

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

CIVIL SERVICE COMMISSION

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

ADAM SHEA,
Appellant

G1-14-142

v.

CITY OF GLOUCESTER,
Respondent

Appearance for Appellant:

Pro Se
Adam Shea

Appearance for Respondent:

Kevin Corridan, Esq.
Gloucester Legal Department
9 Dale Street
Gloucester, MA 01930

Commissioner:

Christopher C. Bowman

ORDER OF DISMISSAL

On June 24, 2014, the Appellant, Adam Shea (Mr. Shea), filed a bypass appeal with the Civil Service Commission (Commission), contesting his non-selection for the position of reserve police officer by the City of Gloucester (City).

On July 15, 2014, I held a pre-hearing conference at the offices of the Commission, which was attended by Mr. Shea and counsel for the City.

At the pre-hearing conference, it was determined that Mr. Shea took and passed the civil service examination for police officer on June 15, 2013 and, as a result, his name appeared on an eligible list for police officer established by the state's Human Resources Division (HRD) on November 1, 2013.

On December 5, 2013, HRD sent Certification No. 01650 to the City for the appointment of reserve police officers. Mr. Shea's name appeared 16th among those individuals who were willing to accept appointment. It is undisputed that the City did not appoint any individual ranked below Mr. Shea on Certification No. 01650. Thus, Mr. Shea was not bypassed.

Mr. Shea filed the instant appeal after the City erroneously sent him notification that he was bypassed and had the right to appeal his non-selection to the Commission.

As no bypass occurred here, Mr. Shea's bypass appeal under Docket No. G1-14-142 is hereby *dismissed*.¹

Civil Service Commission

/s/Christopher C. Bowman

Christopher C. Bowman

Chairman

By a vote of the Civil Service Commission (Bowman, Chairman; Ittleman, McDowell, and Stein, Commissioners) on July 24, 2014.

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.

Notice:

Adam Shea (Appellant)

Kevin Corridan, Esq. (for Respondent)

Patrick Butler, Esq. (HRD)

¹ Mr. Shea's name will remain on the current eligible list until that list expires. If the City requests another Certification while this eligible list is still active, Mr. Shea's name may appear among those candidates eligible for consideration. If that happens, I would urge the City to take a fresh look at Mr. Shea's candidacy and Commission caselaw regarding whether stale, youthful indiscretions are a valid reason for non-selection.