

**COMMONWEALTH OF MASSACHUSETTS**

**CIVIL SERVICE COMMISSION**

One Ashburton Place: Room 503

Boston, MA 02108

(617) 979-1900

Tracking Number: I-20-182

RE: Civil Service Commission investigation, pursuant to G.L. c. 31, §§ 2(a) and 72-74, regarding the prior use of non-civil service intermittent police officers in the Methuen Police Department.

**FINAL ORDERS AND CONCLUSION OF INVESTIGATION**

On January 26, 2023, the Civil Service Commission (Commission), after conducting an investigation into the improper use of non-civil service intermittent police officers by the former Police Chief of the City of Methuen (City)'s Police Department, issued a series of [findings, conclusions, orders and recommendations](#) to the City of Methuen.

Since that time, the City notified the Commission that it intended to implement all of the orders and recommendations and provided the Commission with regular updates, including a summary presented during a public status conference held remotely on May 30, 2023.

In response to the Commission's orders and recommendations, the City:

- a) submitted more fully developed internal controls to the Commission to: prevent the appointment of individuals who have not met all state, local and department prerequisites; and ensure the integrity of police personnel files.
- b) submitted amended reports to the state's Human Resources Division (HRD) which clarified that former Methuen City Councilor Sean Fountain was never a permanent, civil service police officer in Methuen.
- c) summarized for the Commission a streamlined and transparent system for processing and responding to public records requests.
- d) successfully sought repeal by the Legislature of Chapter 60 of the Acts of 2017, the Special Act erroneously cited by the former Police Chief to employee Sean Fountain as a full-time police officer.

Further, the Commission ordered the City to identify any person potentially denied appointment as a civil service police officer or reserve police officer in Methuen as a result of the

unlawful appointments of full-time, non-civil service intermittent officers identified in the Commission's report and to petition the Commission for appropriate relief on their behalf.

The City thereafter investigated whose hiring in Methuen may have been delayed or precluded by the engagement of full-time, non-Civil Service intermittent police officers. The City's research revealed that for the seven full-time, intermittent officers identified in the Commission's report, the City delayed hiring seven officers from eligible hiring lists, and in six of these instances, the officer whose hiring was delayed presently serves within the MPD.

In light of this, the City has requested and the Commission, pursuant to its authority under Chapter 310 of the Acts of 1993, hereby orders, the retroactive adjustment of civil service seniority dates as follows:

<u>Methuen Police Officer</u>	<u>Adjusted Civil Service Seniority Date</u>
Santiago	July 24, 2016
Joshua Waller	January 22, 2017
Cubelli	May 21, 2017
Griffin Waller	July 27, 2017
Gordon	March 15, 2018
McAndrew	September 30, 2018

These retroactive dates are for civil services purposes only and are not meant to provide these individuals with any additional pay or benefits, including creditable time toward retirement, unless otherwise eligible.

As the City has complied with all relevant Commission orders and recommendations, we recommend that the Commission hereby close this investigation.

Civil Service Commission

/s/ Christopher C. Bowman

Christopher C. Bowman  
Chair

/s/ Robert L. Quinan, Esq.

Robert L. Quinan, Jr., Esq.  
General Counsel

By a 5-0 vote (Bowman, Chair; Dooley, McConney, Stein, and Tivnan, Commissioners), the Commission voted on July 13, 2023 to grant the recommended relief and thereafter close this investigation.

Notice to:

Kenneth Rossetti, Esq. (City of Methuen)

Peter McQuillan, Esq. (City of Methuen)

Michele Heffernan, Esq. (Human Resources Division)

Regina Caggiano (HRD)