

Commonwealth of Massachusetts

CIVIL SERVICE COMMISSION

100 Cambridge Street – Suite 200
Boston, MA 02114

WILLIAM SCHLIEMAN,
Appellant

v.

HUMAN RESOURCES DIVISION,
Respondent

Docket Number:	B2-24-195
Appearance for Appellant:	William Schlieman, <i>pro se</i>
Appearance for Respondent:	Nicole Boudreau, Esq. Labor Counsel Human Resources Division 100 Cambridge Street, Suite 600 Boston, MA 02114
Commissioner:	Paul M. Stein

SUMMARY OF DECISION

A majority of the Commission denied a Motion for Reconsideration filed by the Human Resources Division (HRD) concluding that the Commission's 3-2 decision did not overlook any significant factor in determining that the Appellant's service with the UMass Lowell Police Department (UMLPD) was full time service in a regular police force for purpose of the statutory preference provided under G.L. c. 31, § 59.

DECISION ON RESPONDENT'S MOTION FOR RECONSIDERATION

On December 24, 2024, the Appellant, William Schlieman, a Lieutenant with the Brockton Police Department (BPD), appealed to the Civil Service Commission

(Commission), pursuant to G.L. c. 31, § 24, from the decision of the state's Human Resources Division (HRD) to decline to add the statutory 2-point credit for 25 years of service as a regular police officer to his final score on the Statewide Police Captain's promotional examination administered by HRD on September 21, 2024. By a 3-2 Decision dated June 12, 2025, a majority of the Commission determined that, under the specific facts established by the Appellant, on the particular facts presented in this appeal, the Appellant's work experience as a police officer and sergeant with the UMASS Lowell Police Department (UMLPD), while concomitantly serving as a deputy sheriff, establishes that he was a sworn police officer with full police powers and that his service with the UMLPD should properly be included as service as a "regular police officer" employed by a "regular police force" within the meaning of the statutory preference set forth in G.L. c. 31, § 59, ¶5.

On June 23, 2025, HRD filed a Motion for Reconsideration of the Commission's Decision. The Appellant filed an Opposition to HRD's Motion for Reconsideration on July 25, 2025.

ANALYSIS

Under the pertinent provisions of the Code of Mass. Regulations, 801 CMR 1.01(7)(l), a motion for reconsideration of the decision of the Commission "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." After careful consideration, the majority of the Commission finds that it did not overlook any significant factor in deciding the appeal.

Specifically, HRD's contention—that the Decision overlooks the state of the law regarding the authority and duties of special police officers, deputy sheriffs and university

police officers and mistakenly cobbles together those duties—is not well-founded. The majority fully considered all of the applicable laws and determined that, on the facts presented by the Appellant, in combination, the duties that he was authorized and required to perform, and did perform as a UMLPD police officer and sergeant during his tenure with the UMLPD from 1999 to 2003, in their totality, rendered his work with the UMLPD indistinguishable from, and comprised the work of, a full-time police officer as a member of a regular police force within the meaning of G. L. c. 31, § 59, ¶ 5.

HRD takes issue with the logic of that analysis but not the undisputed facts upon which that analysis is grounded. Indeed, the Appellant's Opposition reinforces the logic of the Commission's conclusion to view the UMLPD and the officers it employs under the totality of the facts presented, which distinguished this appeal from others in which those facts were not presented:

HRD's argument that my police powers were "limited in scope" is not the case and was properly considered and cited as an undisputed fact in the Commissioner's decision.

"In addition to being sworn in as a UMLPD police officer, throughout his tenure as an UMLPD police officer and sergeant, the Appellant also was appointed as a Middlesex County Deputy Sheriff.[fnt] He asserts that, as a Deputy Sheriff, he had authority throughout Middlesex County to enforce, and did enforce traffic laws (not just university rules), issue citations and make arrests and bookings for criminal offenses, both misdemeanors and felonies, on and off campus."

Furthermore, in the Commissioner's analysis, he mentioned *"When these powers are combined with the additional statutory and implied common law powers he was able to exercise, and did exercise, as a deputy sheriff, the Appellant makes a compelling argument that, as a whole, his powers and actual duties are virtually indistinguishable from (indeed, in terms of jurisdiction, exceed) the powers and duties of a full-time municipal police officer."*

HRD's argument that "[p]iecing together various duties the Appellant performed outside of his role at UMLPD to find that his job at UMLPD does not provide for such

a harmonious outcome” is faulty because it attempts to separate my authorities from the different areas and suggests that I worked in two separate roles or jobs. All of my duties were performed while a UMLPD officer and sergeant. There were no “Superman” moments where I would change uniforms to enforce a law or rule. In fact, I was only employed by University of Massachusetts Lowell Police Department (UMLPD) and only ever wore a UMLPD uniform until August 24, 2003. I never worked separately as a Middlesex Deputy Sheriff as suggested in HRD’s motion

The key statutory interpretation question here is whether the UMLPD is a “regular police force”. That phrase, as used in G.L. c. 31, § 59, is not defined anywhere in the General Laws. The phrase “regular force” is employed, however, in contradistinction to “reserve or intermittent police . . . force,” G.L. c. 31, § 59, ¶ 3, the latter of which the UMLPD clearly is not.¹ For this and other reasons stated in the Commission’s June 12, 2025 Decision, a majority of Commissioners conclude based on record evidence that the UMLPD is indeed a regular police force and has functioned as such for over 25 years.² The majority also reiterates its conclusion that the Appellant has served since June of 1999 as a “regular”

¹ Section 48 of G.L. c. 31 mentions “regular police force” in the context of exempting certain positions from civil service rules, such as traffic supervisors or employees not part of the regular police force. This reinforces a distinction between regular police officers and other categories of police personnel, such as intermittent or special officers. Similarly, appellate case law consistently distinguishes a “regular police force” from auxiliary, reserve, intermittent, or special police forces. Regular police forces are characterized by full-time, permanent employment, a hierarchical structured organization, and year-round service. In contrast, auxiliary, reserve, and special officers serve on a part-time, occasional, or as-needed basis, often supplementing the regular force during emergencies or specific situations. See, e.g., *Moloney v. Selectmen of Town of Milford*, 253 Mass. 400 (1925); *Ralph v. Civil Service Commission*, 100 Mass. App. Ct. 199 (2021); *Demeris v. Town of Foxborough*, 99 Mass. App. Ct. 603 (2021).

² The majority does not view the 2014 amendment to G.L. c. 75, § 32A, codifying the equivalency in “authority, immunities and privileges” of (1) municipal police officers and (2) police officers appointed by the trustees of the University of Massachusetts as controlling how G.L. c. 31, § 59, ¶ 5 should be construed.

police officer and, as such, is entitled to a “preference in promotion equal to that provided to veterans under civil service rules.” G.L. c. 31, § 59, ¶ 5.

CONCLUSION

For the reasons stated above, HRD’s Motion for Reconsideration is **denied**. The order of the majority of the Commission in the Appellant’s appeal under Docket Number B2-24-195 is **affirmed**. HRD is directed forthwith to recalculate the Appellant’s score on the 2024 Police Captain Examination by adding two points to his final examination score, and to adjust his standing on the current eligible list accordingly.

Civil Service Commission

/s/ Paul M. Stein

Paul M. Stein
Commissioner

By a 3-2 vote of the Civil Service Commission (Bowman, Chair [NO]; Dooley [YES], Markey [YES], McConney [NO], and Stein [YES] Commissioners) on November 13, 2025.

Notice to:
William Schlieman (Appellant)
Nicole Boudreau, Esq. (for Respondent)

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OPINION OF COMMISSIONERS BOWMAN AND McCONNEY

For the same reasons stated in the initial dissent, we believe the majority should reconsider its decision and affirm HRD's determination. Specifically, we do not believe that the UMass Lowell Police Department should be considered a "regular police force" for the purposes of determining eligibility for the two points awarded to candidates with 25 years of service until after a law change in 2014 which explicitly granted UMass campus police officers the same authority as all other police officers in Massachusetts, including municipal officers.

We concur with the argument in HRD's motion for reconsideration that the majority, in the initial decision, misconstrued the statute and erred by relying on facts related to the Appellant's employment and certifications in other law enforcement agencies at the time to address the issue here. The statute is clear:

Notwithstanding the provisions of any law or rule to the contrary, a member of a regular police force or fire force who has served as such for twenty-five years and who passes an examination for promotional appointment in such

force shall have preference in promotion equal to that provided to veterans under the civil service rules.

The majority's June 12, 2025 decision not only read this straightforward statute in reverse, but then effectively added words to the statute to support the conclusion. The June 12th decision overlooked the issue of whether the UMass Police Department was a "regular police force" at the time. Instead, relying in part on other employment and certifications of the Appellant at the time, the majority first undertook a fact-specific assessment of whether the Appellant had full police powers at the time. Concluding that he did, the majority then reverted to the first requirement, and determined that, solely as it relates to the Appellant, the UMass Police Department must be considered a "regular police force" at the time. We view that June 12th decision as a misreading and misapplication of the statute.

In this decision on reconsideration, the majority puts forth a new conclusion not contained in the June 12th decision. Specifically, the majority decision on reconsideration now concludes that, even if the statute is read as we believe it should be, the appeal should still be allowed because, according to the majority, the UMass Lowell Police Department is, and always has been, a regular police force. This new conclusion, in our opinion, relies on irrelevant contrasts with the positions of auxiliary and reserve police officers to somehow conclude that the UMass Lowell Police Department has always been a regular police force.

There are valid arguments in favor of deeming all UMass campus police officer service, including that performed before 2014, to be equivalent to that of municipal police officers such as those who serve as Boston police officers. The forum for that public policy

discussion, however, is the legislature or, as the statute authorizes, a recommendation by the Commission to amend or clarify the Personnel Administration Rules on this issue. That process would: a) allow for divergent stakeholders to address a host of related issues, including whether any changes should be applicable to campus police officers beyond the UMass campuses; and b) ensure that any changes are applied uniformly to **all** exam applicants.

For these reasons, we support reconsideration of the Commission's decision to overturn HRD's determination.

/s/ Christopher C. Bowman
Christopher C. Bowman, Chair

/s/ Angela C. McConney
Angela C. McConney, Commissioner

11/13/25