

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION**

SUFFOLK, ss.

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

GARY R. PELISSIER II,

Appellant

v.

D1-14-271

TOWN OF NORTH ATTLEBORO,

Respondent

Appearance for Appellant:

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Appearance for Respondent:

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Commissioner:

Paul M. Stein

DECISION ON CROSS MOTIONS FOR SUMMARY DECISION

The Appellant, Gary R. Pelissier II, appealed to the Civil Service Commission (Commission), pursuant to G.L.c.31,§43 contesting his termination by the Town of North Attleboro (North Attleboro) from his position as a Firefighter/Paramedic with the North Attleboro Fire Department (NAFD)¹. A pre-hearing conference was held on December 12, 2014 at the UMass School of Law at Dartmouth. Thereafter, each party submitted a Motion for Summary Disposition. The Commission held a motion hearing on the cross-motions on March 13, 2015. Following a status conference on August 30, 2016, both parties provided further information requested by the Commission through separate Supplemental Submissions.

¹ The Standard Adjudicatory Rules of Practice and Procedure, 801 CMR §§ 1.00, *et seq.*, apply to adjudications before the Commission with G.L. c. 31, or any Commission rules, taking precedence.

FINDINGS OF FACT

Based on the pre-hearing stipulations and submissions of the parties, the documents and affidavits and Memoranda and Briefs submitted with the Motions and Supplemental Submissions, and at the motion hearing, I find the following material facts are not in dispute:

1. The Appellant, Gary R. Pelissier II, served as a permanent full-time firefighter with the NAFD from his appointment in January 8, 2006 until his termination in November 2014. (*Respondent's Motion [Brousseau Aff't, Exh. A]; Respondent's Reply Brief [Exh. A]; Claim of Appeal; Appellant's Pre-Hearing Memo; Appellant's Memorandum, p.3*)

2. In 2005, North Attleboro decided to expand its ambulance service to include the full-time staffing of two ambulances which required hiring seven (7) new firefighters for the NAFD. (*Respondent's Motion [Brousseau Aff't, ¶6]*)²

3. Beginning in 2004, the NAFD has endeavored to hire all new firefighters from a Firefighter/Paramedic Certification. On or about July 15, 2005, the NAFD requested a Firefighter/Paramedic certification for seven (7) Firefighter/Paramedics, i.e., candidates from the eligible list who also held an Emergency Medical Service (EMS) license at the Paramedic level. Of the 29 names provided on the Firefighter/Paramedic Certification #250698 issued by the Massachusetts Human Resources Division (HRD), only three candidates signed the Certification as willing to accept the appointment. Two of these candidates were hired by NAFD on October 31, 2005. (*Respondent's Motion [Brousseau Aff't, ¶6, Exhs. A through C]*)

4. In order to complete the hiring of the additional required personnel, NAFD requested a new certification for Firefighter/EMTs, i.e., candidates from the eligible list who held an EMS license at the EMT/Basic or Intermediate Level. On October 12, 2005, HRD issued

²Emergency medical response services have grown to become the primary function of the NAFD. In 2013, the NAFD was involved in 3825 calls for service, of which 2364 (62%) were for emergency medical services. (*Respondent's Motion [Joubert Aff't, ¶7]*)

Firefighter/EMT Certification #251046 from which NAFD hired five additional firefighters on January 8, 2006, of which Mr. Pelissier was one. (*Respondent's Motion [Brousseau Aff't, ¶6, Exhs. A & D]; Appellant's Memorandum, p.2*)

5. On or about January 4, 2006, the five candidates hired from Firefighter/EMT Certification #251046, including Mr. Pelissier, executed a letter which stated:

“I [Candidate's Name] acknowledge that a continued condition of my employment with the North Attleboro Fire Department will be that I must acquire and/or maintain my paramedic license with the State of Massachusetts.”

(*Respondent's Motion [Brousseau Aff't, ¶6, Exhs. E through I]; App.Auth.Hearing, Exh. Tx-1*)

6. At the time he was hired, Mr. Pelissier had completed the course work for certification as a Paramedic and subsequently received his EMS Paramedic license from the Commonwealth and an Authorization to Practice as a Paramedic approved by the NAFD's Affiliate Hospital Medical Director, Brian Kelly, MD, FACEP, Chief, Emergency Medical and Occupational Services at Sturdy Memorial Hospital. (*Respondent's Motion [Exh. 1; Joubert Aff't, ¶6]; Respondent's Reply Brief, Exhs. A & B]; App.Auth.Hearing, Exhs. Tx-9, Tx-10, Tx-12; Appellant's Memorandum, p.2*)

7. In hiring cycles after 2006, the NAFD has continued to follow the same standard procedure to hire from a Firefighter/EMT Certification when it was unable to find sufficient candidates from a Firefighter/Paramedic certification, and require the candidates to agree to seek and maintain a Paramedic level license as a condition to being appointed. Candidates who are hired with the rank of EMT-Basic are assigned to work ambulance duty while they work toward achieving their paramedic status. (*Respondent's Motion [Joubert Aff't, ¶¶ 4 through 6; Brousseau Aff't, ¶8, Exhs. E through I]; Appellant's Supplemental Submission [Brillion Aff't, ¶8]*)

8. Once all firefighters hired with a rank of EMT-Basic had obtained their paramedic certification, the practice of assigning non-paramedics to regular shift ambulance duty ended. (*Appellant's Supplemental Submission [Brillion Aff't, ¶9]*)

9. Overtime shifts on ambulance duty is first offered to paramedics. If not enough paramedics volunteer to fill the overtime slots, the shift is then offered to EMT-Basic personnel. (*Appellant's Supplemental Submission [Brillion Aff't, ¶10]*)

10. Article XVII of the applicable collective bargaining agreement (CBA) in effect from July 1, 2012 through June 30, 2015, between North Attleboro and the North Attleboro Fire Fighter, Local #1992, I.A.F.F., AFL-CIO, provides, in relevant part:

"It is agreed, as a condition of employment, that the sixteen (16) most junior Firefighters in the Department at any time shall maintain their as-hired EMT certification (in accordance with Civil Service regulations) and shall be liable to perform mandatory ambulance duty at the Chief's assignment. In no event shall EMT status or ambulance duty be mandatory for any Firefighter whose officer rank, job classification or seniority places him outside of the group referenced above. Any Firefighter once removed from mandatory ambulance duty shall not again be liable for such status unless there is a staff reduction resulting layoffs, in which case he may be re-assigned to mandatory ambulance duty if, following the layoff, he is among the 16 most junior members remaining on active status. It is agreed that at least four (4) Firefighters assigned to mandatory ambulance duty shall be assigned to each of the four (4) shifts. Notwithstanding the last paragraph, firefighters hired after January 1, 2014 will be liable to perform mandatory ambulance duty at the Chief's assignment for as long as they are among the twenty-four (24) most junior firefighters in the Department" (emphasis added)

Article XVII of the CBA also provides for a percentage stipend above base pay for every level of EMT certification, ranging from 2.5% for an EMT/Basic hired prior to July 1, 2007 to 11% for an EMT/Paramedic who falls outside the 16 most junior Firefighters and who elects to remain assigned to ambulance duty. (*Administrative Notice [CBA submitted to the Commission (emphasis added)]; Appellant's Memorandum, p.3*)³

11. As of June 10, 2014, Firefighter Pelissier was one of the 16 most junior firefighter paramedics, with seven others more junior to him. (*Respondent's Motion [Brosseau Aff't, Exh. A]; Respondent's Sept. 1, 2016 Supplement [Annotated January 29, 2015 roster]*)

³ According to Chief Joubert, no senior firefighter who was not required to perform ambulance duty has been assigned to such duty since 2007. (*Respondent's Reply Brief, Second Joubert Aff't, ¶3*)

12. As of November 1, 2014, as a result of additional hires, lateral transfers and resignations, Firefighter Pelissier stood as one of the 16 most junior firefighters, with twelve others more junior to him. (*Respondent's Sept. 1, 2016 Supplement [Annotated November 1, 2014 Roster]*)

13. On May 21, 2014, Firefighter/Paramedic Pelissier was dispatched to respond to a 911 call from an 87-year old female complaining of chest pain and difficulty breathing. In the course of treating the patient, Firefighter/ Paramedic Pelissier administered an overdose of medication, due to miscommunication between the three paramedics on scene, lack of taking a thorough medical history, and failure to consult with a medical control physician. Firefighter/Paramedic Pelissier admitted his error and reported it immediately. (*App.Auth.Hearing, Exh. Tx-2 through Tx-8; Appellant's Memorandum, p.3*)

14. On June 2, 2014, pending further investigation and remediation, the NAFD Affiliate Medical Director, Dr. Brian Kelly, suspended Firefighter/Paramedic Pelissier's Authorization to Practice. (*App.Auth.Hearing, Exh. Tx-5; Appellant's Memorandum, p.3*)

15. By letter dated June 10, 2014, following a hearing before the North Attleboro Board of Selectmen (BOS), the BOS upheld an initial five-day suspension imposed on Firefighter/Paramedic Pelissier by Chief Joubert and voted to extend the suspension indefinitely until "your Authorization to Practice as a paramedic has been reinstated." The BOS letter noted:

"At the time you were hired, you agreed in writing that you would maintain paramedic certification as a condition of your continued employment with the North Attleboro Fire Department. Moreover, as one of the sixteen (16) most junior firefighters in the Department, you are required to perform mandatory ambulance duty in the capacity of paramedic. Due to the suspension of your Authorization to Practice, you are unable to satisfy those essential obligations of your employment."

(*Respondent's Reply Brief, Exh. A*) (*emphasis added*); *Appellant's Memorandum, p. 3*)

16. On July 18, 2014, following the investigation of the incident by the Commonwealth's Office of Emergency Medical Services (OEMS), formal discipline was imposed by OEMS on

Firefighter/Paramedic Pelissier and the other two paramedics involved which required, among other things, a “retraining regarding the proper administration of medications and a review of the Statewide Treatment Protocol regarding the treatment of stable and unstable atrial fibrillation.”

(App.Auth.Hearing, Exhs.Tx-7, Tx-8;Appellant’s Memorandum, p.3)

17. By letter dated September 17, 2014, after completion of the retraining overseen by NAFD’s Affiliate Medical Director Dr. Brian Kelly, Dr. Kelly reported to OEMS:

“After a comprehensive review of Mr. Pelissier’s performance in the skills lab, it is my determination that he has failed to demonstrate appropriate knowledge of prehospital protocols including the medications used in these protocols and a lack of ability to consistently treat serious medical problems in a safe, timely, and clinically appropriate manner. As a consequence, Mr. Pelissier has failed to successfully complete the OEMS approved remediation plan. Based on my review of the initial case . . . my interview with him regarding this case, and his performance in the skills lab it is my conclusion that he is not remediable and that allowing him to continue to practice as a paramedic would create an unacceptable risk to the community of North Attleboro. Therefore, effective immediately, his authorization to practice as a paramedic for the North Attleboro Fire Department is permanently revoked.”

(App.Auth.Hearing, Exhs Tx-9 & Tx-10) (emphasis added); Appellant’s Memorandum, p.4)

18. By letter dated September 30, 2014 to Firefighter Pellisier, OEMS issued a Notice of Agency Action to “temporarily revoke your certification as an Emergency Medical Technician (“EMT”)” until he has complied with further remediation and other requirements prescribed by OEMS. *(App.Auth.Hearing, Exhs. Tx-11 & Tx-12; Appellant’s Memorandum, p. 4)*

19. By letter dated October 27, 2014, North Attleboro Town Administrator Mark Fisher notified Firefighter Pelissier that the BOS would conduct a hearing “to consider your discharge” because “your authority to practice as a paramedic for the North Attleboro Fire Department has been permanently revoked” and “you will be permanently unable to perform the essential duties of your position.” *(Respondent’s Reply Brief, Exh. A; Appellant’s Memorandum, p. 4)*

20. Following a hearing on November 6, 2014, the BOS voted unanimously to discharge Firefighter Pelissier. By letter dated November 10, 2014, North Attleboro Town Administrator Mark Fisher stated, in part:

. . . Chief Joubert met with Dr. Kelly on October 8, 2014 to inquire whether, under any circumstances Dr. Kelly might reconsider his decision to permanently revoke your authorization to practice as a paramedic. Dr. Kelly responded that there was no possibility of that decision being changed – that he could not under any circumstances permit you to practice as a paramedic for the North Attleboro Fire Department.

The Board noted that, at the time you were hired, you agreed in writing that you would maintain paramedic certification as a condition of your continued employment . . . [A]s one of the sixteen (16) most junior firefighters . . . you are required to perform mandatory ambulance duty in the capacity of a paramedic as an integral part of your duties. Due to the revocation of your Authorization to Practice, you are unable to satisfy those essential obligations of your employment. . . . Accordingly, as a license that is essential to the performance of your duties has been permanently revoked, the Board concluded that you must be discharged from your position.”

(Respondent’s Reply Brief, Exh.B (emphasis added); Appellant’s Memorandum, p. 4)

21. This appeal duly ensued. *(Claim of Appeal; Appellant’s Memorandum, p. 4)*

22. As of October 12, 2016, Mr. Pelissier has not completed the process for recertification at the EMT-Basic level or restoration of his license to practice as a paramedic. *(Appellant’s Supplemental Submission [Pelissier Aff’t])*

STANDARD OF REVIEW

An appeal before the Commission may be disposed of summarily, in whole or in part, pursuant to 801 C.M.R. 1.01(7)(g) and 801 C.M.R.1.01(7) (h) when, as a matter of law, the undisputed material facts affirmatively demonstrate that there is “no reasonable expectation” that a party can prevail on at least one “essential element of the case”. See, e.g., Milliken & Co., v. Duro Textiles LLC, 451 Mass. 547, 550 n.6, (2008); Maimonides School v. Coles, 71 Mass.App.Ct. 240, 249 (2008); Lydon v. Massachusetts Parole Board, 18 MCSR 216 (2005)

APPLICABLE CIVIL SERVICE LAW

A tenured civil service employee may be discharged for “just cause” after due notice and hearing upon written decision “which shall state fully and specifically the reasons therefore.” G.L.c.31,§41. A person aggrieved by a decision of an appointing authority made pursuant to G.L.c.31,§41 may appeal to the Commission under G.L.c.31,§43, which provides, in part:

“If the commission by a preponderance of the evidence determines that there was just cause for an action taken against such person it shall affirm the action of the appointing authority, otherwise it shall reverse such action and the person concerned shall be returned to his position without loss of compensation or other rights; provided, however, if the employee by a preponderance of evidence, establishes that said action was based upon harmful error in the application of the appointing authority’s procedure, an error of law, or upon any factor or conduct on the part of the employee not reasonably related to the fitness of the employee to perform in his position, said action shall not be sustained, and the person shall be returned to his position without loss of compensation or other rights. The commission may also modify any penalty imposed by the appointing authority.”

Under Section 43, the Commission makes a de novo review “for the purpose of finding the facts anew.” Town of Falmouth v. Civil Service Comm’n, 447 Mass. 814, 823 (2006) and cases cited. The role of the 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." City of Cambridge v. Civil Service Comm’n, 43 Mass.App.Ct. 300, 304, rev.den., 426 Mass. 1102 (1997). See also City of Leominster v. Stratton, 58 Mass.App.Ct. 726, 728, rev.den., 440 Mass. 1108 (2003); Police Dep’t of Boston v. Collins, 48 Mass.App.Ct. 411, rev.den., 726 N.E.2d 417 (2000); McIsaac v. Civil Service Comm’n, 38 Mass.App.Ct. 473, 477 (1995); Town of Watertown v. Arria, 16 Mass.App.Ct. 331, rev.den., 390 Mass. 1102 (1983).

An action is "justified" if it is "done upon adequate reasons sufficiently supported by credible evidence, when weighed by an unprejudiced mind; guided by common sense and by correct rules of law." Commissioners of Civil Service v. Municipal Ct., 359 Mass. 211, 214 (1971); City of Cambridge v. Civil Service Comm’n, 43 Mass.App.Ct. 300, 304, rev.den., 426 Mass. 1102

(1997); Selectmen of Wakefield v. Judge of First Dist. Ct., 262 Mass. 477, 482 (1928) The Commission determines justification for discipline by inquiring, "whether the employee has been guilty of substantial misconduct which adversely affects the public interest by impairing the efficiency of public service." School Comm. v. Civil Service Comm'n, 43 Mass.App.Ct. 486, 488, rev.den., 426 Mass. 1104 (1997); Murray v. Second Dist. Ct., 389 Mass. 508, 514 (1983)

The Commission is guided by "the principle of uniformity and the 'equitable treatment of similarly situated individuals' [both within and across different appointing authorities]" as well as the "underlying purpose of the civil service system 'to guard against political considerations, favoritism and bias in governmental employment decisions.'" Town of Falmouth v. Civil Service Comm'n, 447 Mass. 814, 823 (2006) and cases cited. It is also a basic tenet of "merit principles" which govern civil service law that discipline must be remedial, not punitive, designed to "correct inadequate performance" and "separating employees whose inadequate performance cannot be corrected." G.L. c.31,§1.

G.L.c.31, Section 43 also vests the Commission with "considerable discretion" to affirm, vacate or modify the discipline imposed by an appointing authority, although that discretion is "not without bounds" and requires sound and reasoned explanation for doing so. See Police Comm'r v. Civil Service Comm'n, 39 Mass.App.Ct. 594, 600 (1996) and cases cited. ("The power accorded to the commission to modify penalties must not be confused with the power to impose penalties ab initio, which is a power accorded the appointing authority")

"[T]he power to modify is at its core the authority . . . to temper, balance, and amend. The power to modify penalties permits the furtherance of uniformity and equitable treatment of similarly situated individuals. It must be used to further, and not to frustrate, the purpose of civil service legislation, i.e., 'to protect efficient public employees from partisan political control' . . . and 'the removal of those who have proved to be incompetent or unworthy to continue in the public service' [Citations]"

Id., (*emphasis added*). See also Town of Falmouth v. Civil Service Comm'n, 447 Mass. 814, 823 (2006), quoting Watertown v. Arria, 16 Mass.App.Ct. 331, 334 (1983).

ANALYSIS

The failure to obtain and/or loss of a license without which a civil service employee is unable to perform the essential duties of the position is a well-established basis for just cause to impose discipline upon the employee up to and including termination from employment. See Bean v. Town of Bourne, 24 MCSR 1 (2011) (firefighter's loss of authorization to practice as a paramedic); McKeown v. Town of Brookline, 23 MCSR 749 (2010) (failure to obtain hoisting license required for MEO-II level position); Canella v. North Andover Fire Department, 21 MCSR 266 (2008); (firefighter failed EMT examination); Britt v. Department of Public Health, 20 MCSR 364 (2007) (electrician working with expired license)

In the present appeal, the undisputed facts establish that, upon the suspension of Firefighter Pelissier's Authorization to Practice as a paramedic following his medication error on May 21, 2014, he became unable to perform an essential duty of his job. Most of the calls for emergency service received by the NAFD involve emergency medical responses, including at the ALS level. As one of the sixteen most junior firefighters, Firefighter Pelissier was required to perform mandatory ambulance duty. The NAFD has discretion to determine the staffing of its ambulance apparatus and it is entirely within the NAFD's prerogative to decide whether or not to place a priority on assignment of paramedics to that duty. See, e.g., Bean v. Town of Bourne, 24 MCSR 1 (2011) Thus, North Attleboro was fully justified to suspend Firefighter Pelissier from duty pending the results of the investigation of its Medical Director and OEMS, and the follow-up required remediation program they mandated as a condition to the restoration of his Authorization to Practice. Indeed, Firefighter Pelissier did not contest the initial suspension.

Similarly, the decision by North Attleboro to discharge Firefighter Pelissier in November 2014 was correctly based on the same reason – his loss of authorization to perform the essential duties of his job as a firefighter/paramedic. In addition, by the time of his termination, not only had his status to practice as a paramedic not changed, but his OEMS certification to practice, even at the EMT-Basic level had been suspended (and it has yet to be restored). As one of the sixteen most junior firefighters who were required to perform mandatory ambulance duty, this loss of licensure prevented him from performing an essential requirement of his job.

The Appellant argues that North Attleboro has routinely permitted EMT-Basic level personnel to staff ambulance shifts while those personnel were in the process of obtaining their paramedic certification, as well as serving as back-up on overtime shifts when there were not sufficient paramedics to fill the overtime slots. Unfortunately, these facts do not help the Appellant's case. There is a material difference between the status of those personnel and the Appellant, whose authorization to practice as a paramedic was not in process, as were new hires, but had been permanently revoked and whose certification to practice, even at the EMT-Basic level had been suspended. Thus, the Appellant could not be assigned ANY ambulance duty, but could be employed solely on a fire apparatus. While North Attleboro may well have chosen to continue an employment in such a limited capacity (assuming it was consistent with the CBA), there was no evidence that North Attleboro had ever done so in the past and nothing within basic merit principles requires that an appointing authority do so.

In addition, I note that, of the six new firefighters hired in 2014, four were hired from a Firefighter/EMT Certification, which infers that they did not yet have authorization to practice as a paramedic. New hires are subject to a one-year period of probation, subject to termination with or without just cause. G.L.c.31,§34 & §61. I find it would not be unreasonable under civil service

law to ensure that the NAFD had at least sixteen tenured more junior firefighters capable of performing mandatory ambulance duty prior to reinstating Firefighter Pelissier to a position in which he would not be required to staff an ambulance.⁴

In sum, I conclude that North Attleboro has shown that it has just cause to impose discipline upon Firefighter Pelissier and that the undisputed facts warrant the conclusion that his discharge was the appropriate discipline.

CONCLUSION

Accordingly, for the reasons stated, the NAFD's Motion for Summary Disposition is GRANTED. The Motion for Summary Disposition of the Appellant is DENIED. The appeal of the Appellant, Gary R. Pelissier II under Docket No. D1-14-271 is *dismissed*.

Civil Service Commission

/s/ Paul M. Stein
Paul M. Stein
Commissioner

⁴ North Attleboro also argues that it would not matter that ambulance duty no longer remained a part of Firefighter Pelissier's job requirements in 2014, because he also had promised to "acquire and/or maintain my paramedic license" as a "continued condition" of his employment when he was hired in 2006. I was not persuaded that the language in the pre-employment agreement is conclusive proof that authorization to practice as a paramedic remained an essential function of the job. Although the Commission is not in a position to interpret the CBA, per se, the language contained in the CBA does tend to raise considerable doubt about North Attleboro's position that a loss of authorization to practice, alone, established "just cause" to discharge a firefighter from a tenured position under Massachusetts civil service law, *even after the point at which the union and the town had agreed that ambulance duty was no longer a required duty*. The CBA language expressly ties the licensure requirement to the seniority status of the employee and, in fact, seems to prohibit the NAFD from requiring "EMT status" OR mandatory ambulance duty of any firefighter outside the sixteen most junior employees. Specially, the CBA expressly states:

"It is agreed, as a condition of employment, that the sixteen (16) most junior Firefighters in the Department at any time shall maintain their as-hired EMT certification In no event shall EMT status or ambulance duty be mandatory for any Firefighter whose officer rank, job classification or seniority places him outside of the group referenced above. (CBA, emphasis added)

Thus, although, ultimately, this is a question under the collective bargaining law, I would expect that, to the extent possible, the pre-employment agreement and the CBA should be read to be consistent with each other and that the pre-employment agreement would not likely be construed to grant North Attleboro greater, inconsistent rights, than what the parties mutually negotiated in the CBA. As I have concluded that the undisputed facts establish that the Appellant did fall within the least senior 16 firefighters at all relevant times, the Commission's decision does not turn on the answer to this issue of collective bargaining law.

By vote of the Civil Service Commission (Camuso, Ittleman, Stein & Tivnan, Commissioners; Bowman, Chairman [Absent]) on November 10, 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)(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 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. 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:

Joseph G. Donnellan, Esq. (for Appellant)

Mathew Buckley, Esq. (for Respondent)