

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION**

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

Investigation Re:

Braintree Police
Department's 2013 / 2014
Police Officer Hiring Process

Tracking Number: I-14-245

RULING ON INVESTIGATION

On November 13, 2014, as part of a decision in Joseph Minoie v. Town of Braintree, CSC Case No. G1-14-180 (2014), the Civil Service Commission, after reviewing over twenty-eight (28) exhibits and listening to the testimony of Braintree Police Chief Russell Jenkins, concluded that Chief Jenkins incorrectly involved himself in a hiring process in which his son was a candidate.

In short, Chief Jenkins's son could not have been appointed as a Braintree police officer unless other higher-ranked candidates on the civil service Certification were "bypassed" or removed from the Certification. Yet, on May 6, 2014, Chief Jenkins penned a letter to the State's Human Resources Division (HRD), stating in relevant part:

- "I am requesting the removal of three individuals from the certification list of eligible candidates for a position with the Braintree Police Department." (At least two (2) of those candidates were ranked higher than the Chief's son.)
- "I can only conclude from Mr. Minoie's omissions that he engaged in a pattern of deception designed to conceal information that he believed would be viewed unfavorably during the hiring process."
- "I believe that Mr. Minoie's integrity is compromised and that his appointment as a police officer would be detrimental to the public interest."
- "I respectfully request that Mr. Minoie's name be removed from the certification list of eligible candidates."
- "It is my hope that the Commission will rule favorably on my request that, in the interest of maintaining the integrity of the Braintree Police Department and our selection and hiring process, the names be removed from the certification list ..."
- "Should you have any questions, or require any additional documentation, please don't hesitate to contact me."

Nowhere in this letter to HRD does Chief Jenkins disclose that his son was one of the higher ranked candidates who would benefit from approval of this request and/or that he had taken any steps to recuse himself from the hiring process.

Then, on September 29, 2014, Chief Jenkins appeared before the Commission as the Town's sole witness to justify the Town's request to remove these higher-ranked candidates from the Certification upon which his son's name appeared.

For these reasons, the Commission as part of the decision in Minoie, issued an order to show cause why the Commission should not initiate an investigation under G.L. c. 31, § 2(a) regarding this hiring process. As part of its response, the Town was encouraged to submit its own recommendations regarding remedial actions that the Town, on its own, would take to prevent such occurrences in the future.

On January 14, 2015, the Town submitted a two (2)-part reply to the Commission's order.

First, the Town, in attempt to re-litigate the findings and conclusions already reached by the Commission, dedicated seventeen (17) pages in an effort to show that Chief Jenkins "did not participate whatsoever in the hiring process ..." (emphasis added)

To accept this revisionism, the Commission would need to ignore common sense *and* the record, including the fact that Chief Jenkins was the Town's sole witness before the Commission, offering detailed testimony about the reasons justifying the non-selection of a candidate whose name appeared above that of his son. Put another way, if Chief Jenkins did not participate *whatsoever* in the hiring process, then how could he serve as the Town's sole witness regarding this very hiring process?

Second, the Town dedicated one (1) paragraph to the issue actually queried by the Commission: what remedial steps would the Town take to prevent these missteps from occurring in the future? While brief, the Town's response in this regard does outline the precise process that should have occurred without prompting from the Commission.

Specifically, the Town states in relevant part that:

"When a Department member's family member's name appears on a certified requisition from HRD, the Department member shall, in writing, communicate this fact to the appointing authority and the appointing authority shall direct the employee, in writing, that they are not to participate in any hiring matters concerning their family member, or any other matters concerning the requisition received by the Department from HRD, until such time as the family member's name ceases to be on the requisition. Included in this directive will be a blanket prohibition to participate in collecting or reviewing application materials received by all candidates, participating in the background investigation of any candidates, serving as a member of the Department's interview panel for all candidates selected to interview, providing written recommendations to the appointing authority for all candidates, or otherwise addressing the candidacy of those individuals on the requisition whose name appears along with their family member."

Since this policy, if followed, would prevent the type of missteps that occurred in the most recent hiring process involving the Police Chief's son, no investigation is warranted beyond the actions that the Commission has already taken here.

For this reason, this matter, docketed under CSC Tracking No. I-14-245, is now *closed*.

Civil Service Commission

/s/Christopher Bowman
Christopher C. Bowman
Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Ittleman, McDowell and Stein, Commissioners) on February 19, 2015.

Notice to:
Brian Maser, Esq. (for Town of Braintree)
John Marra, Esq. (HRD)