

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

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

ERIC CONNOLLY,
Appellant

v.

B2-19-189

HUMAN RESOURCES DIVISION,
Respondent

Appearance for Appellant:

Pro Se
Eric Connolly

Appearance for Respondent:

Patrick Butler, Esq.
Human Resources Division
100 Cambridge Street, Suite 600
Boston, MA 02114

Commissioner:

Christopher C. Bowman

ORDER OF DISMISSAL

On September 3, 2019, the Appellant, Eric Connolly (Mr. Connolly), a police officer in the City of Salem (City), filed an appeal with the Civil Service Commission (Commission), contesting the education and experience (E&E) credits awarded to him on a recent promotional examination for police sergeant in addition to asking that his score related to the assessment center portion of the examination be “re-calculated”.

On October 8, 2019, I held a pre-hearing conference at the offices of the Commission which was attended by Mr. Connolly and counsel for HRD. As part of the pre-hearing conference, Mr. Connolly was unable to show that he had filed an appeal with HRD prior to filing the instant appeal with the Commission.

Notwithstanding the above, I asked HRD, via a Procedural Order, to determine if the Appellant’s score would change if the E&E portion of the instant appeal that he filed with the Commission was allowed. According to HRD, it would not.

Although Mr. Connolly was provided with the above-referenced information, he indicated that he still wanted to pursue his appeal with the Commission.

G.L. c. 31, § 24 provides that certain appeals regarding tests may be made to the Commission but “such appeal shall be filed no later than seventeen days after the date of mailing of the decision of the administrator” and “the commission shall refuse to accept any petition for appeal unless the request for appeal, which was the basis for such petition, was filed in the required time frame.”

The Commission has reasoned, citing the appeals court, that “a fair reading of the entire statute indicated that . . . training and experience scores may be appealed under §24” and the seventeen day time limit should be applied. Healey v. Human Resources Division, 27 MCSR 610 (2014), *citing*, O’Neill v. Civil Service Commission, 10-P-384 (February 15, 2011; per Rule 1:28).

Mr. Connolly did not file an appeal with HRD in the required time frame.

For this reason, his appeal under Docket No. B2-19-189 is *dismissed*.

Civil Service Commission

/s/ Christopher Bowman
Christopher C. Bowman
Chairman

By a vote of the Civil Service Commission (Bowman, Chairman; Camuso, Ittleman, Stein and Tivnan, Commissioners) on November 7, 2019.

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. 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:

Eric Connolly (Appellant)
Patrick Butler, Esq. (for Respondent)