

**COMMONWEALTH OF MASSACHUSETTS**

**CIVIL SERVICE COMMISSION**

One Ashburton Place: Room 503  
Boston, MA 02108

Certain Boston Municipal Police Officers  
& Sergeants,  
Appellants  
v.

G-06-113

The City of Boston,  
Appointing Authority

Human Resources Division

Boston Police Patrolmen’s Association,  
Intervenor

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Appellants’ Attorneys:

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Commissioners:

John E. Taylor  
Christopher C. Bowman

**DECISION**

Pursuant to G.L. c. 31, §2(b), a number of Boston Municipal Police Officers and Boston Municipal Police Sergeants (hereafter “BMOS”) seek permanent civil service

status and ask that the Civil Service Commission (“CSC” or “Commission”) exercise of its equitable powers under St. 1993, c. 310 (“Chapter 310”). On or about May 5 and 14, 2006, the Commission received appeals on behalf of these BMOS. There are twenty-three (23) Appellants before the Commission in this matter, all of whom are employed at the Boston Municipal Police Department.<sup>1</sup> Eighteen (18) Appellants are employed in the title of “Boston Municipal Police Officer”. Five (5) Appellants are employed in the title of “Boston Municipal Police Sergeant”. They seek permanency in their current titles. The City of Boston (“City”) and the Commonwealth’s Human Resources Division (“HRD”) support the petitions of each of these employees. The Boston Police Patrolmen’s Association, an intervenor, opposes the petitions.

The parties appeared for a pre-hearing conference before the Commission on May 16, 2006. As a result of the pre-hearing conference, the Commission issued “Decisions on Pre-Hearing Motions” on June 6, 2006. As part of those Decisions, the Commission clarified the status of the parties and, pursuant to 801 CMR 1.01(9) of the Standard Adjudicatory Rules of Practice, allowed the Boston Police Patrolmen’s Association’s motion to intervene in this action. Also as part of those Pre-Hearing Decisions, the Commission scheduled a full hearing for June 27, 2006 and advised all parties and the intervenor that this proceeding was an inappropriate forum to seek review or revision of the Commission’s past decisions regarding the BMOS in 1999 and 2003 under CSC Case No. G-3563. Further, all parties and the intervenor were advised that the Commission

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<sup>1</sup> The petitioners are Karen Ahern-Stalcup (aka Karen Ahern); Ulric Alfred (aka Julian Roberts); Anthony L. Allen; Darlene Arroyo-Francis (aka Darlene Francis); Paul J. Bonaceto; Patrick F. Cadogan; Timothy Paul Coughlin; Kelley Anne Coutts; Joseph T. DeLeo; Timothy Joseph Duggan; Wilfredo Garcia; Christopher Mark Keane; Kenneth W. Kelly; Matthew W. MacDonald; Leo Michael Manning; Eliseo Marrero; Mark Joseph McKeown; Stephen Morash; Carol Morse; David G. Pinciario; Wilfredo M. Potocki; Julia D. Rutledge (aka Julia Morseshead); and Alexander Zahlaway.)

has no jurisdiction to address any concerns they may have regarding the City of Boston's interest in merging the Boston Police Department and the Boston Municipal Department.

The only issue in this case is whether certain Boston Municipal Police Officers and Sergeants should be granted permanent civil service status in their current positions within the Boston Municipal Police Department, not whether or not these individuals should serve as police officers and sergeants within the Boston Police Department.

**FINDINGS OF FACT:**

Twenty-three (23) Exhibits were entered into evidence. Six (6) stipulations between the parties in lieu of testimony and eleven (11) stipulations of the parties were also entered into evidence. Two audiotapes were made of the hearing. Based upon the documents and stipulations entered into evidence and the testimony of:

*For the Appellants & Appointing Authority:*

- Kevin Maguire, former Captain, Boston Municipal Police Department;
- Stephen Crosby, Deputy Commissioner for the City's Property Management Department;
- Appellant Mark McKeown, Boston Municipal Police Officer;
- (The testimony on behalf of Boston Municipal Police *Sergeants* was submitted in the form of a stipulation);

*For the Intervenor:*

- Thomas Nee, President, Boston Police Patrolmen's Association;

We make the following findings of fact:

1. There are twenty-three Appellants before the Commission in this matter. They are employees of the Municipal Police Department (“MPD”) of the City of Boston. Eighteen (18) Appellants are employed in the title of “Boston Municipal Police Officer”. Five Appellants are employed in the title of “Boston Municipal Police Sergeant.” (Stipulated Facts)
2. Since 1979, the City of Boston has maintained a department, separate from the Boston Police Department, that provides security for properties owned and controlled by the City. In 1994, that department adopted its current name, the Boston Municipal Police Department (“BMPD”). Also in 1994, the City transferred the BMPD to the Property Management Department, where it still remains. Prior to 1994, BMPD officers were administratively within the City’s Public Facilities Department. Employees of Public Facilities Department are exempt from civil service pursuant to the provisions of St. 1966, c. 642, § 2. Even though the BMPD was transferred to the Property Management Department, the employees did not have civil service status.
3. In May 1995, the Boston Police Patrolmen’s Association sought review of HRD’s “action/inaction” in regard to the work performed by members of the MPD. The Association claimed that the City was circumventing civil service law by requiring MPD officers to perform civil service work, namely, police work on Boston Housing Authority (BHA) property. Thus, the BPPA petitioned the Civil Service Commission “to find that MPD officers be classified as police officers and the City be ordered to cease and desist the circumvention of civil service law, G.L. c. 31.” (Exhibit 1)

4. On August 10, 1998, subsequent to the Commission hearing (but prior to its decision on the matter), the Senate and House of Representatives enacted Chapter 282 of the Acts of 1998, requiring HRD to “certify any active employee who served in a civil service position in the City of Boston as a provisional or promotional employee for a period of at least six months immediately prior to January 1, 1998 to permanent civil service status in that position. (Chapter 282 of the Acts of 1998)
5. Following the passage of Chapter 282, the City reversed its position regarding the civil service status of the MPD officers. The City asserted that the officers should have been provisionally promoted to their positions. As such, the City claimed that they were entitled to the benefit of Chapter 282 and should be made permanent in their titles. The Boston Police Patrolmen’s Association continued to maintain that the work performed by the MPD required that they be classified as police officers under the civil service law. (Exhibit 1)
6. On March 25, 1999, the City conceded that the MPD officers should be classified under the civil service classification system. However, the issue remained whether the employees should be classified as police officers or *municipal* police officers.
7. On September 9, 1999, the Civil Service Commission issued a report in the matter of Boston Police Patrolmen’s Association v. The City of Boston, HRD et al., CSC Case No. G-3563. At that time, the Commission concluded that there exists an “inconsequential difference” between a BPD officer and an MPD Officer and that there was little doubt that MPD officers perform a police function on BHA property. The report was made available to HRD.<sup>2</sup> (Exhibit 1)

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<sup>2</sup> In a footnote appearing in a 2006 Appeals Court Decision (Goncalves and others v. City of Boston & another, 66 Mass. App. Ct. 180, 845 N.E. 2d 1201), the Court stated, with regard to the relationship between the BMPD and the BPD, “While the duties of the

8. By statute, it was the responsibility of HRD, with the approval of the Commission, to establish new civil service classifications for the unclassified municipal jobs. In May 2003, four years after the Commission decision in this matter, HRD agreed to recommend to the Commission that new civil service positions be created for the employees of the BMPD. In June 2003, the Commission approved and established new civil service classifications entitled “Boston *Municipal* Police Officer” and “Boston *Municipal* Police Sergeant (within the police officer series).” These are the titles held by the Appellants in this case and they are distinct from the civil service classification held by BPD officers. (See Goncalves and Others v. City of Boston, 66 Mass. App. Ct. 180, 845 N.E. 2d 1201, Exhibit 5, and footnote 2, *supra*)
9. In correspondence dated May 30, 2003, HRD informed the City that “the City must participate in the civil service examination process for all future entry-level or promotional appointments to the Boston Municipal Police Department.” (emphasis added) The May 30, 2003 HRD correspondence also states in part, “...Boston Municipal Police Officers may transfer to other civil service police departments, subject to the approval of the respective Appointing Authorities.” (See G.L. c. 31, §35 & Exhibit 5)
10. The issue in the present matter stems from the period between December 1999 and June 2003 (the time between the Commission’s 1999 Report and HRD’s 2003 determination as to the proper title of MPD officers and sergeants).

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two forces are “comparable in many respects,” they are nevertheless two distinct forces, with different hiring processes, job responsibilities, salary scales, and benefits. For example, BMPD officers have limited jurisdiction and can patrol only certain properties, and do not having policing powers afforded to BPD under G.L. c. 90.” It is not known if the Commission’s earlier decision was brought to the attention of the Appeals Court.

11. The twenty-three petitioners before the Commission were hired or promoted into the title of “Boston Municipal Police Officer” or “Boston Municipal Police Sergeant” between January 1, 1999 and December 3, 2001. (Stipulated Facts)
12. Prior to 2003, the City treated BMPD hires and promotions as non-civil service. Kevin Maguire, a former Captain of the BMPD, testified regarding the non-civil service testing that the BMPD implemented for entry-level and promotional positions in 1997 and 1998. (Testimony of Maguire)
13. The City contracted with Vantage McCann to provide entry level and promotional testing. (Exhibit 7)
14. The BMPD held entry-level examinations on February 15, 1997, November 1, 1997 and December 19, 1998. (Exhibits 11B-11D)
15. Mr. Maguire testified that it was BMPD’s practice to advertise each of these exams in local newspapers (Testimony of Maguire, Exhibit 13)
16. Thirteen Appellants (who are currently Municipal Police Officers) have taken and passed the City’s non-civil service entry examination process, conducted by the City’s contractor, Vantage-McCann. Five Appellants did not take the City’s non-civil service entry-level exam (DeLeo, Allen, Cadogen, Alfred, Pinciario) (Stipulated Facts)
17. Stephen Crosby, the Deputy Commissioner of Property Management, testified to the circumstances of the hiring of the five Appellants who did not take the BMPD entry-level non-civil service exam. (Note: all of the Appellants, including these five individuals, have subsequently taken and passed the standard police officer civil service examination. See Stipulated Fact 8) Two of the Appellants were originally

hired with the intention that they would remain site officers. Appellant Anthony Allen was initially hired on April 9, 1997 as a site officer. Appellant Joseph DeLeo was hired as a site officer on December 30, 1996. Based on good performance, these site officers were placed on the track to become a Boston Municipal Police Officer years after their original hire. Appellant Allen graduated from a police academy on February 23, 2001 and was hired as a Boston Municipal Police Officer on February 24, 2001. Appellant DeLeo was hired as a site officer on December 30, 1996. He graduated from a police academy on June 19, 1999 and was hired as a Boston Municipal Police Officer the same day. Appellants Patrick Cadogan and David Pinciario were hired before the BMPD instituted non-civil service testing in 1997. The City hired Appellant Cadogan on October 26, 1998 but did not make him a Boston Municipal Police Officer until he passed a police academy on June 19, 1999. Appellant Pinciario, a Boston Municipal Police Officer hired on May 17, 1995 before the institution of non-civil service testing, had a break in service and was therefore not Chapter 282-eligible for permanency. Finally, Ulric Alfred, the fifth Appellant who did not take the non-civil service entry-level exam, was a full-time regular police officer from another Town who the BMPB treated as a lateral transfer. (Testimony of Crosby)

18. All five of the Appellants who are sergeants took and passed the City's 1998 non-civil service sergeants exam. (Stipulated Facts and Exhibits 9B – 9F)
19. The Appellants are police-academy trained. (Stipulated Facts)
20. The Appellants have also taken and passed the Commonwealth's civil service examination for the title of "Municipal Police Officer (Stipulated Facts) (Note: This

is the standard exam offered to any individual seeking to be a police officer in Massachusetts. The term “municipal” in the title, which may confuse the current matter, has traditionally been included in the title of the exam and does not signify a separate exam created for Boston Municipal Police Officers.)

21. In addition to entry-level testing, the BMPD conducted background investigations of the candidates. (Testimony of Maguire, Exhibit 11E)

### **CHAPTER 310 OF THE ACTS OF 1993**

St. 1993, c. 310 provides, “If the rights of any person acquired under the provision of chapter thirty-one of the General Laws or under any rule made thereunder have been prejudiced through no fault of their own, the civil service commission may take such action as will restore or protect such rights, notwithstanding the failure of any person to comply with any requirement of said chapter thirty-one or any such rule as a condition precedent to the restoration of such rights.”

### **CONCLUSION**

#### *Jurisdiction*

The BPPA, as Intervenor in this case, argues that an employee can not obtain permanent status pursuant to Chapter 310 of the Acts of 1993 (“310 Relief) stating in their post-hearing brief, “the Commission and the Courts have not interpreted Chapter 310 to provide that authority”. On this pivotal issue, the Intervenor is mistaken. The Commission has indeed previously granted permanent status to employees by exercising its broad authority provided under Chapter 310 of the Acts of 1993. In four related cases that are strikingly similar to the one before us, the Commission in 1999 ordered HRD to give permanent civil service status to four provisional reserve police officers in the Town

of Lancaster. (See Moody and Others v. Lancaster Board of Selectmen, CSC Case Nos. E-690-E-692) In those cases, the provisional reserve officers in question had served the Town for several years and, like the case currently before us, had each taken and passed the civil service police examination. The then-Chairman of the Lancaster Board of Selectmen asked the Commission to, “pursuant to its authority under Chapter 310 of the Acts of 1993, take prompt action on this request which may, at the very least, ameliorate the potential injustice caused by the failure of the previous administrations to comply with certain statutory requirements through no fault of the individual officers involved.” The Commission agreed and granted the officers permanency in their titles and provided them with a retroactive seniority date reaching back 13 years, pursuant to its powers inherent in Chapter 310 of the Acts of 1993.

In yet another case with striking similarities to the one before us, the Commission, on April 6, 2000, pursuant to its powers inherent in Chapter 310 of the Acts of 1993, granted 15 provisional “Emergency Telecommunication Dispatchers” in the City of Waltham with civil service permanency in their title – with retroactive seniority dates reaching back several years. (See Condon and Others v. City of Waltham, CSC Case Nos. E-00-1699 – E-00-1713 ). In the Condon case, it appears that the creation of a combined dispatch center and the subsequent development of the civil service title, “Emergency Telecommunications Dispatchers”, left 15 employees who had been performing these duties in a precarious (and job-threatening) position as, on a going-forward basis, the newly-titled positions were now to be made in accordance with Civil Service laws and regulations. This is identical to the situation that the Appellants in the instant case are facing. Years after the Appellants in this case were hired by the City, the City was

officially notified by HRD that all future appointments to these positions must be made in accordance with Civil Service laws and regulations. Adding to the “Perfect-Storm-like” actions that retroactively put the Appellants in the most precarious position possible, the civil service titles established for these positions fell within the police officer series, in which civil service exams had been given. Put simply, the rules of the game, through no fault of the Appellants’, dramatically changed for them in 2003, putting their jobs and livelihoods in jeopardy if and when any future appointments were to be made. Based on a similar set of facts and circumstances in the past, the Commission granted the employees civil service permanency pursuant to Chapter 310.

Intervenor BPPA cites Burns v. Department of Revenue, 14 MSCR 75 (2001) *aff’d*, Burns v. Civil Service Com’n, 60 Mass. App. Ct. 1124, 2004 WL 65047 (2004) in an attempt to show that the Commission has not interpreted Chapter 310 to provide authority to grant employees civil service permanency. Put simply, this case is not on point and actually reaffirms the broad authority granted to the Commission through Chapter 310. In Burns, the Appellant was never in jeopardy of losing his position as a provisional Tax Examiner III. Rather, he was seeking a promotion to Tax Examiner IV, which had previously been classified as a Corporate Analyst, a title in which the Appellant had taken and passed a civil service exam. Since no examinations were being given for Tax Examiner IV, the Appellant was asking that promotions be made using the former Corporate Analyst list. The Commission denied this request, but, pursuant to Chapter 310, ordered the parties to fashion a remedy that would result in examinations being administered for the positions of Tax Examiner IV and V, again affirming the broad authority granted to the Commission under this Special Act of the Legislature.

More importantly, HRD and the City argue, and the Commission concurs, that the courts have acknowledged that the Commission’s discretionary power to take action for “remedial reasons” under Chapter 310 is ‘particularly broad.’ (*See Dedham v. Dedham Police Association*, 46 Mass. App. Ct. 418 (1999)(relying on St. 1976, Chapter 534, the predecessor to St. 1993, Chapter 310, Commission “ordered that [Appellant’s] name be placed at the top of the list for the next sergeant’s opening, that the town refrain from using ‘impermissible reasons’ for bypassing him again, and that, ‘if and when he is promoted to [s]ergeant, his promotion date be made retroactive to April 13, 1988,’ ....”); *see also Boston Preservation Alliance, Inc. v. Secretary of Environmental Affairs*, 396 Mass. 489, 498 (1986)(“The discretion granted to an administrative agency is ‘particularly broad when [the] agency is concerned with fashioning remedies and setting enforcement policy.’” (quoting *Greater Boston Television Corp. v. FCC*, 444 F.2d 841, 857 (D.C. Cir. 1970), *cert. denied*, 403 U.S. 923 (1971))). Some other examples of the Commission’s varied remedies include: *Boisse v. Dept. of Correction*, 6 MCSR 76 (1993)(directing the Personnel Administrator to file a petition for relief on behalf of an Appellant); *City of Somerville and IAFF, Local 1240, AFL-CIO, on behalf of certain firefighters in the City of Somerville v. Department of Personnel Administration*, 7 MCSR 134 (reviving expired eligibility list); and *Conley v. Dept. of Correction*, 6 MCRS 16 (1993)(providing relief to petitioners without permanent civil service status).

Intervenor BPPA, presumably seeking to raise the ire of other provisional employees employed by state and local governments in Massachusetts, asks in its post-hearing brief, “If the Commission grants the instant petitions – filed by individuals who were not even provisionally appointed in conformance with c. 31 – then how would the Commission

possibly reject similar petitions from the 14,000 legitimately appointed state employees who languish in provisional purgatory?” The question warrants a response. Through a series of previous decisions, the Commission has expressed its angst that provisional employees lack an ability to obtain civil service permanency since the cessation of most non-public safety civil service examinations over two decades ago. In the unlikely event that civil service exams were to be administered forthwith for every one of the civil service titles in Massachusetts, many of those 14,000 provisional employees, some of whom now have decades of technical experience, would lose their jobs if they did not score amongst the very highest of civil service exam test-takers. In that situation, in which their jobs, much like the Appellants, would be in jeopardy, those dedicated and qualified public servants would rightfully request the same relief that is being sought by the 23 Appellants in this case – civil service permanency in their current positions. Under those circumstances, the Commission, as it has in the past, would give those requests full consideration.

*Provisional Status*

Assuming that the Commission can indeed grant provisional employees permanent civil service status, Intervenor BPPA argues that the City never appointed the employees provisionally in the manner required by G.L. c. 31, §§12-14 as it did not notify HRD in writing of its intent to hire provisional employees. BPPA argues that the City’s inaction is not a trivial omission and suggests that, had the City filed the appropriate paperwork, it could have goaded HRD into making timely civil service classifications of the disputed positions.

As referenced earlier in this decision, the City, prior to 2003, viewed the positions in question as non-civil service positions, until HRD finally issued its decision on the appropriate civil service classification and series. Effectively, HRD, through its untimely decision, retroactively put the Appellants into newly-classified civil service positions in 2003. The Appellants are indeed provisional employees.

### *Merit-Based Principles*

The civil service laws are designed to ensure that employment decisions related to public employees adhere to basic merit principles. G.L. c. 31, §1 defines basic merit principles as follows:

“Basic merit principles”, shall mean (a) recruiting, selecting and advancing of employees on the basis of their relative ability, knowledge and skills including open consideration of qualified applicants for initial appointment; (b) providing of equitable and adequate compensation for all employees; (c) providing of training and development for employees, as needed, to assure the advancement and high quality performance of such employees; (d) retaining of employees on the basis of adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected; (e) assuring fair treatment of all applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, age, national origin, sex, marital status, handicap, or religion and with proper regard for privacy, basic rights outlined in this chapter and constitutional rights as citizens, and; (f) assuring that all employees are protected against coercion for political purposes, and are protected from arbitrary and capricious actions.

The Appellants argue that that the 23 employees seeking relief are “as qualified and deserving of permanent police officer status as any graduate of a police cadet program.” According to the Appellants, the screening and training in the Municipal Police Department is similar in all relevant respects to the Boston Police Department’s Police Cadet program. To be eligible for appointment as a police officer, a cadet need only take and pass the civil service examination for municipal police officers. For approximately 28 years, the City argues, the Legislature has maintained that police cadets are

sufficiently trained and experienced, and as such, the City of Boston may appoint cadets as permanent police officers.

Intervenor BPPA counters that HRD's "strained comparisons" of the BMPD program to Cadet officers fatally undermine its argument. The Cadet program is a creature of the Legislature. If the Legislature had intended to grant permanent status akin to Cadet program, argues the BPPA, it would have provided a mechanism to do so. BPPA argues that HRD cannot seek to accomplish by analogy what can only be accomplished by legislative action.

Regardless of the Cadet program comparison, the Appellants put forth a strong case to demonstrate that the 23 employees in questions are qualified to serve in their positions and were hired and/or promoted through a system that relied on basic merit principles. In the instant case, all of the 23 employees have taken and passed the civil service written examination for municipal police officers. The selection, hiring, retention and promotion of the employees in question were consistent with basic merit principles.

#### *Through No Fault of Their Own*

Chapter 310 of the Acts of 1993 allows the Commission to provide relief only if the individual has been prejudiced through no fault of his own. The City and the Appellants argue that the Appellants participated in the only hiring process that the City offered to them and they took the only exams that were offered for the jobs they sought. If the City had requested a civil service certification for any of these positions back in 1997 and 1998, the answer from HRD would have to have been that it had not determined that these positions were subject to civil service. It was not until 2003, two years after the last

of the Appellants began serving as a Boston Municipal Police Officer, that HRD notified the City that these positions were now classified in the police series of the municipal classification plan and that future appointments and promotions would have to be made from civil service examinations.

Intervenor BPPA argues that the Appellants were well aware that they were not being appointed to civil service positions. Therefore, according to the BPPA, none of the Appellants can claim they reasonably believed they were being hired as civil service police officers and they received exactly what they had every reason to expect – a non-civil service position. The BPPA argues that since the Appellants knew they were not being hired into civil service positions, they have no right to the relief they seek and “can not claim they seek it with clean hands”.

In this case, the Appellants were indeed prejudiced as a result of actions (and inaction) that occurred *after* they were hired into their respective positions. It took HRD four years after the Commission determined that the positions were subject to civil service to determine the appropriate title and series for which the Appellants should be assigned. While the Commission is painfully aware of how a lack of resources can result in a backlog of work, there is no evidence that a lack of resources was the reason for HRD’s delay in this case. Rather, HRD simply failed to perform the most rudimentary function of assigning an appropriate civil service title in a timely manner. The City is equally culpable in this matter as there is also no evidence that it sought an expedited resolution from HRD between 1999 and 2003. During this period of time, the City continued to hire individuals through the non-civil service process. HRD finally created new civil service titles unique to the Boston Municipal Police Department, but within the police officer

series and ordered the City to ensure that any future appointments were made pursuant to civil service laws. Hence, any future appointments to these positions would be made from the regular police officer exams which are also used to appoint police officers to the Boston Police Department. While these individuals had taken and passed this police officer exam, their scores were not amongst the highest and/or they lacked any status granting them an absolute preference, making it unlikely that they could be reached for appointment should the City choose to make additional appointments to these positions within the Boston Municipal Police Department. Absent the gift of clairvoyance, there is simply no possible way that these 23 individuals could have anticipated this change and the resulting precarious position it would put them in.

The Commission concludes that the Appellants were indeed prejudiced through no fault of their own and, pursuant to its powers inherent in Chapter 310 of the Acts of 1993, orders the following:

- The eighteen (18) Appellants currently employed in the title of “Boston Municipal Police Officer” shall be granted permanent civil service status in that position effective the date on which they were hired into the position;
- The five (5) Appellants currently employed in the title of “Boston Municipal Police Sergeant” shall be granted permanent civil service status in that position effective the date on which they were hired into the position.

Although the limited scope and impact of this decision has been referenced earlier, a more explicit confirmation is warranted. This order grants 23 provisional employees permanency in their respective positions within the Boston Municipal Police Department. While this permanency (within the police officer series) will eliminate one bureaucratic

barrier to the possible transfer of the Appellants to the Boston Police Department, G.L. c. 31, §35 specifically requires the City to demonstrate sound and sufficient reasons to show that the transfer will be for the public good. Inherent in that requirement is that the City ensure, through the use of its traditional background checks and interview processes on a case-by-case basis, that any individual transferred meets the high standards required to serve as a Boston Police Officer. That decision, in regard to the possible transfer of these Appellants, rests with the Boston Police Department and HRD.

Civil Service Commission

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John E. Taylor, Commissioner

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Christopher C. Bowman, Commissioner

By a 4-0 vote of the Civil Service Commission (Bowman, Chairman – YES; Guerin, Commissioner – YES; Marquis, Commissioner – YES; Taylor, Commissioner – YES; on October 26, 2006.

A true record. Attest:

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Commissioner

A motion for reconsideration may be filed by either Party within ten days of the receipt of a Commission order or decision. A motion for reconsideration shall be deemed a motion for rehearing in accordance with M.G.L. c. 30A § 14(1) for the purpose of tolling the time for appeal.

Any party aggrieved by a final decision or order of the Commission may initiate proceedings for judicial review under section 14 of chapter 30A 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.

Notice:

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