

COMMONWEALTH OF MASSACHUSETTS

CIVIL SERVICE COMMISSION
100 Cambridge Street, Suite 200
Boston, MA 02114
(617) 979-1900

ADRIENNE MANNING,
Appellant

v.

E-23-150

DEPARTMENT OF CORRECTION,
Respondent

Appearance for Appellant:

Pro Se
Adrienne Manning

Appearance for Respondent:

Eamonn M. Sullivan, Esq.
Department of Correction
Division of Human Resources
50 Maple Street, 1st Floor
Milford, MA 01757

Commissioner:

Christopher C. Bowman

SUMMARY OF DECISION

The Commission dismissed the appeal of the Appellant for lack of jurisdiction as her appeal relates to a collective bargaining seniority date, as opposed to a civil service seniority date, which she is not contesting as part of this appeal.

ORDER OF DISMISSAL

On August 13, 2023, the Appellant, Adrienne Manning (Appellant), a Correction Officer I (CO I) at the Department of Correction (DOC), filed a non-bypass equity appeal with the Civil Service Commission (Commission), contesting what she argues is an incorrect *contractual* seniority date pursuant a contract between the Massachusetts Correction Officers Federated Union (MCOFU) and DOC.

On October 17, 2023, I held a remote pre-hearing conference which was attended by the Appellant and counsel for DOC. The following is undisputed:

1. On June 10, 2018, the Appellant was appointed as a CO I at DOC.
2. On October 29, 2018, the Appellant was separated from employment at DOC.
3. On December 2, 2018, the Appellant was reinstated as a CO I.
4. The Appellant's civil service seniority date, consistent with G.L. c. 31, § 33, remained June 10, 2018.
5. The Appellant's contractual seniority date was adjusted to July 13, 2018 to reflect the time the Appellant was not on the payroll.
6. The Appellant is not contesting the civil service seniority date, but, rather, the contractual seniority date.

Rule Regarding Dismissal for Lack of Jurisdiction

The Presiding Officer may at any time, on his or her own motion or that of a Party, dismiss a case for lack of jurisdiction to decide the matter, for failure of the Petitioner to state a claim upon which relief can be granted or because of the pendency of a prior, related action in any tribunal that should first be decided. 801 CMR 1.01 (7)(g)(3).

Analysis

The Appellant argues that the modification of her contractual seniority date has caused her harm for purposes of bidding job picks, transfers, shift assignments and days off selections. The Commission lacks jurisdiction over collective bargaining activities specific to seniority. *Civil Service* seniority is appropriately governed by civil service law and rules. *Contractual* seniority may only be construed as any such dates as bargained between a union and its employer. The collective bargaining seniority date for bidding and other matters may be

different from the civil service seniority date and the Commission has no role in determining a contractual seniority date. See *Setters v. Department of Correction*, CSC Case No. D-05-369 (2006) (Appellant’s appeal dismissed because Commission lacks jurisdiction over contractual seniority dates).

Conclusion

The Appellant’s appeal under Docket No. E-23-150 is hereby ***dismissed***.

Civil Service Commission

/s/ Christopher Bowman
Christopher C. Bowman
Chair

By a vote of the Civil Service Commission (Bowman, Chair; Dooley, Stein and Tivnan, Commissioners [McConney – Absent]) on November 2, 2023.

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:
Adrienne Manning (Appellant)
Eamonn Sullivan, Esq. (for Respondent)