

**COMMONWEALTH OF MASSACHUSETTS**

SUFFOLK, ss.

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

DENNIS DONNELLY,  
Appellant

G1-15-16

v.

CITY OF CAMBRIDGE,  
Respondent

Appearance for Appellant:

Jillian M. Ryan, Esq.  
Pyle Rome  
2 Liberty Square, 10<sup>th</sup> Floor  
Boston, MA 02109

Appearance for Respondent:

Leo J. Peloquin, Esq.  
Collins, Loughran & Peloquin, P.C.  
320 Norwood Park South  
Norwood, MA 02062

Commissioner:

Christopher C. Bowman

**ORDER OF DISMISSAL**

On January 20, 2015, the Appellant, Dennis Donnelly (Mr. Donnelly), a candidate for appointment as a firefighter with the Cambridge Fire Department (City), filed an appeal with the Civil Service Commission (Commission).

On February 3, 2015, I held a pre-hearing conference via phone that was attended by counsel for Mr. Donnelly and counsel for the City.

The following facts are not disputed, unless otherwise noted:

1. On March 28, 2012, Mr. Donnelly took and passed the civil service examination for firefighter.
2. On November 1, 2012, his name appeared on an eligible list of candidates for Cambridge firefighter, established by the state's Human Resources Division (HRD).
3. At some point after November 1, 2012, Mr. Donnelly's name appeared on Certification No. 01380 for Cambridge firefighter.

4. On March 5, 2014, the City granted conditional offers of employment to Mr. Donnelly and three (3) others candidates whose name appeared on Certification No. 01380.
5. On March 13, 2014, Mr. Donnelly participated in a medical examination, one of the conditions of employment.
6. At some point after March 13, 2014, the City received information from the physician that Mr. Donnelly was disqualified due to a “Category B” medical disqualification. The parties do not agree on whether and, if so, when, Mr. Donnelly received notification of this medical disqualification.
7. At some point, Mr. Donnelly underwent a “re-examination”, which he is entitled to under the civil service law.
8. The City has determined that, prior to determining whether Mr. Donnelly still has a Category B medical disqualification, additional information is needed and, as of the pre-hearing conference, a medical appointment was scheduled for February 11, 2015 to obtain this information.
9. The process here has been unusually long. However, Mr. Donnelly’s conditional offer of employment has not been rescinded and, if medically cleared, the City intends on moving forward with the next steps in the hiring process including, but not limited to, scheduling Mr. Donnelly for a Physical Abilities Test (PAT). Should Mr. Donnelly meet all of the conditions of employment, he shall then be enrolled in the next available Fire Academy.
10. In the event that Mr. Donnelly does not meet the conditions of employment, the City will rescind the conditional offer of employment, notify Mr. Donnelly of the reasons for such, along with any of his appeal rights. At that point, Mr. Donnelly will have the opportunity to exercise any appeal rights available to him.

### *Analysis*

In short, this appeal got filed with the Commission due to Mr. Donnelly’s frustration with an unusually long hiring process, largely due to an ongoing medical evaluation. Mr. Donnelly’s conditional offer of employment, however, has not been rescinded and, assuming he satisfies all of the conditions of employment, the City plans on appointing him as a firefighter.

If he is not appointed, the City will notify him of the reasons for his non-selection along with any appeal rights. Mr. Donnelly will then exercise any appeal rights available to him. Thus, this appeal is premature.

While this appeal is premature, and the Commission, at this point, lacks jurisdiction to hear this appeal, the City should also consider this to be a friendly, but firm, request by the Commission to get a move-on and wrap things up in a more expeditious manner.

*Conclusion*

For the reasons cited above, Mr. Donnelly's appeal under Docket No. G1-15-16 is hereby ***dismissed.***

Civil Service Commission

/s/ Christopher Bowman  
Christopher C. Bowman  
Chairman

By a vote of the Civil Service Commission (Bowman, Chairman; Ittleman, McDowell, and Stein, Commissioners) on February 19, 2015.

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:

Jillian Ryan, Esq. (for Appellant)  
Leo Peloquin, Esq. (for Respondent)  
John Marra, Esq. (HRD)