



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300
FAX 349-4307



EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

January 27, 1998

Honorable Richard Moore
Senate Chair, Joint Committee on Public Service
Great and General Court
State House
Boston, MA

Dear Senator Moore:

I am writing to urge prompt action of your Committee and the Legislature on a serious matter affecting the public safety of the City of Cambridge and many other communities in the Commonwealth.

The City of Cambridge is faced with a serious challenge to our ability to adequately provide for the public safety, in the hiring of police officers and firefighters. This challenge arises from the perhaps inadvertent omission from Chapter 306 of the Acts of 1996 to provide any discretion to appointing authorities in considering retirees who have recovered from their injuries for reinstatement to their former positions.

Although Chapter 306 was designed to address alleged pension abuse, the bill had many flaws. The most serious problem was that, as enacted, the statute eliminated all discretion on the part of city and town officials to stop the return to work of retirees who had allegedly recovered from the disabilities, originally determined to be "permanent", which had caused them to retire in the first place. Cambridge has reinstated such individuals in the past. We have, however, always refused to reinstate those, who, by their actions since retirement, have shown themselves to be unworthy of employment, particularly in public safety positions.

As interpreted by the courts and state agencies such as the Human Resources Division of the Executive Office of Administration and Finance (civil service), the existing law is preventing the City of Cambridge from appointing fifteen new police officers, unless, as City Manager, I agree to appoint several former police officers, one of whom has not worked for the City since the late 1960's, without any screening whatsoever—that is, without a medical examination, psychological examination, or review of both

employment history and criminal offenses committed during the period of "permanent" disability.

We recently declined to reappoint two former police officers who had serious character and conduct problems while out on disability pensions. We found that one applicant, while on disability retirement, had admitted to sufficient facts to a charge of shoplifting, been charged with Assault and Battery with a Dangerous Weapon, and been subject to a judicial restraining order for threats, weapons possession, and violence resulting in hospitalization of a relative. He then misrepresented these facts under oath.

In the other case, the retiree was discharged from employment with a major national retailer as a result of findings of willful misconduct, and falsifying company records, for personal enrichment. He withheld information about this matter from the Cambridge Police Department and made false statements to the Department during the course of its background investigation into his request to be reinstated.

We declined to reinstate both retirees, as we would not have hired them as new recruits. Both cases are in litigation.

A Superior Court Judge recently ordered that one candidate be reinstated. The judge interpreted the new requirements of the "pension reform" law as denying to the City all discretion to consider the behavior of the retiree. The judge understood this was not a sound result. As she said in her opinion:

"Under the statute as amended, the City may have to reinstate to its police force persons who have been convicted of serious crimes, or who have engaged in other misconduct, during a period of disability retirement, that is clearly inconsistent with the high standards of character required of police officers. This concern however is properly addressed by the Legislature, not this Court."

We recently learned of another community which is being thwarted in hiring new police officers because a retiree who has recovered and wants the job back, is also a convicted felon. Quite properly, that community is also refusing to reinstate. The situation is intolerable.

We have continued to challenge the constitutionality of the statute, as a violation of Article Six and Article Seven of the Constitution of the Commonwealth, but clearly corrective legislation is appropriate.

Legislation to correct this problem has been filed by the Governor, the Massachusetts Municipal Association and the Massachusetts Chiefs of Police Association. After extensive discussions with state wide public safety unions, whose former members are the most affected, general consensus appears to have been reached for revisions to the law that would solve most of the problems, preserving the proper right of municipal

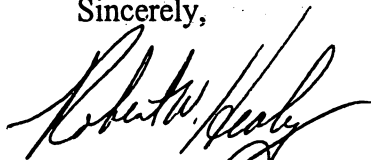
appointing authorities to evaluate the overall fitness of candidates for the position, and reject those who, based upon their behavior since retirement, do not deserve appointment as public safety employees.

It is vital that municipal appointing authorities be able to review the character and qualifications of all persons who seek to hold positions as police officers and firefighters.

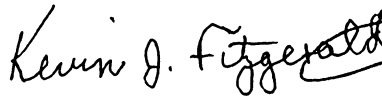
Any corrective legislation should be retroactive to clearly address the problem candidates we and other communities are currently facing.

Thank you for your attention to this important matter.

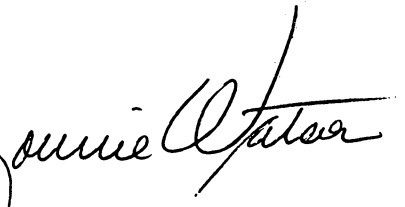
Sincerely,



Robert W. Healy
City Manager



Kevin Fitzgerald
Fire Chief



Ronnie Watson
Police Commissioner



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ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

January 27, 1998

Honorable Timothy Toomey
House Chair, Joint Committee on Public Service
Great and General Court
State House
Boston, MA

Dear Representative Toomey:

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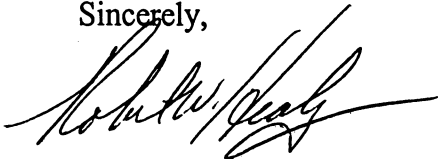
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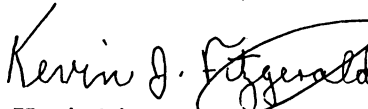
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Sincerely,



Robert W. Healy
City Manager



Kevin Fitzgerald
Fire Chief



Ronnie Watson
Police Commissioner

In Council packets 1/30/98



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EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

January 30, 1998

To The Honorable, The City Council:

Please find attached for your information communications sent to Senator Richard Moore, Senate Chair, Joint Committee on Public Service and Representative Timothy Toomey, House Chair, Joint Committee on Public Service, relative to legislative reform needed in connection with the return to work of retirees found to have recovered from their disabilities.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec

Letter from Honorable Richard Moore,
urging prompt action of your Committee
and the Legislature on a serious matter
affecting the public safety of the City, in
the hiring of police officers and firefighters.

In City Council February 2, 1998