

**COMMONWEALTH OF MASSACHUSETTS  
CIVIL SERVICE COMMISSION**

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

**FRANCIS X. HEALY,**  
*Appellant*  
v.

**Case No.:** G1-11-320

**CITY OF MALDEN ,**  
*Respondent*

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

The Appellant, Francis X. Healy, filed this appeal with the Civil Service Commission pursuant to G.L. c.31, § 2(b) when he was bypassed for the position of permanent full-time firefighter in the City of Malden.

The Commission accepts the mutual agreement of the parties and, 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, orders the Human Resources Division, or the City of Malden in its delegated capacity, to take the following action:

Place the name of Francis X. Healy at the top of future certifications for the position of permanent full-time police firefighter in the City of Malden until he is selected or bypassed.

Further, if the Appellant is selected for appointment, he shall receive a retroactive seniority date for civil service purposes only the same as those appointed from Certification No. 202200.

This retroactive seniority date is not intended to provide the Appellant with any additional and/or retroactive compensation or benefits, including creditable service toward retirement.

Civil Service Commission

Christopher C. Bowman  
Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Marquis, McDowell and Stein, Commissioners ) on March 8, 2012.

A True Record. Attest:

\_\_\_\_\_  
Commissioner

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)(1), 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 to:

Leah Marie Barrault, Esq. (for Appellant)

Thomas E. Brennan, Esq. (for Respondent)

John Marra, Esq. (HRD)