

Commonwealth of Massachusetts

CIVIL SERVICE COMMISSION

100 Cambridge Street – Suite 200

Boston, MA 02114

617-979-1900

JEFFREY REYES,

Appellant

v.

SALEM FIRE DEPARTMENT,

Respondent

Docket Number:

D1-25-058

Appearance for Appellant:

Jeffrey Reyes, *pro se*

Appearance for Respondent:

James F. Wellock

City of Salem Legal Department

93 Washington Street

Salem, MA 01970

Commissioner:

Shawn C. Dooley

SUMMARY OF DECISION

A majority of the Commission affirmed the decision of the Salem Fire Department to terminate the employment of a firefighter for conduct unbecoming a firefighter (*i.e.*, taking cash from a union-operated vending machine without authorization) and then misrepresenting what occurred.

DECISION

On March 2, 2025, the Appellant, Jeffrey Reyes, acting pursuant to G.L. c. 31, § 43, filed a timely appeal with the Civil Service Commission (Commission), challenging the decision of the Salem Fire Department (SFD) to terminate him from his position as a firefighter. The Commission held a remote pre-hearing conference on April 8, 2025. On July 29, 2025, I conducted an in-person full hearing at the Salem Fire Department Headquarters located at 48 Lafayette Street, Salem, Massachusetts. The hearing was recorded via Webex.¹ Both parties filed proposed decisions.² For the reasons set forth below, Mr. Reyes's appeal is *denied*.

FINDINGS OF FACT

The SFD entered 16 exhibits (Exhibits 1-16)³ into evidence and the Appellant did not seek to enter any exhibits. Based on the documents entered into evidence and the testimony of the following witnesses:

Called by the SFD:

- Alan Dionne, Salem Fire Chief
- Patrick Tobin, Deputy Fire Chief
- Kristian Hanson, Lieutenant Detective and Commander of the Criminal Investigation Division, Salem Police Department

¹ The Commission sent the parties a copy of the recording. If there is a judicial appeal of this decision, the plaintiff in the judicial appeal would be obligated to use the recording to supply the court with a written transcript of the hearing to the extent that they wish to challenge the decision as unsupported by the substantial evidence, arbitrary and capricious, or an abuse of discretion.

² The Appellant did not submit a traditional proposed decision but submitted two emails. The first was a long narrative stating that he has been treated unfairly and professed innocence and the second outlined proposed alternatives to termination

³ Ten exhibits were entered into the record at the hearing. During the hearing, I requested additional information be submitted as evidence and these items (exhibits 11-16) were added to the record.

- Thomas Williams, Salem Firefighter

Called by the Appellant:

- Jeffrey Reyes, Appellant

and taking administrative notice of all matters filed in the case, pertinent law and reasonable inferences from the credible evidence, a preponderance of evidence establishes the following facts:

Background

1. The Appellant was employed as a firefighter with the Salem Fire Department from 2011 until his termination in 2025. *(Stipulated Fact)*
2. Alan Dionne is the Chief of the Salem Fire Department. He has been a member of the SFD for 33 years and the Chief of the Department for the past six years. *(Testimony of Dionne)*
3. A vending machine for the sale of t-shirts, patches, and other Salem Fire Fighters Union merchandise is located on the first floor in the main apparatus bay of the Salem Fire Headquarters. This machine is within view of the second-floor watch desk. This machine is owned and operated by the Union and all proceeds from the sale of merchandise go to support the Union and their activities. *(Testimony of Dionne and Tobin; Exhibits 2, 7)*
4. Merchandise sales are the primary fundraising mechanism for the SFD Union, with annual revenue around \$100,000. *(Testimony of Dionne)*
5. The key to the exterior door of the vending machine was stored next to it and was accessible to firefighters to access the merchandise in the vending machine if

necessary. Firefighters without a legitimate, authorized purpose (such as helping a civilian purchase an item) were not allowed to open the machine.⁴ This key only accessed the area of the machine where the items were stored. The key for the cash box is a separate key that was in the possession of the Union and was not accessible to the rank-and-file firefighters. *(Exhibit 2; Testimony of Dionne and Hanson)*

6. Whenever money is removed from the machine by a Union official, they must provide Chief Dionne with a deposit slip accounting for the money that was removed.

(Testimony of Dionne)

7. The cash box could not be seen or accessed unless someone were to first unlock and open the exterior door of the vending machine, revealing the interior side compartment where the locked cash box was located. *(Testimony of Dionne)*

October 6, 2024

8. On the morning of October 6, 2024, the Appellant sent an email to the other firefighters who were on duty asking if anyone wanted to order a breakfast sandwich from a local sandwich shop located about two blocks north of SFD headquarters. Deputy Chief Patrick Tobin was the only member to reply that he would like to order a sandwich.

(Testimony of Tobin and Hanson; Exhibit 2)

9. Firefighter Thomas Williams has been a firefighter with SFD since September 2023 and was assigned to the same group as the Appellant. *(Testimony of Williams)*

⁴ The rules and regulations surrounding the vending machine do not appear to be documented anywhere. Chief Dionne stated that he set rules surrounding the handling of cash and reporting of same when the vending machine was installed, although there is no evidence that such rules ever memorialized, even via a written policy.

10. FF Williams considered himself to be a friend and supporter of the Appellant.

(Testimony of Williams)

11. At approximately 9:15 am on October 6, 2024, Firefighter Williams, while at the second-floor watch desk, witnessed actions that he interpreted as the Appellant fishing money out of the Union's merchandise vending machine's cash box using a screwdriver. A statement FF Williams made to the Salem Police stated that he "saw Jeff fishing money out of the cash box . . . with a screwdriver, fishing through the slot . . . one hand holding the box, other hand with the screwdriver fishing." *(Testimony of Williams; Exhibit 2 and 14)*

12. FF Williams observed the Appellant holding the cash box in one hand and a screwdriver in his other hand and it appeared to be in the slot of the cash box. FF Williams saw that the Appellant was moving the screwdriver around in the box with what appeared to be a fishing motion. FF Williams did not observe any cash being removed from the box.

(Testimony of Williams)

13. FF Williams' vantage point from the watch desk on the second floor of the building provides a view from above of a large area of the station where the main fire apparatus is located. This area includes the Union's vending machine. *(Testimony of Williams and Dionne)*

14. A short time after witnessing this event, Firefighter Williams went to SFD Station 4 where he sought advice from Firefighter Steven Bacarri as to how he should respond to what he had observed (i.e. – the Appellant seemingly "fishing money" out of the vending machine with a screwdriver). *(Testimony of Williams)*

15. Unbeknownst to Firefighter Williams, Firefighter Bacarri shared what FF Williams had told him with SFD Fire Captain Ben Potvin who believed that a report of the incident should go up the chain of command. *(Testimony of Williams; Exhibit 2)*
16. Captain Potvin then reported the incident to Captain Steven McCarthy, the Appellant's supervisor. Later that afternoon, Deputy Fire Chief Patrick Tobin was informed by Captain McCarthy that it had come to his attention that FF Williams saw the Appellant fishing money from the cashbox of the vending machine at the station with a screwdriver earlier that day. *(Testimony of Tobin; Exhibit 2)*
17. Deputy Chief Tobin ordered FF Williams to his office and asked him to recount the events that took place earlier that day. FF Williams verbally described that he saw the Appellant holding the cash box in one hand and had a screwdriver in his other; that the Appellant inserted the screwdriver into the money slot of the cash box and it appeared to him that the Appellant was attempting to fish money out; but that he did not observe if any cash was pulled out of the cash box. *(Testimony of Tobin and Williams)*
18. Near the end of the shift, Deputy Tobin met with the Appellant to discuss the issue. Present at this meeting were also Captain McCarthy and Lieutenant Johnny Encarnacion. *(Testimony of Tobin)*
19. Deputy Tobin asked the Appellant if he opened the vending machine and the Appellant's response was that he was helping a civilian get a T-shirt from the machine. Video footage of the fire station does not support this assertion as there is no evidence of a civilian purchasing a shirt or speaking with any fire personnel during this time. *(Testimony of Tobin; Exhibits 2 and 15)*

20. Deputy Tobin then specifically asked the Appellant if he had been in the cash-side of the vending machine and the Appellant “dropped down, put his head in his hands” and said he “was just making change.” *(Testimony of Tobin)*
21. Deputy Tobin then asked the Appellant, “What do you mean you were making change?” The Appellant responded by saying that he needed money to purchase the breakfast sandwiches, that he shouldn’t have done it, and he was going to pay it back. *(Testimony of Tobin; Exhibit 2)*
22. Deputy Tobin informed the Appellant that he would have to report this incident to Chief Dionne. *(Testimony of Dionne and Tobin; Exhibit 2)*

October 7th events

23. When Chief Dionne arrived to SFD headquarters on the morning of October 7, 2024, Deputy Chief Tobin informed him of the incident involving the Appellant and the cash box from the vending machine. *(Testimony of Dionne and Tobin; Exhibit 2)*
24. The Appellant sent a text message to Chief Dionne on the morning of October 7th asking if he could meet with him. *(Testimony of Dionne and Tobin; Exhibit 2)*
25. The Appellant met with Chief Dionne at his office. The Appellant was joined by Union President Ryan Reilly. Administrative Deputy Chief Peter Schaublin was also present. *(Testimony of Dionne)*
26. During the meeting, Chief Dionne asked the Appellant if he took money from the vending machine. The Appellant told him, “I’m so sorry, I’m so sorry, I’ll apologize to everyone. I’m so sorry, I was just making change.” Chief Dionne considered this to be an admission that the Appellant took cash from the machine. *(Testimony of Dionne)*

27. Following the meeting, the Appellant sent Chief Dionne a text message stating: “Chief, I just wanted to say I’m sooo sorry for disappointing you, and the guys.. I hope you can forgive me. If given the opportunity I will do everything I can to make it up [to] everyone.” and “I’m going to apologize to everyone, every station, every group....” (*Exhibits 2 and 16*)
28. Chief Dionne then advised the Appellant that he was being placed on paid administrative leave and that an investigation would be conducted into the events of October 6th. (*Exhibit 1*)
29. Chief Dionne then contacted the Salem Police Department (SPD) to inform SPD officers of what was reported to him and he officially requested an investigation. Lieutenant Detective Kristian Hanson, who is the Commander of the Criminal Investigation Division of the Salem Police Department, was assigned to conduct an investigation. (*Testimony of Dionne and Hanson; Exhibits 2, 6*)
30. Chief Dionne, in his initial report to SPD, stated that the Appellant was not authorized to be in the vending machine or to access the cash box. This fact was also cited in the initial discipline hearing decision. Neither party, however, submitted any written rules or procedures promulgated by the Union regarding accessing the vending machine. Although Chief Dionne set up guidelines surrounding access and operation of the machine, these do not appear to be in writing either. (*Testimony of Dionne and Tobin; Exhibits 2 and 6*)
31. At some point following the meeting with the Chief, the Appellant reached out to FF Williams and told him that “he (the Appellant) wanted to tell his side of the story. That he screwed up and was sorry.” At this point, the Appellant did not know that it was FF

Williams who witnessed the incident and reported it. Only later when the report came out did the Appellant find out that it was FF Williams who was the witness. (*Testimony of Williams*)

32. FF Williams then explained to the Appellant that he had only asked one person's advice about what he had witnessed and had not decided if he was going to report it.

Unfortunately, the story got out before he could decide or discuss with the Appellant and once fire leadership knew of the incident, it was then out of his hands. (*Testimony of Williams*)

Police Investigation

33. As part of his investigation, Detective Hanson conducted video-recorded interviews of Chief Dionne, Deputy Tobin, Firefighter Williams, and Firefighter Bacarri. The only percipient witness of the actual cashbox removal event was FF Williams. The Appellant referred Detective Hanson to his attorney who did not return his calls, so the Appellant was not interviewed. The detective also reviewed the surveillance footage from the station and toured the station and area. (*Testimony of Hanson; Exhibits 2 and 11-15*)

34. There are surveillance cameras affixed to the exterior of Salem Fire Headquarters but there are no video cameras inside of the station. One camera is located at the front of the station and points into the station showing a partial view of the apparatus bay when the doors are open (as they were on the day of the incident). A second camera is located in the rear of the building and covers the parking lot and the street leading away from the building. A third camera also shows the front exterior area of the station. (*Exhibit 15*)

35. The video showing the exterior front doors and interior apparatus bay is not of high-resolution quality and, therefore, from the footage of the day in question the detective was unable to positively identify which firefighter is seen on camera. In addition, this camera does not show the vending machine. The rear video camera clearly showed the Appellant leaving the station and returning. *(Exhibit 15)*

36. Between 9:00 and 9:32 am, the Appellant can be seen on a security camera leaving the station multiple times and walking towards the sandwich shop. During the final instance of him appearing on camera during this time period, he is seen walking into the station from the direction of the sandwich shop carrying a bag believed to contain breakfast sandwiches. Upon returning to the station, the Appellant delivered one sandwich to Deputy Chief Tobin who then gave the Appellant ten dollars cash for the sandwich. *(Testimony of Tobin and Hanson; Exhibit 2, 14, and 15)*

37. While the surveillance camera facing the front of the fire station shows a firefighter on the apparatus bay floor, due to poor video resolution and distance involved, the individual recorded cannot be positively identified, but the timeline corresponds with the timing of FF Williams' account. The images seen on the video align with the time the Appellant is seen leaving and returning to the station on the rear surveillance camera. *(Testimony of Hanson; Exhibit 2, 14, and 15)*

38. Upon completion of his investigation, Detective Hanson found there was probable cause to charge the Appellant with the following crimes:

Felony: Break into Depository, Chapter 266, Section 16
Possession of Burglarious Tools, Chapter 266, Section 49
Larceny under \$1200.00; Chapter 266, Section 30

(Testimony of Hanson; Exhibit 2)

Local Hearing

39. On December 11, 2024, Chief Dionne notified the Appellant by letter that the investigation had concluded and that the Appellant's actions on October 6, 2024, constituted violations of the Rules and Regulations of the Salem Fire Department:

Chapter 21, Section I: Untruthfulness or willful misrepresentation in matters affecting the Department or its employees.

Chapter 21, Section N: conduct unbecoming a member, whether on or off duty, which tends to lower the fire service in the estimation of the public.

This letter gave the Appellant notice that a hearing date was scheduled for December 16, 2024. *(Exhibits 3, 6, and 8)*

40. The Appellant remained on paid administrative leave throughout this process. *(Testimony of Dionne)*

41. On January 2, 2025, Chief Dionne designated Lisa Cammarata, Director of Human Resources for the City of Salem, as the hearing officer for this matter. *(Exhibit 5)*

42. After two postponements, Ms. Cammarata conducted the hearing on February 7, 2025. The Appellant was present at the hearing and was accompanied by Attorney Hailey Ferguson along with Local 172 Union President Ryan Riley and Vice President Sean Hebert. City Solicitor Elizabeth Rennard and Chief Dionne appeared on behalf of the appointing authority. *(Exhibit 6)*

43. At the local hearing, the Appellant did not testify and offered no exhibits. The Appellant, through his attorney, requested that the record remain open until February 11, 2025 to

allow his attorney to provide a submission. This was allowed by the hearing officer although nothing was submitted by the Appellant or his attorney. (*Exhibit 6*)

44. On February 19, 2025, Ms. Cammarata sent her decision to Chief Dionne concluding that the Appellant had violated SFD's Rules and Regulations and recommending that he be terminated from his position as a firefighter. (*Exhibit 6*)

45. After receiving the decision, Chief Dionne sent a letter to the Appellant that he had reviewed Ms. Cammarata's report and adopted her findings, conclusions, and recommendations. Chief Dionne stated that the Appellant's employment was immediately terminated. Included with the letter was his final paycheck as well as payment for accrued vacation time. (*Exhibit 7*)

LEGAL STANDARD

The Civil Service Commission is charged with ensuring that employment decisions are made consistent with basic merit principles. Basic merit principles requires, among other things:

"... retaining of employees on the basis of adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected"; and "... assuring fair treatment of all applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, age, national origin, sex, marital status, handicap, or religion and with proper regard for privacy, basic rights outlined in this chapter and constitutional rights as citizens". And "assuring that all employees are protected ... from arbitrary and capricious actions." (G.L. c. 31, § 1)

Section 41 of G.L. c. 31, states in part:

"Except for just cause and except in accordance with the provisions of this paragraph, a tenured employee shall not be discharged, removed, suspended for a period of more than five days ...".

An action is “justified” if it is “done upon adequate reasons sufficiently supported by credible evidence, when weighed by an unprejudiced mind; guided by common sense and by correct rules of law.” Commissioners of Civil Service v. Municipal Ct. of Boston, 359 Mass. 211, 214 (1971); Cambridge v. Civil Service Comm’n, 43 Mass. App. Ct. 300, 304 (1997); Selectmen of Wakefield v. Judge of First Dist. Ct., 262 Mass. 477, 482 (1928). The Commission determines justification for discipline by inquiring “whether the employee has been guilty of substantial misconduct which adversely affects the public interest by impairing the efficiency of public service”. School Comm. v. Civil Service Comm’n, 43 Mass. App. Ct. 486, 488 (1997); Murray v. Second Dist. Ct., 389 Mass. 508, 514 (1983).

The Appointing Authority’s burden of proof by a preponderance of the evidence is satisfied “if it is made to appear more likely or probable in the sense that actual belief in its truth, derived from the evidence, exists in the mind or minds of the tribunal notwithstanding any doubts that may still linger there.” Tucker v. Pearlstein, 334 Mass. 33, 35-36 (1956).

Section 43 of G.L. c. 31 states in part:

If a person aggrieved by a decision of an appointing authority made pursuant to section forty-one shall, within ten days after receiving written notice of such decision, appeal in writing to the commission, he shall be given a hearing before a member of the commission

If the commission by a preponderance of the evidence determines that there was just cause for an action taken against such person it shall affirm the action of the appointing authority, otherwise it shall reverse such action and the person concerned shall be returned to his position without loss of compensation or other rights; provided, however, if the employee, by a preponderance of evidence, establishes that said action was based upon harmful error in the application of the appointing authority's procedure, an error of law, or upon any factor or conduct on the part of the employee not reasonably related to the fitness of the employee to perform in his position, said action shall not be sustained and the person shall be returned to his

position without loss of compensation or other rights. The commission may also modify any penalty imposed by the appointing authority.

Under section 43, the Commission is required “to conduct a de novo hearing for the purpose of finding the facts anew”. Falmouth v. Civil Service Comm’n, 447 Mass. 814, 823 (2006) and cases cited. However, “[t]he commission’s task . . . is not to be accomplished on a wholly blank slate. After making its de novo findings of fact, the commission does not act without regard to the previous decision of the [appointing authority], but rather decides whether ‘there was reasonable justification for the action taken by the appointing authority in the circumstances found by the commission to have existed when the appointing authority made its decision.’” *Id.*, quoting internally from Watertown v. Arria, 16 Mass. App. Ct. 331, 334 (1983) and cases cited.

ANALYSIS

As a preliminary matter, the Commission’s task here is not to decide whether the criminal charges now pending against the Appellant, including two felony charges, can be proven beyond a reasonable doubt. Rather, the Commission must determine whether the Salem Fire Department, by a preponderance of the evidence, has shown that the Appellant violated Department rules by engaging in conduct unbecoming a firefighter and making false statements. The Department has met this burden regarding both charges. As discussed in more detail below, the evidence shows that: (a) the Appellant accessed the cash box of the vending machine and removed cash from that box without authorization, and (b) made false statements to his colleagues and superiors about why he accessed the machine in the first place.

I credit the testimony of Chief Dionne and Deputy Chief Tobin regarding the statements that the Appellant made within hours after being observed by FF Williams inserting a screwdriver into the vending machine's cash box. With these admissions in mind, there is little doubt that the Appellant's actions violated the rules and regulations of the Salem Fire Department, specifically: Chapter 21, Section N – conduct unbecoming; and, in view of what the Appellant subsequently asserted: Chapter 21, Section I – untruthfulness.

I did not find the Appellant credible given his multiple explanations and apologies to multiple members of the Salem Fire Department. His varied attempts to explain away his actions on October 6, 2024, often contradicted previous accounts he gave. His inability to accept responsibility—while attempting to shift blame for his behavior—only served to further diminish the credibility he should have accrued from his years of service as a firefighter. His story changed throughout this process and his apparent attempts to brainstorm explanations on the fly during the Commission hearing only resulted in further lessening his credibility. In the Appellant's proposed decision, he vehemently denied any wrong-doing – yet, during the hearing I presided over, he appears to have admitted using money from the cash box while questioning Chief Dionne. While not direct testimony, it added to my overall credibility assessment of the Appellant. The Appellant's question began, "the money that we are debating about here for me, do you know what the change was made for?" To which the Chief replied that he did not know. The Appellant then went on to explain that "the money was just used to buy food for the guys on shift, which they ate - happily and willingly." This question/statement is seemingly an attempt to justify the use

of union funds for a legitimate purpose – which is in direct conflict with his proposed decision in which he stated that he never took any money. Further, his refusal to testify on his own behalf due to the fact that he did not wish to be cross-examined, while understandable due to the pending criminal charges, unfortunately did not permit him an opportunity to address his inconsistent and contradictory explanations. I draw negative inferences from this failure during the Commission hearing to clear up material inconsistencies as well as from his refusal to testify during the local disciplinary hearing.

I did not find there to be any political or personal bias against the Appellant whatsoever. The officers seem to genuinely care for the Appellant and have worked with him in the past to help him deal with difficult personal situations. This was tangentially brought up in the Commission's hearing while the Appellant was questioning the Deputy Chief. While not directly relevant to the case at hand, this previous issue could have possibly resulted in serious disciplinary action, and yet the Appellant was provided with support and counseling services and he did not receive discipline.

I found that in the case before the Commission, the SFD went out of their way to make sure everything was done by the book. They brought in the police to conduct the investigation and had the City's human resource director conduct his local hearing. I found Lieutenant Detective Hanson credible and unbiased in his investigation of this matter. The entire process was thorough and well documented, including the recording of the interviews and the accessing of multiple video feeds from cameras around the fire station. Further, I found Chief Dionne, Deputy Chief Tobin, and Firefighter Williams to be very sincere, thoughtful, and credible. The fact that they all testified independently that the

Appellant apologized for his actions immediately after he was confronted with the accusation has remained a consistent narrative since the beginning. There is no plausible explanation as to why the Appellant would repeatedly apologize to multiple individuals for his actions if, as he later stated, he did nothing wrong.

While it is impossible to ascertain the true motivation behind the Appellant's actions, there do appear to be other issues at play as the Appellant repeatedly expressed throughout the Commission hearing that he was in a "bad place" mentally. While, in general, a person's emotional state does not excuse criminal behavior, I did not find the Appellant to be a criminal who set out to commit a malicious act but rather an individual who, for whatever reason, acted on impulse and did not think through the consequences of his actions. Whether it was a momentary lapse in judgment or an attempt to justify to himself that he deserved the money for some perceived slight, I am convinced that he knew what he did was wrong and his attempts to explain it away with conflicting excuses merely constituted an attempt to save his job.

When he originally confessed to the Chief, Deputy Chief, and fellow firefighters, I believe that he honestly thought that repaying the money and apologizing would put his actions behind him. It was only when this matter was referred to the police do I believe he understood the gravity of the situation. The Appellant repeatedly pointed out that in a previous case of theft involving a SFD employee -- O'Leary v. Salem Fire Dep't, 26 MCSR 559 (2013), *affirmed sub nom. O'Leary v. Civil Service Comm'n*, 91 Mass. App. Ct. 1103 (2017) -- the terminated employee was not referred to the police, despite the money in

question being significantly greater than the 30 dollars⁵ the Appellant allegedly stole. It was also the Appellant's understanding that this other employee was given the opportunity to keep his job if he repaid the money and apologized—although there is no evidence that this was the case and, in any event, the incident preceded Chief Dionne's tenure. Pointing to O'Leary's case does not show disparate treatment or bias on behalf of Chief Dionne as suggested by the Appellant. On the contrary, bringing in the Salem Police Department to conduct the investigation allowed a neutral party to take charge of the case, eliminating the possibility of conflict or personal bias within the Fire Department. Further, such is simply the correct process to follow if there is an accusation of theft within a public agency given that undertaking a complete and thorough independent assessment of the facts is paramount to ensuring the public's trust. It is essential that our public safety officers, including a firefighter who might have easy access to a citizen's valuables during an emergency, be held to the highest standard of personal integrity.

This leads into why it is appropriate that SFD determined that this relatively small theft should result in termination. As Ms. Cammarata stated in her recommendation as the hearing officer on this matter for the City of Salem:

On any given day, a firefighter can be dispatched to one or likely more locations to provide assistance at and for often the most tragic of situations. Such situations include, but are not limited to motor vehicle accidents, house fires, and medical aid. In such a respected and trusted role, where first responders enter private homes and have access to personal possessions and information, it is imperative

⁵ The Appellant repeatedly referred to an amount of 30 dollars in conjunction with this incident. The actual amount in the vending machine cash box at the time of the alleged theft is unknown; therefore, it is impossible to specify the exact dollar amount that the Appellant allegedly stole.

they be honest, trustworthy, and beyond reproach. An individual in crisis must not have to be concerned with whether or not their money, jewelry, or any other possession will still be there when the aid administered to them is completed.

Throughout the Commission hearing, the Appellant stated that he believes he has been treated differently than other employees, was often the butt of the joke, and wasn't respected by his fellow firefighters. During the hearing, while the Appellant was questioning Deputy Chief Tobin, he put forth an example of what he considers a justification for his actions in an attempt to illustrate that he had been treated differently than others. In doing so, he appeared to admit (for a second time during the hearing while questioning a witness) to taking the money from the vending machine. In his example, around Halloween each year, the union brings in volunteers to help with SFD merchandise sales due to the sheer volume of the crowds visiting the city. As a thank you to the people for volunteering, the union often uses vending machine funds to buy them pizza. The Appellant highlighted this as an example of a double standard by stating, "when they sell t-shirts, pizza is bought and the money comes from the vending machine from the t-shirts they sell. **I bought breakfast**, they get pizza." (*Appellant testimony, emphasis added*)

Trying to compare an authorized union expenditure to thank volunteers to his spur-of-the-moment actions highlights the disconnect that the Appellant has surrounding this issue. Throughout the entire process, beginning on the day in question and all the way through to his proposed decision, his story shifted repeatedly – ranging from going into the machine to help civilians, making change, buying sandwiches for the guys, and cumulating with a complete denial of ever touching any money at all. His inconsistent statements

were so wide ranging—including minimizing the act, being fully remorseful, cumulating with outright denial—that they inevitably led to my determination that his statements were not credible.

Since the Appellant's attempts to propose a narrative explaining his actions surrounding this event were not brought up during the local hearing and were not part of his direct testimony, I discounted them except for the fact that they further add to his lack of credibility. Notwithstanding this fact, I found nothing in the hearing that would sway my conclusion that the Appellant did, without authorization or justification, access money in the vending machine's cash box, thereby violating the Rules and Regulations of the Salem Fire Department prohibiting conduct unbecoming and willful misrepresentations.

In the end, it is not the amount of money taken, it is not whether anyone would miss the money, it was not about what the money was used for, and it is certainly not about whether he was justified in taking union funds because he allegedly was not respected. It is about trust and the fact that public safety officials must be held to the highest of standards. And while I feel sympathy for the Appellant, as he is obviously going through a difficult time, I find that the SFD had reasonable justification to terminate his employment as a firefighter.

CONCLUSION

For all of the above reasons, SFD's decision to terminate Jeffrey Reyes as a Salem Firefighter is affirmed. The appeal filed under Docket No. D1-25-058 is hereby ***denied***.

CIVIL SERVICE COMMISSION

/s/ Shawn C. Dooley

Shawn C. Dooley

Commissioner

By a 4-1 vote of the Civil Service Commission (Bowman, Chair - Yes; Dooley, Commissioner – Yes; Markey, Commissioner – No; McConney, Commissioner – Yes; and Stein Commissioner - Yes) on November 13, 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:

Jeffrey Reyes (Appellant)

James F. Wellock, Esq. (for Respondent)

Commonwealth of Massachusetts

CIVIL SERVICE COMMISSION

100 Cambridge Street – Suite 200

Boston, MA 02114

617-979-1900

JEFFREY REYES,

Appellant

v.

SALEM FIRE DEPARTMENT,

Respondent

OPINION OF COMMISSIONER MARKEY

I respectfully dissent from the majority's decision affirming the termination of Firefighter Jeffrey Reyes.

In my view, the City of Salem has not met its burden of proof under G.L. c. 31, §§ 41–43 to establish that Firefighter Reyes acted without authorization or in violation of any clear rule or directive when he accessed money from the union-operated vending machine on October 6, 2024.

I accept Commissioner Dooley's finding that Firefighter Reyes took from the vending machine a small amount of money, although the exact amount could never be proven due to a lack of proper accounting controls. This was not a case of concealment or deceit. In the immediate aftermath of Firefighter Williams' report, Mr. Reyes did not deny his actions; rather, he explained them in context and expressed remorse when confronted. I note that

no person actually viewed Firefighter Reyes taking money from the box; essentially his admission is uncorroborated.

Notably, the Union President, Ryan Riley, did not testify at any stage of these proceedings, nor did he submit any statement indicating that Firefighter Reyes was prohibited from accessing the vending machine funds as a member of the Union. In the absence of such testimony, and without any written policy or posted rule restricting access, it cannot be said that the City has proven — by a preponderance of credible evidence — that Mr. Reyes acted “without authorization.” Furthermore, Detective Lt. Kristian Hanson of the Salem Police Department never wrote in his report that the Union President did now allow members to access the box and, absent a policy, an inference can be drawn that Fire fighter Riley had consent. Deputy Chief Tobin testified in the hearing there was not an official list of who was able to access the cash box. (See Direct Examination of the Deputy Chief Tobin.)

The Appellant conveyed during cross-examination of the Deputy Chief that past practice within the Salem Fire Department suggests an informal, shared understanding regarding the use of small amounts of union funds for group food purchases.

Furthermore, testimony at hearing reflected that Chief Dionne himself encouraged members of the Department, including Mr. Reyes, to “lean on their fellow firefighters” for support and camaraderie, particularly during difficult personal periods. This culture of mutual reliance makes it reasonable that Firefighter Reyes would have believed his conduct was within accepted station norms, given the lack of policy and procedure, rather than a criminal act.

While integrity is indeed central to public service, discipline must rest upon clear evidence of intentional wrongdoing, not inference or conjecture. Here, the appointing authority failed to prove that Mr. Reyes's conduct was unauthorized, deceitful, or for personal gain. Absent proof of intent to misappropriate funds or violate an established rule, termination was not justified.

For these reasons, I find that the City of Salem failed to meet its burden of proof.

/s/ Joseph A. Markey
Commissioner

November 13, 2025