

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION**

Decision mailed: 9/30/11
Civil Service Commission CS

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

RE:

2011 REVIEW AND SELECTION OF PERMANENT INTERMITTENT POLICE
OFFICERS BY THE TOWN OF OXFORD

I-11-280

DECISION

Background

- On August 24, 2011, the Civil Service Commission (Commission) received a “bypass appeal” from an individual (Appellant) who sought appointment as a permanent intermittent police officer in the Town of Oxford (Town). (See CSC Case No. G1-11-264)
- On September 13, 2011, a pre-hearing conference was held, which was attended by the Appellant, his counsel and counsel for the Town.
- As part of the pre-hearing conference, the Town argued that the bypass appeal was premature as the Town had only made conditional offers of employment to nine (9) individuals, but had yet to make any final appointments. In the event that the Appellant’s non-selection does eventually result in a bypass, the Town stated that the reason for bypass would be the Appellant’s failure to submit a completed application in a timely manner.
- At the pre-hearing conference, counsel for the Appellant argued that there was some ambiguity regarding the filing deadline, at least one other applicant was allowed to submit a late application, and that there was good cause for not filing the application in a timely manner.
- Counsel for the Appellant also provided information that the overall review and selection process may not have been consistent with basic merit principles, including a sworn affidavit (submitted after the pre-hearing) from Oxford Police Sergeant William Marcelonis regarding a conversation between two members of the Board of Selectmen.
- The Commission determined that there was sufficient information to initiate an investigation under G.L. c. 31, § 2(a) in order to obtain additional information regarding the review and selection of permanent intermittent police officers in Oxford and determine if intervention by the Commission is warranted.

- A hearing was conducted at the Oxford Town Hall on Wednesday, September 28, 2011 at 1:00 P.M. The hearing notice was posted in Oxford Town Hall, the Oxford Police Department and was sent (by the Town) to all potentially impacted candidates.
- Prior to the hearing, the Town produced documents that had been requested by the Commission. The Commission also received email correspondence from Joel Daoust, a candidate who is on active military duty.

Findings

Based on the documents submitted and the testimony of the following individuals:

- Henry LaMountain, Selectman, Town of Oxford;
- Michael Voas, Selectman, Town of Oxford;
- Sergeant William Marcelonis, Oxford Police Department;
- Keven LeBreton, Police Officer; Oxford Police Department;

I find the following:

1. The Town of Oxford has a population of approximately 14,000 people and is governed by a Selectmen / Town Manager / Town Meeting form of government.
2. The Town is one of approximately 200 of 351 cities and town in Massachusetts covered in whole or part by civil service law and rules. (G.L. c. 31 & Personnel Administration Rules (PAR)).
3. The Town's police department employs approximately twenty-one (21) individuals, including a Police Chief, three (3) sergeants; sixteen (16) patrol officers; and one (1) intermittent police officer.
4. The Civil Service Commission is a quasi-judicial board charged with ensuring that employment decisions in civil service communities are based on basic merit principles, which include "recruiting, selecting and advancing of employees on the basis of their relative ability, knowledge and skills including open consideration of qualified applicants for initial appointment ..." (G.L. c. 31, § 1) (emphasis added)
5. The Town's Board of Selectmen is the Appointing Authority regarding the appointment and promotion of police officers, including the appointment of intermittent police officers.
6. On April 25, 2009, the state's Human Resources Division (HRD), held the examination for Police Officer, Announcement #8265.
7. On March 16, 2010, HRD established an "eligible list" for Police Officer from the 2009 examination.
8. Since a new examination was administered on April 30, 2011, a new eligible list will be established on November 1, 2011.¹

¹ I erroneously stated at the hearing in Oxford that the current eligible list would be in place through March 2012. Since a new examination was conducted in April 2011, a new eligible list will be established on

9. On November 22, 2010, the Board of Selectmen decided to move forward with an appointment process to appoint ten (10) permanent intermittent police officers. The decision was publicly criticized by the local police union which labeled the move away from permanent full-time police officers as a “de-professionalization” of the police department.
10. On December 13, 2010, HRD received a requisition from the Town for a certification from which it may appoint ten permanent intermittent police officers.
11. On December 30, 2010, HRD issued Certification No. 203380 to the Town. The names of twenty-three (23) individuals appeared on the Certification.
12. Nineteen (19) candidates signed the Certification indicating their willingness to accept appointment if selected.
13. One (1) of the nineteen (19) candidates willing to accept appointment was Jennifer Randall, the niece of Michael Voas. As discussed in more detail below, Mr. Voas was elected to the Board of Selectmen in May 2011, while the intermittent police officer appointment process was still ongoing.
14. The Town made several requests for an extension of time during which it may appoint individuals from Certification No. 203380. Pursuant to certification delegation (which occurred in October 2009), HRD no longer reviews or approves such extensions requests, but, rather, has delegated this authority to the Appointing Authority.
15. As part of its normal review process, the Town, via its Police Department, completed background investigations on those individuals who indicated a willingness to accept employment.²
16. Oxford Police Sergeant William Marcelonis completed background investigations for four (4) of the candidates. At that time, Mr. Marcelonis’s soon-to-be son-in-law (Daniel Prunier) was one of the candidates, but Mr. Marcelonis did not complete his background investigation. Mr. Marcelonis testified before the Commission that he spoke to the other investigators to ensure that he (Marcelonis) would have no role in that investigation and told the investigators that Mr. Prunier could “stand on his own two feet.”³

November 1, 2011. Names will be merged and placed in an order consistent with the statutory requirements of G.L. c. 31, § 25. For some individuals whose names appear on the current eligible list, this may result in their name appearing lower (or not at all) if they took the April 2011 examination and received a lower score (or failed). To ensure compliance with the statute, and to ensure that the rights of individuals whose names appear on the current eligible list are not inadvertently aggrieved, the relief ordered by the Commission will reference the need to “revive” the eligible list in place at the time of this order, effectively extending the life of the eligible list based on the facts of this particular investigation.

² A background investigation was not completed for candidate Michael Vigeant based on the Town’s conclusion that he had not submitted his application in a timely manner.

³ The City of Somerville, a civil service community, recently decided to outsource its background investigations based on the inherent conflict that exists by assigning such investigations to police officers who may be personally familiar with some of the candidates in a small community. Although I recognize that all cities and towns are under serious financial constraints, Oxford should seriously consider that option on a going-forward basis. In the alternative, police officers conducting background investigations should be required to disclose, in writing, if they are familiar with any of the candidates for appointment at the beginning of the appointment process.

17. On May 19, 2011, Oxford Police Chief Michael Hassett recommended ten (10) candidates for appointment as intermittent police officers, based on the background checks and reference checks. Jennifer Randall was one of the candidates recommended by the Police Chief.
18. On June 20, 2011, former Oxford Police Chief Charles Noyes penned a letter to the Board recommending the appointment of Nicholas Donahue. (He was not appointed.)
19. On June 28, 2011, the Board of Selectmen interviewed seventeen (17) candidates for the position of intermittent police officer. Prior to the interviews, Selectman LaMountain moved to forego the interview process and accept the recommendations of the Police Chief. Based primarily on the objections of Selectman Saad, the interviews went forward, including those candidates that were not recommended by the Police Chief, with one exception. The Board did not interview candidate Joel Daoust as he was on active military duty. He was not one of the candidates recommended by the Police Chief based on the background check and references.⁴
20. Although Selectman Voas (elected two months earlier), excused himself from the interview of his niece, he was present for the interviews of those candidates competing against her for appointment.
21. On June 29, 2011, the administrative assistant for the Board of Selectmen sent an email to HRD stating in relevant part, "Before last night's interviews, one of the Selectmen asked me to contact you to find out if the Board could appoint eleven PI's from Certification Number 203380, if they so decided." HRD responded by indicating that the Town would need to submit a written request to HRD. A reply email to HRD thanking the HRD employee for her response was copied to Selectman LaMountain. I draw the reasonable inference that Mr. LaMountain was the selectman who inquired about increasing the number of candidates from 10 to 11.
22. On July 6, 2011, Chief Hassett penned a memorandum to the Board of Selectmen asking that the Board only appoint five (5) individuals as he did not have sufficient funds in his budget to pay for the medical, psychological and physical abilities testing for more than five (5) candidates. Chief Hassett's correspondence does not list the five (5) candidates that he would be recommending (from the ten (10) that he had previously recommended to the Board.)

⁴ There are a series of email exchanges in the record regarding Mr. Daoust, including an email message from the Board's administrative assistant indicating that Mr. Daoust contacted the Selectmen's office indicating that he was on active military duty and offered to have his wife appear at the interviews and answer any questions from the Board. Selectmen Chairman Jennie Caissie penned an email stating, "I appreciate his suggestion and offer to have a spokesperson come in on his behalf. However, it makes more sense for the Board to judge his candidacy on his application and the background material we have on him. Please advise him of the same. His wife is, of course, welcome to attend." Although the genesis of this appeal does not relate to the non-selection of Mr. Daoust, it would appear that the Town has potentially run afoul of the spirit, if not the letter of the Uniformed Services Employment and Reemployment Rights Act (USERRA). In short, while other candidates, not recommended for appointment by the Police Chief, were given the opportunity to go further in the process and be interviewed by the Board of Selectment, Mr. Daoust was not, solely because he was on active military duty.

23. On or about July 17, 2011⁵, Selectmen Henry “Hank” LaMountain and Sergeant William Marcelonis met for coffee outside a local coffee shop. Both men testified that they regularly meet for coffee and chat about town affairs. It is undisputed that Police Officer Kevin LeBreton and Selectman Michael Voas subsequently arrived and joined the conversation, in that order. Central to the Commission’s investigation is what was discussed during this conversation and whether it shows that the appointment process in question was tainted.
24. Selectman LaMountain is 49 years old. He graduated from Oxford High School and is the Treasurer and Chief Financial Officer of LaMountain Brothers, Inc. in Oxford. According to the company’s website, the firm specializes in petroleum storage and delivery systems. He has first elected to the Board of Selectmen approximately ten (10) years ago.
25. Selectman LaMountain is a gregarious man who is proud of his local roots and unapologetic about his practice of talking about such matters as personnel issues at a local coffee shop with members of the police department. He has been friends with Sergeant Marcelonis for many years. He testified that he enjoys getting a rise out of his longtime friend and sometimes says things solely for that purpose. Although he was not eager to give testimony that could portray himself in a bad light, he appeared to take his sworn testimony before the Commission seriously. Overall, I found him to be a credible witness.
26. Sergeant Marcelonis graduated from Oxford High School and originally joined the Oxford Police Department in 1990. He ultimately was appointed as a permanent police officer in 1998 and worked for eight years in the detective bureau. He was promoted to the position of sergeant in March 2011. Sergeant Marcelonis shares Selectman LaMountain’s shoot-from-the-hip style and has a tendency to answer questions in the form of bombastic, absolute proclamations. I reviewed his testimony fully aware that he may have an ulterior motive for calling the appointment process into question: his son-in-law was not selected for appointment. Put simply, Sergeant Marcelonis had a higher bar to cross in order for me to credit this testimony. He met it. His testimony rang true to me and some of the most relevant parts of his testimony were generally consistent with that of LaMountain and Officer LeBreton.
27. Selectman LaMountain and Sergeant Marcelonis both testified that the two of them were engaged in a robust conversation outside a local coffee shop regarding the appointment of permanent intermittent police officers in Oxford. The discussion took place after the Selectmen had interviewed the candidates on June 28, 2011, but before the Board discussed and voted on their selections on July 26, 2011. They both testified that LaMountain kept insisting to Marcelonis that the Town should only hire “academy-trained” candidates to save the Town money. Marcelonis, whose son-in-law was not academy-trained, insisted that this was contrary to civil service law.
28. As the conversation between LaMountain and Marcelonis was still ongoing, Police Officer Kevin LeBreton arrived. Officer LeBreton is forty-seven (47) years old. He

⁵ Selectmen Voas testified that it was impossible that the discussion occurred on July 17th, but does not dispute that some conversation took place sometime between June 28, 2011 (the date of the interviews) and July 26, 2011 (when the Board of Selectmen made its final decisions). Selectman Voas was certain that the conversation did not occur on July 17th, because he was busy that weekend entertaining relatives from out-of-town in preparation for the wedding of his niece (Jennifer Randall).

obtained a bachelors and masters degree, both in criminal justice, from Curry College. He has been an Oxford police officer for approximately eleven (11) years. His landlord is Selectman LaMountain's brother. Officer LeBreton's name appears on the current promotional list for sergeant, but he testified that his name is too far down the list to be considered for promotion prior the expiration of the list.

29. Officer LeBreton was a good witness and I credit his testimony. He has a quiet, serious demeanor. He listened to the questions posed to him and generally offered answers without regard to whether his responses would portray himself or others in a positive or negative light.
30. Officer LeBreton had a generally good recollection of the conversation. When he arrived, he heard LaMountain and Marcelonis talking about whether the Town could limit its selection of intermittent police officers to academy-trained candidates. Officer LeBreton joined the conversation and told Selectman LaMountain that, even within the statutory "2n+1" formula, it was not permissible to set such a restriction.
31. At some point, Michael Voas arrived while LaMountain, Marcelonis and LeBreton were still engaged in a conversation. Selectman Voas is forty-three (43) years old. He graduated from Bay Path High Technical High School in Charlton. He is a licensed electrician and is employed by LaMountain Brothers, Inc. He testified that he and Selectman LaMountain are business partners. Prior to being elected to the Board of Selectmen in May 2011, he served six (6) years on the Town's Planning Board.
32. Mr. Voas was not a good witness and I do not credit his testimony. He was too eager to respond to questions by stating "I don't recall" stating that too much time had elapsed between the conversation (which occurred only 8 weeks ago) and the date of this hearing for him to remember relevant details. More troubling, contrary to the credible testimony of Selectman LaMountain, Sergeant Marcelonis and Officer LeBreton, Selectman Voas testified that he didn't believe that he (Voas) referenced his niece's candidacy during the next phase of the conversation. Finally, while any witness can be excused for being anxious or nervous during their testimony, particularly as part of a public hearing, Selectman Voas's demeanor (sweating, rubbing his hand on his head) was not consistent with a witness who is forthcoming in his answers.
33. As referenced above, Selectman LaMountain, Sergeant Marcelonis and Officer LeBreton all recall that Selectman Voas joined the conversation and referenced the candidacy of his niece, although the three individuals have somewhat divergent recollections of the exact words spoken and their context.
34. Sergeant Marcelonis testified that, after Selectman Voas arrived, Selectman LaMountain kept referencing the appointment of "guys" who were academy trained. According to Sergeant Marcelonis, Selectman Voas interrupted him, questioned the use of the term "guys" and said to LaMountain, "I thought we agreed that my niece was one of them" to which LaMountain responded, "she's one of the guys". Sergeant Marcelonis testified that he is 100% certain that this exchange occurred and that it was clear (to him) that Selectmen LaMountain and Voas had made a "deal" to ensure that Voas's niece was

appointed. Sergeant Marcelonis testified that he vigorously protested this “deal” to the two Selectmen and shared his concerns with the Police Chief the next day.

35. Selectman LaMountain vigorously denied that there was any “deal” or “understanding” to appoint Voas’s niece. However, he does not dispute that Selectman Voas referenced his niece during the conversation and that he (LaMountain) responded with words to the effect, “don’t worry, she’s got it.”
36. Officer LeBreton also testified that Selectman Voas referenced his niece during the conversation and, after hearing Selectman LaMountain reference “guys”, reminded LaMountain that his niece was academy-trained.
37. On July 26, 2011, the five members of the Board of Selectmen met to vote on who would be appointed as intermittent police officers. Selectman Dennis Lamarche made a motion to appoint seven candidates, which did not include Voas’s niece, Jennifer Randall.
38. Selectman LaMountain spoke at length in opposition to Selectman Lamarche’s motion, at one point questioning why Jennifer Randall was not among the candidates recommended by Lamarche. A lengthy discussion ensued about whether the Town could limit its selection to academy-trained candidates and whether the Town could afford to train those who were not academy trained. Selectman Lamarche’s motion was defeated on a 3-2 vote, with Selectmen LaMountain, Voas and (John) Saad voting no.
39. Selectman Jennie Caissie, who serves as Chairman, then made a motion to appoint five (5) candidates, none of whom included Voas’ niece. The Board, voting along the same lines, defeated the motion on a 3-2 vote, with Selectman LaMoutain, Voas and Saad voting no.
40. Selectman LaMountain then moved to appoint five candidates, including Jennifer Randall. Chairman Caissie appeared perplexed at Selectman LaMountain’s motion, stating publicly words to the effect that LaMountain’s list of names didn’t seem to match up with his prior statements and criteria. Selectman LaMountain’s motion was adopted by a 3-2 vote with Selectmen LaMountain, Voas and Saad voting yes. Prior to the vote, Selectman Voas stated that he wasn’t sure if voting for his niece was a conflict of interest to which Selectman Saad stated, “not as long as you disclose it.”⁶

⁶ Section II of the State Ethics Commission Advisory No. 05-01 states:

“Public employees must avoid conduct that creates a reasonable impression that any person may improperly influence them or unduly enjoy their official favor, or that they are likely to act (or fail to act) because of kinship, rank, position or undue influence of any party or person. A reasonable impression of favoritism or bias may arise when a public employee, knowingly or with reason to know, acts on matters affecting the interest, whether financial or non-financial, of a friend, a business associate or a relative other than an immediate family member or a non-financial interest of an immediate family member.

The conflict of interest law allows public employees to act on matters, even if it creates the appearance of a conflict, if they openly admit all the facts surrounding the appearance of bias prior to any official action. Specifically, the conflict of interest law states that if a reasonable person having knowledge of the relevant circumstances would conclude that a public employee might be improperly influenced, the public employee can

41. Chairman Caissie then moved to appoint four additional candidates that were approved unanimously.
42. The nine (9) candidates offered conditional offers of employment are now in the last stages of completing the medical, psychological and physical abilities testing.

dispel this impression of favoritism by disclosing all the facts that would lead to such a conclusion. For example, it may be necessary for a public employee to disclose a personal relationship with someone appearing before his or her board.

Appointed employees must make such disclosures in writing to their appointing authority (the person or board who appointed them to their job). This disclosure must be kept available for public inspection. An elected employee's public disclosure must be made in writing and filed with the city or town clerk. These public disclosures must be made prior to any official participation or action. In addition, the Commission advises public employees to make an oral disclosure for inclusion in the meeting minutes. Occasionally, an appearance of a conflict of interest arises for the first time during a public meeting. In that case, a public employee should make an oral disclosure at the meeting and file a written disclosure as soon as possible thereafter. Alternatively, instead of filing a written disclosure under Section 23(b)(3), a public employee may simply abstain from participating, i.e. debating, voting or otherwise being involved, in a matter that creates an appearance of a conflict.

Once a public disclosure has been made, the public employee may participate in the matter notwithstanding the "appearance" of a conflict. When public employees do act on matters affecting individuals with whom they have a private relationship, they must act objectively and be careful not to use their official position to secure any unwarranted privilege or benefit for that person." (emphasis added)

CONCLUSION

Two (2) members of the Oxford Board of Selectmen have tainted the Town's ongoing selection of intermittent police officers, calling into question whether all candidates received fair and impartial treatment, including open consideration of their candidacies. Their actions are a disservice to the Board, the Town of Oxford and the nineteen candidates who scored high enough on the civil service examination to be considered for appointment.

Approximately two weeks after participating in public interviews of the candidates – and two weeks prior to the final selection decisions, Selectman LaMountain engaged in private conversations about the appointments with a police sergeant whose son-in-law was a candidate and a fellow selectman whose niece was also among the candidates. The subject matter of that conversation, whether the Town should limit its selection to academy-trained candidates, had a direct and meaningful impact on whether the sergeant's son-in-law and the selectman's niece, would be appointed.

Selectman LaMountain knew that Sgt. Marcelonis's son-in-law was a candidate for appointment and that he was not academy-trained. Nevertheless, Mr. LaMountain saw nothing wrong, then or now, with having a private conversation with Sgt. Marcelonis about whether the Town would limit consideration to only academy-trained candidates. Selectman LaMountain dismisses the significance of the conversation as nothing more than a humorous attempt to get a rise out of his old friend. There is nothing humorous about it. The debate regarding what criteria should apply to all candidates should take place amongst the Board members in a public forum, not outside a coffee shop with the father-in-law of one of the candidates.

Sgt. Marcelonis wasn't the only one concerned about the markers being set down by this long-term member of the Board of Selectmen. Fellow board member Michael Voas, joined the conversation a short time later. According to the credible testimony, Voas, whose niece was also a candidate, only objected to LaMountain's proclamations about the appointments when LaMountain kept referring to those who would be chosen as "guys" who were academy trained (which, taken literally, would exclude his female niece.) Voas objected to the comments because he thought that LaMountain was excluding his niece and LaMountain assured him not to worry, "she's got it."

Two weeks later, Selectmen LaMountain and Voas participated in a series of eyebrow-raising 3-2 votes that ultimately resulted in the appointment of Mr. Voas's niece. But for the deciding vote of Selectman Voas, his niece would not have been appointed as an intermittent police officer.

While the State Ethics Commission is the ultimate authority regarding the question of whether Ms. Voas's actions violated state ethics law, it is overwhelmingly clear that his actions, have called into question whether all candidates received fair and impartial treatment.

For all of these reasons, the Civil Service Commission, pursuant to its authority under G.L. c. 31, §§ 2(a), 72 and 74 and Chapter 310 of the Acts of 1993 hereby orders the following:

ORDERS

1. The Town is hereby prohibited from making any appointments to the position of intermittent police officer until the orders that follow are complied with.
2. All nineteen (19) candidates who signed Certification No. 203380 as willing to accept appointment to the position of intermittent police officer in the Town of Oxford shall be interviewed by a bona fide independent review panel selected by the Chairman of the Board of Selectmen.
3. Selectmen Voas and LaMountain shall have no role in the selection of the bona fide independent review panel nor shall they have any role, directly or indirectly, regarding any portion of the remainder of this appointment process. Their attendance at any portion of meetings related to this appointment process shall be grounds for the Commission to vacate any such appointments.
4. The independent review panel shall interview the candidates and provide the Chairman of the Board of Selectmen, the Town Manager and the Police Chief with a ranking, from highest to lowest, in numerical order, of the most qualified for the position, with a list of reasons justifying the rankings.
5. The three remaining members of the Board of Selectmen, after reviewing the rankings from the independent review panel, along with the recommendations of the Police Chief, shall appoint up to nine (9) candidates to the position of permanent intermittent police officer and notify HRD of such appointments.
6. As part of this additional review process, the Town shall forthwith consult with HRD and its own labor counsel to insure that the process is in conformance with any federal or state law or rule regarding the rights of active military duty candidates, including the possibility of limiting one or more of the appointments to temporary appointments until such time as active military duty candidates have received the same consideration as all other candidates.
7. As it is anticipated that these actions will not be completed on or before November 1, 2011, at which time a new eligible list will be established, the Commission hereby orders HRD, effective November 1, 2011, to revive the eligible list in place on October 31, 2011 for the sole purpose of allowing individuals from Certification No. 203380 to be considered for appointment.
8. All of the above actions should be completed no later than December 31, 2011, at which time the revived eligible list will be revoked.
9. The Town shall post a copy of this decision with the Town Clerk and in a conspicuous location in the Oxford Police Department.
10. The Town shall send a copy of this decision to all nineteen (19) candidates who signed Certification No. 203380 as willing to accept employment.

Nothing in these orders should be construed as limiting the Town from considering information gathered as part of background investigations when determining which candidates should be appointed.

Nothing in these orders should be construed as requiring those candidates who have already completed any portion of the medical, psychological or physical ability test to re-take those examinations. However, the Town shall not base its selections, in whole or in part, on the basis of who has already completed such screening.

Nothing in these orders should be construed as an opinion regarding the qualifications of Ms. Randall. She should receive full and fair consideration for appointment along with all other candidates.

Civil Service Commission



Christopher C. Bowman
Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Henderson and Stein, Commissioners) on September 30, 2011.

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)(I), 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.

Notice to:

Marc Terry, Esq. (for Appointing Authority)

James Triplett, Esq. (for Appellant in CSC Case No. G1-11-264)

John Marra, Esq. (HRD)