

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 876-6800

LAW DEPARTMENT

EDWARD D. MCCARTHY
CITY SOLICITOR

ROWENA E. TAYLOR
ASSISTANT CITY SOLICITOR

CHARLES WATSON
LEGISLATIVE AGENT

RUSSELL B. HIGLEY
SPECIAL COUNSEL

October 27, 1975

To The Honorable City Council
City Hall
Cambridge, Massachusetts

Re: Superintendent of Recreation

Dear Councillors:

I have examined your orders relative to the above position and requested legislation to exempt this position from the position of Civil Service.

Under the provisions of General Laws, Chapter 31, Section 43, this position, as well as any position subject to Civil Service, may only be abolished for adequate reasons, such as, lack of money or lack of work. The pertinent part of Section 43 reads as follows:

Before any action affecting employment or compensation referred to in the preceding sentence is taken, the officer or employee shall be given a written statement of the specific reason or reasons for the contemplated action, together with a copy of sections forty-three, forty-five and forty-six A, and shall be given a full hearing before the appointing authority...

Prior to any action abolishing an office, notice in writing would have to be given to the employee involved and a hearing held relative to the adequacy of the reasons for abolishing such a position.

To The Honorable City Council

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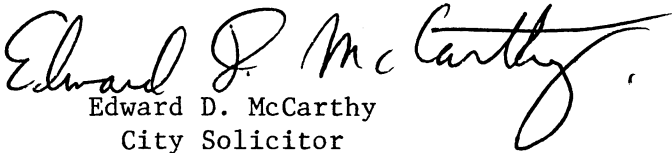
October 27, 1975

In light of the above, it is my opinion that the order of the City Council abolishing the above position is invalid and of no affect.

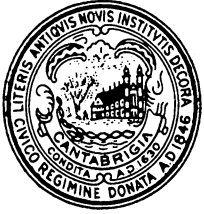
As you are aware, the City Manager has indicated that he is in the process of preparing formal charges and will, in fact, hold a hearing at the appropriate time regarding the question of whether or not the incumbent in this position should be removed or otherwise disciplined in accordance with Civil Service.

We are also working with the City Manager to prepare appropriate legislation which would exempt the position in question from Civil Service.

Very truly yours,


Edward D. McCarthy
City Solicitor

EDMcC:jm



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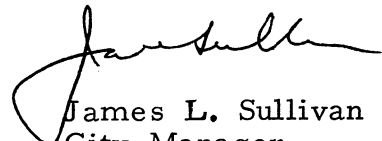
EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

October 27, 1975

To the Honorable, the City Council:

I transmit herewith communication from Edward D. McCarthy, City Solicitor, relative to the Superintendent of Recreation position.

Very truly yours,


James L. Sullivan
City Manager

JLS/b

Agenda #8 F - 420

Re: Superintendent of Recreation

In City Council,

Oct. 27, 1975

10/27/75

Placed on File-