

RECEIVED BY  
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1987 OCT 14 AM 1:55  
CAMBRIDGE MA.

Oct 10 1987

William P. Foley, et al.  
131 Spring Street  
Cambridge Mass. 02141

To: The City of Cambridge.  
at: City Clerk's office.

Re: Petition for Public Hearing

Removal of William P. Foley, et al.  
131 Spring Street  
Cambridge Mass. 02141

Now comes the Petitioner and asserts his Constitutional and Civil Rights to a full and fair ~~and~~ open hearing upon this Complaint of Violations of his Civil and Constitutional Rights Under M.S.A. Ch 12 Sect 11 I 11 ~~11~~ and the 5 B and 1415 Amendments of the U.S. Constitution - And Charter Rights of Plan E. Team of Part of the City of Cambridge and of his Civil Service Rights outlined under M.S.A. Ch 31 - By the City of Cambridge and its Administration. By Abuse of Power against the Law and His Rights. W.P. Foley et al.

Attested to and Sworn to by

William P. Foley

# Massachusetts Division of Personnel Administration



## OPEN COMPETITIVE EXAMINATION

Last date for filing applications: March 25, 1983

Exam Date: May 7, 1983

### CODE ENFORCEMENT INSPECTOR CITIES AND TOWNS

This examination is held to establish an eligible list from which to fill vacancies in this classification in all cities and towns in which this position is classified under Civil Service.

**SALARY:** The salary will vary depending upon the compensation plans of the various cities and towns. Inquiry concerning salary should be directed to the appointing authority at the time of the employment interview.

**ENTRANCE REQUIREMENTS:** Applicants must have at least two years of full-time, or equivalent part-time, technical or professional experience in building construction trade, the field of environmental sanitation, housing inspection, or any combination of the required experience.

**EXAMINATION SUBJECTS:** THE WRITTEN EXAMINATION WILL BE DESIGNED TO TEST, WHERE PRACTICABLE, THE FOLLOWING KNOWLEDGES, ABILITIES AND SKILLS THAT HAVE BEEN ESTABLISHED AS QUALIFICATIONS FOR THE POSITION:

KNOWLEDGE OF ARTICLES I AND II OF THE SANITARY CODE OF CHAPTER 111, SECTION 5 OF THE MASSACHUSETTS GENERAL LAWS; KNOWLEDGE OF GENERAL CONSTRUCTION AND ENVIRONMENTAL FACTORS OF A DWELLING, SUCH AS STRUCTURAL, ELECTRICAL, PLUMBING, HEATING, VENTILATION, FIRE PROTECTION, HEALTH AND SAFETY; KNOWLEDGE OF THE TERMINOLOGY AND LOCATION OF THE VARIOUS PARTS OF A DWELLING; KNOWLEDGE OF REPORT WRITING TECHNIQUES; ABILITY TO READ, AND INTERPRET ARTICLES I AND II OF THE STATE SANITARY CODE OF CHAPTER 111, SECTION 5, OF THE MASSACHUSETTS GENERAL LAWS, AND FEDERAL, STATE AND LOCAL LAWS REGARDING HOUSING AND/OR HOUSING CODE ENFORCEMENT; ABILITY TO READ AND INTERPRET RULES AND REGULATIONS OF THE CODE ENFORCEMENT DEPARTMENT AND DATA OBTAINED FROM CODE ENFORCEMENT INSPECTION REPORTS; ABILITY TO WRITE CLEAR AND CONCISE REPORTS; ABILITY TO FOLLOW STREET MAPS.

**NOTE:** Copies of Article I and II of the Sanitary Code may be obtained at the State Bookstore; State House, Boston, Massachusetts.

### CONTINUED ON REVERSE SIDE

#### HOW TO APPLY

Application cards (Form 1) may be obtained and filed in person at:  
Department of Personnel Administration  
One Ashburton Place—Second Floor  
Boston, Massachusetts 02108

Please send all correspondence by certified mail (return receipt requested), if possible. Applications may also be obtained from any of the local Civil Service Representatives listed on the back of this poster and filed by mail.

## EQUAL OPPORTUNITY EMPLOYER



### OFFICE OF ELECTION COMMISSION

YOU WILL VOTE AT:

WARD 1 PRECINCT 3

1 Gunman Street  
45 Eighth St

THE COMMONWEALTH OF MASSACHUSETTS  
 DEPARTMENT OF PERSONNEL ADMINISTRATION  
 1 ASHBURTON PL., POSTON, MASSACHUSETTS 02108

FEB 13 1984

I AM PLEASED TO INFORM YOU THAT YOU HAVE PASSED EXAMINATION  
 NO. C00008405 CODE ENFORCEMENT INSPECTOR C&T  
 EXAM DATE 05/14/83 SCORE WT.  
 YOUR SCORE BY SUBJECT WAS: PRACTICAL QUESTIONS 080.00  
 PRAC QUES PASS SCORE 065 ENTRANCE REQUIREMENTS ELIG  
 APP# 83-18536  
 SSN 011-20-9964

FOLEY, WILLIAM P.  
 295 DEERFIELD ST.  
 GREENFIELD MA 01301

TOTAL SCORE DVD BY WT. 80 AVG

DEPARTMENT OF PERSONNEL ADMINISTRATION

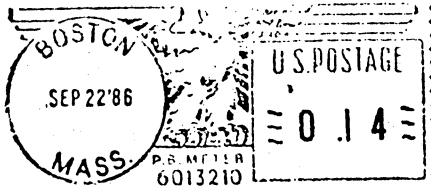
REQ. NO. 852356 DATE OF CERT. 09/22/86 REFUSALS 0

THIS IS AN EMPLOYMENT INTERVIEW NOTICE FOR:  
 1 TEMP F-T CODE ENFORCEMENT  
 INSP. @ \$9.9776 PER HR.  
 FOR THE DURATION  
 OF A TEMPORARY VACANCY

LOCATION: CAMBRIDGE

IF YOU DESIRE TO BE CONSIDERED, REPORT IN PERSON TO:  
 JOSEPH J. CELLUCCI, COMM.  
 INSPECTIONAL SERVICES  
 795 MASS. AVE.  
 CAMBRIDGE, MAO  
 ON OR BEFORE:  
 OCTOBER 2, 1986

DAVID A HALEY



GAYE M. SPENCE  
 131 SPRING ST.  
 CAMBRIDGE 02141

SEE REVERSE SIDE OF THIS FORM FOR FURTHER INFORMATION

DAVID A HALEY

LOCATION: CAMBRIDGE  
 IF YOU DESIRE TO BE CONSIDERED, REPORT IN PERSON TO:  
 JOSEPH J. CELLUCCI, COMM.  
 INSPECTIONAL SERVICES  
 795 MASS. AVE.  
 CAMBRIDGE, MAO  
 ON OR BEFORE:  
 MARCH 2, 1987

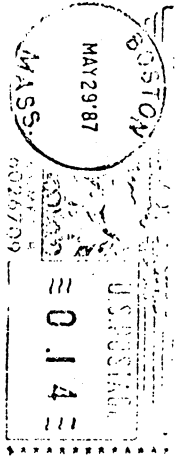
DEPARTMENT OF PERSONNEL ADMINISTRATION  
 REQ. NO. 870373 DATE OF CERT. 02/18/87 REFUSALS 0  
 THIS IS AN EMPLOYMENT INTERVIEW NOTICE FOR:  
 1 PERM F-T CODE ENFORCEMENT  
 INSPECTOR \$11.26 AN HR

LOCATION: QUINCY  
 IF YOU DESIRE TO BE CONSIDERED, REPORT IN PERSON TO:  
 DAVID H. SMITH, DIRECTOR  
 PERSONNEL  
 CITY HALL 1305 HANCOCK ST  
 QUINCY, MA 021  
 ON OR BEFORE:  
 JUNE 10, 1987

REQ. NO. 871976 DATE OF CERT. 05/29/87 REFUSALS 0  
 THIS IS AN EMPLOYMENT INTERVIEW NOTICE FOR:  
 1 TEMP F-T CODE ENFORCEMENT  
 INSPECTOR \$120,960.00 PER YEAR

SPE 31 042083C1 02/20/87  
 NOTIFY SENDER OF NEW ADDRESS  
 SPENCE  
 59 HOLLBROOK ST #1  
 NORTH ADAMS MA 01247-4210  
 GAYE M. SPENCE  
 131 SPRING ST.  
 CAMBRIDGE 02141

WILLIAM P. FOLEY  
 131 SPRING STREET  
 CAMBRIDGE MA 02141



OPEN COMPETITIVE  
CODE ENFORCEMENT INSPECTOR  
MUNICIPAL SERVICE

ANNC: 0

ELIG DATE: 06/15/84  
EXAM DATE: 00/00/00  
TITLE CODE: 1868A  
DEPT NO: 0

1. FOLEY, WILLIAM P.  
131 SPRING STREET CAMBRIDGE 02141
2. REILLY, JAMES M.  
306 SAVIN HILL AVE. BOSTON 02125
3. WADE, WINTHROP B.
4. QUIMBY, JOHN R.  
P.O. BOX 134 BRADFORD 01830
5. VALENTI, JAMES S.  
50 RIVERSIDE AVE. HAVERHILL 01830
6. THORNE, RICHARD C.  
49 BURGIN PKWY. QUINCY 02169
7. TROY, ROBERT T.  
33 PENACOOK STREET SPRINGFIELD 01104
8. POLONSKY, BERNARD  
43 BEACONSFIELD RD. BROOKLINE 02146

80.00 DV 06/15/84  
94.00 V 06/15/84  
94.00 V 06/15/84  
90.00 V 06/15/84  
90.00 V 06/15/84  
88.00 V 06/15/84  
86.00 V 06/15/84  
86.00 V 06/15/84

M-PERM

TO RETURN TO PRIOR DISPLAY, ENTER X ==>

OPEN COMPETITIVE  
CODE ENFORCEMENT INSPECTOR  
MUNICIPAL SERVICE

ANNC: 0

ELIG DATE: 06/15/84  
EXAM DATE: 00/00/00  
TITLE CODE: 1868A  
DEPT NO: 0

9. BORGES, ROBERT R.  
49 SYMMES ST. ROSLINDALE 02131
10. BARONE, PETER F.  
70 TRAFFORD ST. QUINCY 02169
11. SUJAT, JOHN D.  
47 JUDD AVE. S. HADLEY 01075
12. CHIN, HERBERT  
11 CASTLE CT. BOSTON 02118
13. BARNES, SHERWOOD J.  
17 CENTRAL ST. SPRINGFIELD 01105
14. JARITIS, ALBERT G.  
75 GATES ST. S. BOSTON 02127
15. MAGUIRE, LAURENCE P.  
40 LONGFELLOW DORCHESTER 02122
16. PREZIOSO, FRED J.  
34 ROBERTS ST. QUINCY 02169

86.00 V 06/15/84  
84.00 V 06/15/84  
82.00 V 06/15/84  
82.00 V 06/15/84  
82.00 V 06/15/84  
76.00 V 06/15/84  
76.00 V 06/15/84  
68.00 V 06/15/84

TO RETURN TO PRIOR DISPLAY, ENTER X ==>

OPEN COMPETITIVE  
CODE ENFORCEMENT INSPECTOR  
MUNICIPAL SERVICE

ANNC: 0

ELIG DATE: 06/15/84  
EXAM DATE: 00/00/00  
TITLE CODE: 1868A  
DEPT NO: 0

17. ARGENTO, NICHOLAS P.  
201 STILES RD. BOYLSTON 01505
18. BARRETT, EDWARD B.  
71 MECHANIC ST. LEOMINSTER 01453
19. FRATALIA, VINCENT S.  
207 BUNKER HILL ST. CHARLESTOWN 02129
20. DUMAS, PHILIP E.  
71 WATERVILLE ST. N. GRAFTON 01536
21. TROY, JOSEPH J.  
42 AETNA ST. WORCESTER 01604
22. COURTNEY, JOHN J.  
276 WALDEN ST. CAMBRIDGE 02138
23. BARRY, PAUL V.  
819 E. SECOND ST. APT. #1 SO. BOSTON 02127
24. CAULFIELD, DONALD D.  
549 ADAMS ST. APT #5 BOSTON 02122

94.00 NV 06/15/84  
92.00 NV 06/15/84  
90.00 NV 06/15/84  
90.00 NV 06/15/84  
90.00 NV 06/15/84  
90.00 NV 06/15/84  
88.00 NV 06/15/84  
88.00 NV 06/15/84

M-PERM

M-PERM

TO RETURN TO PRIOR DISPLAY, ENTER X ==>

OPEN COMPETITIVE  
CODE ENFORCEMENT INSPECTOR  
MUNICIPAL SERVICE

ANNC: 0

ELIG DATE: 06/15/84  
EXAM DATE: 00/00/00  
TITLE CODE: 1868A  
DEPT NO: 0

25. BADIOLATO JR., DOMENIC A.  
48 FLORENCE AVE. HAVERHILL 01830
26. MCEVOY, JOSEPH P.  
208 HIGHLAND ST. WORCESTER 01609
27. LANGONE, ANDREW G.  
27 MOUNTAIN ST. WOBURN 01801

88.00 NV 06/15/84  
86.00 NV 06/15/84  
84.00 NV 06/15/84

42 AETNA ST. WORCESTER 01604  
 22. COURTNEY, JOHN J.  
 276 WALDEN ST. CAMBRIDGE 02138  
 23. BARRY, PAUL V.  
 819 E. SECOND ST. APT.#1 SO. BOSTON 02127  
 24. CAULFIELD, DONALD D.  
 549 ADAMS ST. APT#5 BOSTON 02122  
 TO RETURN TO PRIOR DISPLAY, ENTER X ==>

80.00 NV 06/15/84  
 80.00 NV 06/15/84  
 M-PERM 10/27/84  
 80.00 NV 06/15/84

OPEN COMPETITIVE ANNC: 0  
 CODE ENFORCEMENT INSPECTOR  
 MUNICIPAL SERVICE

ELIG DATE: 06/15/84  
 EXAM DATE: 00/00/00  
 TITLE CODE: 18400  
 DEPT NO: 0

25. BADDOLATO JR., DOMENIC A.  
 48 FLORENCE AVE. HAVERHILL 01830  
 26. MCEVOY, JOSEPH P.  
 208 HIGHLAND ST. WORCESTER 01609  
 27. LANGONE, ANDREW G.  
 27 MOUNTAIN ST. WOBURN 01801  
 28. GOODYEAR, DAVID A.  
 74 HARRISON AVE. LYNN 01905  
 29. MCNEALY, PAUL R.  
 64 FAXON LN. QUINCY 02169  
 30. TEMPLE, ROBERT A.  
 33 NOKOMIS ST. SPRINGFIELD 00000  
 31. MIRABELLI, SALVATORE A.  
 246 POWDER HOUSE BLV SOMERVILLE 02144  
 32. WHITE, SHARON L.  
 329 MAIN ST. W. NEWBURY 01985  
 TO RETURN TO PRIOR DISPLAY, ENTER X ==>

88.00 NV 06/15/84  
 84.00 NV 06/15/84  
 84.00 NV 06/15/84  
 80.00 NV 06/15/84  
 70.00 NV 06/15/84  
 70.00 NV 06/15/84  
 70.00 NV 06/15/84  
 70.00 NV 06/15/84  
 70.00 NV 06/15/84  
 70.00 NV 06/15/84  
 70.00 NV 06/15/84  
 70.00 NV 06/15/84  
 70.00 NV 06/15/84  
 M-PERM 02/05/84

OPEN COMPETITIVE ANNC: 0  
 CODE ENFORCEMENT INSPECTOR  
 MUNICIPAL SERVICE

ELIG DATE: 06/15/84  
 EXAM DATE: 00/00/00  
 TITLE CODE: 18400  
 DEPT NO: 0

33. SPENCE, GAYE M.  
 131 SPRING ST. CAMBRIDGE 02141  
 34. ZARZINSKI, DAVID E.  
 109 CHAPEL ST. GARDNER 01440  
 35. CONWAY, KEVIN E.  
 3 PROSPECT AVE. WINTHROP 02152  
 36. RYAN III, JAMES F.  
 P.O. BOX 506 HAVERHILL 01830  
 37. BLOSSOM, RONALD W.  
 36 PHILLIPS ST. MALDEN 02148  
 38. MAROTTA, JAMES J.  
 164 GROVER ST. REVERE 02151  
 39. SHAHEEN, MICHAEL A.  
 32 HARRINGTON AVE. QUINCY 02169  
 40. CARVELLO, ANTHONY P.  
 44 WARREN ST. CAMBRIDGE 00000  
 TO RETURN TO PRIOR DISPLAY, ENTER X ==>

76.00 NV 06/15/84  
 76.00 NV 06/15/84  
 74.00 NV 06/15/84  
 70.00 NV 06/15/84  
 70.00 NV 06/15/84  
 70.00 NV 06/15/84  
 60.00 NV 06/15/84  
 M-PERM 10/20/84  
 60.00 NV 06/15/84  
 60.00 NV 06/15/84

VETERAN'S APPLICATION FOR PROVISIONAL APPOINTMENT Form 82 8/81

The Commonwealth of Massachusetts  
Division of Personnel Administration  
One Ashburton Place, Boston 02108  
Information Counter, Room 201  
One Ashburton Place, Boston

THIS IS NOT AN APPLICATION FOR A CIVIL SERVICE EXAMINATION.  
THIS APPLICATION IS KEPT IN THE DPA FILE FOR ONLY 1 YEAR.  
INSTRUCTIONS: PRINT ALL ENTRIES. CHECK BLOCKS AS APPLICABLE.

Mail to:

Or deliver to:

Exact Title of the Position Applied For <i>STATE INSPECTOR</i>		
Applicant's Name (Last, First, Initial) <i>FOLLEY William P.</i>	Social Security Number <i>011 20 9964</i>	Telephone Number <i>1-413-662-2510</i>
Mailing Address (Number & Street, City or Town, State, Zip Code) <i>16 RAMP ST NO ADAMS MA 01247</i>		

I wish to be considered as a veteran applicant, under General Laws Chapter 31, Section 26, for provisional appointment to the above position.

I am a  veteran. Copy of DD214 must be submitted with application. *IN FILE 86*  
False information provided in this application could lead to removal from a civil service position.  
I hereby declare that the statements and answers on this application are true and are made under the penalties of perjury.  
For information call 727-8370 or toll free 1-800-392-6178.

Date of Application: *2-10-87* Signature: *William P. Folley*

VETERAN'S APPLICATION FOR PROVISIONAL APPOINTMENT Form 82 8/81

The Commonwealth of Massachusetts  
Division of Personnel Administration  
One Ashburton Place, Boston 02108  
Information Counter, Room 201  
One Ashburton Place, Boston

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THIS APPLICATION IS KEPT IN THE DPA FILE FOR ONLY 1 YEAR.  
INSTRUCTIONS: PRINT ALL ENTRIES. CHECK BLOCKS AS APPLICABLE.

Mail to:

Or deliver to:

Exact Title of the Position Applied For <i>STATE INSPECTOR CITY CLERK</i>		
Applicant's Name (Last, First, Initial) <i>FOLLEY William P.</i>	Social Security Number <i>011 20 9964</i>	Telephone Number <i>1-413-662-2510</i>
Mailing Address (Number & Street, City or Town, State, Zip Code) <i>16 RAMP ST NO ADAMS MA 01247</i>		

I wish to be considered as a veteran applicant, under General Laws Chapter 31, Section 26, for provisional appointment to the above position.

I am a  veteran. Copy of DD214 must be submitted with application. *IN FILE 86*  
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For information call 727-8370 or toll free 1-800-392-6178.

Date of Application: *2-10-87* Signature: *William P. Folley*

VETERAN'S APPLICATION FOR PROVISIONAL APPOINTMENT Form 82 8/81

The Commonwealth of Massachusetts  
Division of Personnel Administration  
One Ashburton Place, Boston 02108  
Information Counter, Room 201  
One Ashburton Place, Boston

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INSTRUCTIONS: PRINT ALL ENTRIES. CHECK BLOCKS AS APPLICABLE.

Mail to:

Or deliver to:

Exact Title of the Position Applied For <i>STATE INSPECTOR, Criminal Planning</i>		
Applicant's Name (Last, First, Initial) <i>FOLLEY William P.</i>	Social Security Number <i>011 20 9964</i>	Telephone Number <i>1-413-662-2510</i>
Mailing Address (Number & Street, City or Town, State, Zip Code) <i>16 RAMP ST NO ADAMS MA 01247</i>		

I wish to be considered as a veteran applicant, under General Laws Chapter 31, Section 26, for provisional appointment to the above position.

I am a  veteran. Copy of DD214 must be submitted with application. *IN FILE 86*  
False information provided in this application could lead to removal from a civil service position.  
I hereby declare that the statements and answers on this application are true and are made under the penalties of perjury.  
For information call 727-8370 or toll free 1-800-392-6178.

Date of Application: *2-16-87* Signature: *William P. Folley*

**VETERAN'S APPLICATION FOR PROVISIONAL APPOINTMENT** Form B2 B/B1  
 THIS IS NOT AN APPLICATION FOR A CIVIL SERVICE EXAMINATION.  
 THIS APPLICATION IS KEPT IN THE DPA FILE FOR ONLY 1 YEAR.  
 INSTRUCTIONS: PRINT ALL ENTRIES. CHECK BLOCKS AS APPLICABLE.

The Commonwealth of Massachusetts  
 Division of Personnel Administration  
 One Ashburton Place, Boston 02108  
 Information Counter, Room 201  
 One Ashburton Place, Boston

Exact Title of the Position Applied For <i>SANITARIAN - REG. + CITIES + TOWNS</i>	Social Security Number <i>011 20 9964</i>	Telephone Number <i>1-413-662-2510</i>
Applicant's Name (Last, First, Initial) <i>FOLLEY William P</i>		
Mailing Address (Number & Street, City or Town, State, Zip Code) <i>16 RAND ST NO ADDAMS MA 01247</i>		

I wish to be considered as a veteran applicant, under General Laws Chapter 31, Section 26, for provisional appointment to the above position.

I am a  veteran. Copy of DD214 must be submitted with application. *IN FILE*  
 False information provided in this application could lead to removal from a civil service position.  
 I hereby declare that the statements and answers on this application are true and are made under the penalties of perjury.  
 For information call 727-8370 or toll free 1-800-392-6178.

Date of Application: *2.10.87* Signature: *William P Folley*

**VETERAN'S APPLICATION FOR PROVISIONAL APPOINTMENT** Form B2 B/B1  
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 INSTRUCTIONS: PRINT ALL ENTRIES. CHECK BLOCKS AS APPLICABLE.

The Commonwealth of Massachusetts  
 Division of Personnel Administration  
 One Ashburton Place, Boston 02108  
 Information Counter, Room 201  
 One Ashburton Place, Boston

Exact Title of the Position Applied For <i>COOK INFORMATIONAL IJSP DEPT OF</i>	Social Security Number <i>011 20 9964</i>	Telephone Number <i>1-413-662-2510</i>
Applicant's Name (Last, First, Initial) <i>FOLLEY William P</i>		
Mailing Address (Number & Street, City or Town, State, Zip Code) <i>16 RAND ST NO ADDAMS MA 01247</i>		

I wish to be considered as a veteran applicant, under General Laws Chapter 31, Section 26, for provisional appointment to the above position.

I am a  veteran. Copy of DD214 must be submitted with application. *IN FILE*  
 False information provided in this application could lead to removal from a civil service position.  
 I hereby declare that the statements and answers on this application are true and are made under the penalties of perjury.  
 For information call 727-8370 or toll free 1-800-392-6178.

Date of Application: *2.16.87* Signature: *William P Folley*

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INSTRUCTIONS: PRINT ALL ENTRIES. CHECK BLOCKS AS APPLICABLE.

Mail to: The Commonwealth of Massachusetts  
Division of Personnel Administration  
One Ashburton Place, Boston 02108  
Or deliver to: Information Counter, Room 201  
One Ashburton Place, Boston

Exact Title of the Position Applied For <i>DEPT DPW Right of Way Investigator, Introspectives</i>	Social Security Number 011   20   9964
Applicant's Name (Last, First, Initial) <i>FOLLEY William P.</i>	
Mailing Address (Number & Street, City or Town, State, Zip Code) <i>16 RAND ST NO ADAMS MA 01247</i>	
Telephone Number 1-413 662 2510	

I wish to be considered as a veteran applicant, under General Laws Chapter 31, Section 26, for provisional appointment to the above position.

I am a  veteran. Copy of DD214 must be submitted with application.  
False information provided in this application could lead to removal from a civil service position.  
I hereby declare that the statements and answers on this application are true and are made under the penalties of perjury.  
For information call 727-8370 or toll free 1-800-392-6178.

Date of Application: *2-10-87* Signature: *William P. Folley*

VETERAN'S APPLICATION FOR PROVISIONAL APPOINTMENT Form 82 8/81  
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INSTRUCTIONS: PRINT ALL ENTRIES. CHECK BLOCKS AS APPLICABLE.

Mail to: The Commonwealth of Massachusetts  
Division of Personnel Administration  
One Ashburton Place, Boston 02108  
Or deliver to: Information Counter, Room 201  
One Ashburton Place, Boston

Exact Title of the Position Applied For <i>RELOCATION SPECIALIST - COMMUNITY AFFAIRS</i>	Social Security Number 011   20   9964
Applicant's Name (Last, First, Initial) <i>FOLLEY William P.</i>	
Mailing Address (Number & Street, City or Town, State, Zip Code) <i>16 RAND ST NO ADAMS MA 01247</i>	
Telephone Number 1-413 662 2510	

I wish to be considered as a veteran applicant, under General Laws Chapter 31, Section 26, for provisional appointment to the above position.

I am a  veteran. Copy of DD214 must be submitted with application. *IN FILE*  
False information provided in this application could lead to removal from a civil service position. *THU - 1986*  
I hereby declare that the statements and answers on this application are true and are made under the penalties of perjury.  
For information call 727-8370 or toll free 1-800-392-6178.

Date of Application: *2-10-87* Signature: *William P. Folley*

VETERAN'S APPLICATION FOR PROVISIONAL APPOINTMENT Form 82 8/81  
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Mail to: The Commonwealth of Massachusetts  
Division of Personnel Administration  
One Ashburton Place, Boston 02108  
Or deliver to: Information Counter, Room 201  
One Ashburton Place, Boston

Exact Title of the Position Applied For <i>BUILDING INSPECTOR, STATE - CITIES &amp; TOWNS</i>	Social Security Number 011   20   9964
Applicant's Name (Last, First, Initial) <i>FOLLEY William P.</i>	
Mailing Address (Number & Street, City or Town, State, Zip Code) <i>16 RAND STREET NO ADAMS MA 01247</i>	
Telephone Number 1-413 662 2510	

I wish to be considered as a veteran applicant, under General Laws Chapter 31, Section 26, for provisional appointment to the above position.

I am a  veteran. Copy of DD214 must be submitted with application. *ON FILE*  
False information provided in this application could lead to removal from a civil service position.  
I hereby declare that the statements and answers on this application are true and are made under the penalties of perjury.  
For information call 727-8370 or toll free 1-800-392-6178.

Date of Application: *2-10-87* Signature: *William P. Folley*

VETERAN'S APPLICATION FOR PROVISIONAL APPOINTMENT Form 82 8/81

The Commonwealth of Massachusetts  
 Division of Personnel Administration  
 One Ashburton Place, Boston 02108  
 Information Counter, Room 201  
 One Ashburton Place, Boston

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 INSTRUCTIONS: PRINT ALL ENTRIES. CHECK BLOCKS AS APPLICABLE.

Mail to:  
 Or deliver to:

Exact Title of the Position Applied For <i>CONSULTANT, ENVIRONMENTAL SANITATION</i>		Social Security Number <i>011 20 9964</i>	
Applicant's Name (Last, First, Initial) <i>FOLLEY William P.</i>		Telephone Number <i>1-413 662 2510</i>	
Mailing Address (Number & Street, City or Town, State, Zip Code) <i>16 RAND ST NO ADAMS MA 01247</i>			

I wish to be considered as a veteran applicant, under General Laws Chapter 31, Section 26, for provisional appointment to the above position.

I am a  veteran. Copy of DD214 must be submitted with application. *IN FILE-86*  
 False information provided in this application could lead to removal from a civil service position.  
 I hereby declare that the statements and answers on this application are true and are made under the penalties of perjury.  
 For information call 727-8370 or toll free 1-800-392-6178.

Date of Application: *2/10/87* Signature: *William P. Folley*

VETERAN'S APPLICATION FOR PROVISIONAL APPOINTMENT Form 82 8/81

The Commonwealth of Massachusetts  
 Division of Personnel Administration  
 One Ashburton Place, Boston 02108  
 Information Counter, Room 201  
 One Ashburton Place, Boston

THIS IS NOT AN APPLICATION FOR A CIVIL SERVICE EXAMINATION.  
 THIS APPLICATION IS KEPT IN THE DPA FILE FOR ONLY 1 YEAR.  
 INSTRUCTIONS: PRINT ALL ENTRIES. CHECK BLOCKS AS APPLICABLE.

Mail to:  
 Or deliver to:

Exact Title of the Position Applied For <i>REAL PROPERTY MANAGER</i>		Social Security Number <i>611 20 9964</i>	
Applicant's Name (Last, First, Initial) <i>FOLLEY William P</i>		Telephone Number <i>1-413-662 2510</i>	
Mailing Address (Number & Street, City or Town, State, Zip Code) <i>16 RAND ST NO ADAMS MA 01247</i>			

I wish to be considered as a veteran applicant, under General Laws Chapter 31, Section 26, for provisional appointment to the above position.

I am a  veteran. Copy of DD214 must be submitted with application.  
 False information provided in this application could lead to removal from a civil service position.  
 I hereby declare that the statements and answers on this application are true and are made under the penalties of perjury.  
 For information call 727-8370 or toll free 1-800-392-6178.

Date of Application *2-16-87* Signature: *William P Folley*

VETERAN'S APPLICATION FOR PROVISIONAL APPOINTMENT Form 82 8/81

The Commonwealth of Massachusetts  
 Division of Personnel Administration  
 One Ashburton Place, Boston 02108  
 Information Counter, Room 201  
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THIS IS NOT AN APPLICATION FOR A CIVIL SERVICE EXAMINATION.  
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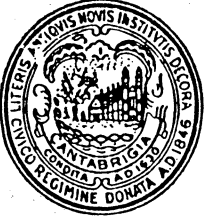
Mail to:  
 Or deliver to:

Exact Title of the Position Applied For <i>INSPECTOR, FOOD HANDLING STAFF <sup>DPH</sup></i>		Social Security Number <i>011 20 9964</i>	
Applicant's Name (Last, First, Initial) <i>FOLLEY William P</i>		Telephone Number <i>1-413 662 2510</i>	
Mailing Address (Number & Street, City or Town, State, Zip Code) <i>16 RAND ST NO ADAMS MA 01247</i>			

I wish to be considered as a veteran applicant, under General Laws Chapter 31, Section 26, for provisional appointment to the above position.

I am a  veteran. Copy of DD214 must be submitted with application. *IN FILE*  
 False information provided in this application could lead to removal from a civil service position.  
 I hereby declare that the statements and answers on this application are true and are made under the penalties of perjury. *Plus LAST 86*  
 For information call 727-8370 or toll free 1-800-392-6178.

Date of Application *2/10/87* Signature: *William P Folley*



## CITY OF CAMBRIDGE

INSPECTIONAL SERVICES DEPARTMENT CITY HALL  
CAMBRIDGE, MASSACHUSETTS 02139 (617) 498-9013

JOSEPH J. CELLUCCI  
COMMISSIONER OF BUILDINGS  
AND HOUSING

March 10, 1987

William P. Foley  
295 Deerfield Street  
Greenfield, MA 01301

Dear Mr. Foley:

This letter is in regards to the Code Enforcement Inspector position that you applied for through Civil Service. I have been unable to reach you by phone, to inform you of an interview with Commissioner Joseph Cellucci on March 16, 1987 at 2:30 p.m.

If you are still interested please contact me immediately to confirm this appointment.

Sincerely,

A handwritten signature in cursive script that reads "Toni Wright".

Toni Wright  
Secretary to the Commissioner



## CITY OF CAMBRIDGE

INSPECTIONAL SERVICES DEPARTMENT CITY HALL  
CAMBRIDGE, MASSACHUSETTS 02139 (617) 498-9013

JOSEPH J. CELLUCCI  
COMMISSIONER OF BUILDINGS  
AND HOUSING

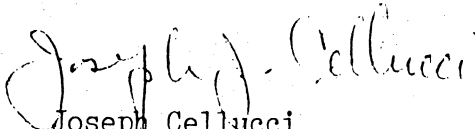
April 3, 1987

Mr. William Foley  
131 Spring Street  
Cambridge MA 02141

Dear Mr. Foley:

I'm happy to inform you that I have recommended your appointment to the position of Code Enforcement Inspector. Please contact our office to make arrangements. We would like to start as soon as possible.

Sincerely,

  
Joseph Cellucci  
Commissioner

JC/tlwd



CITY OF CAMBRIDGE

INSPECTIONAL SERVICES DEPARTMENT CITY HALL  
CAMBRIDGE, MASSACHUSETTS 02139 (617) 498-9013

JOSEPH J. CELLUCCI  
COMMISSIONER OF BUILDINGS  
AND HOUSING

April 8, 1987

Mr. William P. Foley  
131 Spring Street  
Cambridge, MA 02141

Dear Mr. Foley:

Due to a change in circumstances, please disregard my letter of April 3, 1987.

I appreciate your willingness to work for the City of Cambridge. If the circumstances change, you will be notified.

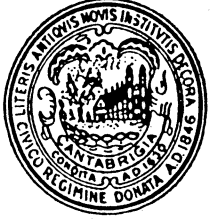
Very truly yours,

*Joseph J. Cellucci*  
Joseph J. Cellucci  
COMMISSIONER

JJC:cv

*4/8/87 Left in mail box at 10:30 AM  
no occupants at home*

*Vincent P. Cash  
Constable City of Cambridge*



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139  
Tel. 498-9024

PERSONNEL DEPARTMENT  
MICHAEL P. GARDNER,  
Director

September 29, 1987

William Foley  
131 Spring St.  
Cambridge, MA 02141

Dear Mr. Foley:

Pursuant to your recent request, please be advised of the following actions concerning Code Enforcement Inspectors since 1984:


Rudy Williams transferred from Building Inspector to Code Enforcement Inspector on February 25, 1986, and terminated on March 29, 1987,

Barry Watson was appointed as a temporary Code Enforcement Inspector on August 9, 1985, and was terminated on April 13, 1987.

Joseph DeVito was appointed a seasonal Code Enforcement Inspector in November, 1986 and terminated in March, 1987.

If you have any questions please contact me.

Sincerely,



Michael P. Gardner  
Personnel Director

MPG:bms

**PLAN E.—GOVERNMENT BY A CITY COUNCIL INCLUDING A MAYOR ELECTED FROM ITS NUMBER, AND A CITY MANAGER, WITH ALL ELECTIVE BODIES ELECTED AT LARGE BY PROPORTIONAL REPRESENTATION.**

SECTION 93. The method of city government provided for in the following twenty-three sections shall be known as Plan E. Upon the adoption by a city of Plan E, it shall become operative as provided in sections one to forty-five, inclusive, except as otherwise provided by the following sections.

SECTION 94. The terms "city clerk" and "registrars of voters" when used in sections ninety-three to one hundred and sixteen, inclusive, shall have the respective meanings given them by section one of chapter fifty.

SECTION 95. The government of the city and the general management and control of all its affairs shall, except as otherwise provided in this chapter, be vested in a city council, which shall exercise its powers in the manner hereinafter set forth, but subject to sections one to forty-five, inclusive, in so far as not inconsistent; except that the city manager shall have the authority hereinafter specified, that the general management and conduct of the public schools of the city and of the property pertaining thereto shall be vested in the school committee, and that the city clerk, the city auditor, any official of the city appointed by the governor and any trustees or other officers whose election by the voters of the city is required by reason of the fact that the city has accepted any gift, devise or bequest shall have the powers and duties which may be conferred and imposed upon them by law.

SECTION 96. The city council shall consist of seven or nine members, as provided in this section, all of whom shall, at each regular municipal election, be elected at large for terms of two years each by proportional representation as hereinafter provided and shall serve until their successors are qualified. The city council in any city having seven wards or less at the time of adoption of this plan shall be composed of seven members and the city council in any city having more than seven wards at the time of adoption thereof, nine members. Section eight of chapter thirty-nine shall apply to members of the city council. All trustees or other officers mentioned in section ninety-five shall at each regular municipal election be elected at large for terms of two years each by proportional representation as hereinafter provided.

SECTION 97. The city council shall have and exercise all the legislative powers of the city, except as such powers are reserved by this chapter to the school committee and to the qualified voters of the city.

The city council, elected as aforesaid, shall meet at ten o'clock in the forenoon of the first Monday of January following the regular municipal election, and the members of the city council shall severally make oath, before the city clerk or a justice of the peace, to perform faithfully the duties of their respective offices, except that any member-elect not present shall so make oath at the first regular meeting of the city council thereafter which he attends. For the purposes of organization, the city clerk shall be temporary chairman until the mayor or vice-chairman has qualified. Thereupon the city council shall, by a majority vote of all the members elected, elect a mayor and a vice-chairman from its own members and the persons elected as such shall likewise make oath to perform faithfully the duties of the respective offices to which

*John C. Blinn*  
*R. W. [unclear]*  
*Ch.*

perform the duties of mayor until a new mayor has qualified. The mayor shall have no power of appointment, except of the employees mentioned in section twenty-five and except as provided in section one hundred and two.

SECTION 101. Repealed.

SECTION 102. Except as provided in this section, a vacancy in any elective body shall be filled in the manner provided in section thirteen of chapter fifty-four A. If, under said section, no regularly nominated candidate of the city council or school committee remains, the vacancy shall be filled for the unexpired term by a majority vote of the remaining members, except that if the remaining members fail to fill such vacancy within thirty days after they shall have been notified by the city clerk that such vacancy exists, such vacancy shall be filled by the appointment of any qualified voter of the city by the mayor, or, if there is no mayor, by the vice-chairman, or if there is no mayor or vice-chairman, by the member of the council or of the school committee, as the case may be, senior in length of service, or, if more than one have so served, then the member senior both in age and length of service.

SECTION 103. The city council shall appoint a city manager who shall be the chief administrative officer of the city and shall be responsible for the administration of all departments, commissions, boards and offices of the city, whether established before its adoption of this plan or thereafter, except that of the city clerk, city auditor, any official appointed by the governor or any body elected by the voters of the city. He shall be appointed on the basis of his administrative and executive qualifications only, and need not be a resident of the city or commonwealth when appointed. He shall hold office during the pleasure of the city council and shall receive such compensation as it shall fix by ordinance, but not exceeding twenty thousand dollars annually. No member of the city council shall during his term of office be chosen as city manager, and no person who has within two years been elected to or served in any elective office in the city or in the county in which the city is located, shall be chosen as city manager.

Before the city manager may be removed, if he so demand, he shall be given a written statement of the reasons alleged for his removal and shall have the right to be heard publicly thereon at a meeting of the city council prior to the final vote on the question of his removal, but pending and during such hearing the city council may suspend him from office. The action of the city council in suspending or removing the city manager shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal in the city council. In case of the absence, disability or suspension of the city manager, the city council shall designate the head of some department to perform the duties of city manager during such absence, disability or suspension, and, in case the office of city manager becomes vacant, the city council shall designate the head of some department to serve as acting city manager until a new city manager is appointed.

SECTION 104. Except as otherwise specifically provided in this chapter, it shall be the duty of the city manager to act as chief conservator of the peace within the city; to supervise the administration of the affairs of the city; to see that within the city the laws of the commonwealth and the ordinances, resolutions and regulations of the city council are faithfully executed; and to make such recommendations to the city council concerning the affairs of the city as may to him seem desirable; to make reports to the city council from time to time upon the affairs of the city; and to keep the city council fully advised of the city's financial condition and its future needs. He shall prepare and submit to the city council budgets as required of the mayor by section thirty-two of chapter forty-four and, in connection therewith, may, to the extent provided by said section thirty-two in the case of a mayor, require the submission to him, by all departments, commissions, boards and offices of the city, of estimates of the amounts necessary for their expenses. He shall make all appointments and removals in the departments, commissions, boards and offices of the city for whose administration he is responsible, except as other-

wise provided in this chapter, and shall perform such other duties as may be prescribed by this chapter or be required of him by ordinance or resolution of the city council. The city manager shall have and possess, and shall exercise, all the powers, rights and duties, other than legislative, had, possessed or exercised, immediately prior to the adoption of this plan, by the mayor, board of aldermen, common council and all other boards, commissions and committees of the city and their members, severally or collectively, except such as are by this chapter, conferred upon the school committee or are otherwise provided for thereby.

~~SECTION 105. Such officers and employees as the city council, with the advice of the city manager, shall determine are necessary for the proper administration of the departments, commissions, boards and offices of the city for whose administration the city manager is responsible shall be appointed, and may be removed, by the city manager. The city manager shall report every appointment and removal made by him to the city council at the next meeting thereof following such appointment or removal. The city manager may authorize the head of a department, commission or board, or the holder of an office, for whose administration he is responsible, to appoint and remove subordinates in such department, commission, board or office. All appointments by, or under the authority of, the city manager, if subject to chapter thirty-one and the rules and regulations made under authority thereof, shall be made in accordance therewith, and all other appointments as aforesaid shall be on the basis of executive and administrative ability and training and experience in the work to be performed.~~

~~SECTION 106. Officers and employees of the city appointed by, or under the authority of, the city manager shall perform the duties required of them by the city manager, under general regulations of the city council. Any violation of this section shall constitute sufficient grounds for removal of any such officer or employee.~~

~~SECTION 107. Neither the city council nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the city manager or any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in that portion of the service of said city for whose administration the city manager is responsible. Except for the purpose of inquiry, the city council and its members shall deal with that portion of the service of the city as aforesaid solely through the city manager, and neither the city council nor any member thereof shall give orders to any subordinate of the city manager either publicly or privately. Any member of the city council who violates, or participates in the violation of, any provision of this section shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both, and upon final conviction thereof his office in the city council shall thereby be vacated and he shall never again be eligible for any office or position, elective or otherwise, in the service of the city.~~

~~SECTION 108. No employee of any department, board or commission of the city shall, directly or indirectly, give, solicit or receive, or in any manner be concerned in giving, soliciting or receiving any assessment, subscription or contribution for any political party or for any candidate for city office. Whoever violates any provision of this section shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both, and upon final conviction thereof his office or position in the service of the city shall thereby be vacated and he shall never again be eligible for any office or position, elective or otherwise, in the service of the city.~~

~~SECTION 109. The regular municipal election under this plan shall take place on the Tuesday next following the first Monday of November in every odd numbered year, and all members of the city council, the school committee and any board of trustees or other officers referred to in section ninety-five, and no others, shall be elected at each such election.~~

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Commissioner of Brookline (1963) 187  
N.E.2d 804, 345 Mass. 418.

Civil Service Commission, in reviewing grade accorded examination by applicant for police force promotion, acted within authority in allowing credit for answer in which applicant allegedly erred in designating an offense in a misdemeanor, but, in stating reason for answer, showed correct understanding of consequences of offense. *Ferguson v. Civil Service Commission* (1962) 182 N.E.2d 826, 344 Mass. 484.

The statute authorizing civil service commission to hear and decide appeals from any decision of director upon application of a person aggrieved thereby contemplates that due opportunity to be heard must be afforded to the appointing authority. *Caulfield v. Fire Com'r of Brookline* (1958) 146 N.E.2d 896, 336 Mass. 569.

Under statute providing that civil service commission should "hear and decide" all appeals from decision of director, quoted words import a quasi judicial hearing after due notice of time and place of hearing. *Id.*

A mere admission that civil service commission authorized reinstatement of municipal fire alarm operator did not establish his right to reinstatement in absence of proof that commission's action was taken after a hearing or upon three affirmative votes of the commission. *Id.*

Since it is the appointing authority that makes the application to director of civil service for consent to transfer from one office or employment to another, it is such appointing authority, and not person to be transferred, that is the "person aggrieved", by decision of director refusing such transfer, who has right to appeal from the decision. *Cooper v. Civil Service Com'rs* (1943) 49 N.E.2d 442, 314 Mass. 76.

The civil service commission has the power by reason of its general authority to review the action of the director to raise to a higher allocation any position under its control. *Op. Atty. Gen.* December 18, 1945, p. 74.

The civil service commission is vested with authority to hear and decide all appeals from any decision of the director upon application of a person aggrieved by such decision, and such authority to decide all appeals by implication must

comprehend the power to raise to a higher allocation any position decided by the director to belong to a lower allocation, from which decision an appeal has been taken. *Id.*

**§ 2A. Duties of director.** In addition to other duties imposed upon him by this chapter and chapter thirteen the director shall—

(a) Administer and enforce all laws and rules relating to the enforcement of the civil service law as applied in the commonwealth and comply with all decisions of the commission made under this chapter.

(b) Establish, with the approval of the commission, classification plans for positions in every city and town which are subject to any provision of this chapter. Upon the establishment of such classification plan the director shall forthwith make such plan effective, and after the establishment of such classification it shall be final. The city or town affected thereby shall, within one year after receiving notice from the director of the effective date of such classification plan, establish a compensation plan with a minimum and maximum salary, in accordance with the class and grade, for each position, but no compensation plan established hereunder shall include positions subject to section forty-seven D. No rule or regulation or change in rules or regulations shall be promulgated as a part of any such compensation plan except after a public hearing held not less than two weeks nor more than two months after notice thereof shall have been posted in a conspicuous place in the city or town hall and in at least five other convenient and conspicuous places, and shall also have been published on one or more days in one or more newspapers having a circulation in the town. Every notice posted shall contain, or have subjoined or annexed thereto, a copy of the proposed rule or regulation. If such rule, regulation or change therein is to be adopted by vote of a town or by by-law, the publication of the proposed rule, regulation or change in the warrant for the town meeting shall be deemed to satisfy the requirements of this paragraph.

(c) Designate places in the commonwealth where applicants may register for positions and employment in the labor service of the commonwealth and of the cities and towns having such a service subject to this chapter.

(d) Approve or disapprove specifications and qualifications for any office or position, as submitted by the appointing authority for classification purposes, or establish specifications and qualifications therefor, if those so submitted are disapproved and the appointing au-

thority fails to furnish specifications and qualifications satisfactory to the director within thirty days after being notified by him of such disapproval. If in performing said duties the director proposes to change any specifications previously approved in accordance with section forty-five of chapter thirty, he shall submit such proposed changes to the director of personnel and standardization for his prior review and written comment; and they shall not be effective if within five work days following their submission to him the said director shall object to them in writing to the director of civil service; provided, however, that if in such case the director of civil service and the director of personnel and standardization shall be unable to agree in such changes in specifications, the same shall, for the purposes of the said classification plan, be determined by the commission on administration and finance.

(e) Determine and pass upon the qualifications of applicants; and hold examinations for the purpose of establishing eligible lists of persons for appointment or promotion to positions in the official service of the commonwealth and the cities and towns thereof which are subject to any provision of this chapter. Examinations to establish a list for appointment may, in the discretion of the director, and with the approval of the director of personnel and standardization in the case of positions or employment in the service of the commonwealth, and if requested in the requisition of the appointing authority of a city or town in the case of positions or employments in the service thereof, be restricted either to male persons or to female persons. Examinations to establish a list for promotion shall not be restricted either to male persons or to female persons; provided, however, that whenever the duties and responsibilities of a position require special physical or medical standards or require custody or care of a person of a particular sex, the director may limit participation in examination or certification for promotion, as the case may be, to members of the appropriate sex.

(f) Establish such standards for the several offices and positions in the official or labor service as he may determine to be necessary, which standards shall not be waived or dispensed with in the case of any applicant.

(g) Establish eligible lists and certify upon requisition of the proper appointing authority the names of persons eligible for positions and employments in the service of the commonwealth and the cities and towns thereof which are subject to any provision of this chapter; and such lists for positions referred to in section forty-seven

C, and made subject to this chapter by said section or otherwise, may be established, according to the results of state-wide examinations on the basis of domicile in the respective cities and towns where the positions are to be filled and on the basis of domicile in districts in which the cities and towns are respectively situated.

(h) Certify the names of persons for employment, according to districts established by the state department of public works, in the labor service of said department.

(i) Keep complete and accurate records of all examinations held, of all eligible lists established, of all persons certified for appointment, and of all permanent, provisional and temporary appointments made in the official or labor service.

(j) Examine or direct the examination of all pay rolls, bills and accounts for the payment of salaries and compensation of persons in the official or labor service, and make any investigation regarding the same as he may deem necessary.

(k) On the tenth day of each month make a report to the commission containing complete information as to the division's activities during the preceding month, including data on examinations, a complete list of non-competitive appointments, if any, with reasons therefor, and a list of provisional appointments made. Such report shall be a public record, and copies of it shall be furnished to the governor and council and to the state library. On or before October first of each year, the director shall also make a report to the commission concerning the work of the division for the previous fiscal year, including his recommendations, if any, for the improvement of such work.

(l) Decide in the first instance all reviews of markings on examination papers requested by applicants. Added St.1939, c. 238, § 11, as amended St.1939, c. 506, § 1; St.1941, c. 402, § 2; St.1941, c. 721; St. 1945, c. 725, § 2; St.1951, c. 302; St.1953, c. 286, § 1; St.1954, c. 295, § 1; St.1954, c. 680, § 17; St.1961, c. 287; St.1965, c. 9; St.1965, c. 53.

Historical Note

This section, as amended by St.1939, c. 506, § 1 and St.1941, c. 402, § 2 and c. 721, consisted of clauses (a) through (h). These clauses partially comprise the present section as extensively rewritten in 1945 and are distributed throughout this section as follows:

	Former	Present
	(c)	(e)
	(d)	(f)
	(e)	(g)
	(f)	(i)
	(g)	(j)
	(h)	(k)
Former	(a)	Present
	(b)	(b)

The 1945 amendment, in addition to the insertion of clauses (c), (d), (h) and (i), substituted "official or labor service"

## 31 § 23 CIVIL SERVICE, RETIREMENTS, ETC.

Note 10

### 10. Merit basis of promotion

The provisions of St.1896, c. 517, are applicable only to original appointments and to employment in the labor service; but the repeal of the words "other qualifications being equal," in St.1884, c. 320, § 14, cl. 6, has the effect to require the preference of veterans in promotions, subject to provisions of same section that such promotions shall be on the basis of merit. 2 Op.Atty.Gen.1900, p. 119.

### 11. Honorable discharge

Persons holding a certificate of discharge from the United States naval reserve or a discharge from the United States naval service are entitled to the veterans' preference in appointments un-

der the civil service. Op.Atty.Gen. Dec. 19, 1942, p. 7.

### 12. Damages

Where a veteran, employed in the labor service of a city pursuant to this chapter and the rules of the civil service commission, was wrongfully discharged, and the city failed to give him preference over others not veterans while there was work to be done, the measure of damages was the amount which he could have earned, had he been given the preference over others while there was work to be done, less what he earned, or in the exercise of proper diligence might have earned, elsewhere. *Ransom v. Boston* (1906) 78 N.E. 481, 192 Mass. 299, 7 Ann.Cas. 733.

**§ 23A. Disabled veteran defined.** "Disabled veteran", as used in this chapter, shall mean any veteran, as defined in section twenty-one or twenty-one A, who has a continuing disability at the time of application for appointment, and who presents a certificate of any physician, approved by the director, that his disability is not such as to prevent the efficient performance of the duties of the position to which he is eligible; and who (1) shall present proof satisfactory to the director that such disability is a service-incurred disability of not less than ten per cent based on wartime service for which he is receiving compensation, or is entitled to receive compensation for not less than ten per cent disability based on wartime service from the Veterans' Administration, or who shall present proof satisfactory to the director that such disability is a service-incurred disability based on wartime service, or for which he is receiving or is entitled to receive a statutory award from the Veterans' Administration; or who (2) has been retired by the armed forces for such permanent physical disability, incurred by wartime service for which he is receiving retirement allowance or is entitled to receive retirement allowance for not less than ten per cent disability based on wartime service from any branch of the armed forces.

The term "wartime service" as used in this section and in sections twenty-three B and twenty-four shall also include service in the armed forces of the United States between January first, nineteen hundred and forty-seven and June twenty-fourth, nineteen hundred and fifty. Added St.1954, c. 627, § 6, as amended St.1956, c. 430, § 1; St.1958, c. 69, § 1.

## CIVIL SERVICE

31 § 23A

### Historical Note

Prior to the extensive rewriting of this section by the 1956 amendment, it read as follows: " 'Disabled veteran', as used in this chapter, shall mean any veteran, as defined in section twenty-one, who has a continuing disability at the time of application for appointment and who presents a certificate of any physician, approved by the director, that his disability is not such as to prevent the efficient performance of the duties of the position to which he is eligible; and who (1) shall present proof satisfactory to the director that such disability is a service-incurred disability of not less than ten per cent based on wartime service for which he is receiving compensation from the veterans' administration; or who (2) has been retired by the armed forces for such permanent physical disability, incurred by wartime service and whose disability retirement rating is not less than thirty per cent at the time of application for appointment; or who (3) shall present a certificate from a physician, approved by the director, that he is substantially handicapped for industrial life through such disability, and shall present proof satisfactory to the director that such disability was received in line of duty in

the armed forces of the United States during wartime service."

Section 2 of St.1956, c. 430, provided as follows: "The provisions of sections twenty-three A and twenty-three B of chapter thirty-one of the General Laws, as amended by section one of this act, shall apply to all civil service eligible lists in existence on the effective date of this act, in accordance with civil service laws and rules applicable thereto."

The 1958 amendment made the term "disabled veteran" applicable to any veteran "who shall present proof satisfactory to the director that such disability is a service-incurred disability based on wartime service or for which he is receiving or is entitled to receive a statutory reward from the Veterans' Administration."

Section 2 of the 1958 amendatory act provided: "The provisions of section twenty-three A, as amended by section one of this act, and section twenty-three B of chapter thirty-one of the General Laws shall apply to all civil service lists in existence on the effective date of this act, in accordance with civil service laws and rules applicable thereto."

### Notes of Decisions

In general 1  
Proof of disability 2, 3  
In general 2  
In line of duty 3  
Time to submit proof 4

### Library references

Municipal Corporations ☞132, 157, 217(4).  
Officers ☞10, 26(2), 68.  
C.J.S. Municipal Corporations §§ 470, 518, 708.  
C.J.S. Officers §§ 35, 63.

### 1. In general

The effective date of St.1954, c. 627, the new veterans' law, is June 10, 1954. Op.Atty.Gen. Aug. 18, 1954, p. 49.

A disabled veteran could establish his status as such under the former provisions of section 23 of this chapter, even if he is not in receipt of a pension or compensation from the United States government. Op.Atty.Gen. March 18, 1936, p. 49.

### 2. Proof of disability—In general

Under the former provisions of section 23 of this chapter, requiring the director of civil service to place disabled veterans, who present satisfactory proof, ahead of all others including veterans, and section 12 of this chapter, requiring him to establish eligible lists within six months of written examination, director was required, upon receipt of amended applications claiming preference based on disability and filed after establish-

## Cross References

Employment in local governments, veterans' preference, see c. 41, § 112.  
Wartime service, defined, see section 23A of this chapter.

## Notes of Decisions

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## Library references

Officers ⇨26(2).  
C.J.S. Officers § 35.

## 1. Validity

Acts 1896, c. 517, § 6, directing the civil service commissioners to secure the employment of veterans in the labor service of the commonwealth and cities and towns in preference to other persons, if such veterans are qualified for the work, is constitutional. Opinion of the Justices (1896) 44 N.E. 625, 166 Mass. 589, 34 L.R.A. 58.

## 2. In general

In the case of *Allen v. McBride* (1927) 156 N.E. 250, 259 Mass. 286, the court said: "We are of opinion that sections 21 to 28, inclusive, of G.L. c. 31, touching preference of veterans under the civil service, do not exempt veterans from the provisions respecting the probationary period of six months contained in said rule 18."

The statutes regulating the employment of laborers of cities and the rules of the civil service commission adopted pursuant thereto enter into and form a part of a contract whereby one is employed in the labor service of a city. *Ransom v. City of Boston* (1906) 78 N.E. 481, 192 Mass. 299, 7 Ann.Cas. 733.

A veteran, employed in the labor service of a city pursuant to the civil service statutes and rules of the civil service commission, may, on his wrongful discharge, maintain an action against the city to recover wages for work subse-

quent to his discharge; for to confine him to an action against the person doing the work that ought to have been given the veteran to do is a denial of justice to him. *Id.*

The janitor of the hall of a town of less than 12,000 inhabitants is not an employe of the town, who can invoke St.1896, c. 517, § 6 (providing that, in towns in which the civil service act has not been applied to the labor service, the selectmen of the towns shall take such action as may be necessary to secure the employment of veterans "in the labor service of their respective towns," in preference to all other persons, except women), in his behalf by mandamus as a veteran of the late Civil War, as the legislature intended the words "labor service" to mean such service as defined by the rules of the civil service commissioners, and their rules do not include such an employe. *Johnson v. Kimball* (1898) 48 N.E. 1020, 170 Mass. 58.

## 3. Eligible lists

A laborer in city public works department who never registered for employment, whose name was never placed on eligible list, and who was never certified for employment as required by statute could not invoke rights accorded to veterans under this section. *Malloy v. Mayor of Peabody* (1938) 12 N.E.2d 197, 293 Mass. 44.

## 4. Certification of names

The rules of the civil service commission, which provide that, when laborers are required, the commission shall certify the names of the veterans on the eligible list, and the employment shall be made from the list so certified, and the employing officer shall first employ from the list of veterans certified, adopted pursuant to a statute making it obligatory on the commission to establish rules

giving to veterans preference in the labor service, gives to a veteran employed in the labor service of a city the right to continuous employment in preference to laborers who are not veterans so long as there is work to be done for which he is employed and so long as he is competent to perform that work. *Ransom v. City of Boston* (1906) 78 N.E. 481, 192 Mass. 299, 7 Ann.Cas. 733.

Under R.L.1902, c. 19, §§ 23, 24, in regard to right to preference for continu-

ous employment, there is no distinction between veteran who has been registered, certified and employed in labor service of city or town and veteran who has been examined, registered and employed as public officer. *Id.*

Veterans who seek jobs in the civil service are to be given preference only as to the certification on the eligible lists and not as to preference in appointment or employment. 8 Op.Atty.Gen.1926, p. 135.

**§ 25. Provisional appointments.** Whenever a provisional appointment is authorized by the director under section fifteen, no person other than a veteran shall be appointed unless the appointing officer cannot find a veteran qualified for the position who will accept and so certifies to the director. Before certifying that he is unable to find a veteran who is qualified for, and will accept, the position, the appointing officer shall obtain from the director a list of all veterans who have filed, within the preceding year, applications for the kind of work called for by such provisional appointment, and shall notify by mail each of said veterans, and the appointing officer shall also notify by mail the state commissioner of veterans' services and the director of the division of employment security, if the position is in the service of the commonwealth, or the commissioner of veterans' services of the city or town, or officer holding a like position and the director of the division of employment security, if the position is in the service of a city or town, for the purpose of ascertaining the names of qualified veterans who are available and willing to accept, and the certificate of the appointing officer shall so state. The director shall not approve the provisional appointment of any person which does not conform to the provisions of this section. As amended St.1939, c. 238, § 32; St. 1946, c. 145; St.1948, c. 407.

## Historical Note

St.1919 c. 150 § 4.

The 1946 amendment struck out a former last sentence of this section which provided that "this section shall not apply to requisitions calling for women."

Prior to the extensive rewriting of this section by the 1948 amendment, it read: "If there is no suitable eligible list from which to certify to fill a requisition, the

director shall authorize the appointing officer to make provisional appointment of a veteran, and shall send to the appointing officer the names and addresses of veterans who have filed applications for the kind of work for which requisition is made, and the position shall be filled provisionally by the appointment of a veteran. If, however, the appoint-

§ 50. **Affect on special laws.** Nothing in this chapter shall repeal, amend or affect any special provision of law relative to any city or town, or extend to any city or town any provision of law to which it is not now subject.

Notes of Decisions

I. In general

A statute giving the board of managers of Quincy City Hospital authority to employ and remove hospital employees did not make special provision for hospital employees different from provisions generally applicable to employees of city, which had, prior to adoption of statute, adopted this chapter applicable to its employees, and hence this section, that such law should not amend or affect any special provision of law relative to any city or town gave the board of managers no right to discharge ambulance drivers. *Walsh v. Commissioners of Civil Service* (1938) 15 N.E.2d 218, 300 Mass. 244.

City charter provisions authorizing council to reduce policemen's and firemen's compensation uniformly by ordinance conveyed legislative power and to contemplate legislative action not subject to provisions of this chapter. *Alger v. Special Justice of District Court of Brockton* (1933) 186 N.E. 838, 283 Mass. 596.

City charter provisions, authorizing council to reduce policemen's and firemen's compensation uniformly by ordinance, was not impliedly repealed by this chapter. *Id.*

City of Lowell had power, in good faith, under G.L.1921, c. 43, § 5, to adopt ordinance abolishing administrative offices, including board of public service, provided for in St.1921, c. 383, § 20, and substitute departments with administrative heads appointed by mayor, though given same titles as holders of subordinate positions, such as that of superintendent of waterworks appointed by such board pursuant to section 30, pt. 3, and such superintendent had no right to continuance of his appointment at expense of public welfare, nor to hearing before adoption of ordinance, or review of its legality on appeal before district courts, under Civil Service Law (G.L. c. 31, § 43), or regulations of civil service commission. *Reynolds v. McDermott* (1928) 162 N.E. 1, 264 Mass. 158.

Acceptance of section 48, of this chapter, applying to civil service classification to permanent members of the Plymouth fire department, does not conflict with the special act authorizing said town to establish a fire department under the direction of one fire commissioner appointed by the selectmen in view of § 50. 6 Op.Atty.Gen.1922, p. 476.

GENERAL PENALTY

§ 51. **Penalties.** Whoever makes an appointment or employs any person in violation of any provision of this chapter, or the rules made thereunder, or whoever refuses or neglects to comply with any of such provisions or rules, shall be punished by a fine of not less than one hundred nor more than one thousand dollars, unless some other penalty is specifically provided.

Historical Note

St.1884 c. 320 § 24.  
St.1895 c. 501 § 5.  
St.1896 c. 517 § 7.

R.L.1902 c. 19 § 35.  
St.1914 c. 600 § 5.  
St.1918 c. 257 § 94.

St.1919 c. 5.  
St.1920 c. 2.

Notes of Decisions

Library references

Officers ⇨121.  
Penalties ⇨1 et seq.  
C.J.S. Officers §§ 133, 147.  
C.J.S. Penalties § 1 et seq.

I. In general

R.L.1902, c. 19, § 35, prescribing a penalty for failing to comply with this chapter, does not prevent a veteran employed in the labor service of a city from maintaining an action against the city for damages for his wrongful discharge. *Ransom v. Boston* (1906) 78 N.E. 481, 192 Mass. 299, 7 Ann.Cas. 733.

Where a veteran, employed in the labor service of a city pursuant to this chapter, and the rules of the civil service commission, was wrongfully discharged, and the city failed to give him preference over others not veterans while there was work to be done, the measure of damages was the amount which he would have earned, had he been given the preference over others while there was work to be done, less what he earned, or in the exercise of proper diligence might have earned, elsewhere. *Id.*

11.

S-604

Comm. from William P. Foley, requesting a public hearing before the City Council to discuss a complaint with regard to the violation of his civil & Constitutional rights.

In City Council,

October 19, 1987

Referred to City mgr.

10/20/87 - copy sent to

C. mgr. (dl)