

**COMMONWEALTH OF MASSACHUSETTS  
CIVIL SERVICE COMMISSION**

100 Cambridge St., Suite 200  
Boston, MA 02114  
(617) 979-1900

JOHN DOE,  
*Appellant*

v.

SPRINGFIELD POLICE  
DEPARTMENT,  
*Respondent*

**Case No.:** [redacted]

**DECISION**

Pursuant to G.L. c. 31, § 43, the undersigned Chair of the Civil Service Commission (Commission) charged the Commission’s General Counsel, Robert L. Quinan, Jr., with conducting a full evidentiary hearing regarding this matter on behalf of the Commission.

Pursuant to 801 CMR 1.01 (11) (c), Presiding Officer Quinan issued the attached Tentative Decision to the Commission on February 1, 2024, and the parties had thirty days to provide written objections to the Commission. No objections were received in a timely fashion.

After careful review and consideration, the Commission voted to adopt the Tentative Decision of the Presiding Officer, accept the recommendation stated therein, and deny the Appellant’s bypass appeal, thus making this the Final Decision of the Commission. The evidentiary record supports the Presiding Officer’s conclusion that the Respondent properly bypassed the Appellant for appointment to an entry-level police officer position due to what the Commonwealth’s Human Resources Division has deemed a disqualifying “Category B” condition in its published *Initial Hire and Physical Ability Test Standards* (2020). Because the appeal revolved around a confidential psychological evaluation of a civil service candidate, the Commission voted, in accordance with its [published privacy standard](#), to redact the Appellant’s name and substitute a pseudonym.<sup>1</sup>

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<sup>1</sup> An unredacted version of this decision will be made available upon request to public safety agencies conducting pre-employment background investigations regarding prospective candidates.

By vote of the Civil Service Commission (Bowman, Chair; Dooley, McConney, Stein and Tivnan, Commissioners, voting unanimously to adopt the Tentative Decision, with Commissioner Dooley voting “no” on substituting a pseudonym) on March 21, 2024.

Civil Service Commission

/s/ Christopher C. Bowman

Christopher C. Bowman

Chair

Either party may file a motion for reconsideration within ten days of the receipt of this Commission order or decision. Under the pertinent provisions of the Code of Mass. Regulations, 801 CMR 1.01(7)(l), the motion must identify a clerical or mechanical error in this order or decision or a significant factor the Agency or the Presiding Officer may have overlooked in deciding the case. A motion for reconsideration does not toll the statutorily prescribed thirty-day time limit for seeking judicial review of this Commission order or decision.

Under the provisions of G.L. c. 31, § 44, any party aggrieved by this Commission order or decision may initiate proceedings for judicial review under G.L. c. 30A, § 14 in the superior court within thirty (30) days after receipt of this order or decision. Commencement of such proceeding shall not, unless specifically ordered by the court, operate as a stay of this Commission order or decision. After initiating proceedings for judicial review in Superior Court, the plaintiff, or his / her attorney, is required to serve a copy of the summons and complaint upon the Boston office of the Attorney General of the Commonwealth, with a copy to the Civil Service Commission, in the time and in the manner prescribed by Mass. R. Civ. P. 4(d).

Notice to:

John Doe (Appellant)

David J. Wenc, Esq. (for Respondent)

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**JOHN DOE,**  
*Appellant*

v.

[Redacted]

**SPRINGFIELD POLICE  
DEPARTMENT,**  
*Respondent*

Appearance for Appellant:

John Doe, *pro se*

Appearance for Respondent:

David J. Wenc, Esq.  
City of Springfield  
36 Court St., Room #5  
Springfield, MA 01103

Presiding Officer:

Robert L. Quinan, Jr., Esq.<sup>2</sup>

SUMMARY OF TENTATIVE DECISION

The Commission should deny the appeal of a candidate who was turned down for employment as a municipal police officer based on the results of his psychological evaluation. Both evaluating (Ph.D. or M.D.-level) clinicians concluded that the Appellant had low stress tolerance and a tendency to resort to violence in volatile situations, making him unsuitable for such employment. Their conclusion was informed and supported by several employment discharges by prior employers due to incidents involving the Appellant's use of force against youths.

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<sup>2</sup> The Commission acknowledges the assistance of Law Clerk Daniel Taylor in the drafting of this Tentative Decision. As the duly-appointed Presiding Officer, I am filing this initial decision with the Commission today. Pursuant to 801 Code Mass. Regs. 1.01(11)(b) and (c), the parties shall have 30 days from today to file any written objections to this Tentative Decision.

## **TENTATIVE DECISION**

Pursuant to G.L. c. 31, § 2(b), the Appellant, John Doe (“Appellant” or “Doe”), timely appealed to the Civil Service Commission (“Commission”), contesting the decision of the Springfield Police Department (“SPD”) to bypass him for appointment to the position of police officer. A pre-hearing conference was held via Webex on May 23, 2023. I held a full hearing at the State Office Building in Springfield, MA on July 21, 2023, and at the Office of the Attorney General in Worcester, MA on September 22, 2023.<sup>3</sup> Both days of the hearing were digitally recorded, and a copy was electronically transmitted to both parties.<sup>4</sup> The Commission also retained copies of the hearing recordings. For the reasons stated below, I recommend that Mr. Doe’s appeal be denied.

### **FINDINGS OF FACT:**

Eleven exhibits were offered into evidence at the hearing: ten by the Respondent and one by the Commission. The Respondent also chose to file a post-hearing brief. Based on these exhibits and the testimony of the following witnesses:

*Called by the Respondent:*

- Sgt. Monique McCoy, SPD
- Lynn Vedovelli, Human Resources and Payroll Manager, SPD
- Dr. John Madonna, Chandler Psychological Services
- Dr. Kamlyn Haynes, MD

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<sup>3</sup> The Standard Adjudicatory Rules of Practice and Procedure, 801 CMR § 1.00, *et seq.*, apply to adjudications before the Commission, with G.L. c. 31 or any Commission rules, taking precedence.

<sup>4</sup> Due to a malfunction in the audio recorder, the recording of much of the September 22 hearing was damaged. I prepared a supplementary summary of this portion of the hearing, to which neither party objected. This summary was entered into evidence as Commission Exhibit #1.

*Called by the Appellant:*

- John Doe, Appellant

and taking administrative notice of all pleadings filed in the case, plus pertinent rules, statutes, regulations, case law and policies, and drawing reasonable inferences from the credible evidence, I make the following findings of fact:

*Appellant's Background*

1. The Appellant, John Doe, graduated from high school in 1997. He obtained an associates degree in energy system technology in 2003, and a bachelor's degree in human services in 2013. (Resp. Ex. 10)

2. The SPD assigned Sgt. Monique McCoy to investigate the Appellant's background and review the details contained in his employment application. (Resp. Ex. 10; Testimony of McCoy)

3. From 2001 to 2014, the Appellant worked in security and recreation at a Springfield-area technical school. The Appellant was terminated from this position following an altercation with an adult student. The student punched the Appellant in the face, and the Appellant responded by striking him with a closed fist, knocking him to the ground. (Resp. Ex. 10; Testimony of the Appellant)

4. From 2013 to 2015, the Appellant was also employed as a behavioral interventionist at a Springfield-area educational program. The Appellant was terminated from this position following an altercation with a student that led to injury. The Appellant had been escorting the student to another area of the school, and the two became involved in a physical struggle during which the Appellant and the student fell against an uncovered radiator, and the student was burned. (Resp. Ex. 10; Testimony of the Appellant)

5. From 2016 to 2017, the Appellant was employed as a residential supervisor in a Springfield-area youth home. The Appellant was terminated for injuring a resident's wrist during an escort in which he restrained the resident by the arm.<sup>5</sup> (Resp. Ex. 10; Testimony of the Appellant)

6. From 2018 to 2021, the Appellant was employed at a Springfield-area organization to teach young adults skills like landscaping, carpentry, and plumbing. The Appellant was terminated from this position for using inappropriate language in an interaction with several of the organization's clients. (Resp. Ex. 10; Testimony of Appellant)

7. During the same period, 2018 to 2021, the Appellant was also employed at a fiberglass insulation company. He left this position without giving notice. (Resp. Ex. 10)

8. Beginning in February 2021, the Appellant worked as an insulator for a Boston-area union. His employer described him as respectful and reliable, though he had heard that the Appellant would sometimes "push back" when given an instruction. (Resp. Ex. 10)

9. Since 2021, the Appellant has also been employed part-time to provide security at an adult-entertainment club in Springfield, Massachusetts. The Appellant did not include this information on his employment application, as he did not believe it was necessary given the "under the table" nature of the position. (Testimony of McCoy; Testimony of Appellant)

10. On June 26, 2021, the Appellant took and passed the civil service examination for police officers, receiving a score of 88. (Stipulated Facts)

11. On August 1, 2022, the Massachusetts Human Resources Division (HRD) issued Certification No. 08756. The Appellant was ranked 29<sup>th</sup> among those willing to accept

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<sup>5</sup> The Appellant contends that this termination was wrongful, and that the resident was being dishonest in claiming injury. (Resp. Ex. 10; Testimony of the Appellant)

appointment. Of the 33 candidates ultimately appointed, 13 were ranked below the Appellant.  
(Stipulated Facts)

12. Following an interview with the SPD, the Appellant's application was considered "pending" while the psychological examination was conducted. (Testimony of Vedovelli)

*Psychological Evaluations*

13. HRD has promulgated rules defining the medical standards that a candidate for the position of municipal police officer must meet. Disqualifying medical and psychiatric conditions are sorted into "Category A" and "Category B" conditions. (Initial-Hire and Physical Ability Test Standards and Physician's Guide 2020, p. 7)

14. A "Category A" medical condition is one that "would preclude an individual from performing the essential job functions of a municipal police officer or present a significant risk to the safety and health of that individual or others." A "Category B" medical condition is one that, "based on its severity or degree, may or may not preclude an individual from performing the essential job functions of a municipal police officer, or present a significant risk to the safety and health of that individual or others."<sup>6</sup> (Initial-Hire and Physical Ability Test Standards and Physician's Guide 2020, p. 8)

15. Dr. John Madonna was responsible for conducting the Appellant's first psychological evaluation. This evaluation included a questionnaire designed for law enforcement candidates, the Minnesota Multiphasic Personality Inventory-2 (MMPI-2), the 16 Personality Factor Inventory (16PF), and a clinical interview which lasted approximately 45 minutes. (Resp. Ex. 4; Testimony of Madonna)

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<sup>6</sup> The Supreme Judicial Court largely deferred to these standards in Police Dep't of Boston v. Kavaleski, emphasizing the requirement that a candidate not possess a condition which prevents them from performing the essential functions of a position. 463 Mass. 680, 684, 694-95 (2012).

16. Based on the results of his evaluation, Dr. Madonna concluded that while the Appellant was “very affable,” he did not possess the psychological qualifications necessary to serve as a police officer. (Resp. Ex. 3; Testimony of Madonna)

17. This conclusion was based on test profiles which indicated “low stress tolerance,” “below average reasoning ability,” and “an inclination to be dominant, controlling, and to take action without sufficient thought.” In conjunction with the Appellant’s multiple terminations involving the use of physical restraint, and evaluation results showing an impulsivity proclivity, Dr. Madonna expressed concerns about the possible inappropriate use of force should the Appellant become a police officer. (Resp. Ex. 4; Testimony of Madonna)

18. The Appellant chose to undergo a second psychological examination at his own expense. The second examination was conducted by a psychiatrist, Dr. Kamlyn Haynes, who reviewed the report generated by Dr. Madonna, and conducted a second clinical interview lasting approximately one hour. (Resp. Ex. 5; Testimony of Appellant; Testimony of Haynes)

19. Dr. Haynes concurred with Dr. Madonna that the Appellant did not possess the qualifications to become a police officer. She expressed particular concern about the Appellant’s several consecutive terminations and his ability to manage stress in both the long- and short-term.<sup>7</sup> (Resp. Ex. 6; Testimony of Haynes)

20. At the time of the Commission hearing, Drs. Madonna and Haynes expressed unfamiliarity with the specific medical standards promulgated by HRD, and the decision of the Supreme Judicial

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<sup>7</sup> Dr. Haynes suggested in her initial report that further investigation of the Appellant’s terminations might reveal that he had not acted inappropriately. At the Commission hearing, having read the background investigation prepared by Sgt. McCoy, this was no longer her opinion. (Resp. Ex. 6; Testimony of Haynes)



Court in Police Dep't of Boston v. Kavaleski, 463 Mass. 680 (2012).<sup>8</sup> (Testimony of Madonna; Testimony of Haynes)

*Current Bypass*

21. In a letter dated December 2, 2022, the SPD informed the Appellant that he had been bypassed based on the results of his psychological evaluation. (Resp. Ex. 6)

*Legal Standard*

The core mission of Massachusetts civil service law is to enforce “basic merit principles” for “recruiting, selecting and advancing of employees on the basis of their relative ability, knowledge and skills” and “assuring that all employees are protected against coercion for political purposes, and are protected from arbitrary and capricious actions.” G.L. c. 31, § 1. See, e.g., Mass. Ass'n of Minority Law Enforcement Officers v. Abban, 434 Mass. 256, 259 (2001); MacHenry v. Civil Serv. Comm'n, 40 Mass. App. Ct. 632, 635 (1995), rev. den., 423 Mass. 1106 (1996).

Basic merit principles in hiring and promotion and other provisions of the civil service law call for regular, competitive qualifying examinations, open to all qualified applicants, from which eligible lists are established, ranking candidates according to their exam scores, along with certain statutory credits and preferences, from which appointments are made, generally, in rank order, from a “certification” of the top candidates on the applicable civil service eligible list, using what is called the 2n+1 formula. G.L. c. 31, §§ 6-11, 16-27; Personnel Administration Rules, PAR.09. In order to deviate from that formula, an appointing authority must provide specific, written reasons—positive or negative, or both, consistent with basic merit principles—to affirmatively

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<sup>8</sup> When the standard was quoted to Dr. Haynes, she reiterated her opinion that the Appellant did not possess the necessary psychological qualifications; his demonstrated inability to deescalate contentious situations in fact presented a significant risk to the safety of others. (Testimony of Haynes)

justify bypassing a higher-ranked candidate in favor of a lower-ranked one. G.L. c. 31, § 27; PAR.08(4).

A person may appeal a bypass decision under G.L. c. 31, § 2 (b) for de novo review by the Commission. The Commission's role is to determine whether the appointing authority has shown, by a preponderance of the evidence, that it has "reasonable justification" for the bypass after an "impartial and reasonably thorough review" of the relevant background and qualifications bearing on the candidate's present fitness to perform the duties of the position. Boston Police Dep't v. Civil Service Comm'n, 483 Mass. 474, 478 (2019); Police Dep't of Boston v. Kavaleski, 463 Mass. 680, 688-89 (2012); Beverly v. Civil Service Comm'n, 78 Mass. App. Ct. 182, 187 (2010); Leominster v. Stratton, 58 Mass. App. Ct. 726, 727-28 (2003).

"Reasonable justification . . . means 'done upon adequate reasons sufficiently supported by credible evidence, when weighed by an unprejudiced mind, guided by common sense and by correct rules of law'". Brackett v. Civil Service Comm'n, 447 Mass. 233, 543 (2006); Commissioners of Civil Service v. Municipal Ct., 359 Mass. 211, 214 (1971) and cases cited. See also Mayor of Revere v. Civil Service Comm'n, 31 Mass. App. Ct. 315, 321 (1991) (bypass reasons "more probably than not sound and sufficient").

Section 2(b) of G.L. c. 31 gives the Commission's de novo review "broad scope to evaluate the legal basis of the appointing authority's action" and it is not necessary for the Commission to find that the appointing authority acted "arbitrarily and capriciously." City of Cambridge v. Civil Service Comm'n, 43 Mass. App. Ct. 300, 303-305, rev. den., 428 Mass. 1102 (1997). However, appointing authorities are vested with a degree of discretion in selecting public employees of skill and integrity. The Commission "cannot substitute its judgment about a valid exercise of discretion based on merit or policy considerations by an appointing authority" unless there are "overtones of

political control or objectives unrelated to merit standards or neutrally applied public policy[;] then the occasion is appropriate for intervention by the commission.” Id.

### *Analysis*

The SPD has established, by a preponderance of the evidence, that it had reasonable justification for its decision to bypass the Appellant for appointment as a police officer. The weight of the credible evidence presented to the Commission is sufficient to prove that the Appellant does not currently possess the psychological qualifications necessary to become a municipal police officer. This is not to say the Appellant is disqualified from such employment in perpetuity; he may improve his candidacy in the future by demonstrating a desire and ability to improve his fitness for the position of police officer via counseling, mentorship, or other relevant training.

In light of the SPD roundtable decision to bypass the Appellant in a hiring round only months earlier than December of 2022, plus the fact that the same concerns remained active—and, if anything, only intensified following the background investigation conducted by Sgt. McCoy—I would be remiss if I did not point out that police officer candidates should only be advanced to a psychological evaluation if concerns raised in a background investigation are resolved and a reasonably firm offer of employment has been extended. The Commission previously has warned appointing authorities, repeatedly, that both Massachusetts and federal law require the extension of a *bona fide* conditional offer, following a thorough evaluation of “all relevant non-medical information,” *before* a candidate can be asked to undergo medical or psychological examinations. E.g., Cotto v. City of Taunton, 36 MCSR 103, 106 (2023) (citing, *inter alia*, the Americans with Disabilities Act, 42 U.S.C. §§ 12112(d)(2)-(3)); Doe v. Dep’t of Correction, 35 MCSR 99, 107 (2022) (citing, *inter alia*, G.L. c. 151B, § 4(16)); Nelson N v. Dep’t of Correction, 35 MCSR 259, 267 (2022) (candidates should not be subjected to inherently invasive medical and psychological evaluations unless truly necessary); Rogers v. Boston Police Dep’t, 33 MCSR 244 (2020); Maldonado v. Lawrence, 31 MCSR 212 (2018); Duval v. Somerville, 30 MCSR 447 (2017).

Notwithstanding the above,<sup>9</sup> I find that the psychological evaluations of the Appellant conducted by Drs. Madonna and Haynes were sufficiently thorough and professional, and identified in the Appellant abnormal psychological characteristics that could pose a significant risk to the safety and health of others should the Appellant become an SPD police officer. In the course of his evaluations, the Appellant completed a questionnaire for law enforcement candidates designed by Chandler Psychological Services, as well as the MMPI-2 and 16PF tests. Both Drs. Madonna and Haynes conducted clinical interviews lasting between 45 minutes and an hour.

Following their evaluations, Drs. Madonna and Haynes reached substantially similar conclusions. While Dr. Madonna found the Appellant to be “very affable,” he noted the Appellant’s “low stress tolerance” and “an inclination to be dominant, controlling and to take action without sufficient thought.” According to Dr. Madonna, this was reason for “concern regarding inappropriate use of force once on the job.” Likewise, Dr. Haynes expressed concern about the Appellant’s tendency to rely on physical force, and his poor stress-management techniques. She commended the Appellant’s attitude and clear commitment to his family but stressed that there was little evidence he had learned from the incidents leading to his consecutive terminations.

The role of a psychologist performing a pre-employment evaluation is “narrowly circumscribed. [Their] sole task [is] to determine whether [the candidate] [has] a psychiatric condition that would prevent [them] from performing, even with reasonable accommodation, the essential functions of the job.” Kavaleski, 463 Mass. at 694-95. This standard includes

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<sup>9</sup> Procedural error does not oblige the Commission to overturn a bypass decision in every situation. E.g., Sherman v. Town of Randolph, 472 Mass. 802, 813 (2015) (bypass may be upheld even where the appointing authority employed flawed procedures in selecting candidates).

identification of a psychiatric or behavioral condition which poses a risk to the safety and health of the evaluated individual, or to others. Id. at 684. Dr. Haynes's testimony in particular convinces me that the requisite problematic condition has properly been identified in this case and supports a bypass on psychological grounds.

Although Drs. Madonna and Haynes expressed unfamiliarity with the HRD Physician's Guide, and the standards set forth in Kavaleski, I do not find that deficiency sufficient to invalidate the results of their evaluations. When the Kavaleski standard was articulated to Dr. Haynes at the Commission hearing, she did not change her opinion that the Appellant was ill-suited for employment as a police officer; based on the results of the evaluation, she remained concerned about the risk that the Appellant would pose to the safety of others, especially given his past use of force in volatile situations. I find that this statement meets the standards contemplated in Kavaleski.<sup>10</sup>

In his testimony, Dr. Madonna made similar remarks, echoing the concerns expressed in his report, that the Appellant was ill-suited for the kinds of high-stress situations that police officers face on a regular basis. In short, despite their unfamiliarity with the specific standards governing the psychological evaluation of candidates for the position of police officer, both evaluating clinicians unequivocally expressed that, in their professional opinion, the Appellant was unable to perform the essential functions of the position he was seeking.

The results of these evaluations are consistent with the problematic elements of the Appellant's work history. In the past decade, the Appellant has been terminated from employment

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<sup>10</sup> Nevertheless, I strongly urge Springfield's human resources unit (or counsel for the city) to ensure that anyone performing a psychological evaluation of a civil service candidate in the future becomes well-versed in the standards for use in the hiring process of any adverse evaluation, as articulated by HRD and the Supreme Judicial Court.

at least four times. Three of those terminations stemmed from the Appellant's use of physical force against young adults for whom he was in some way responsible.

In 2014, the Appellant was involved in an altercation with an adult student at the school in which he worked. The student struck the Appellant in the face, and the Appellant, rather than employing any de-escalation technique, struck the student back, knocking him to the ground. Likewise, in 2015, a student resisted the Appellant's use of physical restraint, and the two became involved in a physical altercation that led to the student falling against an uncovered radiator and suffering a burn. In 2017, the Appellant employed physical restraint to escort a resident of the facility at which he was employed, and the resident later complained of lingering wrist pain.

Following each of these incidents, the Appellant was terminated for the inappropriate use of force, following an altercation in which an individual was resistant to his instructions. This generally supports the conclusion of Drs. Madonna and Haynes that there is a substantial risk that, under high levels of stress, the Appellant would resort to physical force in situations that do not require it. Again, this tendency is not necessarily a permanent bar to employment as a police officer, but the Appellant must take certain tangible steps (e.g., counseling, mentorship, or other training) to improve his candidacy and demonstrate that he possesses the necessary psychological attributes and behavioral control impulse to serve as a police officer.

### *Conclusion*

For all of the above reasons, I recommend that the appeal of John Doe under Docket No. [Redacted] be **denied**.

Civil Service Commission

/s/ Robert L. Quinan, Jr.

Robert L. Quinan, Jr., Esq., General Counsel and Assigned Presiding Officer

Date: February 1, 2024

Notice to:

John Doe (Appellant)

David J. Wenc, Esq. (for Respondent)