

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION**

One Ashburton Place: Room 503
Boston, MA 02108
(617) 727-2293

RE:

2011 REVIEW AND SELECTION OF PERMANENT INTERMITTENT POLICE
OFFICERS BY THE TOWN OF OXFORD

I-11-280

PROCEDURAL ORDER AND NOTICE OF HEARING

- On August 24, 2011, the Civil Service Commission (Commission) received a “bypass appeal” from an individual (Appellant) who sought appointment as a permanent intermittent police officer in the Town of Oxford (Town). (See CSC Case No. G1-11-264)
- On September 13, 2011, a pre-hearing conference was held, which was attended by the Appellant, his counsel and counsel for the Town.
- As part of the pre-hearing conference, the Town argued that the bypass appeal was premature as the Town had only made conditional offers of employment to nine (9) individuals, but had yet to make any final appointments. In the event that the Appellant’s non-selection does eventually result in a bypass, the Town stated that the reason for bypass would be the Appellant’s failure to submit a completed application in a timely manner.
- At the pre-hearing conference, counsel for the Appellant argued that there was some ambiguity regarding the filing deadline, at least one other applicant was allowed to submit a late application, and that there was good cause for not filing the application in a timely manner.
- Counsel for the Appellant also provided information that the overall review and selection process may not have been consistent with basic merit principles.
- There is sufficient information for the Commission to initiate an investigation under G.L. c. 31, § 2(a) in order to obtain additional information regarding the review and selection of permanent intermittent police officers in Oxford and determine if intervention by the Commission is warranted. This investigation will be conducted under CSC Docket No. I-11-280.

ORDERS

- A hearing will be conducted at the Oxford Town Hall on Wednesday, September 28, 2011 at 1:00 P.M.

- On or before Monday, September 26, 2011, in preparation for this hearing, the Town shall produce and transmit to the offices of the Civil Service Commission; One Ashburton Place, Room 503, Boston, MA 02108, the following records in their possession, custody or control:

For the period March 16, 2010 to the present, any emails, memos, letters or other records in their custody, possession and/or control regarding the review and selection process of intermittent police officers from Certification No. 203380. Records include all means by which information may be stored, including, but not limited to: eligible lists, Certifications, other written or printed materials, photocopies, electronic or magnetic recordings, and computer files, tapes and disks, including emails and landline phone and cell phone bills.

- The Town shall, forthwith, mail a copy of this procedural order to any candidates from Certification No. 203380 that signed the Certification as willing to accept appointment as any action by the Commission may potentially impact them. Those candidates will be permitted to attend the September 28, 2011 hearing and offer any written or oral comments.
- The Town shall, forthwith, post a copy of this procedural order and notice of hearing in the Clerk's office at Oxford Town Hall and in a conspicuous location at the Oxford Police Department.
- Selectmen Henry LaMountain and Michael Voas shall attend the September 28th hearing.
- Police officers William Marcelonis and Kevin LeBreton shall attend the September 28th hearing.
- The Town shall forthwith provide a copy of this procedural order to the four (4) above-referenced individuals.

Civil Service Commission



Christopher C. Bowman
Chairman
September 22, 2011

Notice to:
Marc Terry, Esq. (for Appointing Authority)
James Triplett, Esq. (for Appellant in CSC Case No. G1-11-264)
John Marra, Esq. (HRD)