

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

CIVIL SERVICE COMMISSION

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

JULIE DOYLE,
Appellant

v.

G1-11-52

HUMAN RESOURCES
DIVISION¹,
Respondent

Appellant's Attorney:

Pro Se
Julie N. Doyle

Respondent's Attorney:

Lindsey Boyle, Esq.
Human Resources Division
One Ashburton Place: Room 211
Boston, MA 02108

Commissioner:

Christopher C. Bowman

ORDER OF DISMISSAL

The Appellant, Julie Doyle (hereinafter "Doyle" or "Appellant"), pursuant to G.L. c. 31, § 2(b), filed an appeal with the Civil Service Commission (hereinafter "Commission"), claiming that she was aggrieved when the state's Human Resources Division (hereinafter "HRD") failed to notify her that her name appeared on a Certification that was sent to the Boston Police Department (hereinafter "BPD") containing the names of candidates for the position of Boston police officer.

¹ This case was docketed noting the Boston Police Department as the Respondent. It is clear from the facts that the Respondent is actually the state's Human Resources Division.

The appeal was filed with the Commission on February 15, 2011. A pre-hearing conference was held on March 8, 2011 and was attended by the Appellant, counsel for HRD and counsel for BPD.

The following facts do not appear to be in dispute:

1. On June 9, 2008, the Appellant accessed HRD's Standings and On-Line Applicant Record Information System (SOARIS) to register for an upcoming civil service examination for police officer.
2. According to HRD records, the Appellant entered her mailing address as: 648 East [redacted], South Boston, MA 02127. Her correct mailing address is actually: 468 [redacted], South Boston, MA 02127.
3. On June 28, 2008, the Appellant took and passed the civil service examination and scored among candidates in "Band 8".
4. As a result of passing the civil service examination, the Appellant's name was placed on an eligible list of candidates for the position of Boston police officer. That eligible list was effective from November 1, 2008 through October 31, 2010.
5. On March 3, 2010, BPD requested a Certification of names from HRD of female police officer candidates.
6. On April 16, 2010, HRD forwarded Certification No. 207159 to BPD. The Appellant's name appeared on Page 16 along with other candidates in "Band 8".
7. HRD mailed postcards to those candidates whose name appeared on Certification No. 207159 to the mailing address listed in SOARIS. As such, the Appellant's postcard was mailed to 648 [redacted], South Boston, MA 02127, the address that was listed in

SOARIS. Postcards are not sent via certified mail or with tracking information. The Appellant did not receive the postcard as this was her incorrect address.

8. The Appellant, as a result of not receiving the postcard from HRD, did not sign Certification No. 207159 indicating her willingness to accept employment as a Boston police officer if selected. Thus, she was not considered for employment.
9. BPD subsequently granted conditional offers of employment to seventy-five (75) candidates from Certification No. 207159, including to candidates ranked in lower score bands.
10. On October 15, 2010, HRD records indicate that the Appellant, for the first time since taking the civil service examination in 2008, accessed her SOARIS account to “re-set” her account with an address of [redacted], South Boston, MA 02127.
11. On the same day, the Appellant received an email response from HRD’s civil service unit, stating: “Ms. Doyle: The mailing address we have on file is [redacted]. Would you like us to adjust that as well?” The Appellant responded: “648 please”.
12. On October 31, 2010, the eligible list upon which the Appellant’s name appeared expired.
13. In December 2010, the Appellant, after learning that BPD had hired candidates from Certification No. 207159 (on which her name appeared) exchanged a series of emails with an HRD representative to determine whether a postcard was mailed to her at that time. The Appellant did not mention in that chain of emails that she had not corrected her address on SOARIS until October 15, 2010.
14. On February 15, 2011, the Appellant filed the instant appeal with the Commission stating, “I was issued a postcard in April 2010 but because of an address problem I

never received the card. It seems as though Civil Service made an error in sending out the card ...”.

Conclusion

Under G.L. c. 31, § 2(b), the Commission has the power and duty to:

“[H]ear and decide appeals by a person aggrieved by any decision, action, or failure to act by [HRD], except as limited by the provisions of section twenty-four relating to the grading of examinations; provided that no decision or action of the administrator shall be reversed or modified nor shall any action be ordered in the case of a failure of the administrator to act, except by an affirmative vote of at least three members of the commission, and in each such case the commission shall state in the minutes of its proceedings the specific reasons for its decision.

No person shall be deemed to be aggrieved under the provisions of this section unless such person has made specific allegations in writing that a decision, action, or failure to act on the part of the administrator was in violation of this chapter, the rules or basic merit principles promulgated thereunder and said allegations shall show that such person’s rights were abridged, denied, or prejudiced in such a manner as to cause actual harm to the person’s employment status.” (emphasis added)

St. 1993, c. 310 provides:

“If the rights of any person acquired under the provision of chapter thirty-one of the General Laws or under any rule made thereunder have been prejudiced through no fault of their 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 of such rights.” (emphasis added)

801 CMR 1.01 (7) (g) (3) states:

“The Presiding Officer may at any time, on his own motion or that of a Party, dismiss a case for lack of jurisdiction to decide the matter, for failure of the Petitioner to state a claim upon which relief can be granted or because of the pendency of a prior, related action in any tribunal that should first be decided.”

Unfortunately for the Appellant, she data-entered the wrong address into HRD’s SOARIS system when registering for the 2008 civil service examination for police officer. As a result, she did not receive a postcard sent from HRD notifying her that her

name appeared on a Certification of names of candidates eligible to be considered for appointment to the Boston Police Department. As a result, she did not sign the Certification and was not considered for appointment. The eligible list upon which the Appellant's name appeared has now expired.

Even when viewing the evidence in the light most favorable to Appellant, she has no reasonable expectation of prevailing on any element of this case. HRD did not violate the civil service law or rules or basic merit principles. Further, the fact that the Appellant did not receive a postcard from HRD informing her that her name was on the Certification was not through no fault of her own. Rather, it was the Appellant's unfortunate data entry error when registering on SOARIS that resulted in her lack of notification.

While the Appellant's appeal must be dismissed for the above-referenced reasons, two observations are worth noting. First, the Appellant struck me as an individual that would likely rise to the top of any future applicant pool of police officer candidates. Hopefully, she will opt to take the next civil service examination and score high enough to be among those considered for additional vacancies by BPD. Second, I urge HRD, on a going-forward basis, to consider simultaneously notifying candidates via email when their name appears on a Certification issued by their office. That information is already captured in SOARIS and such notification would require minimal effort.

For all of the above reasons, the Appellant's appeal under Docket No. G1-11-52 is hereby *dismissed*.

Civil Service Commission

Christopher C. Bowman
Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Henderson, Marquis, McDowell and Stein, Commissioners) on March 24, 2011.

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)(l), 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:

Julie Doyle (Appellant)

Lindsey Boyle, Esq. (for HRD)

Nicole Taub, Esq. (for BPD)