

COMMONWEALTH OF MASSACHUSETTS

CIVIL SERVICE COMMISSION
One Ashburton Place: Room 503
Boston, MA 02108
(617) 979-1900

STEPHEN HATEM,
Appellant

v.

G2-21-034

CITY OF METHUEN,
Respondent

Appearance for Appellant:

Pro Se
Stephen Hatem

Appearance for Respondent:

Peter J. McQuillan, Esq.
Office of the City Solicitor
41 Pleasant Street
Methuen, MA 01844

Commissioner:

Christopher C. Bowman

DECISION ON JOINT REQUEST FOR 310 RELIEF

On January 28, 2021, the Appellant, Stephen Hatem (Appellant), a police officer in the City of Methuen (City)’s Police Department (MPD), filed an appeal with the Civil Service Commission (Commission), contesting a February 21, 2018 decision by the City’s then-Mayor to bypass him for promotional appointment to the position of police sergeant in the MPD. The Commission deferred scheduling a pre-hearing regarding this appeal pending the outcome of an ongoing Commission investigation pertaining to the prior hiring and promotional practices of the MPD.

On January 10, 2022, the Appellant and the City submitted the attached “Joint Petition for Chapter 310 Relief” for consideration and approval by the Commission. The relief requested would result in the Appellant being placed at the top of the [current eligible list for Methuen](#)

[Police Sergeant](#), established on December 15, 2021. On February 8, 2022, I held a remote pre-hearing conference which was attended by the Appellant, counsel for the City, the City's current Police Chief and counsel for the state's Human Resources Division (HRD). At the pre-hearing conference, the Appellant, counsel for the City, and the City's Police Chief reviewed the joint request for relief and the reasons for which they are asking the Commission to approve the request.

Consistent with the discussion at the pre-hearing conference, I deferred any action on this request until all members of the MPD, including those individuals ranked above the Appellant on the current eligible list for MPD police sergeant, had the opportunity to review the joint request and provide the Commission with any comments and/or objections regarding the request.

Accordingly, I issued an order requiring the City to forward the Joint Petition for 310 Relief, via email, to any person currently ranked above the Appellant on the current eligible list for MPD police sergeant and for the City to post a Procedural Order issued by the Commission along with the Joint Petition for 310 Relief in a conspicuous location in the Methuen Police Department headquarters for review by members of the MPD. Any person seeking to file comments and/or objections regarding the Joint Petition for Relief had ten (10) days from the issuance of the Procedural Order to file such comments with the Commission. The Commission received comments from one member of the Department who could be affected by the requested relief.

Analysis

I carefully reviewed the parties' written joint request for relief and considered the thoughtful comments provided by the City's current Police Chief, who appears genuinely committed to moving the City's Police Department beyond the allegations of past wrongdoing that have resulted in investigations at various levels, including an ongoing investigation being conducted

by this Commission. I also considered the comments submitted by one member of the Department. The relief being requested is not warranted for the reasons discussed below.

First, it is undisputed that when the Appellant was bypassed for promotional appointment to police sergeant in February 2018, he was provided with a list of detailed reasons why a candidate ranked below him was being promoted to police sergeant. Importantly, that notification also explicitly notified the Appellant that he had 60 days from notification of bypass to file a bypass appeal with the Commission, in reference to the Commission's rule that effectively extends the default 30-day filing deadline in the Standard Adjudicatory Rules of Practice and Procedure by an additional 30 days. While the Appellant, as part of the current proceeding, alluded to fear of potential retaliation at the time of his bypass, the reality is that he chose not to exercise his right to appeal at the time.

Second, the Appellant, based on the most recent written competitive examination for police sergeant, appears near the bottom of the current eligible list for which he now seeks to be placed at the top. While the Appellant suggested that he failed to prepare adequately for the examination in hopes of prevailing in this appeal, that argument is unavailing, particularly given that the Appellant had the inherent advantage of having served in the position of provisional police sergeant for many months prior to taking the promotional examination.

Third, the comments submitted by one member of the Department reinforce that the alleged instances of prior wrongdoing likely did not impact only one or two members of the Department, but, rather, was likely more systemic with potential harm to many members of the Department, including those who are currently ranked above the Appellant on the current eligible list.

Conclusion

For all of the above reasons, including that the Appellant's appeal was filed years beyond the deadline for filing a bypass appeal with the Commission, the parties' joint request for relief is denied and the Appellant's appeal under Docket No. G2-21-034 is *dismissed*. Nothing in this decision is meant to limit the Commission's ongoing investigation and/or any findings or orders that may result from that investigation.

Civil Service Commission

/s/ Christopher Bowman
Christopher C. Bowman
Chair

By a vote of the Civil Service Commission (Bowman, Chair; Stein and Tivnan, Commissioners [Camuso – Absent]) on April 21, 2022.

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:

Stephen Hatem (Appellant)
Peter J. McQuillan, Esq. (for Respondent)
Melinda Willis, Esq. (HRD)