

COMMONWEALTH OF MASSACHUSETTS

CIVIL SERVICE COMMISSION

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

GLENN LACHER,
Appellant

v.

CITY OF LOWELL,
Respondent

Docket Number: D-25-112

Appearance for Appellant: Douglas I. Louison, Esq.
Louison, Costello, Condon & Pfaff, LLP
Ten Post Office Square, Suite 1330
Boston, MA 02109

Appearance for Respondent: Garrett Beaulieu, Esq.
Assistant City Solicitor
City of Lowell Law Department
375 Merrimack Street, 3rd Floor
Lowell, MA 01852

Commissioner: Christopher C. Bowman

SUMMARY OF ORDER

The Commission dismissed the appeal of a Lowell Police Officer as the Commission lacks jurisdiction to hear appeals related to a written reprimand.

ORDER OF DISMISSAL

On May 2, 2025, the Appellant, Glenn Lacher (Appellant), a police officer in the City of Lowell (City)'s Police Department, filed an appeal with the Civil Service Commission (Commission), contesting the decision of the City to issue him a written warning. On June 3,

2025, I held a remote pre-hearing conference which was attended by the Appellant, his counsel and counsel for the City.

UNDISPUTED FACTS

The following facts are undisputed, unless otherwise noted:

1. In May 2018, the Appellant was appointed as a Lowell police officer.
2. He is a permanent, tenured civil service employee.
3. On February 26, 2025, after providing the Appellant with proper written notice, the City conducted a local hearing to determine if the Appellant should be disciplined.
4. On April 29, 2025, the City issued the Appellant a written warning, which included a notice that the Appellant had a right to file an appeal with the Commission.
5. On May 2, 2025, the Appellant filed a timely appeal with the Commission.

APPLICABLE CIVIL SERVICE LAW

Section 41 of Chapter 31 states that a tenured civil service employee may not be discharged, demoted, or suspended without just cause. Section 43 of the civil service law provides for certain appeal rights for tenured civil service employees who have been disciplined under Section 41.

STANDARD FOR SUMMARY DISPOSITION

The Commission may, on motion or upon its own initiative, dismiss an appeal at any time for lack of jurisdiction or for failure to state a claim upon which relief can be granted. 801 CMR 1.01(7)(g)(3). A motion before the Commission, in whole or in part, via summary decision may be filed pursuant to 801 C.M.R. 1.01(7)(h). An appeal may be decided on summary disposition only when, “viewing the evidence in the light most favorable to the non-moving party”, the undisputed material facts affirmatively demonstrate that the non-moving party has “no

reasonable expectation” of prevailing on at least one “essential element of the case”. *See, e.g., Milliken & Co. v. Duro Textiles LLC*, 451 Mass. 547, 550 n.6 (2008); *Maimonides School v. Coles*, 71 Mass. App. Ct. 240, 249 (2008); *Lydon v. Massachusetts Parole Bd.*, 18 MCSR 216 (2005). *See also Mangino v. HRD*, 27 MCSR 34 (2014) and cases cited (“The notion underlying the summary decision process in administrative proceedings parallels the civil practice under Mass. R. Civ. P. 56, namely, when no genuine issues of material fact exist, the agency is not required to conduct a meaningless hearing.”); *Morehouse v. Weymouth Fire Dep’t*, 26 MCSR 176 (2013) (“a party may move for summary decision when . . . there is no genuine issue of fact relating to his or her claim or defense and the party is entitled to prevail as a matter of law.”)

ANALYSIS

The Commission lacks jurisdiction to hear this appeal as the disciplinary action taken here was limited to a written warning. As the Appellant has not been discharged, demoted or suspended (under Section 41), he may not file an appeal with the Commission under Section 43. No language in Section 41 authorizes appeals to this Commission from disciplinary measures, such as written warnings, that are not listed among the statute’s enumerated disciplinary actions. Consequently, our state’s Supreme Judicial Court has expressly held that “only the serious disciplinary decisions expressly contemplated by the statute may be appealed to the commission.” *Doherty v. Civ. Serv. Comm’n*, 486 Mass. 487, 493 (2020). *See also Silva v. Dep’t of Correction*, 21 MCSR 473 (2008) (Commission lacked jurisdiction to hear an appeal after the appointing authority, acting in good faith, reduced a one-day suspension to a warning after the employee filed an appeal with the Commission); *Cross v. Departmentt of Workforce Development*, 24 MCSR 11 (2011) (Commission dismissed the appeal from

a provisional employee contesting a written warning based on the Appellant's lack of civil-service tenure and its own lack of jurisdiction over "warnings" given to employees.)

CONCLUSION

The Appellant's appeal under Docket Number D-25-112 is hereby *dismissed*.

CIVIL SERVICE COMMISSION

/s/ Christopher Bowman

Christopher C. Bowman

Chair

By a vote of the Civil Service Commission (Bowman, Chair; Dooley, Markey, McConney and Stein, Commissioners) on June 12, 2025.

Either party may file a motion for reconsideration within ten days of 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:

Douglas Louison, Esq. (for Appellant)

Garrett Beaulieu, Esq. (for Respondent)