

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

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

KRYSTA SKRODZKI,
Appellant

v.

G1-19-225

TOWN OF WEST SPRINGFIELD,
Respondent

Appearance for Appellant:

Pro Se
Krysta Skrodzki

Appearance for Respondent:

Kate R. O'Brien, Esq.
Town of West Springfield
26 Central Street, Suite 32
West Springfield, MA 01089

Commissioner:

Christopher C. Bowman

DECISION ON MOTIONS

1. On December 20, 2017, the Appellant, Krysta M. Skrodzki (Appellant), filed an appeal with the Civil Service Commission (Bypass Appeal I), contesting the decision of the Town of West Springfield (Town) to bypass her for appointment as a permanent, full-time police officer.
2. On January 24, 2018, I held a pre-hearing conference regarding Bypass Appeal I at the Springfield State Building, which was attended by the Appellant and counsel for the Town.
3. As part of the pre-hearing in Bypass Appeal I, the Town indicated that the reasons for bypassing the Appellant included: a) a poor interview in which the Appellant's lack of knowledge of criminal justice issues was apparent; and b) issues related to driving history. The Appellant pointed to her score of 91 on the civil service examination, her attempt to gain experience by applying to be a dispatcher for the Town and, that, as a single mother, she did not have the time or resources to attend a police academy to gain the experience shown by other candidates.
4. At the Commission's encouragement, the Town provided the Appellant with suggestions regarding how to gain experience which could improve her chances in a subsequent hiring cycle. The Town's Police Chief also offered to sponsor the Appellant for participation in a

Police Academy.

5. The Appellant subsequently withdrew her bypass appeal regarding Bypass Appeal I and, at her own expense of \$3,000, completed Police Academy training.
6. On March 23, 2019, the Appellant took a subsequent examination for police officer.
7. On September 1, 2019, the state's Human Resources Division (HRD) established the eligible list for police officer, which included the Appellant's name.
8. On September 4, 2019, HRD issued Certification No. 06547 to the Town. The Appellant's name appeared with referred rank #17.
9. On October 16, 2019, the Town notified HRD by correspondence that the Appellant did not meet the age requirements in G.L. c. 31, s. 58.
10. G.L. c. 31, s. 58 states in relevant part: "... No person shall be certified for original appointment to the position of ... police officer in a city or town which has not accepted sections 61A and 61B if that person has reached 32 years of age on or before the final date for the filing of applications, as stated in the examination notice, for the examination used to establish the eligible list from which the certification is to be made."
11. On October 29, 2019, the Appellant filed a second bypass appeal with the Commission (Bypass Appeal II).
12. On November 27, 2019, I held a pre-hearing conference via conference call, which was attended by the Appellant, counsel for the Town and counsel for the state's Human Resources Division (HRD).
13. Prior to the pre-hearing conference, the Town filed a Motion to Dismiss Bypass Appeal II, arguing that, based on her age, the Appellant was ineligible for appointment. The Town's motion cites the Town's recent adoption of G.L. c. 31, s. 58A, which is not applicable as the Appellant's name was certified for appointment prior to the Town's adoption of Section 58A. However, the Town's argument remains the same under Section 58.
14. As part of the pre-hearing conference, the Town stated that it had not accepted the provisions of Sections 61A and 61B.
15. Also, as part of the pre-hearing conference, the parties agreed that the Appellant reached 32 years of age in February 2018; and the examination from which the current eligible list, as referenced above, was given in March 2019. It was agreed that the filing deadline for this examination would have been weeks prior to this date, either in February or March 2019.
16. Based on the above information, it is undisputed that, as of the time of the final date for the filing of the March 2019 examination, the Appellant had attained the age of 32.

17. At the pre-hearing, the Appellant argued that, since she had not attained the age of 32 at the time of the final date for the filing of the examination for the *prior* hiring cycle (Bypass Appeal I), she should not be statutorily disqualified for appointment as a police officer for the Town.
18. As part of the pre-hearing conference, I asked whether the Town, based on the unique circumstances here, including that the Appellant had completed police academy training at her own expense of \$3,000, would be amenable to the Commission granting the Appellant relief under Chapter 310. Said relief would place the name of the Appellant at the top of the next Certification for West Springfield Police Officer, effectively making her eligible for appointment, notwithstanding the provisions of Section 58.
19. It was agreed, by both the Appellant and counsel for the Town, that counsel for the Town, after inquiry, would touch based directly with me regarding the possibility of the Town assenting to Chapter 310 relief.
20. On December 4, 2019, counsel for the Town contacted me and indicated that the Town would not assent to 310 relief, in part because, even if the Appellant had not been deemed ineligible for appointment based on her age, it is likely that the Town would have bypassed her for appointment for what they argue are sound and sufficient reasons.
21. On December 5, 2019, counsel for the Town, via correspondence to the Commission, confirmed that it would not assent to 310 relief.
22. The Town submitted a modified Motion to Dismiss, citing Section 58, as opposed to Section 58A and the Appellant filed an opposition which I have deemed a motion for summary decision.

Analysis / Conclusion

Both parties have acted in good faith here. As part of Bypass Appeal I, the Town, at my request, worked with the Appellant to identify ways for her to gain the type of experience they found lacking as part of the review of her application and the Appellant's interview. As part of those discussions, the Town's Police Chief offered to sponsor the Appellant for a Police Academy.

Importantly, the Appellant, based on the Town's offer to sponsor her for the Police Academy, opted to forego a full hearing and withdrew her appeal that was pending before the Commission. Put another way, the Appellant, expecting that she would receive serious reconsideration for the position in the future, agreed to withdraw her appeal.

Since that time, the Appellant paid for and completed the Police Academy and, according to her brief, has obtained employment at a security company. Further, she took another civil service examination and scored high enough to be among those eligible for consideration for appointment in the most recent hiring cycle. She completed the application process and participated in the background investigation.

In that context, relief by the Commission is appropriate. The Appellant's appeal is *allowed*.

Pursuant to its authority under Chapter 310 of the Acts of 1993¹, the Commission hereby orders the following:

1. Notwithstanding the provisions of G.L. c. 31, ss. 58 and 58A, the Appellant shall be eligible for appointment as a West Springfield Police Officer
2. The state's Human Resources Division (HRD), or the Town of West Springfield, in its delegated capacity, shall place the name of Krysta Skrodzki at the top all current or future certifications for the position of West Springfield Police Officer until she is appointed or bypassed.

This relief does not guarantee that the Appellant will be appointed. Rather, it simply allows the Appellant to receive the consideration that she anticipated receiving after withdrawing her appeal from the Commission.

Civil Service Commission

/s/ Christopher Bowman
Christopher C. Bowman
Chairman

By a vote of the Civil Service Commission (Bowman, Chairman; Camuso, Ittleman, Stein and Tivnan, Commissioners) on February 27, 2020.

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).

¹ Chapter 310 of the Acts of 1993 states: "If the rights of any person acquired under the provisions of chapter thirty-one of the General Laws or under any rule made thereunder have been prejudiced through no fault of his own, the civil service commission may take such action as will restore or protect such rights, notwithstanding the failure of any person to comply with any requirement of said chapter thirty-one or any such rule as a condition precedent to the restoration or protection of such rights."

Notice:

Krysta Skrodzki (Appellant)

Kate O'Brien, Esq. (for Respondent)

Philip Brown, Esq. (HRD)

Regina Caggiano (HRD)