

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION**

SUFFOLK, ss.

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

CHRISTINE JEAN-BAPTISTE,
Appellant

v.

G1-16-190

CITY OF CAMBRIDGE,
Respondent

Appearance for Appellant:

James W. Gilden, Esq.
173 North Main Street
Sharon, MA 02067

Appearance for Respondent:

Joshua R. Coleman, Esq.
Collins, Loughran & Peloquin, P.C.
320 Norwood Park South
Norwood, MA 02062

Commissioner:

Christopher C. Bowman

ORDER OF DISMISSAL

On November 18, 2016, the Appellant, Christine Jean-Baptiste (Ms. Jean-Baptiste), pursuant to G.L. c. 31, § 2(b), filed an appeal with the Civil Service Commission (Commission), contesting her non-selection for original appointment in the City of Cambridge (City)'s Police Department.

On December 6, 2016, I held a pre-hearing conference at the offices of the Commission, which was attended by Ms. Jean-Baptiste, her counsel, counsel for the state's Human Resources Division (HRD) and representatives from the City.

Prior to the pre-hearing conference, the City filed a Motion to Dismiss Ms. Jean Baptiste's appeal. Based on the City's motion and the statements of the parties at the pre-hearing conference, the following facts do not appear to be disputed.

In a *prior* hiring cycle in 2016, the City bypassed Ms. Jean-Baptiste for original appointment as a police officer and submitted a request to HRD to have Ms. Jean-Baptiste's name removed from the eligible list that was used to create the Certification from which candidates were appointed. In regard to that prior hiring cycle, Ms. Jean-Baptiste filed an appeal with the Commission. A pre-hearing was held on June 7, 2016 and a full hearing was scheduled to be held regarding that appeal on July 18, 2016.

At the time of the pre-hearing on June 7th, HRD had not acted on the request to remove Ms. Jean-Baptiste's name from the eligible list. Shortly thereafter, HRD did approve the City's request and notified Ms. Jean-Baptiste of their decision. The hearing scheduled to be held by the Commission on July 18th would have addressed both the bypass and eligible list removal. However, prior to the July 18th hearing, Ms. Jean-Baptiste, who was represented by counsel, withdrew that appeal, the full hearing did not go forward and the appeal was dismissed.

Due to an administrative error, HRD failed to actually remove Ms. Jean-Baptiste's name from the eligible list still in place. Thus, when the City requested another Certification as part of the current hiring cycle, Ms. Jean-Baptiste's name appeared on the Certification in error. Upon being notified by the City, HRD removed Ms. Jean-Baptiste from the eligible list and instructed the City to remove her name from the new Certification. Ms. Jean-Baptiste filed a new bypass appeal with the Commission.

This appeal is dismissed as there has been no bypass regarding the current hiring cycle. Ms. Jean-Baptiste's name, due to administrative error, appeared on the most recent Certification, but

should have been removed. In short, her name should not have appeared on the Certification. Thus, there can be no bypass. In regard to the City's decision to bypass Ms. Jean-Baptiste and HRD's decision granting the City's request to remove Jean-Baptiste's name from the eligible list as part of the *prior* hiring cycle, those matters were disposed of via a previous Commission decision dismissing Ms. Jean-Baptiste's appeal based on a voluntary withdrawal of her appeal.

For these reasons, Ms. Jean-Baptiste's appeal under Docket No. G1-16-190 is hereby *dismissed*.

Civil Service Commission

/s/ Christopher Bowman
Christopher C. Bowman
Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Camuso, Ittleman, Stein and Tivnan) on December 22, 2016.

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 to:

James Gilden, Esq. (for Appellant)
Joshua Coleman, Esq. (for Respondent)
Patrick Butler, Esq. (HRD)