

**COMMONWEALTH OF MASSACHUSETTS**

SUFFOLK, ss.

**CIVIL SERVICE COMMISSION**

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

SCOTT BURNS,  
Appellant

v.

G1-08-251

CITY OF HOLYOKE,  
Respondent

Appellant's Attorney:

Patrick N. Bryant, Esq.  
Sandulli Grace, PC  
One State Street: Suite 200  
Boston, MA 02109

Respondent's Attorney:

Layla G. Taylor, Esq.  
Sullivan, Hayes & Quinn  
One Monarch Place: Suite 1200  
Springfield, MA 01144

Commissioner:

Christopher C. Bowman

**DECISION**

Pursuant to the provisions of G.L. c. 31, § 2(b), the Appellant, Scott Burns, (hereinafter "Burns" or "Appellant"), seeks review of the Human Resources Division's (hereinafter "HRD") decision to accept reasons proffered by the Respondent-Appointing Authority, City of Holyoke (hereinafter "City" or "Appointing Authority"), for the bypass of the Appellant for original appointment to the position of reserve police officer in the Holyoke Police Department (hereinafter "Department"). A full hearing was held on January 6, 2010 at the City Hall Annex in Holyoke, MA. All of the witnesses were sequestered with the exception of the Appellant and Holyoke Police Chief Anthony Scott.

The hearing was digitally recorded and 1 CD was made of the proceeding. A copy of the CD was provided to the parties. The parties submitted post-hearing briefs on January 22, 2010 (Appellant) and February 12, 2010 (Appointing Authority).

### **FINDINGS OF FACT**

Forty-one (41) exhibits were entered into evidence at the hearing (Exhibit 14 was subsequently withdrawn). Based upon the documents entered into evidence and the testimony of:

*For the Appointing Authority:*

- Anthony R. Scott, Chief of Police, City of Holyoke;
- Lieutenant David Fournier, Professional Standards Division, Holyoke Police Dept.;
- Sergeant Daniel McCavick, Professional Standards Division, Holyoke Police Dept.;

*For the Appellant:*

- Scott Burns, Appellant;

I make the following findings of facts:

1. The Appellant has been employed by the City as a full-time police dispatcher since 2001. He served as President of SEIU Local 999 from November 2003 to February 2009. (Testimony of Appellant)
2. The Appellant also served as a volunteer member of the City's Auxiliary police force and as part-time special police officer in the Town of Hadley and the Town of West Springfield. (Testimony of Appellant)
3. The Appellant took and passed an open competitive civil service examination for the position of permanent reserve police officer for the Holyoke Police Department. (Stipulated Fact; Testimony of Appellant)

4. In April 2008, the City made a requisition to HRD for a Certification of candidates for the appointment of twenty (20) permanent reserve police officers. On May 5, 2008, HRD sent the City Certification No. 280376. The Appellant's name appeared seventh on this Certification. (Stipulated Facts)
5. The City then conducted background investigations of the candidates named on the Certification who indicated a willingness to accept appointment and who submitted required application materials. The background investigations were conducted and the investigation reports were compiled by Holyoke Police Lt. David Fournier and Holyoke Police Sgt. David McCavick of the Professional Standards Division. (Stipulated Facts and Testimony of Fournier, McCavick and Scott)
6. The City ultimately appointed thirteen (13) individuals to the position of permanent reserve police officer, eleven (11) of whom were ranked lower than the Appellant. (Stipulated Facts)
7. A "bypass" occurs when an Appointing Authority selects "a person or person whose name or names, by reason of score, merit preference status, court decree, decision on appeal from a court or administrative agency, or legislative mandate appear lower on a Certification than a person or persons who are not appointed and whose names appear higher on said certification." (PAR.02)
8. Upon determining that any candidate on a Certification is to be bypassed...an Appointing Authority shall, immediately upon making such determination, send to [HRD] in writing, [1] a full and complete statement of the reasons or reasons for bypassing a person or persons more highly ranked [negative reasons], or [2] of the

reasons for selecting another person or persons, lower in score or preference category [positive reasons]. (PAR.08 (3))<sup>1</sup>

9. On January 15, 2009, the City notified HRD of the negative reasons for not selecting the Appellant including: 1) Mr. Burns has a non-renewable driver's license; 2) Mr. Burns's past work history as a dispatcher with the Holyoke Police Department was not favorable; 3) The Appellant's background check revealed a lack of credibility and candor as he omitted and/or misstated various information on his application.

Each of these three reasons was accompanied by additional information and examples by the City. (Exhibit 15)

10. HRD notified the Appellant and the City on February 13, 2009 that the negative reasons offered to justify the bypass of the Appellant were accepted. (Exhibit 17)

*Non Renewable Driver's License*

11. The background investigation report of the Appellant prepared by Lt. Fournier stated: "License Status – Non Renewable (delinquent on excise tax payment for 2006 & 2007). (Exhibit 6)

12. The Appellant acknowledged that he was delinquent on paying his excise tax payments for 2006 and 2007. Sometime after he was bypassed for appointment, but prior to the expiration of his driver's license, he paid the overdue excise tax payments and renewed his license. His license was never suspended. (Testimony of Appellant)

---

<sup>1</sup> As of September 1, 2009, due to budgetary constraints, HRD has delegated the responsibility of ensuring sound and sufficient reasons to the individual cities and towns. Bypassed candidates, however, maintain their right of appeal to the Civil Service Commission. See Letter from Paul D. Dietl, Chief Human Res. Officer, HRD, to Mun. Appointing Auths., Human Res. Divs., Fire Chiefs, and Police Chiefs (Aug. 7, 2009), available at [http://www.mass.gov/Eoaf/docs/hrd/cs/information/cs\\_aug\\_7\\_2009.doc](http://www.mass.gov/Eoaf/docs/hrd/cs/information/cs_aug_7_2009.doc). Since these selections occurred prior to September 1, 2009, however, the pre-existing process of first forwarding bypass reasons to HRD was followed here.

13. The Appellant testified that the delinquent taxes were either an oversight on his part or that the bills may have gotten lost. (Testimony of Appellant)
14. Some candidates selected for appointment by the City as reserve police officers had poor driving records, including one candidate whose driving history was “too extensive to list”; at least one whose license had been suspended at some point; one who had seven (7) surchargeable accidents; and one who had been arrested, but not convicted, of driving under the influence. (Testimony of Fournier, Exhibits 23 and 34)

*Past Work History*

15. As part of the background investigation completed by Lieutenant David Fournier, it was determined that as of June 2008, after nearly six (6) years of full-time employment with the City, the Appellant had only six (6) days of accumulated sick time remaining. (Exhibit 6) As a City employee, the Appellant earns fifteen (15) days of sick time annually. (Testimony of Fournier)
16. The Appellant testified that all of his sick time usage during this time period was documented and was due in part to hypoglycemia and oral reconstructive surgery. (Testimony of Appellant)
17. On May 4, 2006, the Appellant received a written reprimand for working a police detail for the South Hadley Police Department after reporting that he was sick and leaving his Holyoke dispatcher job early. (Exhibit 8)
18. On June 10, 2008, the Appellant was suspended for two (2) days for working a paid detail for the South Hadley Police Department after reporting himself sick (upset

stomach) for his tour of duty with the Holyoke Police Department on the same date.

(Exhibit 7)

19. On or shortly after May 12, 2008, Holyoke Police Sergeant Daniel McCavick sent an email to the Appellant which stated in part:

“On May 12, 2008 (it was noted) you were late 37 minutes for work – resulting in an overtime situation. Dispatcher Burns, this is the second incident of recent (of which I am aware) – where in you were late for duty – resulting in the creation of overtime. As a result – your time on 5/12/08 will reflect the deduction.” (Exhibit 38)

20. The Appellant sent an email reply to Sergeant McCavick on May 15, 2008 stating:

“I do not deny the fact that I was late for duty on the date indicated. However, there is a more serious issue which will need to be addressed, and that is the practice of dispatchers being allowed to leave early. This is a practice which occurs on a regular basis, particularly on the Second and Third Watches. When there are two dispatchers coming in on a regular basis at 07:00 the 8:00 dispatcher will leave early, when there are two dispatchers coming in at 23:00 the 16:00-00:00 dispatcher will leave one (1) hour early, on a regular basis, essentially getting paid for 2 ½ hours a week that were never work (sic). If you are going to deduct money from my pay check for this incident will the same be done to others who are not working the hours? I would also request records for any other dispatchers who have had pay deducted for the same reason as of recent? I do believe this could become a grievance issue, and the records will be used for that purpose.” (Exhibit 38)

21. When asked about the above-referenced incident during cross-examination, the Appellant testified that he believed that McCavick was “targeting” him in an attempt to “trump up” charges to justify the Appellant’s bypass. (Testimony of Appellant)

22. McCavick was called as a rebuttal witness by the City. He adamantly denied that there was any connection between his email to the Appellant and the Appellant’s then-pending application to be a reserve police officer. McCavick was involved in this matter solely because he had been put temporarily in charge of the Communications division, which includes the dispatchers, and was determining why a fellow dispatcher had requested overtime. McCavick was a good witness. He

appeared genuinely surprised that his email to the Appellant could be construed as anything other than him fulfilling his responsibility as a temporary manager of the dispatchers. I credit his testimony. (Testimony, demeanor of McCavick)

23. On June 17, 2008, Captain Frederick Seklecki sent a memorandum to the Appellant expressing his concern about the Appellant reporting for duty late. The memorandum referenced the May 12, 2008 incident (referenced above), being 5 minutes late on June 2, 2008 and then 90 minutes late on June 15, 2008 after the Appellant overslept. In regard to being late on June 15, 2008, the Appellant wrote an email at the time which stated: "Just so you're aware, I over slept on today's date, Sunday 6/15/08, so I was late for my shift. I put in for 1 ½ Hours of Sick Time." (Exhibit 39)

24. I do not credit the Appellant's testimony that all of his sick time usage as a dispatcher from 2002 to 2008 was documented. The documentary evidence shows that the Appellant was disciplined for inappropriately using sick time to work paid details in a nearby Town and that he admittedly used sick time when he "overslept". Further, when the issue of his sick time usage was brought to his attention by his managers, the Appellant responded by seeking to divert attention to other matters and co-workers. Even in his testimony before the Commission, the Appellant seemed unable or unwilling to accept responsibility for his poor attendance record and the reasons behind it. (Testimony, demeanor of Appellant)

25. Jean Dietrich is the Colonel in charge of personnel administration for the City's volunteer Auxiliary Police Department where the Appellant served as a volunteer. In her written evaluation of the Appellant dated June 28, 2008, she stated: "Scott Burns was a source of undermining and very critical of all our (sic) activities. Since he

secretly worked other Auxiliary units while on our roster knowing it was against the rules, we could not trust his integrity. Scott is a very intelligent person, but tends to undermine the authority of others. He questions why orders are given and tells you how it should be done.” (Exhibit 19)

26. The Appellant introduced as Exhibit 35 a letter dated December 6, 2004 from Ronald Dietrich (husband of Jean Dietrich), who is the Chief of the City’s Auxiliary Police Department. In his 2004 letter to the Amherst Police Department, Dietrich stated in part: “[Scott] is proud of the uniform he wears, displays his shield with honor and serves with professionalism. He is also a dispatcher for the Department. I strongly recommend him for consideration to be selected by your department as a member of the Amherst Police Force. He would be an asset not only to the Amherst Police Department but also to the Amherst community.” (Exhibit 35)

27. Holyoke Police Captain Frederick Seklecki was asked to provide an evaluation of the Appellant’s employment as a dispatcher. Seklecki reported that the Appellant had excellent dispatch capabilities, but that he was unable to accept criticism and tended to become extremely defensive and put himself in attack mode. (Exhibit 6)

28. Holyoke Police Chief Anthony Scott testified that he was concerned about the Appellant’s ability to accept criticism and make good decisions and that the Appellant can not take criticism “about the smallest things”. Chief Scott was particularly concerned about the Auxiliary Police Department evaluation which stated that the Appellant was undermining the Department. He was also concerned about the Appellant’s frequent use of sick time. (Testimony of Chief Scott)

*Omissions and/or Misstatements on the Appellant’s Employment Application*

29. Section 5 of the City's employment application states: "List **ALL** jobs you have had, including part-time, temporary, self-employment and volunteer. (Begin with your most current. If more space is needed continue your response on page 25.)" (Exhibit 5)
30. The Appellant did not list the Holyoke Auxiliary Police Department as one of his employers in Section 5 of the employment application. (Exhibit 5) Lt. Fournier sent the previously-referenced request for an evaluation to the Auxiliary Department after learning from another member of the Department that the Appellant volunteered there. (Testimony of Fournier) As previously referenced, the Holyoke Auxiliary Department responded to this request with a negative evaluation in which it was indicated that the Appellant would not be re-hired. (Exhibit 19)
31. When submitting his application, the Appellant provided the Department with additional documentation that was not requested, including his resume. The Appellant's resume lists the Auxiliary Department as a former employer. (Testimony of Appellant and Exhibit 28)
32. Section 5, Question 40 (b) of the City's employment application asks the applicant if he has ever applied to another law enforcement agency and then asks the applicant to indicate the status of that application with the following options: hired; on list; withdrawn; or disqualified. In this section, the Appellant indicated that he had applied to the Virginia Beach Police Department. In regard to the status of the application, the Appellant checked "withdrawn". (Exhibit 5)
33. On July 25, 2008, Lt. Fournier contacted the Virginia Beach Police Department and spoke with that Department's Human Resources Coordinator (Ms. Manning).

Fournier asked Ms. Manning to verify that the Appellant had withdrawn his application. Ms. Manning indicated that the Appellant had been disqualified from the process after taking the behavioral personnel assessment test. The Appellant scored below the acceptable range on this test and was disqualified. (Testimony of Fournier and Exhibit 21)

34. The Appellant testified that he did fail the above-referenced test, but since Virginia Beach allows unsuccessful candidates to reapply within three months, he withdrew his application. (Testimony of Appellant) In the Appellant's post-hearing brief, he indicates that he sent a letter to Virginia Beach to notify them that he was withdrawing and references Exhibit 27. Exhibit 27, submitted by the Appellant, includes: a) a copy of the letter from Virginia Beach to the Appellant informing him that he did not receive an acceptable score on the behavioral test; and b) four duplicate copies of a web site page from Virginia Beach which provides information on the test in question. Exhibit 27 does not include a letter from the Appellant to Virginia Beach. (Exhibit 27)

35. As referenced above, Question 40 of Section 5 of the application asks the applicant if they ever applied to any other law enforcement agency. The Appellant indicated on the application that he had applied to the Amtrak Railroad Police. When Lt. Fournier reviewed the Appellant's Amtrak application, he learned that the Appellant taken the Massachusetts State Police examination in 2004. Lt. Fournier believed that the Appellant should have listed this in response to Question 40. (Testimony of Fournier and Exhibits 5 and 22)

36. The Appellant testified that he did not consider taking the State Police examination as an application for employment and thus did not list this information when answering Question 40 of Section 5 on the application. (Testimony of Appellant)
37. The City's bypass letter to HRD stated that the Appellant failed to accurately describe his credit history. (Exhibit 15)
38. Section 7, Question 49 of the Department's employment application asks: "Have you ever filed for or declared bankruptcy (Chapter 7, 11 or 13)? The Appellant answered "no". (Exhibit 5)
39. Section 7, Question 50 of the Department's employment application asks: "Have any of your bills ever been turned over to a collection agency?" The Appellant answered "yes" and wrote that "past bills have been turned over to collection, late credit card payments, etc." (Exhibit 5)
40. The Appellant testified that he completed the employment application in May 2008, but did not file for personal bankruptcy until October 2008 (which the City apparently discovered at some point prior to submitting bypass reasons to HRD). Thus, according to the Appellant, his response to Question 49 was accurate as of the date he submitted his application. (Testimony of Appellant)
41. Chief Scott testified that he was concerned that the Appellant was trying to hide things that weren't favorable to him. (Testimony of Scott)

*Other Selected Candidates*

42. Redacted versions of the Background Investigation Reports (BIRs) for the thirteen (13) selected candidates were entered into evidence at the hearing. The Commission entered a Stipulated Protective Order between the parties in order to protect the

identities of those parties subject to this appeal. The BIR reports for the thirteen (13) candidates were assigned a number of 1 to 13, in random order, for identification purposes. (Exhibits 23 and 34)

43. Selected candidate “1” had two prior employment evaluations that were negative. Selected candidate “4” had multiple charges regarding operating a vehicle after a license suspension that were all dismissed or not prosecuted and an overall driving history that was “too extensive to list”. Selected candidate “6” admitted to past use of marijuana, cocaine and hallucinogens and was rejected for employment by another police department for this reason. Selected candidate “7” had past driving infractions including operating recklessly, speeding and revocation due to an “immediate threat” order. Selected Candidate “7” was also arrested and charged with OUI and Reckless Driving in 2005. Selected Candidate “8” failed to indicate that he had applied for employment with another police department. Selected Candidate “9” admitted to past marijuana use. Selected Candidate “13” had 2 past due accounts listed on his credit report. (Exhibits 23 and 34)
44. One (1) of the selected candidates is related to an elected official in Holyoke. One (1) of the selected candidates has a romantic relationship with a Holyoke police officer. Three (3) of the selected candidates have family members who work for the City. The selected candidates with an OUI charge or the candidate who admitted to past use of cocaine do not fall into any of these categories. (Testimony of Fournier)
45. The City’s Mayor serves as the Appointing Authority. Chief Scott met with the Mayor to review the candidates’ background checks to determine who should move forward in the review process. Chief Scott stated that many of the motor vehicle

infractions of the selected candidates occurred several years ago. For all of the selected candidates, with the exception of one, the Chief concurred with the Mayor's appointment decisions based on the "totality" of the candidate's application and background investigation. Chief Scott opposed the selection of the candidate who acknowledged prior use of cocaine. (Testimony of Chief Scott)

46. Chief Scott testified that, "in totality", after considering many of the issues previously referenced, he had serious concerns about the Appellant's application and background investigation and that he did not recommend the Appellant to the Mayor for appointment as a reserve police officer. (Testimony of Chief Scott)

#### *Bias Allegations*

47. The Appellant testified that he was an active local union president for the dispatchers. In that capacity, he was part of contentious bargaining negotiations and joined others in picketing City Hall and wearing purple t-shirts in a sign of solidarity. (Testimony of Appellant)

48. Chief Scott testified that he was aware of the grievances filed by the Appellant but was unaware that the Appellant was part of any picketing. Further, Chief Scott testified that he does not participate in contract negotiations as Chief of Police. Rather, negotiations are handled by City Hall.

#### **CONCLUSION**

The role of the Civil Service Commission is to determine "whether the Appointing Authority has sustained its burden of proving that there was reasonable justification for the action taken by the appointing authority." Cambridge v. Civil Service Comm'n, 43

Mass. App. Ct. 300, 304 (1997). Reasonable justification means the Appointing Authority's actions were based on adequate reasons supported by credible evidence, when weighed by an unprejudiced mind, guided by common sense and by correct rules of law. Selectmen of Wakefield v. Judge of First Dist. Ct. of E. Middlesex, 262 Mass. 477, 482 (1928). Commissioners of Civil Service v. Municipal Ct. of the City of Boston, 359 Mass. 214 (1971). G.L. c. 31, § 2(b) requires that bypass cases be determined by a preponderance of the evidence. A "preponderance of the evidence test requires the Commission to determine whether, on a basis of the evidence before it, the Appointing Authority has established that the reasons assigned for the bypass of an Appellant were more probably than not sound and sufficient." Mayor of Revere v. Civil Service Comm'n, 31 Mass. App. Ct. 315 (1991). G.L. c. 31, § 43.

Appointing Authorities are rightfully granted wide discretion when choosing individuals from a certified list of eligible candidates on a civil service list. The issue for the Commission is "not whether it would have acted as the appointing authority had acted, but whether, on the facts found by the commission, there was reasonable justification for the action taken by the appointing authority in the circumstances found by the commission to have existed when the Appointing Authority made its decision." Watertown v. Arria, 16 Mass. App. Ct. 331, 332 (1983). See Commissioners of Civil Service v. Municipal Ct. of Boston, 369 Mass. 84, 86 (1975) and Leominster v. Stratton, 58 Mass. App. Ct. 726, 727-728 (2003). However, personnel decisions that are marked by political influences or objectives unrelated to merit standards or neutrally applied public policy represent appropriate occasions for the Civil Service Commission to act. Cambridge, 43 Mass. App. Ct. at 304.

The City, by a preponderance of the credible evidence, has shown that it had reasonable justification to bypass the Appellant for original appointment as a reserve police officer.

The City substantiated that the Appellant's employment history was a valid reason for bypassing him for appointment. He was disciplined on two separate occasions for using sick time as a dispatcher in order to perform paid detail duties in a nearby Town. He was also warned on more than one occasion about his tardiness. Further, he received a highly negative evaluation from the Colonel of the Holyoke Auxiliary Police Department, including that she had no trust in the Appellant's integrity. Although the Chief of the Auxiliary Department provided the Appellant with a letter of recommendation several years prior to this evaluation, this does not negate the more recent and more detailed evaluation prepared by the Colonel.

The City has also substantiated that the Appellant's omissions or misstatements on his employment application were a valid reasons for bypassing him for appointment. The City cited four omissions or misstatements upon which they reached their conclusion. I reach the same conclusion regarding two of those allegations. The Appellant provided accurate information regarding his credit history (at the time) and he did not need to indicate that he applied to the State Police when all he did was take the State Police entrance examination. He did, however, omit on his application his employment application that he was employed by the City's Auxiliary Police Department. It is not sufficient that the Appellant attached a resume indicating this employment. Background investigators should not be required to sift through unsolicited information in order to conduct a thorough review of all applicants. They rely on applicants to complete the

application thoroughly and provide all of the information in the format and location proscribed in the application. The Appellant failed to do that. Further, the Appellant misled the City when he told them he “withdrew” his application from the Virginia Beach Police Department. He failed a behavioral test and was disqualified. The fact that the Appellant may be able to apply at a later date does not alter the fact that he was disqualified. Further, the Appellant, who appears to be a meticulous record-keeper and note-taker, failed to provide a copy of the letter he purports to have sent to Virginia Beach “withdrawing” his application.

An Appointing Authority is well within its rights to take disciplinary action when a police officer has “a demonstrated willingness to fudge the truth...” because “[p]olice work frequently calls upon officers to speak the truth when doing so might put into question a search or might embarrass a fellow officer.” See Falmouth v. Civil Service Comm’n, 61 Mass. App. Ct. 796, 801 (2004); citing Cambridge, supra at 303. Thus, it follows that a Police Department is justified in bypassing a candidate for appointment who fudges the truth on his application.

In regard to the Appellant’s failure to pay excise taxes, the parties’ quibbled over whether the Appellant’s license was “non-renewable” given the fact that he could cure this problem by making the payments due. Here, what I found most troubling was the fact that the Appellant actually failed to pay two years of excise taxes to the City for which he is a full-time employee. The Appellant’s testimony that he either lost or forgot about these bills only compounds his poor judgment regarding this delinquency.

I carefully reviewed the Appellant’s allegations of bias and the fact that other candidates with blemishes on their background investigation were appointed as reserve

police officers. Although I was troubled by at least one of the appointment decisions made by the City, this does not alter the fact that the City has substantiated valid reasons for not selecting the Appellant. Moreover, I credit the testimony of Chief Scott that, after considering the “totality” of each candidate’s background, they decided to bypass the Appellant in favor of other candidates. I may have reached a somewhat different conclusion had some of the candidates with blemishes on their background checks had personal or family ties to City or police officials. Finally, the Appellant has failed to show that his role as a local union president played a role in the City’s decision to bypass him.

There was reasonable justification for the City’s decision and there is no evidence of bias or improper motive. Thus, the City’s decision to bypass the Appellant is “not subject to correction by the Commission.” Cambridge, 43 Mass. App. Ct. at 305. For this reason, the Appellant’s appeal under Docket No. G1-08-251 is hereby *dismissed*.

Civil Service Commission

---

Christopher C. Bowman  
Chairman

By a 3-2 vote of the Civil Service Commission (Bowman, Chairman - Yes, Henderson, Commissioner – No; Marquis, Commissioner – Yes; Stein, Commissioner – Yes; and Taylor, Commissioner - No) on April 8, 2010.

A true record. Attest:

---

Commissioner

Either party may file a motion for reconsideration within ten days of the receipt of this decision. Under the pertinent provisions of the Code of Mass. Regulations, 801 CMR 1.01(7)(1), 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:

Patrick Bryant, Esq. (for Appellant)  
Layla Taylor, Esq. (for Appointing Authority)  
John Marra, Esq. (HRD)