission not arbitrary or capricious.

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7/16/08	Bristol Superior Court (Judge Moses)	3/6/07	Appointing Authority (upholding original bypass)	Frederick T. Preece, Jr. v. Department of Correction	G1-05-5	DALA	**Affirmed**	▪ G.L. c. 276, s. 100C did not preclude DOC from considering Appellant's CORI as, in light of Globe Newspaper Co. V. Pokaski, the Appellant's records were not sealed. In Globe, First Circuit concluded that the first paragraph of this statute, is unconstitutional. Thus, the Appellant's records were not automatically sealed after the Appellant was found not guilty of murder. ▪ In re: admissibility of CORI report: Under G.L. c. 30A, agencies are not required to follow the rules of evidence observed by the courts. Evidence may be admitted and given probative effect if it is the kind of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs. ▪ While Appellant was acquitted of the charges in question, the Commonwealth was held to a higher standard of proving its case beyond a reasonable doubt as compared with the standard of preponderance of the evidence that typically applies to a civil case.

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July 17, 2008	Suffolk Superior Court (Judge Connolly)	6/15/06	Appointing Authority (upheld layoff for lack of funds)	John Oleski v. Department of Mental Health	D-5121	Bowman	**Affirmed**	• The Appointing Authority exercised its judgment prior to any crisis existing regarding funding; • Its action were based on sound judgment at the time; • To require the Appointing Authority to be a Monday morning quarterback makes no sense at all.
July 24, 2008	Suffolk Superior Court (Judge Cratsley)	5/18/07	Appointing Authority (Dismissal of appeal based on jurisdiction issues)	Rodrigues and Monteiro v. City of Brockton	G1-04-4; G1-04-5; G1-05-212; G1-05-213	Guerin	**Affirmed**	• Commission correctly ruled that there was no actual harm to Appellants whose names were not included on civil service list because their scores were too low, as minority candidates, to be included on list.
July 25, 2008	Suffolk Superior Court (Judge Quinlan)	7/19/07	Appellant (overturned loss of 20 days of accrued vacation)	Rosemarie Hicks v. Department of State Police	D-02-795	DALA	**Affirmed**	• Commission does have jurisdiction to hear appeal where the discipline imposed was the loss of accrued vacation time; • Since Magistrate reached different conclusion than State Police, Falmouth case does not apply in regard to not being able to modify discipline imposed.
July 25, 2008	Middlesex Superior Court (Judge Kottmyer)	8/2/07	Appointing Authority (upheld termination)	Scott Nadile v. City of Somerville	D1-07-69	Bowman	**Affirmed**	• Commission's decision was supported by substantial evidence; • Commission correct in determining no disparate treatment (treating verbal threats and physical acts of violence differently is neither arbitrary or unreasonable)

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August 13, 2008	Suffolk Superior Court (Judge Giles)	9/7/06	Appointing Authority (upheld 1-day suspension)	William Dwan v. Boston Police Department	D-02-869	Bowman	**Affirmed**	▪ Commission decision supported by substantial evidence; no error of law; was not arbitrary or capricious.
August 26, 2008	Suffolk Superior Court (Judge Hines)	5/4/07	Appointing Authority (upholding termination)	Gregory Tanger v. Town of Weymouth	D-05-203	Guerin	**Affirmed**	▪ Commission decision is "amply supported by substantial evidence in the administrative record"; ▪ Decision was based on a "rational explanation of the evidence".
September 11, 2008	Suffolk Superior Court (Judge Lauriat)	8/14/06	Appointing Authority (upholding layoffs)	Raymond et al v. Town of Athol	D-04-95-98	Goldblatt	**Reversed**	▪ Commission decision failed to consider the effect of the Fire Chief's improper motivations on the budget process; ▪ Fire Chief deprived the Board of Selectmen, Finance Committee and Town Meeting of the ability to make a good faith, non arbitrary determination that its revenues would be insufficient to pay the employees' salaries.
October 29, 2008	Suffolk Superior Court (Judge Lauriat)	6/5/06	Appointing Authority (upholding termination)	Chin v. City of Boston	D-02-902	Guerin	**Affirmed**	▪ There was substantial evidence that the Appellant was guilty of misconduct ; ▪ Further, Appellant can not broaden the scope of her argument beyond what was presented to the Commission.

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10/27/08	Suffolk Superior Court (Judge Henry)	3/28/07	Appointing Authority (reinstatement rights issue)	27 Former Boston Municipal Police Officers v. City of Boston	D1-07-05 – D1-07-31	Bowman Guerin	**Affirmed**	▪ The Commission did not commit any error of law in interpreting and applying G.L. c. 31, s. 40.
11/20/08	Suffolk Superior Court (Judge Connolly)	8/27/07	Appointing Authority (termination upheld)	Robert Grinham v. Town of Easton	D-05-293	DALA	**Affirmed**	▪ The evidence is "literally overwhelming" in support of the findings and decision of the Civil Service Commission…to dismiss Ginham from his position as a police sergeant.
12/8/08	Suffolk Superior Court (Judge Hines)	8/27/07	Appointing Authority (no jurisdiction to hear appeal related to Boston Cadet Program)	Sean Finn v. Boston Police Department	G1-05-441	Marquis	**Affirmed**	▪ The appointment of (Boston Police) cadets as new police officers, like the appointment of new cadets, is not subject to the civil service law or rules, and a cadet may not seek Commission review regarding the denial or withdrawal of his appointment.
12/11/08	Suffolk Superior Court (Judge Henry)	11/14/06	Appointing Authority (provisional promotion upheld)	Joan Rainville v. Mass Rehab Commission	G2-06-11	Marquis	**Affirmed**	▪ The Appointing Authority acted in accordance with c. 31 when it made a provisional promotion.

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