

**COMMONWEALTH OF MASSACHUSETTS  
CIVIL SERVICE COMMISSION**

Decision mailed: 4/8/11  
Civil Service Commission CB

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

**MARC TARANTINO,**  
*Appellant*  
v.

**HUMAN RESOURCES  
DIVISION,**  
*Respondent*

**Case No.: E-11-79**

**DECISION ON MOTION FOR RELIEF UNDER  
CHAPTER 310 OF THE ACTS OF 1993**

The state's Human Resources Division (HRD) filed this appeal with the Civil Service Commission (Commission) on behalf of Marc Tarantino after an administrative error on their part resulted in the Appellant being harmed through no fault of his own.

Pursuant to G.L. c. 31, § 26, as amended by Chapter 402B of the Acts of 1985, hiring preference is given to those persons whose parent was injured: (1) if a police officer, as a result of an assault on his/her person, which resulted in his/her being permanently and totally disabled; or (2) if a firefighter, as a result of an accident while responding to a fire alarm or while at the scene of a fire, which resulted in his/her being permanently and totally disabled.

In addition, the parent must have been retired at a yearly amount of pension equal to the regular rate of compensation which he/she would have been paid had he/she continued in service at the grade he/she held at the time of his/her retirement, pursuant to a special act of the legislature in which he/she was determined to have been permanently and totally disabled.

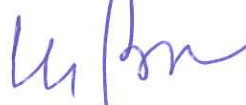
Mr. Tarantino was granted this "402B Preference" on November 17, 2006. Due to a technical issue with HRD's database, the Appellant's 402B Preference was not captured in the system when certifications were issued for Police Officer with the Town of Brookline or the MBTA. As such, the Appellant's name did not appear on Certification Number 202264 for the Town of Brookline issued on September 13, 2010 nor on Certification Number 202692 for the MBTA issued on November 9, 2010.

For these reasons, the Commission, pursuant to Chapter 310 of the Acts of 1993, hereby orders HRD to place the name of Marc Tarantino at the top of future certifications for the positions of: 1) police officer in the Town of Brookline; and 2) MBTA police officer until he is selected or bypassed.

If selected, Mr. Tarantino shall receive a retroactive seniority date for civil service purposes only the same as other individuals selected (from Certification No. 202264 in Brookline and from Certification No. 202692 for MBTA Police).

This retroactive seniority date is not intended to provide the Appellant with any additional and/or retroactive compensation and should not be used to determine time served in the force in regard to eligibility for any future civil service promotional examinations.

Civil Service Commission



Christopher C. Bowman  
Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Henderson, Marquis and Stein, Commissioners [McDowell – Absent]) on April 7, 2011.

A True Record. Attest:



Commissioner

**Commissioner Marquis was  
absent on April 7, 2011**

Either party may file a motion for reconsideration within ten days of the receipt of a Commission order or decision. The motion must identify a clerical or mechanical error in the decision or a significant factor the Agency or the Presiding Officer may have overlooked in deciding the case. A motion for reconsideration shall be deemed a motion for rehearing in accordance with G.L. c. 30A, § 14(1) for the purpose of tolling the time for appeal.

Under the provisions of G.L. c. 31, § 44, any party aggrieved by a final decision or order of the Commission may initiate proceedings for judicial review under G.L. c. 30A, § 14 in the superior court within thirty (30) days after receipt of such order or decision. Commencement of such proceeding shall not, unless specifically ordered by the court, operate as a stay of the Commission's order or decision.

Notice to:

Marc Tarantino

Lindsey Boyle, Esq. (HRD)

Sandra DeBow (Town of Brookline)