



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

• (617) 876-6800

LAW DEPARTMENT

RUSSELL B. HIGLEY
CITY SOLICITOR

RUSSELL B. HIGLEY

EDWARD A. CUNNINGHAM
ANDREW T. TRODDEN
LEGAL COUNSEL

CHARLES A. WATSON
LEGISLATIVE AGENT

November 13, 1978

Mr. James L. Sullivan
City Manager
City Hall
Cambridge, Massachusetts

Dear Mr. Sullivan:

I am in receipt of an Order from the City Council which reads as follows:

That the City Manager enact an absolute hiring freeze on all City positions except in the Police and Fire Department.

It is my understanding that the City Council is interested in an opinion from this office relative to whether or not the City Manager may in fact enact such a hiring freeze. As you are aware, the City Manager is the Chief appointing authority in the City, pursuant to the provisions of General Laws, Chapter 43, Sections 104 and 105.

The need for the continuation of vital municipal services would preclude the City Manager from enacting an absolute hiring freeze in certain areas where health and safety are involved. For example, the need for replacing skilled personnel in the Hospital would be imperative to protect the health and safety of the patients in the Hospital. The need to replace skilled personnel in the Water Department, Health Department, sanitary departments, infirmary, etc., would be essential to the proper functioning of those departments and any deficiencies would leave us subject to suit.

Additionally there is a requirement in the Federal C.E.T.A. Program that mandates a maintenance of effort on the part of the City where C.E.T.A. personnel are involved.

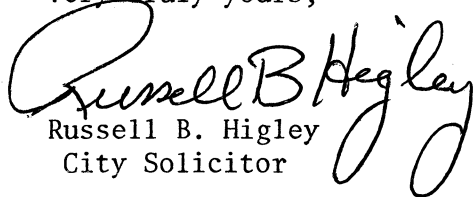
Mr. James L. Sullivan (cont.)

November 13, 1978

As a consequence, it is my opinion that the imposition of an absolute hiring freeze could prevent the City Manager from fully performing his duties as delegated by the General Laws.

If you require further clarification of this matter, please let me know.

Very truly yours,


Russell B. Higley
City Solicitor



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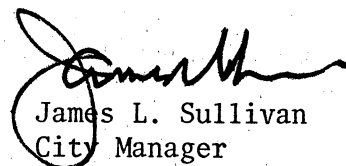
EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

November 20, 1978

To the Honorable, the City Council:

With reference to Awaiting Report Item No. 9, City Council Order of November 6, 1978, I transmit herewith communication from Russell B. Higley, City Solicitor, relative to an absolute hiring freeze on all City positions except in the Police and Fire Departments.

Very truly yours,



James L. Sullivan
City Manager

JLS/b

S-494

Response to Awaiting Report No. 9 re:
absolute hiring freeze on all city positions
except in the Police and Fire Depts.

In City Council,
November 20, 1978

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- Placed on File -