



# CITY OF CAMBRIDGE

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

LAW DEPARTMENT

EDWARD D. MCCARTHY  
ACTING CITY SOLICITOR

ROWENA E. TAYLOR  
ASSISTANT CITY SOLICITOR

CHARLES WATSON  
LEGISLATIVE AGENT

April 26, 1974

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

Dear Mr. Sullivan:

You have asked my opinion as to what rights are available to employees who are fired from the service of the City and in particular any person not protected by Civil Service.

Civil Service employees may not be suspended, transferred, lowered in rank or compensation, or discharged without cause and without a hearing by the appointing authority subject to a new hearing before the Civil Service Commission and ultimate review by the Courts.

The Supreme Judicial Court of Massachusetts in the case of Welch v. Contributory Retirement Appeal Board, 343 Mass. 502 dealt with the authority of the City Manager of a Plan E Charter to appoint and remove non Civil Service employees and department heads in particular. That case concerned the discharge of the Director of Public Works in the City of Medford who claimed he could not be removed without a hearing since he was a member of the Contributory Retirement System.

The Supreme Court pointed out; "No where is it stated that the removal must be for cause. The only duty of the City Manager with reference to such removals is to report them to the Council. He acquired a general power of removal from the express terms of the charter."

The Court went on to say; "No where in the charter where the power of removal is conferred upon the City Manager is there any indication that it is to be limited in any way except as to persons in the classified Civil Service."

Mr. James L. Sullivan  
City Manager

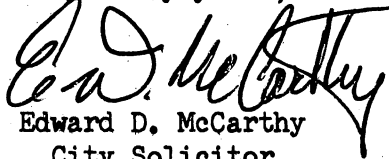
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These powers are conferred upon the City Manager in order to secure effective administration of those branches for which the City Manager is responsible.

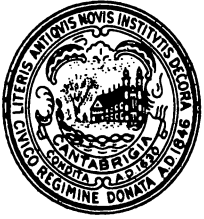
It is, therefore, my opinion that such employees or officials are subject to removal at the pleasure of the City Manager.

Very truly yours,



Edward D. McCarthy  
City Solicitor

EDMcC: jm



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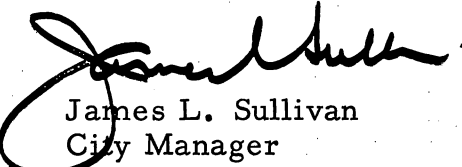
EXECUTIVE DEPARTMENT  
JAMES L. SULLIVAN  
City Manager

April 29, 1974

To the Honorable, the City Council:

I transmit herewith a self-explanatory communication from Edward D. McCarthy, Acting City Solicitor, relative to firing of non-Civil Service employees.

Very truly yours,



James L. Sullivan  
City Manager

JLS/f

Agenda # 15

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Opinion from the City Solicitor re: to the  
firing of non-civil service employees.

In City Council,

April 29, 1974

*Placed on file*

*F104*