

**COMMONWEALTH OF MASSACHUSETTS**

SUFFOLK, ss.

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

RE:

Tracking Number: I-19-216

Request by: Randolph S. Blake for the Civil Service Commission (Commission) to investigate “the Springfield Fire Department’s investigatory and disciplinary practices.”

Appearance for Petitioner:

*Pro Se*  
Randolph S. Blake

Appearance for Springfield Fire Department:

Maurice Cahillane, Esq.  
Egan Flanagan and Cohen P.C.  
P.O. Box 9035  
Springfield, MA 01102

Commissioner:

Christopher C. Bowman

**RESPONSE TO REQUEST FOR INVESTIGATION**

1. On October 21, 2019, Randolph Blake (Lt. Blake), a Fire Lieutenant in the Springfield Fire Department (SFD), pursuant to G.L. c. 31, § 2(a), filed a request for investigation with the Civil Service Commission (Commission), asking the Commission to open an investigation regarding “the Springfield Fire Department’s investigatory and disciplinary practices.”
2. On November 13, 2019, I held a show cause conference at the Springfield State Building to provide Lt. Blake with the opportunity to show cause why the Commission should open an investigation regarding this matter. In addition to Lt. Blake, the show cause conference was attended by counsel for the SFD and the SFD’s collective bargaining agent.
3. As part of the show cause conference, Lt. Blake referenced alleged incidents, and complaints that he has filed, which, according to Lt. Blake, the SFD has failed to sufficiently investigate and/or take appropriate disciplinary action against the alleged offender(s).
4. Counsel for the SFD responded that the SFD has thoroughly investigated all complaints filed by Lt. Blake, and, in cases where the misconduct has been proven, imposed discipline against the offender, including a recent suspension.
5. Further, counsel for SFD argued that the Commission is not the forum to hear these grievances, and stated that these same issues had been and/or are currently being litigated in other administrative agencies and/or federal court. (See Marc Savage and Randolph Blake v.

City of Springfield and Springfield Fire Department, United States District Court No. 3:13-cv30164 (Filed: 10/9/18).

6. Lt. Blake, citing the Commission's decision and Orders in Rowe v. Boston Fire Department, CSC Case No. D1-18-074 (2019) & Boston Fire Department Section 72 Inquiry, CSC Tracking No. I-19-81 and the Superior Court's decision in Alston v. Brookline Fire Department, Suffolk Sup. Ct. No. 2017-1489 (2018), argued that the Commission should initiate an investigation, even if these matters are currently being litigated elsewhere.

*Applicable Civil Service Law and Rules & Final Response*

G.L. c. 31, § 2(a) allows the Commission to conduct investigations. This statute confers significant discretion upon the Commission in terms of what response and to what extent, if at all, an investigation is appropriate. See Boston Police Patrolmen's Association et al v. Civ. Serv. Comm'n, No. 2006-4617, Suffolk Superior Court (2007). See also Erickson v. Civ. Serv. Comm'n & others, No. 2013-00639-D, Suffolk Superior Court (2014). The Commission exercises this discretion, however, "sparingly", See Richards v. Department of Transitional Assistance, 24 MCSR 315 (2011).

The cases cited by Lt. Blake are starkly distinguishable from his request for investigation.

In Alston, a tenured civil service employee was terminated from his employment. The question before the Court was whether the statute divested the Commission of determining whether there was just cause for *Alston's* termination because of related MCAD proceedings that had been dismissed. Here, since Lt. Blake has not been disciplined, there is no disciplinary action for him to appeal to the Commission, unlike the matter in Alston.

The genesis of the Boston Fire Department Section 72 Inquiry is a claim of disparate treatment in the Rowe case in which Rowe, a tenured civil service employee *who was terminated from his employment*, had filed a just cause appeal with the Commission and claimed that other firefighters who engaged in similar behavior did not face the same discipline. Again, as Lt. Blake has not been disciplined, there is no disciplinary appeal before the Commission; and no argument that a similarly situated employee did not receive the same discipline as Lt. Blake.

In sum, Lt. Blake, who is not the subject of discipline, and is not contesting a non-selection for promotion, is asking the Commission to investigate whether the SFD has taken appropriate steps to investigate his complaints, including those of discrimination. Those are serious concerns, but the Civil Service Commission, based on the facts here, is not the agency charged with adjudicating such matters.

For these reasons, an investigation is not warranted and the Commission has opted not to exercise its discretion to initiate such an investigation under G.L. c. 31, § 2(a).

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, Commissioners) December 5, 2019.

Notice to:

Randolph S. Blake (Petitioner)

Maurice Cahillane, Esq. (for Springfield Fire Department)