

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION**

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

**STEVEN SCHEFFEN,
JAMES FITZPATRICK
and ROBERT MICHAUD,**

Appellants

v.

CITY OF LAWRENCE,

Respondent

Case Nos.: I-10-319 (Scheffen)
I-10-320 (Fitzpatrick)
I-10-321 (Michaud)

PROCEDURAL ORDER

The Appellants are all employees of the Lawrence Police Department that opted to accept demotions instead of layoffs in July 2010.

According to the City of Lawrence, approximately eighty-nine (89) employees were laid off City-wide in July 2010 due to lack of funds. Within the Police Department, there were twenty-five (25) layoffs and twelve (12) demotions.

Since July 2010, nineteen (19) laid off employees were reinstated City-wide, including six (6) police officers. Within the Police Department, none of the superior officers who opted for a demotion in lieu of layoff, including the Appellants, have been restored to their prior positions.

The Appellants' appeal here is three-fold.

First, the Appellants argue generally that there are sufficient funds to restore them to the positions they held prior to their demotions.

Second, the Appellants argue that under G.L. c. 31, § 39, the City is required to restore them to their prior positions before reinstating those employees who were laid off, including any laid off employee who was given the option of a demotion, but declined the demotion and was laid off.

Third, the Appellants argue that the Police Department has violated civil service law by having certain employees work in "acting" or "out-of-grade" appointments since July 2010 that are not permitted under civil service law or rules.

A pre-hearing conference was held on December 21, 2010 and a status conference was held on March 15, 2011 at the offices of the Commission. A briefing schedule was established in which the Appellants must file a Motion for Summary Decision with the Commission by May 13, 2011 and the City must file a reply no later than June 17, 2011.

Upon submission of the briefs, a motion hearing will be held on the date and time below:

MOTION HEARING

DATE: Monday, July 11, 2011

TIME: 10:00 A.M.

LOCATION: Offices of the Civil Service Commission (Tentative)
(The Commission would allow a request from the parties to change the venue to a mutually acceptable location in Lawrence if preferred.)


The Commission's decision regarding these matters, particularly the second argument referenced above, could potentially impact the employment and /or reinstatement rights of those City employees that were laid off, some of whom have since been reinstated.

As such, the City is hereby ordered to post this Procedural Order with the City Clerk and at other appropriate conspicuous locations to ensure that all City employees are aware of these proceedings. Further, the City shall send this Procedural Order, via first class mail, to any employee laid off since July 1, 2010 who has not yet been reinstated.

Any person, not currently a Party, who believes that he / she may be substantially and specifically affected by a Commission decision regarding these appeals and wishes to intervene or participate in the proceeding shall file a written request with the Civil Service Commission, copied to counsel for the Appellants and the City at the addresses listed at the bottom of this order.

The request shall state the name and address of the person filing the petition. It shall describe the manner in which the person making the request may be affected by the proceeding. It shall state why the Commission should allow intervention or participation, any relief sought, and any supporting law. The request(s) must be filed no later than May 6, 2011.

Civil Service Commission


Christopher C. Bowman
Chairman
March 18, 2011

Notice to:

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