

COMMONWEALTH OF MASSACHUSETTS

CIVIL SERVICE COMMISSION

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

Tracking Number: I-25-143

Re: Request of Deny Furtado for Investigation regarding Captain promotions in the Fall River Fire Department

RESPONSE TO REQUEST FOR INVESTIGATION

Petitioner's Request and Initial Show Cause Conference

On June 15, 2025, the Petitioner, Deny Furtado, a fire lieutenant in the Fall River Fire Department (FRFD), filed a request for the Civil Service Commission to conduct an investigation into whether the FRFD was in compliance with civil service law and rules with respect to anticipated promotions to the position of FRFD Fire Captain.

On July 9, 2025, I held a remote videoconference to allow the Petitioner to show why the Commission should conduct an investigation. The Petitioner, the FRFD Fire Chief, and counsel for the City of Fall River appeared at the conference.

The following information was provided at the conference:

1. The Petitioner's name does not appear on the current eligible list for FRFD Fire Captain established on July 22, 2023.
2. The Petitioner took the most recent promotional examination for Fire Captain administered by the state's Human Resources Division on April 12, 2025.
3. HRD has not yet issued a new eligible list established from the scores of the candidates who took the April 12, 2025 FRFD Fire Captain Promotional Examination.
4. The Appellant expects that his score on the April 12, 2025 examination may place him high enough for promotion to Fire Captain for vacancies that arise after the list is established.
5. The FRFD has made a prior appointment to temporary Captain from the current eligible list to fill a temporary vacancy.
6. The FRFD Fire Chief expects that there will be a permanent vacancy in the position of Fire Captain on or about July 26, 2025, in anticipation of the retirement of a Fire Captain effective on that date.

7. The retiring Captain was expected to serve his last day of duty on or about July 18, 2025.
8. For the week between the retiring Captain's last day of service and the effective date of the Captain's retirement, the FRFD intends to fill the position on a 'acting basis" under the Collective Bargaining Agreement.
9. Effective July 26, 2025, the FRFD intends to call for the promotion of a permanent Captain to fill the position vacated by the retired Captain. This promotion would be made from the current eligible list, if it has not been revoked or has not expired, or from the new eligible list if it has been established as of that date.
10. The FRFD presently does not know when, if at all, the temporary vacancy will become a permanent vacancy or whether there will be any other temporary or permanent vacancies arising before the expiration of the current eligible list. Should such vacancies arise, the FRFD intends to fill any such temporary or permanent vacancies from the current eligible list or the new eligible list, whichever is in effect at the time.

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.

Commission's Response

Based on the credible representations of the FRFD Fire Chief at the Show Cause conference, I am satisfied that any current or future promotions to fill a temporary or permanent vacancy in the position of FRFD Fire Captain will be made from the applicable, then current eligible list in compliance with civil service law and rules. The Petitioner appears satisfied that such promotions will be made as required by law and that his civil service rights will not be prejudiced. Accordingly, I recommend that the Commission vote to close this investigation request without further action.

Civil Service Commission

/s/ Paul M Stein

Paul M. Stein
Commissioner

On July 31, 2025, the Commission (Bowman, Chair; Markey, McConney and Stein, Commissioners [Dooley – Absent]) voted to close the pending request for investigation (I-25-093).

Notice:

Deny Furtado (Petitioner)

Gary Howayeck, (for FRFD)

Michael J. Owens, Esq. (HRD)