

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

CIVIL SERVICE COMMISSION

One Ashburton Place: Room 503
Boston, MA 02108
(617) 727-2293

TANZILL AMISS,
Appellant

G1-14-120

v.

WESTFIELD FIRE COMMISSION,
Respondent

Appearance for Appellant:

Pro Se
Tanzill Amiss

Appearance for Respondent:

Jeffrey Krok, Esq.
City of Westfield
Office of the City Solicitor
59 Court Street
Westfield, MA 01085

Commissioner:

Christopher C. Bowman

ORDER OF DISMISSAL

On May 27, 2014, the Appellant, Tanzil Amiss (Mr. Amiss), filed an appeal with the Civil Service Commission, contesting: 1) the decision of the Westfield Fire Commission (City) to bypass him for original appointment to the position of firefighter / paramedic; and 2) the decision of the state's Human Resources Division (HRD) to allow the City's request to remove his name from the eligible list of firefighter candidates in the City via "PAR.09".

On June 25, 2014, I held a pre-hearing conference that was attended by Mr. Amiss, counsel for the City and the City's Human Resources Director. Mark Detwiler, counsel for HRD, participated via phone. The parties executed a series of stipulated facts.

Mr. Amiss took and passed the civil service examination for firefighter on April 28, 2012 and he appeared on the eligible list for Westfield firefighter as a resident, beginning on December 1, 2012. In order to qualify for the residency preference in Westfield, Mr. Amiss would have had to have resided in Westfield from April 28, 2011 to April 28, 2012, the one year prior to the date of the civil service examination. According to Mr. Amiss, he did not begin residing in Westfield until July 29, 2011. Thus, based on Mr. Amiss's own statement, his name should not have appeared as a Westfield resident on the eligible list, established on December 1, 2012, or

Certification No. 01124, sent to the City on October 29, 2013. Only residents were selected as part of this hiring cycle. As a non-resident, the name of Mr. Amiss would have appeared below all residents. Thus, there was no bypass here.

That leaves the PAR.09 removal, which prohibits Mr. Amiss's name from appearing on any Certifications generated from the current eligible list for firefighter in Westfield, set to expire on December 1, 2014.

The City recently requested a Certification from HRD for firefighter / paramedic and two (2) persons have signed that Certification (No. 01701) as willing to accept appointment. I asked HRD to determine whether, based on Mr. Amiss's score and non-residency status, his name would have appeared on that Certification but for the PAR.09 removal. After review, HRD determined that Mr. Amiss did not score high enough to be included on Certification No. 01701. Thus, Mr. Amiss was not aggrieved by the PAR.09 removal. Further, the City has subsequently sent correspondence to HRD rescinding its request for a PAR.09 removal, which will result in Mr. Amiss's name being placed back on the current eligible list, set to expire on December 1, 2014.

In summary, the undisputed facts show that Mr. Amiss never should have been considered for appointment as his name, based on this non-resident status, was not ranked high enough to be included on any Certifications issued from the current eligible list. No bypass occurred and the City has rescinded its PAR.09 removal request.

For these reasons, the Commission has no jurisdiction to hear this appeal under G.L. c. 31, § 2(b) and Mr. Amiss's appeal under Docket No. G1-14-120 is hereby *dismissed*.

Civil Service Commission

/s/Christopher C. Bowman

Christopher C. Bowman

Chairman

By a vote of the Civil Service Commission (Bowman, Chairman; Ittleman, McDowell, and Stein, Commissioners) on July 24, 2014.

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)(l), 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.

Notice:

Tanzill Amiss (Appellant)

Jeffrey Krok, Esq. (for Respondent)

Mark Detwiler, Esq. (HRD)