

# Clarification of Commission Policies

At a public meeting on August 17, 2006, the Commission (Goldblatt, Chairman; Bowman, Guerin, Marquis, Taylor, Commissioners) voted 5-0 to issue a clarification and reminder regarding filing fees, continuances, and DALA hearings; and to indicate that certain Commission decisions will be online.

## **I. Appropriate Fee Must Accompany All Appeals at Time of Filing**

A filing fee has been required by law since January 13, 2003. Thus, individuals, including attorneys on behalf of their clients, who file an appeal with the Commission are required to include the [statutorily-mandated filing fee](#) with their [appeal form](#).

**Effective December 1, 2006, any appeal that does not include the appropriate fee (or waiver form) will be returned to the Appellant or attorney who submitted it.**

## **II. Continuances Only Allowed in Extraordinary Circumstances**

Requests for continuances are only allowed by the Commission in **extraordinary circumstances**. While this policy is unchanged, it has been interpreted in a manner that has caused repeated delays in derogation of the interests of all parties.

Attorneys, as well as Appellants not represented by attorneys, should seek continuances **only** in truly extraordinary circumstances. Notices are sent with a minimum of 30 days' notice, which is adequate time to prepare. An appearance in another forum is not considered an extraordinary circumstance and does not warrant a continuance.

## **III. DALA to Continue Hearing Civil Service Appeals**

The Division of Administrative Law Appeals (DALA) will continue to hear civil service appeals - including classification, bypass and disciplinary appeals. In order to maximize the use of hearing rooms, some of the DALA hearings will be conducted at the new DALA offices at 14 Summer St., 4<sup>th</sup> floor, Malden, MA 02148. Parties will be notified well in advance if the hearing will be conducted at DALA offices.

As usual, any pre-hearing motions, including motions to dismiss and requests for continuances, should be sent to the Commission, even if the case is being heard by DALA. DALA's recommended decisions are always forwarded to the Commission for review and vote.

## **IV. Commission Decisions Will Be Online in Fall 2006**

Beginning in the Fall of 2006, the Commission will begin posting newly-issued decisions online at [www.mass.gov/csc](http://www.mass.gov/csc). For information on obtaining prior Commission decisions, individuals should contact the Commission via email at [cscwebmaster@mass.gov](mailto:cscwebmaster@mass.gov) and include the name and docket of the decision requested or visit a local law library.