

COMMONWEALTH OF MASSACHUSETTS

Decision mailed: 10/16/09
Civil Service Commission JMD

Suffolk, SS.

CIVIL SERVICE COMMISSION

Stephen J. Wilcinski,
Appellant

v.

Belmont Fire Department,
Respondent

Docket NO. G2-07-384

Appellant's Attorney:

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Respondent's Attorney:

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Commissioner:

Daniel M. Henderson

DECISION ON MOTION FOR RECONSIDERATION

On September 3, 2009, the Respondent filed, a motion for reconsideration of a decision of the Commission, dated August 20, 2009, allowing this appeal. The Appellant did not file an opposition to this motion but did enter into negotiations regarding a possible settlement of the matter. The Respondent subsequently contacted the Commission with proposed language to supplement its original motion for reconsideration. This proposed language is to be inserted into the Commission's decision, dated August 20, 2009, due to the expected expiration on November 1, 2009 of the current, relevant certified eligibility list. This proposed language to be inserted into the original decision allowing the appeal is apparently assented to by the Appellant. The Respondent reserves its right to pursue an appeal of the original and/or amended decision to superior court as permitted by M.G.L. c. 30A.

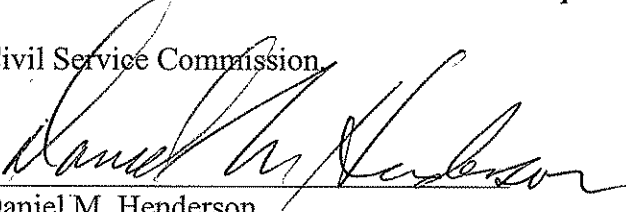
The motion for reconsideration did identify a fact: The expected expiration on November 1, 2009 of the current, relevant certified eligibility list. This is a significant factor the Commission or the presiding officer may have overlooked in deciding the case.

Based on the above, this motion for reconsideration is hereby allowed in part by inserting into the decision of the Commission, Docket NO. G2-07-284, dated August 20, 2009, at page 29, line 19, just after the sentence ending in "... so that the Appellant receives at least one opportunity for consideration." inserting the following:

"Notwithstanding the expiration date of November 1, 2009, the current certification list with the Appellant's name now placed at the top of said list will remain active and the expiration date will be extended until such time as the next permanent appointment to the vacated position of Captain is made thereby allowing the three (3) eligible candidates from the previous appointment to remain eligible for the permanent appointment to the vacated position of Captain. It is expected that the selection process for this appointment will begin immediately."

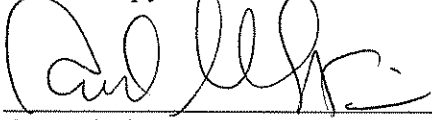
The motion for reconsideration is ***allowed in part as stated above.***

Civil Service Commission


Daniel M. Henderson,
Commissioner

By a vote of the Civil Service Commission (Henderson, Stein and Taylor, Commissioners) [Bowman and Marquis absent], on October 15, 2009.

A true Copy. Attest:


Commissioner
Civil Service Commission

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:

Darren R. Klein, Atty.
Brian E. Simoneau, Atty.
John Marra, Atty. HRD