COMMONWEALTH OF MASSACHSETTS
CIVIL SERVICE COMMISSION

ANTONE SIMS
v.
CITY OF PEADODY
(E-09-217)

SHEILA McDAID-HARRIS
v.
CITY OF PEABODY
(G2-09-330)

CHARLES H. RANDALL
v.
CITY OF PEABODY
(E-09-424)

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

PROCEDURAL ORDER AND NOTICE OF HEARING

All three of the above-referenced Appellants have filed appeals with the Civil Service Commission related to promotional appointments in the City of Peabody's Police Department between 2007 and 2009.

Appellants Sims and McDaid-Harris are represented by the same counsel. Appellant Randall is pro se.

McDaid-Harris and Randall are sergeants who argue that the City wrongfully failed to fill actual vacancies in the rank of police lieutenant during the period of their promotional eligibility and instead improperly relied upon the use of a series of "acting" or provisional appointments, either in the position of lieutenant, or in the next higher position of captain.

Sims is a police officer who argues that the City wrongfully failed to fill actual vacancies in the position of police *sergeant* during his period of promotional eligibility for the same reasons identified by McDaid-Harris and Randall.

Since these appeals are all related to the same global issue, any hearings regarding these matters will be conducted concurrently.

The following individuals, whose names appeared on a current or prior eligible list and/or Certification for the position of lieutenant, may be affected by these proceedings. Thus, they are to be copied on all notices, motions and other correspondence regarding any matter related to these appeals:

- Edward Bettencourt
- Steven R. Marques
- Michael J. Breen
- Albert P. Lopes
- Arthur F. Yeo

- Scott C. Richards
- Richard J. Callahan
- William J. Cook
- Glen M. Fredericks
- Patermo Vincent
- Thomas E. O'Keefe

Further, as there may be other individuals, including those whose names appeared on eligible lists and/or Certifications for the position of sergeant, who may be affected by these proceedings, the City of Peabody is hereby ordered to post this Procedural Order and Notice in the City Clerk's office as well as in a conspicuous location in the Police Department headquarters.

The Civil Service Commission will conduct a hearing regarding these appeals at the following date, time and location:

DATE: Monday, March 15, 2010

TIME: 10:00 A.M.

LOCATION: PEABODY CITY HALL
24 Lowell Street
Conference Room (Basement Level)
Peabody, MA 01960

The Commission anticipates that the City will not make any permanent promotional appointments to the position of sergeant and lieutenant prior to the date of this hearing, which was originally scheduled to occur in January, but was postponed at the request of the City due to a scheduling conflict.

Information relevant to these appeals has been provided by the state's Human Resources Division and is attached to this notice.

Civil Service Commission

Christopher C. Bowman
Chairman
January 15, 2010

Attachments: HRD Documents

Notice to:
James Lamond, Esq. (for Appellants Sims and McDaid-Harris)
Charles Randall (Appellant)
Daniel Cocuzzo, Esq. (for City of Peabody)
Martha O'Connor, Esq. (for HRD)
Steven R. Marques

Michael J. Breen
Albert P. Lopes
Arthur F. Yeo
Scott C. Richards
Richard J. Callahan
William J. Cook
Glen M. Fredericks
Patermo Vincent
Thomas E. O'Keefe