

COMMONWEALTH OF MASSACHUSETTS

CIVIL SERVICE COMMISSION

100 Cambridge Street, Suite 200

Boston, MA 02114

(617) 979-1900

**CHRISTOPHER ALLENDER and
TODD CALDERWOOD,**

Appellants

v.

CITY OF AMESBURY,

Respondent

Docket Numbers:

G2-23-236 (Allender)

G2-23-245 (Calderwood)

Appearance for Appellants:

Pro Se

Christopher Allender

Todd Calderwood

Appearance for Respondent:

Jared Collins, Esq. & David Jenkins, Esq.

KP Law, P.C.

101 Arch St., 12th Floor

Boston, MA 02110

Commissioner:

Shawn C. Dooley

FINAL DECISION AND ORDERS

[ADDENDUM TO INTERIM DECISION ISSUED ON OCTOBER 17, 2024]

Pursuant to this Commission's [Interim Decision](#) issued on October 17, 2024 (which is incorporated as if fully set forth herein), the Civil Service Commission, pursuant to G.L. c. 31, §§ 2 and 77, hereby ORDERS as follows:

1. Effective January 19, 2025, and in the absence of any vacancy in a Fire Lieutenant position created prior to that date, Lt. Christopher LeSage's 2023 promotion to serve as a permanent Lieutenant in the Amesbury Fire Department shall be vacated.
2. Until such time as a permanent Fire Lieutenant is newly appointed, Lt. LeSage may, at the appointing authority's discretion, continue to serve as a temporary Fire Lieutenant.
3. The state's Human Resources Division (HRD), or the City of Amesbury (City) in its delegated capacity, shall revive the Certification initially used to promote Lt. LeSage in

or around October of 2023. No further eligible list for Fire Lieutenant in Amesbury shall be established until such time as the provisions of paragraphs 4 through 6 below are fully complied with.

4. The City's Appointing Authority shall forthwith make a new permanent promotional appointment—in compliance with all applicable civil service laws and rules—that is consistent with basic merit principles.
5. In any future consideration of Christopher Allender for promotion to Fire Lieutenant, the City shall not bypass him as a result of any facts or circumstances of which it had knowledge prior to the filing with the Commission of the City's Proposed Decision on July 3, 2024.
6. No permanent promotional appointment to Fire Lieutenant in Amesbury of any candidate ranked below Christopher Allender on the Certification and eligible list created in response to Requisition # 08048 shall become effective until such time as: a) the City has provided Firefighter Allender with reasons for bypass; b) Firefighter Allender has had the opportunity to file an appeal with the Commission; and c) the Commission has issued a final decision related to any such bypass.
7. The Commission urges the parties to implement all other provisions of the inchoate settlement agreement reported to the Commission by counsel for the City on December 13, 2024.
8. For the reasons stated in the Interim Decision, the appeal of the second-ranked candidate, Todd Calderwood, is moot and is hereby dismissed.

Civil Service Commission

/s/ Shawn C. Dooley
Shawn C. Dooley
Commissioner

By a 5-0 vote of the Civil Service Commission (Bowman, Chair; Dooley, Markey, McConney, and Stein, Commissioners) on December 19, 2024.

Either party may file a motion for reconsideration within ten days of the receipt of this Commission order or decision. Under the pertinent provisions of the Code of Mass. Regulations, 801 CMR 1.01(7)(1), the motion must identify a clerical or mechanical error in this order or decision or a significant factor the Agency or the Presiding Officer may have overlooked in deciding the case. A motion for reconsideration does not toll the statutorily prescribed thirty-day time limit for seeking judicial review of this Commission order or decision.

Under the provisions of G.L. c. 31, § 44, any party aggrieved by this Commission order or decision may initiate proceedings for judicial review under G.L. c. 30A, § 14 in the superior court within thirty (30) days after receipt of this order or decision. Commencement of such proceeding shall not, unless specifically ordered by the court, operate as a stay of this Commission order or decision. After initiating proceedings for judicial review in Superior Court, the

plaintiff, or his / her attorney, is required to serve a copy of the summons and complaint upon the Boston office of the Attorney General of the Commonwealth, with a copy to the Civil Service Commission, in the time and in the manner prescribed by Mass. R. Civ. P. 4(d).

Notice to:

Christopher Allender (Appellant)

Todd Calderwood (Appellant)

David Jenkins, Esq. (for Respondent)

Ashlee Logan, Esq. (for HRD)