

**COMMONWEALTH OF MASSACHUSETTS**

SUFFOLK, ss.

**CIVIL SERVICE COMMISSION**

One Ashburton Place, Room 503  
Boston, MA 02108

FRANCIS McARDLE,  
Appellant

v.

G2-13-223

CITY OF QUINCY,  
Respondent

Appearance for Appellant:

S.L. Romano  
Mass. Laborers District Council  
2 Laborers Way  
Hopkinton, MA 01748

Appearance for Respondent:

Deirdre Hall, Esq.  
City of Quincy  
1305 Hancock Street  
Quincy, MA 02169

Commissioner:

Christopher C. Bowman

**ORDER OF DISMISSAL**

On October 3, 2013, the Appellant, Francis McArdle (Mr. McArdle) filed this “bypass” appeal with the Civil Service Commission (Commission) contesting his non-selection for a provisional promotion to the official service position of Foreman. A pre-hearing conference was held at the offices of the Commission on October 29, 2013.

Based on the statements of the parties, it is undisputed that the individual promoted was: 1) a permanent civil service employee; 2) serving in the next lower title. When an Appointing Authority provisionally promotes a permanent civil service employee serving in the next lower title, they are not required to provide the non-selected candidates with

sound and sufficient reasons for their non-selection and the non-selection does not constitute a bypass that can be appealed to the Commission. See G.L. c. 31, § 15/

For this reason, Mr. McCardle's appeal under Docket No. G2-13-223 is hereby *dismissed*.

Civil Service Commission

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Christopher C. Bowman  
Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Ittleman, Marquis, McDowell and Stein, Commissioners) on November 14, 2013.

A true Copy. Attest:

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Commissioner  
Civil Service Commission

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:  
S.L. Romano (for Appellant)  
Deirdre Hall, Esq. (for Respondent)  
John Marra, Esq. (HRD)