

COMMONWEALTH OF MASSACHUSETTS

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

TIFFANY OJEDA,
Appellant

v.

G1-22-031

SPRINGFIELD POLICE DEPARTMENT,
Respondent

Appearance for Appellant:

Pro se
Tiffany Ojeda

Appearance for Respondent:

Maurice M. Cahillane, Esq.
Egan, Flanagan & Cohen
67 Market Street
P.O. Box 9035
Springfield, MA 01103

Commissioner:

Christopher C. Bowman

ORDER OF DISMISSAL

On February 22, 2022, the Appellant, Tiffany Ojeda (Appellant), filed an appeal with the Civil Service Commission (Commission), contesting the decision of the Springfield Police Department (SPD) to bypass her for original appointment as a police officer. On April 5, 2022, I held a remote pre-hearing conference which was attended by the Appellant, counsel for the SPD and three SPD representatives. The parties stipulated to the following:

- A. On June 25, 2021, the Appellant took and passed the written examination for police officer. The Appellant reports that she received a score of 85.
- B. On September 1, 2021, the state's Human Resources Division (HRD) established an eligible list for police officer.

- C. On September 27, 2021, HRD sent Certification No. 08090 to the SPD from which the SPD ultimately appointed 39 police officers, 9 of whom were ranked below the Appellant.
- D. On November 15, 2021, the SPD notified HRD that it intended to bypass the Appellant for appointment as she failed to meet the requirements for civil service residency preference in Springfield.
- E. On January 6, 2022, HRD approved the proposed bypass reasons and notified the Appellant and the SPD.
- F. On February 22, 2022, the Appellant filed a timely appeal with the Commission.

At the pre-hearing conference, the parties further agreed that, in order to qualify for civil service residency preference on the current eligible list, a candidate must have resided in Springfield continuously from June 25, 2020 to June 25, 2021, the one year period prior to the written civil service examination. The SPD reported that, given the residency preference, the Appellant was not eligible for appointment as the SPD did not reach any non-residency preference candidates from this certification.

The SPD also reported that, both on the written application for employment and during a phone interview with the Appellant, she reported to the SPD that she resided in West Springfield during all or part of the residency preference window referenced above.

At the pre-hearing conference, the Appellant reported that she is a 32-year-old Hispanic female who graduated from high school in Springfield, at which time she lived with her mother. The Appellant graduated from Holyoke Community College in 2011 and is currently employed by a pre-school in the City of Springfield. The Appellant does not dispute that, since June 2016 until the present, she has leased an apartment in West Springfield and she does not

dispute that she reported to the SPD background investigator that she resided at that apartment in West Springfield during the residency preference window. At the pre-hearing, however, the Appellant reported that, as of March 2020, she moved back with her mother in Springfield to assist her mother with a domestic issue and, according to the Appellant, she has continued to reside with her mother in Springfield since that time, despite having a lease and making rent payments on the apartment in West Springfield.

I asked the Appellant whether she could produce any evidence to show that she moved in with her mother in Springfield beginning in March 2020. The Appellant acknowledges that all documentation such as utilities, car insurance, excise payments, etc. bear her West Springfield address. I asked the Appellant whether she could produce any other evidence that would indicate that she lived with her mother in Springfield during the residency window, such as evidence of gas receipts, grocery receipts, and/or other receipts from businesses located near or around her mother's residence in Springfield. I provided the Appellant with 30 days to produce any such evidence to the Commission. The Appellant did not reply to the Commission's order.

Dismissal for Other Good Cause Standard

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

It is undisputed that the Appellant, both in her written application to the Springfield Police Department and during her interview with a background investigator, indicated that she resided in West Springfield during the one-year period relevant to obtaining civil service

residency preference in Springfield. Despite being given the opportunity to produce evidence to the Commission (that was not provided to the Springfield Police Department) that she resided in Springfield, the Appellant did not do so. For these reasons, the Appellant has no reasonable expectation of showing that she qualified for residency preference in Springfield, without which she would not have been ranked high enough to be considered for appointment as a Springfield police officer during this hiring cycle.

Conclusion

For all of the above reasons, the Appellant's appeal under Docket No. G1-22-031 is hereby *dismissed*.

Civil Service Commission

/s/ Christopher Bowman
Christopher C. Bowman
Chair

By a vote of the Civil Service Commission (Bowman, Chair; Camuso, Stein and Tivnan, Commissioners) on June 2, 2022.

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:
Tiffany Ojeda (Appellant)
Maurice Cahillane, Esq. (for Respondent)