

COMMONWEALTH OF MASSACHUSETTS

CIVIL SERVICE COMMISSION

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

Tracking Number: I-25-124

Re: Request for Investigation by Jason Finn and InnoVets related to the Boston Fire
Department Cadet Program

RESPONSE TO REQUEST FOR INVESTIGATION

Background

On May 19, 2025, Jason Finn, whose name appears on the current civil service eligible list for Boston firefighter, and InnoVets, a Massachusetts organization that supports and advocates for veterans (collectively, the Petitioners) filed a request for investigation with the Civil Service Commission (Commission), primarily¹ related to the Boston Fire Department (BFD)'s fire cadet program.

On June 3, 2025, I held a remote show cause conference which was attended by a representative of InnoVets, Mr. Finn, counsel for the Petitioners, co-counsel for the BFD, and two BFD representatives. At my request, the Petitioners and the BFD subsequently submitted additional information, including written position statements.

Summary of Position Statements

The Petitioners allege that the BFD's Fire Cadet program, from which the BFD can appoint up to one-third of entry-level firefighter candidates outside the traditional civil service process, is "replete with a bias against military veterans and [prioritizes] politics over public safety."

Specifically, the Petitioners alleged that: only three of the 63 cadets appointed by the BFD in 2023 and 2024 are veterans; "four or five" cadets have relationships with Fire Department employees; and that several cadets in the current Fire Academy class initially failed the physical aptitude or written test, resulting in what the Petitioners describe as unprecedented remedial training efforts by the BFD.

¹ Although the petition also raised issues related to selective certifications, I found nothing in the petition that plausibly alleges any *current* violation of the civil service law or rules in this regard or that has not been previously addressed by the Commission. See [Gaynor et. al v. Boston Fire Department](#), 25 MCSR 177 (2012).

This, the Petitioners argue, harms those candidates at the top of the traditional civil service lists—lists that the BFD would need to utilize for firefighter appointments but for the existence of the cadet program. Candidates at the top of the traditional civil service lists for Boston firefighter, including Mr. Finn, are almost entirely candidates who qualify for the statutory preference afforded to disabled veterans and veterans in Massachusetts.

The BFD's position is two-fold. First, the BFD, citing the Special Act that authorizes the cadet program, argues that the Commission lacks jurisdiction over any matters related to the cadet program. Second, even if the Commission does have jurisdiction to conduct the requested review, the BFD argues that the Petitioners have failed to show good cause warranting an investigation, arguing that all recruits, whether they are appointed through the traditional civil service process or the cadet route, are treated similarly and must meet the same rigid entrance requirements, including completion of: the state-administered Physical Abilities Test (PAT); and the state-approved Fire Academy.

Commission's Authority to Conduct Investigations

The Commission, established pursuant to G.L. c. 7, § 4I, is an independent, neutral appellate tribunal and investigative entity. Section 2(a) of Chapter 31 grants the Commission broad discretion upon receipt of an alleged violation of the civil service law's provisions to decide whether and to what extent an investigation might be appropriate. Further, Section 72 of Chapter 31 provides for the Commission to "investigate all or part of the official and labor services, the work, duties and compensation of the persons employed in such services, the number of persons employed in such services and the titles, ratings and methods of promotion in such services." The Commission exercises its discretion to investigate only "sparingly," typically only when there is clear and convincing evidence of systemic violations of Chapter 31 or an entrenched political or personal bias that can be rectified through the Commission's affirmative remedial intervention.

Chapter 242 of the Acts of 2020

[Chapter 242 of the Acts of 2020](#) authorizes the BFD to make up to one-third of entry level firefighter appointments from an authorized cadet program, as opposed to via the traditional civil service process. The Special Act states in part that " ... such appointment[s] shall not be subject to the civil service law or rules ...".

Veterans' Preference

Assuring fair treatment of veterans is deeply embedded in the basic rights and "merit principles" of Massachusetts civil service law, which includes a variety of protocols for veterans to level the playing field with non-veterans in hiring, promotions and retention. Since first being enacted in 1884, the civil service law has provided a "preference" for veterans, stating that the civil service rules must provide "for giving preference in appointments to office and promotions in office (other qualifications being equal) to applicants who served in the army or navy of the United States in time of war and have been honorably discharged therefrom." (St. 1884, c. 320, Section 14, Sixth) The provision granting preference for disabled veterans, placing them ahead of veterans, was added in 1922. (St. 1922, c. 463)

In a matter dealing with the constitutionality of the veteran's preference and the disabled veteran's preference with respect to appointments in the civil service, the Supreme Judicial Court, in Hutcheson v. Director of Civil Service & others, [361 Mass. 480](#) (1972), opined regarding the legislative intent of the preference, citing it as an "inducement to patriotic service" which takes into consideration that individuals "... who are willing and indeed eager to serve in the armed forces in time of war may [otherwise] hesitate in their view of their obligations to their dependents and the risks of disabling injury, whether from combat, from training accident, or from other causes."

Commission's Response

The Commission, through decades of decisions and rulings, has reinforced that appointing authorities must comply with both the letter and spirit of the well-earned statutory and other provisions designed to protect veterans. While the special legislation authorizing the cadet program specifically states that cadet appointments are not subject to the civil service law and rules, I don't view that language as a proverbial straitjacket preventing *any* Commission oversight. For example, if compelling evidence showed that a candidate's veteran status disqualified them from being considered for appointment through an alternate pathway (i.e., the cadet program) or that the cadet program was disregarding minimum entrance requirements to make appointments based on reasons unrelated to basic merit principles, an investigation by the Commission would be authorized – and warranted.

That does not appear to be the case here. The undisputed facts show that some veterans, albeit a far lower percentage than those appointed through the traditional route, were considered and appointed through the cadet program. Further, even accepting as true that additional, remedial assistance was offered to assist recruits in the most recent class, *all* recruits were required to ultimately pass the rather rigid requirements of the state-approved Boston Fire Academy and the state-administered physical abilities test. In short, the record does not support the proposition that unqualified candidates are being appointed as Boston firefighters through the cadet program.

For the above reasons, I recommend that the Commission deny the Petitioners' request for investigation.²

² The Special Act that allows for the appointment of fire cadets as permanent civil service employees requires that the cadet program be approved by the Boston Fire Commissioner and the state's Human Resources Division. While acceptance of these cadets' names on the Form 14: Notice of Employment is evidence of implicit approval of the Fire Cadet program by HRD, the BFD and HRD should officially memorialize HRD's explicit approval of the fire cadet program forthwith.

Civil Service Commission

Christopher C. Bowman

Christopher C. Bowman
Chair

On August 21, 2025, the Commission (Bowman, Chair; Dooley, Markey, McConney and Stein, Commissioners) voted to accept the recommendation of the Chair and deny the Petitioners' request for investigation.

Notice:

Patrick Bryant, Esq. (for Petitioners)

Robert J. Boyle, Jr. Esq. (for Boston Fire Department)

Michele Heffernan, Esq. (HRD)

Regina Caggiano (HRD)