

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION**

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

**Inquiry Regarding Active
Military Service
Candidates in the Boston
Fire Department**

Tracking No.: I-13-190

FINDINGS

As a result of an appeal¹ filed with the Civil Service Commission (Commission), the Commission asked the Boston Fire Department to clarify its procedures, on a going forward basis, regarding the consideration of candidates for original appointment or promotion who are on active military duty.

In response, the Fire Department provided the Commission with an outline of procedures intended to ensure compliance with all applicable civil service law and rules. We find those procedures, outlined below, to be in compliance:

1. With each Certification from an eligible list, candidates will be informed and encouraged to exercise their ability to fill in “military service” to indicate that they wish to be considered for hire except that their military commitments prevent them from immediate participation in the selection process.
2. The Fire Department will reserve a vacancy for each active military service candidate who has indicated that he/she is willing to accept appointment as stated above. The Certification upon which the names of these active military service candidates appear shall remain in effect (but only for these active military service candidates) for the entire period that the candidate is on active military duty.
3. Active military service candidates returning from duty must report to the Fire Department’s Human Resources Department within three (3) months from being released by the military and indicate that he / she desires to be considered for appointment.
4. All such candidates will be required to pass each aspect of the Fire Department’s selection process and otherwise be qualified and eligible for hire and shall not be appointed until successfully passing the entire screening process. After a candidate passes the screening process, the Fire Department will submit to the state’s Human Resources Division the appropriate notification of appointment.

¹ Joseph Walsh v. Boston Fire Department, G1-13-147 (2013)

5. Such candidates, if appointed, will receive a civil service seniority date, the same as those appointed from the Certification upon which his / her name appeared.

Nothing prohibits the Boston Fire Department, after considering the candidate on active military duty, from bypassing said candidate for sound and sufficient reasons. If such a bypass occurs, the Fire Department shall comply with all applicable civil service law and rules including: notifying the candidate of the reasons for bypass; and his / her right to file a bypass appeal with the Commission,

Civil Service Commission

Christopher C. Bowman
Chairman

Approved by the Civil Service Commission (Bowman, Chairman; Ittleman, McDowell and Stein, Commissioners) on March 20, 2014.

A True Record. Attest:

Commissioner

Notice to:
Ernest Law, Esq. (for HRD)
Robert Boyle, Esq. (for Boston Fire Department)