

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION**

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

MARIKO WESTON

Appellant

v.

TOWN OF DANVERS,

Respondent

Case No.: G1-12-201

ORDER OF DISMISSAL

On June 7, 2012, the Town of Danvers (Town), filed a request with the state's Human Resources Division (HRD), seeking to remove the name of Mariko Weston (Appellant) from the eligible list of candidates for permanent full-time police officer in the Town.

On June 19, 2012, the Appellant filed the instant appeal with the Commission, contesting the Town's request to HRD.

A pre-hearing conference was held on August 28, 2012 and a status conference was held on October 16, 2012.

It is undisputed that the Appellant's name does not appear on any eligible list. Rather, the Appellant was appointed to the position of permanent reserve police officer by the Town on January 15, 2007. Thus, HRD denied the Town's request, as no such eligible list exists.

Rather, the Town is currently seeking to appoint one (1) permanent full-time female police officer. As the Appellant is the only female candidate listed on the Town's permanent reserve roster list, the Town requested and received additional names of female candidates (who took and passed a subsequent civil service examination, but who are not reserve officers).

The Town is now in the process of considering which, if any, of the female candidates within the statutory "2n + 1" formula to appoint. If the Town appoints any female candidate other than the Appellant, that appointment will constitute a bypass of the Appellant and the Town will be required to provide her with sound and sufficient reasons for the bypass along with her notice of appeal rights.

Until the appointment process is completed, the Appellant's appeal is premature as she has not been bypassed and/or removed from any eligible list.

For all of the above reasons, the Appellant's appeal under Docket No. G1-12-201 is hereby ***dismissed***. If the Appellant is bypassed for appointment in the future, she may file a new bypass appeal with the Commission and the filing fee for such appeal will be waived.

Civil Service Commission

Christopher C. Bowman
Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Ittleman, Marquis, McDowell and Stein, Commissioners) on October 18, 2012.

A True Record. Attest:

Commissioner

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)(1), 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 to:

Leah Barrault, Esq. (for Appellant)

Geoffrey Wermuth, Esq. (for Respondent)

John Marra, Esq. (HRD)