

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

CIVIL SERVICE COMMISSION

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

HARUNA MALIANI,
Appellant

v.

D-12-252

DEPARTMENT OF PUBLIC HEALTH,
Respondent

Appearance for Appellant:

Pro Se
Haruna Maliani

Appearance for Respondent:

Martha O'Connor, Esq.
Executive Office of HHS
600 Washington Street: 7th Floor
Boston, MA 02111

Commissioner:

Christopher C. Bowman

ORDER OF DISMISSAL

The Appellant, Haruna Maliani (Mr. Maliani), filed an appeal with the Civil Service Commission (Commission) contesting the decision of the Department of Public Health (DPH) to place him on paid administrative leave pending an internal investigation. Since Mr. Maliani is employed by DPH as a registered nurse, which is explicitly exempt from civil service law, the Commission has no jurisdiction to hear his appeal and it is dismissed.

Background

Mr. Maliani was hired by DPH as a Licensed Practical Nurse (LPN) in 2006. In August 2007, he was promoted to the position of Registered Nurse II (RN II).

At some point in 2012, Mr. Maliani was placed on paid administrative leave pending the outcome of an internal investigation. That investigation has now been concluded and Mr. Maliani has returned to work.

Applicable Civil Service Law

G.L. c. 31, § 48 explicitly exempts the titles of physicians, registered nurses, graduate nurses, licensed practical nurses and student nurses from the civil service law.

Analysis

Since Mr. Maliani has never held a position covered by the civil service law, the Commission has no jurisdiction to hear his appeal.

Conclusion

Mr. Maliani's appeal under Docket No. D-12-252 is hereby *dismissed*.

Civil Service Commission

Christopher C. Bowman
Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Ittleman, Marquis, McDowell & Stein, Commissioners) on October 18, 2012.

A True Record. Attest:

Commissioner

Either party may file a motion for reconsideration within ten days of the receipt of the 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 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:
Haruna Maliani (Appellant)
Martha, O'Connor, Esq. (for Respondent)