

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

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

RE:

Tracking Number: I-14-304

Request by Jon Mograss, Stephen Hocking & Ted McLaughlin to investigate the failure to administer civil service examinations for the public safety position of Captain at the Massachusetts Department of Correction.

Appearance for Petitioners:

James F. Lamond, Esq.
McDonald, Lamond, Canzoneri &
Hickernell, Attorneys at Law
352 Turnpike Road, Suite 310
Southborough, MA 01772-1756

Appearance for Human Resources Division:

Michele Heffernan, Esq.
Deputy General Counsel
Human Resources Division
One Ashburton Place: Room 211
Boston, MA 02108

Appearance for Department of Correction:

Earl Wilson, Esq.
Director of Employee Relations
Department of Correction
P.O. Box 946: Industries Drive
Norfolk, MA 02056

Appearance for Interveners:

Thomas E. Horgan, Esq.
Hanley Law Offices, LLC
308 Victory Road, 3rd Floor
Quincy, MA 02171

Commissioner:

Christopher C. Bowman

CLOSING OF INVESTIGATION AND FINAL ORDERS

On December 24, 2014, Jon Mograss, Stephen Hocking and Ted McLaughlin (Petitioners), all permanent Lieutenants at the Massachusetts Department of Correction (DOC) who are all members of the Massachusetts Correction Officers Union (MCOFU), filed a petition with the

Civil Service Commission (Commission), asking the Commission to investigate why the state's Human Resources Division (HRD) had not conducted promotional examinations for the public safety position of Captain and/or delegated to DOC the responsibility for conducting these examinations. MCOFU is a public sector labor union representing approximately four thousand (4,000) correction officers, sergeants and lieutenants employed by DOC within state bargaining unit 4.

On January 16, 2015, the Commission received a petition from the New England Police Benevolent Association (NEPBA), which represents Captains, all of whom are currently serving in a provisional capacity, asking to intervene in this matter. I subsequently allowed motions to intervene from seven (7) individual Captains¹, all of whom are NEPBA members.

The Commission subsequently initiated an investigation and, on December 10, 2015, issued the following orders:

1. Forthwith, HRD and DOC shall take all necessary steps to: a) create a promotional examination for the position of Captain at DOC; and b) create an eligible list of candidates for the position of Captain that will be used to create Certifications which will be used to make promotional appointments to the position of Captain at DOC.
2. HRD and DOC shall provide the Commission with status updates at least every six (6) months which shall include a list of benchmarks, timelines for meeting those benchmarks and information regarding whether those benchmarks and timelines have been met.
3. Upon the establishment of an eligible list for the position of Captain, all individuals serving as Provisional Captains at DOC prior to the date of this Order shall be made permanent and given tenure.
4. The relief provided for in Paragraph 3 shall not apply to any individual provisionally promoted to the position of Provisional Captain at DOC on or after the date of this Order. To achieve permanency in the position of Captain at DOC, these individuals shall be required to comply with all applicable civil service law and rules and shall be treated in the same manner as any other individual seeking promotional appointment to the position of Captain.

¹ Robert Tarantino, Jason Lanpher, Shaun Dewey, Mark Reilly, Michael Edwards, David Kenneally, Christopher Crown

Status Update

A promotional examination for DOC Captain has been administered and, as of February 22, 2018, an eligible list for DOC Captain has been established by HRD that will be used to create Certifications to make permanent promotional appointments to the position of DOC Captain.

On March 1, 2018, counsel for the Interveners submitted a list to the Commission, copied to DOC and HRD, of sixty (60) Captains that were serving in a provisional capacity when the Commission entered its Orders on December 10, 2015. Pursuant to Order #3 above, the Interveners have requested that the Commission exercise its authority under Chapter 310 of the Acts of 1993 and grant these sixty (60) employees permanency in the position of DOC Captain. Both DOC and HRD assented to the request.

For all of the above reasons, the Civil Service Commission, pursuant to its authority under Chapter 310 of the Acts of 1993, hereby grants permanency to the DOC employees listed in Attachment A in the position of DOC Captain.

Upon the entering of this relief, the Commission's Investigation under Tracking No. Tracking Number: I-14-304 is hereby *closed*.

SO ORDERED.

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 March 15, 2018.

Notice:
James Lamond, Esq. (for Petitioners)
Thomas E. Horgan, Esq. (for Interveners)
Michele Heffernan, Esq. (for HRD)
Earl Wilson, Esq. (for DOC)

ATTACHMENT A

Last	Middle	First
Bairos	D	James
Beckvold	M	Henry
Belair	A	John
Brien	C	David
Britto	A	Mark
Brown	M	Scott
Camelo	F	John
Carrier	J	Stephen
Clauss	D	Robert
Coache	D	Melissa
Costa	J	Paul
Crowley	G	Donald
Cruz	L	Nestor
Dehestani	S	Steven
Denomme	G	Donald
Deveneau	A	Curtis
Dewey	C	Shaun
Doher		Glenn
Dompierre	W	Donald

Edwards	J	Michael
Flaven	M	Brian
Fougere	J	Terrance
Fuller	A	Jason
Geer		Donna Jean
Ginnetty	L	John
Grimes	M	Jeffrey
Hamm	H	Michael
Hammond	T	Edward
Harvey	R	Raymond
Higgins	P	Robert
Hooper	R	Charles
Jackson		Christopher
Kenneally	J	David
Kenneway	P	Steven
Kilroy		Karen
Laflamme	M	Randy
Lanpher	L	Jason
Lefort	L	Robert
Mcgonagle	T	Edward
Mulvey	M	Patrick

Padula	C	Jeffrey
Parent	E	Jean
Pascucci	L	Peter
Prario	W	Justin
Puchalski	P	Shawn
Quinlivan	J	Thomas
Ramos	A	Samuel
Rego	B	Andrew
Roberts	J	James
Smith	A	Sheila
Souza	R	Jeffrey
Stubbert	J	Paul
Tarantino	C	Robert
Therault	R	Bobby
Turcotte		Raymond
Whippen		Kevin
Wilkes	K	Harold
Williams	L	Edward
Williams		Shelley
Wright	R	Chris