

**COMMONWEALTH OF MASSACHUSETTS  
CIVIL SERVICE COMMISSION**

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

**EDWARD HAYES,**

*Appellant*

v.

**CITY OF LAWRENCE,**

*Respondent*

**Case No.:** E-10-130

**DECISION ON REQUEST FOR RELIEF UNDER  
CHAPTER 310 OF THE ACTS OF 1993**

The Appellant, Edward Hayes, filed this appeal with the Civil Service Commission under G.L. c. 31, § 2(b) and asks the Commission, pursuant to Chapter 310 of the Acts of 1993, to adjust his civil service seniority date as a permanent full-time Lawrence police officer *from* May 15, 2002 *to* April 9, 2001. The City of Lawrence does not oppose his request.<sup>1</sup>

Appellant Hayes was appointed as a permanent full-time police officer in the City of Lawrence on April 9, 2001. There is no dispute that the Appellant began performing all the duties of a full-time police officer on this date.

At some point subsequent to April 9, 2001, it was determined that the Appellant had not completed the Physical Abilities Test (PAT) approved by the state's Human Resources Division (HRD), although he had completed a PAT in the past. The Appellant, upon completing and passing the HRD-approved PAT, was given a civil service seniority date of May 15, 2002 (the day he passed the HRD-approved PAT).

Given the facts of this particular case and after a review of the relevant evidence and testimony, I conclude that the Appellant's civil service seniority date as a permanent full-time Lawrence police officer should be April 9, 2001.

Pursuant to the powers of relief inherent in Chapter 534 of the Acts of 1976 as amended by Chapter 310 of the Acts of 1993, the Commission orders the Human Resources Division, or the City of Lawrence in its delegated capacity, to adjust the Appellant's civil service seniority date as a permanent full-time Lawrence police officer to April 9, 2001.

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<sup>1</sup> The Appellant's appeal was filed at the same time that several other Lawrence police officers filed appeals seeking an adjusted seniority date for unrelated reasons. This appeal, although unrelated, was heard at the same time. As part of those proceedings, the Commission entered a Procedural Order to determine if any other Lawrence police officers objected to the retroactive seniority dates being sought by Appellant Hayes and the other Appellants. In regard to Appellant's Hayes's appeal, the Commission received no written objections to his request nor was there any objection by those police officers present at a Commission hearing conducted on June 29, 2010.

Civil Service Commission

Christopher C. Bowman  
Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Henderson, Marquis, Stein and McDowell, Commissioners) on July 1, 2010.

A True Record. Attest:

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Commissioner

Either party may file a motion for reconsideration within ten days of the receipt of this decision. The motion must identify a clerical or mechanical error in the decision or a significant factor the Agency or the Presiding Officer may have overlooked in deciding the case. A motion for reconsideration shall be deemed a motion for rehearing in accordance with G.L. c. 30A, § 14(1) for the purpose of tolling the time for appeal.

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

Notice to:

Edward Hayes, Esq. (for Appellant)

Anne Randazzo, Esq. (for City of Lawrence)

Tsuyoshi Fukuda, Esq. (for HRD)