

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

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

RE:

Tracking Number: I-19-107

Request by: Adonna Anderson and Nine Other Registered Voters for the Civil Service Commission (Commission) to investigate the granting of a provisional promotion by the Saugus Public Schools.

Appearance for Petitioners:

Matthew D. Jones, Esq.
Division of Legal Services
Massachusetts Teachers Association
2 Heritage Drive, 8th Floor
Quincy, MA 02171-2119

Appearance for Saugus Public Schools:

Howard Greenspan, Esq.
200 Broadway
Lynnfield, MA 01940

Commissioner:

Christopher C. Bowman

RESPONSE TO REQUEST FOR INVESTIGATION

1. On April 29, 2019, the Petitioners, pursuant to G.L. c. 31, § 2(a), filed a request for investigation with the Civil Service Commission (Commission), asking the Commission to open an investigation regarding whether the provisional promotion of an employee from Junior Clerk to Principal Clerk (two titles higher) by the Saugus Public Schools (SPS) was consistent with civil service law and rules.
2. On May 21, 2019, I held a show cause conference at the offices of the Commission to provide the Petitioners with the opportunity to show cause why the Commission should open an investigation regarding this matter. The show cause conference was attended by: counsel for the Petitioners, Ms. Anderson, counsel for the SPS and the SPS Superintendent.
3. As part of the show cause conference, I provided the parties with a summary of a series of prior Commission decisions regarding provisional appointments and provisional promotions. (e.g. [Alves v. Department of Revenue](#), 31 MCSR 295 (2018)).

Applicable Civil Service Law and Rules & Response

G.L. c. 31, § 2(a) allows the Commission to conduct investigations. This statute confers significant discretion upon the Commission in terms of what response and to what extent, if at

all, an investigation is appropriate. See Boston Police Patrolmen’s Association et al v. Civ. Serv. Comm’n, No. 2006-4617, Suffolk Superior Court (2007). See also Erickson v. Civ. Serv. Comm’n & others, No. 2013-00639-D, Suffolk Superior Court (2014). The Commission exercises this discretion, however, “sparingly”. See Richards v. Department of Transitional Assistance, 24 MCSR 315 (2011).

After careful review and consideration of the entire record in this matter, and for all the reasons stated at the pre-hearing conference, I have concluded that an investigation is not warranted at this time. If, after six (6) months, the Petitioners believe there is a violation of the civil service law as it pertains to a provisional appointment or promotion, the Petitioners may re-file this request with no additional filing fee required.

Civil Service Commission

/s/ Christopher Bowman
Christopher C. Bowman
Chairman

By a vote of the Civil Service Commission (Bowman, Chairman; Camuso, Ittleman, Stein and Tivnan, Commissioners) on June 6, 2019.

Notice to:
Matthew D. Jones, Esq. (for Petitioners)
Howard Greenspan, Esq. (for Saugus Public Schools)