

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

CIVIL SERVICE COMMISSION
One Ashburton Place – Room 503
Boston, MA 02108
(617)727-2293

THOMAS DORNEY,
Appellant

v.

G1-16-084

WAKEFIELD POLICE DEPARTMENT,
Respondent

Appearance for Appellant:

Jillian Ryan, Esq.
Pyle Rome Ehrenberg P.C.
2 Liberty Square, 10th Floor
Boston, MA 02109

Appearance for Respondent:

Meredith Freed, Esq.
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Commissioner:

Christopher C. Bowman¹

DECISION

Pursuant to G.L. c. 31, § 2(b), the Appellant, Thomas Dorney (Mr. Dorney) filed a timely appeal with the Civil Service Commission (Commission) from the decision of the Wakefield Police Department (WPD) to bypass him for appointment to the position of permanent, full-time police officer. A pre-hearing conference was held on May 24, 2016 and a full hearing was held on July 7, 2016; both were held at the offices of the Commission.² At the hearing, witnesses were sequestered, with the exception of the Appellant. The hearing was digitally recorded, with copies

¹ The Commission acknowledges the assistance of Law Clerk Brendan Rimetz in the drafting of this decision.

² The Standard Adjudicatory Rules of Practice and Procedure, 801 CMR §§1.00, *et seq.*, apply to adjudications before the Commission with Chapter 31 or any Commission rules taking precedence.

provided to the parties.³ Both parties submitted post-hearing briefs. For the reasons stated herein, the appeal is denied.

FINDINGS OF FACT:

Based on Exhibits 1 through 7 (A, B, C) and the testimony of:

Called by Wakefield Police Department:

- Lieutenant Steven Skory, WPD (“Lt. Skory”)
- Lieutenant Scott Reboulet, WPD (“Lt. Reboulet”)
- Deputy Chief Craig Calabrese, WPD (“Deputy Chief Calabrese”)

Called by Mr. Dorney:

- Thomas Dorney, Appellant

and taking administrative notice of all matters filed in the case and pertinent statutes, regulations, case law and policies, and reasonable inferences from the evidence, a preponderance of evidence establishes the following findings of fact:

1. Mr. Dorney is twenty-four (24) years old and lives in Chelsea. He is one (1) of seven (7) children and his older brother is a police officer in Wakefield. (Testimony of Mr. Dorney)
2. In 2010, Mr. Dorney graduated from Wakefield High School. While a high school student, he worked part-time for “The Savings Bank” in Wakefield and was one (1) of five (5) students who learned about bank operations. (Testimony of Mr. Dorney)
3. From 2012 to 2014, Mr. Dorney was employed as an EMT for Cataldo Ambulance in Somerville. (Testimony of Mr. Dorney and Exhibit 2)
4. In January 2016, Mr. Dorney received a bachelors degree in Latin American Studies from Boston University. He briefly studied abroad in Spain and has travelled to various other

³ If there is a judicial appeal of this decision, the plaintiff in the judicial appeal would be obligated to supply the court with a transcript of this hearing to the extent that he/she wishes to challenge the decision as unsupported by the substantial evidence, arbitrary and capricious, or an abuse of discretion. If such an appeal is filed, this CD should be used to transcribe the hearing.

countries including Brasil, China, Autstralia, Italy, Ireland, Germany and the Czech Republic. He is proficient in speaking Spanish. (Testimony of Mr. Dorney and Exhibit 3)

5. While enrolled in college, Mr. Dorney was also employed for approximately six (6) months as a psychiatric nursing assistant at the Veterans Hospital in Bedford, MA; six (6) months as a server at Yankee Lobster and for approximately one (1) year as a laborer for a landscaping company. (Testimony of Mr. Dorney and Exhibit 3)
6. In December 2015, after completing his academic studies at Boston University, Mr. Dorney began working at The Savings Bank again. At the time that he was being considered for appointment as a police officer, he was a teller and Weekend Teller Supervisor at the bank. (Testimony of Mr. Dorney and Exhibit 3) When contacted by the WPD, both a co-worker and supervisor spoke positively about Mr. Dorney. (Exhibit 3)
7. Mr. Dorney is certified as an EMT-Basic; has a license to carry a firearm; and his interests include hunting, fishing and martial arts. (Testimony of Mr. Dorney and Exhibit 3)
8. Two candidates (Candidate A and Candidate B) who were ranked below Mr. Dorney on the civil service Certification were appointed to the two (2) police officer vacancies here. (Stipulated Fact)
9. Candidate A is a high school graduate and was anticipating obtaining his bachelors degree in criminal justice in May 2016 at the time he was being considered for appointment. (Exhibit 1)
10. Candidate A's employment history includes five (5) years as a karate instructor; a desk attendant for a college; and building maintenance work for the Town of Wakefield over three (3) summers. (Exhibit 1)

11. Candidate A was a student athlete in high school and college and currently holds a 3rd degree black belt in martial arts. (Exhibit 1)
12. Candidate B is a high school graduate. He has attended six (6) different colleges and been placed on academic probation or dismissed for academic reasons on multiple occasions. He does not currently have a college degree. (Exhibit 2)
13. At the time of this hiring process and for approximately three (3) years prior, Candidate B was employed as a police officer for the Federal Reserve. (Exhibit 2)
14. Candidate B was also a student athlete, including serving as Captain of his high school varsity football team and receiving varsity letters in Lacrosse and Track. He is a certified open water diver and his interests include weightlifting, running and hiking. (Exhibit 2)
15. As part of the hiring process, the WPD assembled an interview panel consisting of Lt. Skory, Lt. Reboulet and Deputy Chief Calabrese. (Testimony of Lt. Skory, Lt. Reboulet and Deputy Chief Calabrese)
16. Mr. Dorney had previously been considered for appointment by the WPD a year earlier as part of a 2015 hiring cycle. He was not selected and, because no candidates ranked below him were selected for appointment, his non-selection did not constitute a bypass. Although the WPD was not required to provide him with reasons for his non-selection in 2015, Mr. Dorney was told by his police officer brother that the interview panel thought his interview performance needed improvement and that his answers needed to be more concise.

(Testimony of Mr. Dorney)
17. In March 2016, the interview panel interviewed all of the eligible candidates, including Mr. Dorney, Candidate A and Candidate B. All of the candidates were asked the same twenty-

eight (28) questions and the interviews were (audio and video) recorded. (Exhibit 7A, 7B and 7C)

18. Each interview panelist “scored” the answer to each question, on a scale of 1 to 5, with 1 being the lowest score and 5 being the highest score. (Exhibit 1, 2, 3 and 5) Thus, the highest possible score a panelist could award a candidate was 140 (28 x 5) and the lowest possible score was 28 (1 x 28).
19. In addition to scoring the responses to each question, each panelist made notes regarding the candidates’ responses and then provided a written summary of their assessment of the interview in a “comments” section. The questions, scores, written comments and DVDs of the recorded interviews were all submitted into evidence by the Town. (Exhibits 1, 2, 3, 5, 7A, 7B and 7C)
20. As part of this selection process, the scores of the three (3) panelists for each candidate were averaged together. Mr. Dorney received an average interview score of 68, while Candidate A received an average score of 98 and Candidate B received an average score of 102. (Exhibits 1, 2 and 3)
21. Deputy Chief Calabrese wrote the following in the comments section of his rating form for Mr. Dorney:

“Thomas Dorney appeared neatly dressed. This was the second interview with Dorney after interviewing him off the last civil service list. His answers to questions were simple without much content. As with previous interview[s], not convincing that policing is what he really wants to do. Has not done anything since his last interview in pursuit of a career in policing or law enforcement. In both interviews, it appears that he depends on others for guiding him in the right direction as opposed to making personal and confident decisions. Writing sample was below average.” (Exhibit 3)
22. Lt. Reboulet wrote the following as his assessment about Mr. Dorney’s interview:

“Arrived on-time and dressed in suit and tie. Stood for introductions.

Thomas Dorney was well spoken, but answers had very little to offer as far as working towards a career in law-enforcement, or even a desire to be a police officer. Said several times that he'd like to work in [civil service] as a police officer, firefighter or EMT.

Was interviewed in 2015 for this position and was not offered employment. While he did interview better this time, he had apparently done little to nothing to make [himself] a better candidate.

Had been working as an EMT and staff member at V.A. Hospital to get somewhat related experience, but no longer works for either. Only change since last interview/background was that he has applied to banks to work in money-laundering [prevention] type positions.

Appears to have a very close family, which is admirable, but seems to rely on family members to point him in the right direction for his decisions, or to make them for him.” (Exhibit 3)

23. Lt. Skory also recorded his comments on Mr. Dorney’s interview and they are as follows:

“Thomas Dorney arrived on time for his interview and was dressed appropriately in a suit and tie. This is the second time we have interviewed Dorney for a [police officer] position with the WPD. Dorney did not interview well the first time and was not offered employment.

Dorney did not interview well on this date either. Many of his answers were short and rambling with no clear answer given. He has not taken any steps since his last interview to make himself a more attractive candidate. He has not sought out any law enforcement related employment, training or education. He talks about previous experience as an EMT and working at a VA Hospital, but left both of those jobs and has not done anything related in a couple of years.

What was most troubling to me was the answer Dorney gave to question #10 where he was asked about the most difficult decision had has made in the past 5 years. He referred to an ambulance call for a pregnant woman who was smoking, drinking alcohol and doing drugs. He talked about not agreeing with her lifestyle and how it was difficult for him to help her because of that. If Dorney finds it difficult helping people whose lifestyle he does not agree with, he is not a fit for a law enforcement position.

At this time, based on Dorney’s interview and his lack of pursuing education or work experience related to law enforcement, I would not recommend him for a position with the Wakefield Police Department.”

24. Mr. Dorney's answer to Question 12 stood out to the interviewers as an answer that was unsatisfactory. The question asked of the candidates was what they had learned from past mistakes. In his interview, Mr. Dorney stated that he would ask other people for advice on how to not make the same mistake again and that he would not dwell on the mistake and move on. He further stated in his interview that he would make a "conscious effort and decision" not to make that same mistake again. (Exhibit 7A)
25. Lt. Skory felt that Mr. Dorney's answer to that question appeared to show that he relies on others to rectify his mistakes and that a more satisfactory answer would have been that Mr. Dorney learns from mistakes on his own and corrects mistakes by himself and not by relying on others. Deputy Chief Calabrese wrote in his rating form notes that Mr. Dorney "depends on others for guiding him in the right direction as opposed to making personal and confident decisions." (Testimony of Lt. Skory; Exhibit 3)
26. When asked the same question, Candidate A stated that he has learned that communication is very important and that he has learned that he needs to think before he speaks and to be clear and articulate when speaking. Lt. Skory believed that Candidate A's answer made it clear that that he had been in a situation in the past where he should have been respectful to someone and that he should have communicated better. (Testimony of Lt. Skory; Exhibit 7B)
27. Candidate B's answer to Question 12 was that he had learned a lot and that his biggest mistake was leaving school and not focusing on his education when he first started college. (Exhibit 7C; Testimony of Lt. Skory)

28. Mr. Dorney's reply to Question 19 was also considered unsatisfactory by the interviewers. The question asked each candidate to describe what experience they have had interacting with members of other races and cultures. In his response, Mr. Dorney said that he doesn't really pay attention to race or ethnicity and that such factors do not impact his interactions with people of other races. In his notes on the question on the rating form, Lt. Reboulet wrote that Mr. Dorney did not really address the question in his answer and gave Mr. Dorney a rating of 1. (Exhibit 3 and 7A; Testimony of Lt. Reboulet)
29. Candidate A's response to Question 19 was that he attended a diverse college and that his close friends were of different races and that because of this, he did not have a problem with interacting with others of different races. Lt. Reboulet felt that because Candidate A gave specific examples of people in his life of different races that his answers were more satisfactory and gave Candidate A a rating of 4 for his answer to this question. (Exhibits 1 and 7C; Testimony of Lt. Reboulet)
30. Candidate B responded to the same question by talking about the diversity of his then-current job as a police officer for the Federal Reserve and that he often dealt with people of different races. Lt. Reboulet found this to be a clear answer that provided a concrete example of how the candidate interacted with those of other races. Candidate B's answer received a rating of 5 from Lt. Reboulet. (Exhibits 2 and 7B; Testimony of Lt. Reboulet)
31. Another area that concerned the interviewers was how Mr. Dorney appeared to be unclear as to whether he truly wanted to be a police officer. In his interview, Mr. Dorney said multiple times that he wanted a career in "civil service". Both Lt.

Reboulet and Deputy Chief Calabrese stated in their notes on the rating form that Mr. Dorney did not make clear his desire to be a police officer. The other candidates made it clear that they wanted to be law enforcement officers through both their experience as well as articulating their desire to work for WPD during the interview process.

(Exhibits 1, 2, 3; Testimony of Lt. Skory and Lt. Reboulet)

32. In the bypass letter, WPD Chief Richard E. Smith (“Chief Smith”) gave the following reasons for bypassing Mr. Dorney and hiring Candidates A and B, in full:

DORNEY, Thomas L. – Bypassed at this time. This is the second interview given Mr. Dorney and he continues to interview poorly. Mr. Dorney lacks direction and fails to articulate his desire to be a police officer or to serve in a law enforcement capacity. He repeatedly stated that his desire was to work under civil service whether police, fire, or as an EMT. Since his most recent interview, Mr. Dorney has added little to his interview skills and has shown little interest in achieving a position as a Wakefield Police Officer. His work history as provided is sketchy and very little demonstrated to better himself as a good[,] solid candidate. I recommend a bypass at this time.

[Candidate B] – RECOMMENDED FOR APPOINTMENT. [Candidate B] displayed a very strong interview. He appeared mature, confident, and ready to assume this position. Additionally[,] he gave very good examples of working through problems/difficult situations and also showed strong communication skills. He has experience working with diverse populations in his current job as a police officer for the Federal Reserve.

[Candidate B] has completed the Massachusetts Reserve/Intermittent Academy along with the mandated six week Federal Reserve [Academy] in Atlanta, GA. Has received awards at his current job.

He currently serves as a field training officer and holds a position within their pistol team. In addition to volunteering as a member of the planning team for the upcoming large scale Grand Prix event in Boston[,] he demonstrates a strong desire to serve as a mentor. I RECOMMEND [Candidate B] for appointment[.]

[Candidate A] – RECOMMENDED FOR APPOINTMENT. [Candidate A] presented well and gave a very strong interview. He answered all of the questions well, and showed no deficiencies. He is a graduate of the Massachusetts Reserve/Intermittent Academy where he excelled to second in the class and served as class president while also attending [a] full-time list of courses at college and maintaining Dean’s List grades.

[Candidate A] appeared highly self-motivated and clearly wants a career as a Wakefield police officer. Appearing very mature for his age, he demonstrated strong communication skills as well as the ability to work through weaknesses (public speaking) and force himself into these types of roles in order to better himself.

[Candidate A] is highly skilled in mixed martial arts and has experience in working with diverse populations. He is currently working towards a degree at Curry College. I RECOMMEND [Candidate A] for appointment.

(Exhibit 6)

Applicable Law

The fundamental purpose of the civil service system is to guard against political considerations, favoritism, and bias in governmental hiring and promotion. The commission is charged with ensuring that the system operates on "[b]asic merit principles." Massachusetts Assn. of Minority Law Enforcement Officers v. Abban, 434 Mass. 256, 259, citing Cambridge v. Civil Serv. Comm'n, 43 Mass.App.Ct. 300, 304. "Basic merit principles" means, among other things, "assuring fair treatment of all applicants and employees in all aspects of personnel administration" and protecting employees from "arbitrary and capricious actions." G.L. c. 31, § 1.

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 at 304.

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 at 304. 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). See G.L. c. 31, § 43.

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).

The Commission’s role, while important, is relatively narrow in scope: reviewing the legitimacy and reasonableness of the appointing authority’s actions. City of Beverly v. Civil Service Comm’n, 78 Mass.App.Ct. 182, 189 190-191 (2010) citing Falmouth v. Civil Serv. Comm’n, 447 Mass. 814, 824-826 (2006). The Commission owes “substantial deference” to the appointing authority’s exercise of judgment in determining whether there was “reasonable justification” shown. Such deference is especially appropriate with respect to the hiring of police officers. In light of the high standards to which police officers appropriately are held, appointing authorities are given significant latitude in screening candidates. Beverly citing Cambridge at 305, and cases cited.

Analysis

The WPD based its bypass of Mr. Dorney on:

1. A unanimous conclusion by the three (3)-member interview panel that Candidate A and Candidate B had strong interviews and Mr. Dorney did not;
2. The Police Chief's conclusion that: "[Mr. Dorney's] work history as provided is sketchy and very little demonstrated to better himself as a good[,] solid candidate."

I address these reasons in reverse order.

The preponderance of the evidence does not support the WPD's conclusion that Mr. Dorney has a "sketchy" work history or the WPD's conclusion that he has done little to demonstrate that he is a solid candidate. None of the interview panelists were able to explain how the Police Chief reached a conclusion that Mr. Dorney's work history was "sketchy" and the evidence appears to show the opposite.

In high school, Mr. Dorney took the initiative to work in a school bank operated by the local savings banks, learning about bank operations. After graduating from high school, and primarily while enrolled in college, Mr. Dorney obtained his EMT Basic certification and was employed by a local ambulance company for two (2) years. Also while enrolled in college and while on summer break, Mr. Dorney was employed for approximately six (6) months as a psychiatric nursing assistant at the Veterans Hospital in Bedford, MA; six (6) months as a server at Yankee Lobster and for approximately one (1) year as a laborer for a landscaping company. After graduating from college, he then returned to the bank where he had been employed in high school. Branding this commendable work history, presumably used to defray college expenses, as "sketchy" is head-scratching – and wrong. I was not surprised that that the interview panelists had difficulty explaining how this conclusion made its way into the bypass letter.

Similarly, the sweeping conclusion that Mr. Dorney has done little to demonstrate himself as a solid candidate is equally puzzling. By age 24, Mr. Dorney has graduated from college, studied abroad, become fluent in Spanish, earned his EMT Basic certification, served two (2) years as an EMT Basic and maintained his physical fitness through athletics. Further, the record shows that he has no criminal record, a good credit history; a relatively good driving history and that he has obtained his license to carry a firearm. It is difficult to square that commendable record with the Police Chief's negative statement. In short, this reason is not supported by a preponderance of the evidence and cannot be used to justify the decision to bypass Mr. Dorney.

That leaves the interview performance of each candidate and the conclusions reached about each candidate by the interview panels. The authority to interview candidates is inherent in G.L. c. 31, s. 25. While some degree of subjectivity is inherent (and permissible) in any interview procedure, care is needed to preserve the "level playing field" and "protect candidates from arbitrary action and undue subjectivity on the part of the interviewers", which is the lynch pin to the basic merit principle of the Civil Service Law. See Flynn v. Civ. Serv. Comm'n., 15 Mass.App.Ct. 206, 208 (1983).

My role here is not to serve as a super appointing authority and determine whether I concur with the subjective assessment of the interview panels. Rather, as referenced above, my role, and that of the Commission, is to ensure that the interview process was fair and impartial and that it was not influenced by any personal or political favoritism. Further, it is appropriate for the Commission to determine whether, in general, there is some rational basis for the conclusions reached by the interview panels.

To make these assessments, I had the benefit of reviewing:

- The testimony of each of the interview panels;

- A list of questions asked of each of the candidates;
- The notes of each of the interview panelists;
- The scoring sheet of each of the interview panelists;
- The DVDs of the (audio and video) recorded interviews of Mr. Dorney, Candidate A & Candidate B.

The interview process here was not flawless. First, given that two (2) of the candidates, including Mr. Dorney, had a relative currently employed as a Wakefield police officer, it would have been advisable to expand the interview panel to include participants from outside the Department. This is a fairly common practice in many cities and towns where superior officers from other communities agree to serve as interview panelists. That would have been helpful here, particularly where Mr. Dorney argued that the panelists might have been influenced by the fact that the father of one of the selected candidates was a long-serving member of the Department with a closer working relationship with the Police Chief than Mr. Dorney's brother, who is also a Wakefield Police Officer. It would have been helpful, for me, to see if someone from outside the Department, who had no familiarity with the candidates' family members, reached similar conclusions about their interview performance.

Second, the panelists could not provide a rational explanation for their individual ratings regarding the responses to a limited number of the twenty-eight (28) questions posed to each candidate. For example, each candidate was asked: "In the last 12 months, how many times have you been late for work?" Mr. Dorney told the interview panelists that he had never been late for work in the last 12 months, while Candidate B stated that he had been late "one or two times" due to weather and a car accident. Mr. Dorney was given a rating of "3" for his answer by each of the interview panelists, while Candidate B was given ratings of "4", "3" and "3" for his answer. It is difficult to square how a candidate who honestly answers that he's never been

late for work in the past twelve months can end up with a lower rating than someone who has been late on two (2) occasions.

These concerns about the interview process, however, did not undermine my assessment that, overall, the interview process was fair, impartial and not tinged by undue subjectivity. I based this on several factors as discussed below.

I found the testimony of each of the interview panelists to be highly credible. They were good witnesses and it was evident to me that their goal here was simply to choose the best candidate for the job without regard to whether, or for how long, their relative had served on the Wakefield Police Department.

All of the candidates were asked the same questions and were given equal time to provide responses. Based on a review of the recorded interviews, there was no attempt to coach or guide any of the candidates.

Based on my review of the recorded interviews, the testimony of the interview panelists and a review of their notes, there did appear to be a rational basis for the overall conclusions about the interview performance of each candidate. For example, each of the interview panelists seemed troubled that Mr. Dorney wasn't able to articulate his desire or passion to be a Wakefield police officer, as opposed to the other candidates. Although Mr. Dorney, as part of his testimony before the Commission, spoke passionately about his desire to be a Wakefield police officer, and raise a family in Wakefield, he failed to articulate that focus or passion during the actual interview process.

The interview panelists were also concerned about Mr. Dorney's inability to provide a thoughtful or substantive response regarding a question geared toward assessing his ability to serve a diverse community. Relatedly, the interview panelists were each concerned about Mr.

Dorney's response to a question posed to each candidate regarding their most difficult decision in the past five (5) years. In response, Mr. Dorney referenced an incident where, as an EMT, he provided assistance to a pregnant woman, despite not agreeing with her lifestyle, which included drug and alcohol use. In general, the interview panelists seemed concerned that this would be a difficult decision for Mr. Dorney, given that police officers are obligated to assist all members of the public, regardless of their "lifestyles."

In summary, there did appear to be a rational basis for the reasons that each of the interview panelists ranked Mr. Dorney below Candidate A and Candidate B and those reasons were related to core functions that must be performed by police officers. To show reasonable justification for the bypass, the WPD was not required to show that all of the stated reasons for bypass were valid. Rather, even when an appointing authority shows that one of the stated reasons for bypass is valid, and there was no political or personal bias involved, that is sufficient to justify the bypass decision. See Town of Arlington v. Civ. Serv. Comm'n & Douglas Cronin, Middlesex Superior Ct. No. 09-0476-H (2009). Since the Wakefield Police Department has shown that the reasons related to the interview process were valid, there was reasonable justification to bypass Mr. Dorney for the position of police officer.

To ensure clarity, however, Mr. Dorney's poor interview performance here should not be viewed as a permanent bar to becoming a police officer. Mr. Dorney's character, good nature, strong work ethic and his commitment to his family and community were evident throughout these proceedings. He is a solid candidate whose last, and only, hurdle appears, at least to me, to be learning how to effectively demonstrate this as part of a structured interview process.

Conclusion

For all of the above stated reasons, the bypass appeal of Thomas Dorney, under Docket No. G1-16-084 is *denied*.

Civil Service Commission

/s/ Christopher C. Bowman
Christopher C. Bowman
Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Ittleman, Camuso, Tivnan, and Stein) on August 18, 2016.

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)(l), 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. After initiating proceedings for judicial review in Superior Court, the plaintiff, or his / her attorney, is required to serve a copy of the summons and complaint upon the Boston office of the Attorney General of the Commonwealth, with a copy to the Civil Service Commission, in the time and in the manner prescribed by Mass. R. Civ. P. 4(d).

Notice to:

Jillian M. Ryan, Esq. (for Appellant)
Thomas Mullen, Esq. (for Respondent)