

**COMMONWEALTH OF MASSACHUSETTS  
CIVIL SERVICE COMMISSION**

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

Tracking No. I-24-023

**Re: REQUEST TO INVESTIGATE PROMOTION TO FIRE CAPTAIN OF THE FIRE  
ALARM SUPERINTENDENT IN THE WEYMOUTH FIRE DEPARTMENT**

**Summary of Commission Response**

The Commission declined the Petitioners' request for investigation as nothing in the request for investigation raised any substantial question to suggest that the process for promotion of the Weymouth Fire Department's Fire Alarm Superintendent from Fire Lieutenant to Fire Captain violated any provisions of civil service law and rules or that the Petitioners were aggrieved by any infringement of their civil service rights.

COMMISSION RESPONSE TO REQUEST FOR INVESTIGATION

**Background**

On February 19, 2024, John Higgins, a Lieutenant in the Weymouth Fire Department (WFD), and nine others (collectively, the Petitioners), along with Local 1616, International Association of Firefighters, filed a petition with the Civil Service Commission (Commission), asking the Commission to open an investigation, acting under its discretion pursuant to G.L. c. 31, § 2(a), into certain alleged irregularities in the promotion of WFD Fire Lieutenant, John Lombardi, the incumbent WFD Fire Alarm Superintendent, to permanent Fire Captain on or about February 16, 2024.

On March 12, 2024, I held a remote show cause conference (via Webex) to provide the Petitioners with the opportunity to show cause why such an investigation should be initiated by the Commission and several of the Petitioners, along with counsel for the Petitioners, counsel for HRD, and representatives and counsel for the WFD, attended. Following the conference, I issued an Interim Order that requested further information from the parties. Pursuant to the Interim Order, the Commission received an opposition to the request for investigation and response from the WFD on March 19, 2024; a response from HRD on March 26, 2024; a response from the Petitioners and a rebuttal from the WFD on April 26, 2024.

**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 that is not affiliated with HRD or its civil service unit. 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 permits 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**

I find nothing in the request for investigation by this Petitioner that warrants further investigation by the Commission into alleged irregularities in the February 16, 2024 promotion of WFD Fire Lieutenant John Lombardi to Fire Captain.

At the time of his promotion, Lt. Lombardi was ranked first on the WFD Fire Captain’s eligible list. He served in the functional capacity of Fire Alarm Superintendent. I am not persuaded that the Petitioners have shown good cause to believe that the position of Fire Alarm Superintendent was a civil service job title that required the establishment of a separate eligible list after examination administered by HRD for such title. The Petitioners point to no such civil service title in any civil service fire service in the Commonwealth. The information provided by HRD established that the WFD provided documentation to HRD that Lt. Lombardo was promoted to the Position of Fire Captain in accord with civil service requirements. HRD has stated that it is without information that would support the obligation to establish a separate title or classification of Fire Alarm Captain. Nor do I find any reason to investigate the promotion of a qualified candidate to the position of Fire Captain who ranked first on the applicable eligible list.

The WFD provided several specific examples of prior promotions of fire service personnel from the established civil service eligible lists (Fire Lieutenant, Fire Captain, Deputy Fire Chief) while serving in functional, administrative (as opposed to fire suppression) assignments, including, in particular, the 2009 promotion of the Training Coordinator from Fire Lieutenant to Fire Captain; the 2013 promotion of the Superintendent of Fire Alarms from Fire Lieutenant to Fire Captain, and from Fire Captain to Deputy Chief in 2014; promotion of the Training Coordinator from Fire Captain to Deputy Fire Chief in 2014; and promotion of Firefighter John Lombardi to Fire Lieutenant while assigned to the position of Fire Inspector.

In sum, I recommend that the Commission deny the Petitioner’s request for investigation.

Civil Service Commission

/s/ Paul M. Stein

Commissioner

On May 16, 2024, the Commission (Bowman, Chair; Dooley, McConney and Stein, Commissioners [Markey – Absent]) voted to accept the above recommendation and close the request for investigation.

Notice:

Leah M. Barrault, Esq. (for Petitioners)

John M. Collins, Esq. (for Town of Weymouth)

Sheila E. Gallagher, Esq. (HRD)