

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

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

RE:

Tracking Number: I-15-180

Request by Gary Chapman and nine (9) others to investigate “the Town of Ipswich’s unilateral decision to implement an assessment center without a delegation agreement with the Human Resources Division”

Appearance for Petitioners:

Jillian Ryan, Esq.
Pyle Rome
2 Liberty Sq. 10th Floor
Boston, MA 02190

Appearance for Human Resources Division:

Melissa Thomson, Esq.
Human Resources Division
One Ashburton Place: Room 211
Boston, MA 02108

Appearance for Town of Ipswich:

Timothy Zessin, Esq.
Kopelman & Paige, PC
101 Arch Street, Floor 12
Boston, MA 02110

Commissioner:

Christopher C. Bowman

RESPONSE TO REQUEST FOR INVESTIGATION

On September 25, 2015, Gary Chapman and nine (9) others (Petitioners), all permanent firefighters with the Town of Ipswich (Town)’s Fire Department, filed a petition with the Civil Service Commission (Commission), asking the Commission to investigate “the Town’s unilateral decision to implement an assessment center without a delegation agreement with the Human Resources Division (HRD)”.

On October 13, 2015, I held a show cause hearing to give the Petitioners the opportunity to show why the Commission should initiate an investigation regarding this matter. The show

cause hearing was attended by some of the Petitioners, their counsel, counsel for HRD, counsel for the Town, the Town's Fire Chief, the Town Administrator and the Town's Director of Human Resources.

As discussed at the show cause hearing, the Town contracted with a consultant to conduct an assessment center promotional examination for Fire Lieutenant prior to executing a delegation agreement with HRD. The Town has since postponed the assessment center promotional examination and taken steps to execute said agreement with HRD. HRD is now in the process of reviewing the agreement and the proposed consultant. Should HRD, as expected, approve the agreement and consultant, there is nothing in the civil service law or rules that would prevent the Town from moving forward with the assessment center promotional examination.¹ I reminded all parties that the statute does not permit HRD, or the Town, to delegate out responsibility for conducting fair test appeals.

Since the Town has decided to postpone the administration of the assessment center until such time as it receives the appropriate approvals from HRD, there is no need for the Commission to initiate an investigation. For this reason, the request for investigation is denied and this matter is closed.

Civil Service Commission

/s/ Christopher Bowman
Christopher C. Bowman
Chairman

By a vote of the Civil Service Commission (Bowman, Chairman; Ittleman, McDowell, Stein and Tivnan, Commissioners) on October 29, 2015.

Notice:
Jillian Ryan, Esq. (for Petitioners)
Timothy Zessin, Esq. (for Town of Ipswich)

¹ The union representing the firefighters has filed a separate complaint with the Division of Labor Relations arguing that the Town's decision to undertake an assessment center is a mandatory subject of bargaining and that the Town failed to negotiate such change with the union.

Melissa Thomson, Esq. (for HRD)