

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

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

DEBRA BAYE,
Appellant

C-17-087

v.

UMASS AMHERST,
Respondent

Appearance for Appellant:

Ryan Dunn, Esq.
Massachusetts Teachers Association
2 Heritage Drive, 8th Floor
Quincy, MA 02171

Appearance for Respondent:

Helen Bowler, Esq.
UMASS Amherst
333 Whitmore Administration Building
Amherst, MA 01003

Commissioner:

Christopher C. Bowman

ORDER OF DISMISSAL

1. On May 3, 2017, the Appellant, Debra Baye (Ms. Baye), who is employed by UMASS Amherst, filed a reclassification appeal with the Civil Service Commission (CSC).
2. It is undisputed that, although Ms. Baye has been denied a request for reclassification from UMASS Amherst, she did not file an appeal with the state's Human Resources Division (HRD) prior to filing an appeal with the Commission.
3. Although, according to counsel for Ms. Baye, she has now filed such a request, no decision has been issued by HRD regarding her appeal.

Applicable law

G.L. c. 30, § 49 states in relevant part:

“A manager or an employee of the commonwealth objecting to any provision of the classification affecting the manager or employee's office or position may appeal in writing to

the personnel administrator [HRD] ... Any manager or employee or group of employees further aggrieved after appeal to the personnel administrator may appeal to the civil service commission. Said commission shall hear all appeals as if said appeals were originally entered before it ...”

Analysis / Conclusion

This appeal was filed with the Commission prematurely. Ms. Baye must first receive a decision from HRD prior to filing an appeal with the Commission.

For this reason, Ms. Baye’s appeal CSC Docket No. C-17-087 is hereby ***dismissed***.

Civil Service Commission

/s/ Christopher Bowman

Christopher C. Bowman

Chairman

By a vote of the Civil Service Commission (Bowman, Chairman; Camuso, Ittleman, Stein and Tivnan) on May 25, 2017.

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:

Ryan Dunn, Esq. (for Appellant)

Helen Bowler, Esq. (for Respondent)

John Marra, Esq. (HRD)