

**COMMONWEALTH OF MASSACHUSETTS**

**SUFFOLK, ss.**

**CIVIL SERVICE COMMISSION**  
One Ashburton Place: Room 503  
Boston, MA 02108  
(617) 979-1900

**IN RE: HOLYOKE RESIDENCY  
INVESTIGATION**

**CSC Tracking No. I-19-137**

Appearance for City of Holyoke:

Russell J. Dupere, Esq.  
Dupere Law Offices  
94 North Elm Street – Suite 307  
Westfield, MA 01085

Appearance for Firefighter S and  
Local 1683 IAAF:

Patrick Bryant, Esq.  
Pyle, Rome, Ehrenberg, P.C.  
2 Liberty Square -10<sup>th</sup> Floor  
Boston, MA 02109

Commissioner:

Paul M. Stein

**ORDER ON MOTION FOR RECONSIDERATION OF  
FINDINGS AND CONCLUSION OF INVESTIGATION**

On March 11, 2021, after completing an investigation and finding that a violation of the civil service law and rules had been committed relating to residency preference regarding the appointment of a certain Firefighter (Firefighter S) to a permanent, full-time position in the Holyoke Fire Department (HFD), the Civil Service Commission (Commission) voted 5-0 to order that Holyoke and HRD take certain action to remediate the violations by the City and Firefighter S, including providing relief to at least one (1) non-selected minority candidate who was harmed by the invalid appointment of Firefighter S.

On March 16, 2021, Holyoke filed a Motion for Reconsideration, asserting that the remedial relief ordered by the Commission was unnecessary because Holyoke had “hired every eligible

minority candidate on the Certification”.<sup>12</sup> The Motion for Reconsideration provided information that, for the first time, confirms the Commission’s conclusion that the invalid appointment of Firefighter S harmed at least one minority firefighter candidate who could have been appointed in that hiring cycle but for the invalid appointment of Firefighter S, and, further identified that candidate, who was tied on Certification 04132 with the last candidate hired from that certification. Holyoke also stated that this candidate was eventually appointed in a subsequent hiring cycle, and that he is currently serving as an HFD Firefighter.

Thus, it is no longer necessary, as previously ordered by the Commission, to revive Certification 04132 in order to identify which minority candidate was prejudiced by the invalid appointment of Firefighter S. The identity of that candidate is now known and (since it is also known that he was eventually hired), it is also undisputed that, but for the unlawful appointment of Firefighter S, this firefighter should have been appointed no later than March 20, 2017, the same date that the candidate with which he was tied on Certification 04312 was appointed. Thus, that firefighter’s civil service seniority date should be adjusted accordingly.

The subsequent hiring of this minority candidate, however, does not alter the fact that the appointment of Firefighter S, who has not shown that he qualified for a residency preference in Holyoke, was a violation of the civil service law. For this reason, and for all the reasons stated in the Findings and Conclusions, as amended, all other orders remain in place.

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<sup>1</sup> In its motion, the City references a 3:1 (non-minority to minority) ratio that was in place in 2017 when the relevant Certification was active. To ensure clarity, the consent decree was modified in 2018, requiring a 1:1 hiring ratio on a going forward basis.

<sup>2</sup> The City’s motion also references a scrivener’s error related to a Certification No. which has been corrected in the amended order.

Accordingly, the Motion for Reconsideration is *allowed, in part and it is ORDERED*: Amended Findings and Conclusions of Investigation shall issue consistent with the conclusions herein. Holyoke and HRD shall comply with the Corrected Findings and Conclusions as amended.

Civil Service Commission

/s/ Paul M. Stein

Paul M. Stein  
Commissioner

By a 5-0 vote of the Civil Service Commission (Bowman, Chairman; Ittleman, Camuso, Stein and Tivnan, Commissioners) on March 25, 2021

A 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, a 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 to:

Russell Dupere, Esq. (for City of Holyoke)  
Patrick Bryant, Esq. (for Firefighter S)  
Patrick Butler, Esq. (HRD)  
Regina Caggiano (HRD)