



# TOWN OF MILLBURY

MUNICIPAL OFFICE BUILDING • 127 ELM STREET • MILLBURY, MA 01527-2632 • TEL. 508/865-9110 • FAX 508/865-0857  
EMAIL: jdavolio@townofmillbury.net

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S2952

6/21/22  
3:25

Jayne Marie Davolio, CMC  
Town Clerk

May 18, 2022

Mr. Sean Hendricks  
Town Manager  
127 Elm Street  
Millbury, MA 01527

Dear Mr. Hendricks:

The following action was voted and approved at the Annual Town Meeting held May 17, 2022.

**ARTICLE 18:** The town voted the article passed by 2/3rds and confirmed by the moderator to authorize the Board of Selectmen to petition the General Court for the enactment of special legislation to remove the Police Department from the Civil Service system as follows, provided that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments thereto before enactment by the General Court, which amendments shall be within the public purposes of said petition.

## AN ACT EXEMPTING OFFICERS IN THE TOWN OF MILLBURY POLICE DEPARTMENT FROM THE CIVIL SERVICE LAW.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

SECTION 1. Notwithstanding any general or special law to the contrary, all officers in the police department of the town of Millbury shall be exempt from Chapter 31 of the General Laws.

SECTION 2. Section 1 shall not impair the civil service status of an officer employed on a permanent basis in a civil service position in the police department of the town of Millbury on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

I have attached your certification in order for you to petition the General Court for this special legislation. Should you need anything further, please do not hesitate to contact the office.

Very truly yours,  
  
Jayne Marie Davolio  
Town Clerk



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Town Clerk

## PROCEEDINGS OF THE ANNUAL TOWN MEETING MAY 3, 2022

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**ARTICLE 18: Motion** by Mary Krumsiek to authorize the Board of Selectmen to petition the General Court for the enactment of special legislation to remove the Police Department from the Civil Service system as follows, provided that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments thereto before enactment by the General Court, which amendments shall be within the public purposes of said petition.

### AN ACT EXEMPTING OFFICERS IN THE TOWN OF MILLBURY POLICE DEPARTMENT FROM THE CIVIL SERVICE LAW.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

SECTION 1. Notwithstanding any general or special law to the contrary, all officers in the police department of the town of Millbury shall be exempt from Chapter 31 of the General Laws.

SECTION 2. Section 1 shall not impair the civil service status of an officer employed on a permanent basis in a civil service position in the police department of the town of Millbury on the effective date of this act.

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SECTION 3. This act shall take effect upon its passage.

Motion passed by majority vote.

A True Copy Attest.

*Jayne Marie Davolio*  
Town Clerk  
May 31, 2022



# TOWN OF MILLBURY

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Jayne Marie Davolio, CMC  
Town Clerk

## WARRANT FOR THE ANNUAL TOWN MEETING MAY 3, 2022

**ARTICLE 18:** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for the enactment of special legislation to remove the Police Department from the Civil Service system as follows, provided that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments thereto before enactment by the General Court, which amendments shall be within the public purposes of said petition, or take any other action thereon. (Board of Selectmen) (Required vote: Majority)

### AN ACT EXEMPTING OFFICERS IN THE TOWN OF MILLBURY POLICE DEPARTMENT FROM THE CIVIL SERVICE LAW.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

SECTION 1. Notwithstanding any general or special law to the contrary, all officers in the police department of the town of Millbury shall be exempt from Chapter 31 of the General Laws.

SECTION 2. Section 1 shall not impair the civil service status of an officer employed on a permanent basis in a civil service position in the police department of the town of Millbury on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

**Recommendation:** *The Finance Committee defers recommendation on Article 18 to the Chief of Police.*

*A True Copy Attest:*

*Jayne Marie Davolio*  
May 31, 2022



## MILLBURY POLICE DEPARTMENT

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127 Elm Street, Millbury, MA 01527  
Telephone (508)865-3521 Fax (508)865-5164  
Brian S. Lewos, Chief of Police

May 4<sup>th</sup>, 2022

Senator Michael Moore  
State House  
Room 109-B  
Boston, MA 02133

Senator Moore,

The Town of Millbury and the Millbury Police Department have recently elected to opt out of civil service. The Millbury Police Association Local 128 and the citizens that attended town meeting on May 3<sup>rd</sup> support this decision. By removing the police department from civil service, the department will be able to recruit trained police officers or self-sponsored academy trained candidates, which could potentially save the town thousands of dollars in training expenses. Years ago, individuals interested in becoming a police officer did not have the opportunity to obtain a police academy through a college program that Fitchburg State College and Quinsigamond Community College are now offering.

The civil service system places the Town under state oversight in the hiring and promoting of police officers. Civil service consists of the Human Resource Division, which conducts entrance and promotional examinations for police departments while the Civil Service Commission is a quasi-judicial body that hears and rules on appeals from applicants and employees who believe they have been wrongfully denied an appointment or promotion. Police officers can also appeal any discipline they receive to the Civil Service Commission, however the newly enacted POST Commission has the authority to decertify police officers and their decision cannot be overturned by Civil service.

The civil service system overemphasizes the written exam, restricts selection to a narrow pool and imposes cumbersome procedures on the Town. Created in 1884, the Massachusetts Civil Service system was established primarily to ensure that public sector jobs were awarded based on merit rather than political patronage. Today, the testing of job applicants or of current employees seeking promotion is conducted by the Civil Service Unit of the Commonwealth's Human Resources Division (HRD). A state-wide multiple choice exam is offered to applicants who are high school graduates (or have a GED) and have a driver's license.

The role of multiple choice exam in the selection and promotion of police officers should be a limited one, but such is not the case in our state. Once the exam has been given and the resulting list established, police departments are restricted to hiring and promoting from those candidates grouped at the top of the list. For instance, when the police department wants to hire one officer we may only choose from among the top three names on the list; if we seek two, we are restricted to the top five (2n+1 formula), and so forth. If a candidate who is not in the top position is selected, the person bypassed may appeal the department's decision to civil service, creating a costly and lengthy process.

Test scores on the civil service entrance exam should determine rank on the hiring list; however this is not the case as the system has several absolute preferences that allow some applicants with a passing score of 70 to move to the top of the hiring list above applicants with higher scores. These are examples of current absolute preferences allowed by civil service:

- ❖ Lay-off list for the entire state
- ❖ Resident children of police officers killed in the line of duty
- ❖ Non-resident children of police officers killed in the line of duty
- ❖ Resident disabled veterans
- ❖ Resident children of police officers injured in the line of duty
- ❖ Non-resident children of police officers injured in the line of duty
- ❖ Resident veterans
- ❖ Resident widows or widowed mothers of veterans killed in the line of duty or dead from service-connected disabilities incurred in wartime service
- ❖ Resident non-veterans

Massachusetts is the only state in the country to give absolute preference to a class of candidates, as most states use a point system in awarding extra points to veterans, disabled veterans or children of slain police officers. Additional rules makes hiring and promotions difficult. For instance, local applicants may not be hired until every laid-off officer in the state willing to accept the open position has been considered, and lateral transfers and reinstatements are blocked whenever a layoff list exists. Residence preference, which is assumed to place Millbury residents ahead of other applicants, is actually determined by where the candidate lived when he/she took the exam. A person living in an apartment in Millbury who lived here for one year leading up to the exam is given preference over an applicant who grew up in Millbury but moved to a nearby town prior to the exam. The police department should be able to award extra points to residents based on their length of residency in our community.

There are other disadvantages to the overly regulated civil service system. Candidates that tested well may not necessarily be the most desirable candidate for the position. Additionally, there is no probationary period for promotions.

There are many advantages to removing the police department from the mandates of civil service:

- ❖ Removing the town from Civil Service allows for greater flexibility within the hiring and promotional process.
- ❖ Towns would not be required to hire from an existing layoff list.
- ❖ The department can determine the expiration date of the hiring and promotional lists.
- ❖ The police can set minimum eligibility guidelines not allowed under Civil Service such as higher education levels.
- ❖ The town and the police department can determine what hiring preferences they want to acknowledge (residency, military experience, Paramedic/EMT certifications, language proficiency, prior academy training, college degree) and award points to potential candidates.
- ❖ Instead of the candidate ratio of 2n+1, the police department would have a much larger candidate pool to select from which would broaden the hiring pool exponentially.
- ❖ Departments can diversify their workforce without jumping through the hurdles civil service presents when asking for a specialized certification.
- ❖ Departments can recruit educated candidates from colleges to take their exam.
- ❖ Flexibility to hire trained police officers from throughout the state.

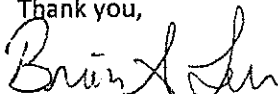
- ❖ Ability to incorporate community and department specific criteria into promotional exams such as M.G.L.; policies and procedures; rules and regulations; town bylaws; union contract and general orders.
- ❖ Ability to offer promotional exams that more accurately gauge an officer's suitability to become a supervisor and to schedule promotional exams whenever they are needed.
- ❖ Attributes beyond test score, such as work productivity and contribution to the police department.
- ❖ Ability to mandate a probationary period for promotions.
- ❖ There are many companies that provide entry level exams for police departments with little to no cost to the town.
- ❖ The exam score or rank does not have to be the determining factor for who the department interviews or hires.
- ❖ Currently employees retain their civil service status, thus retaining their right to appeal discipline to the Civil Service Commission and the language that currently exists in the present collective bargaining agreement.
- ❖ Most employees that have been disciplined opt for their cases to be heard by an arbitrator rather than the commission.
- ❖ Make the exam score pass/fail or create a higher passing score of 75% and then conduct assessment centers or interview to select potential candidates.
- ❖ Require college degree or other formal education.
- ❖ Job related experience;
- ❖ Performance evaluations;
- ❖ Sick leave record;
- ❖ Training and education through career development;
- ❖ Disciplinary record;
- ❖ The town and the police department can decide what is important for their community, rather than civil service.

The Town of Millbury will benefit by withdrawing from civil service and creating its own system of hiring and promoting. The Town has worked closely with the Millbury Police Association by creating hiring and promotional policies for the police department. Millbury could do our own testing, award preference to people with deep roots in the community, and recruit candidates with military experience, educational experience, language fluency, or other skills and abilities that would benefit the Town.

Removing the Millbury Police Department from civil service would permit the town to professionalize the hiring and promotion of police officers efficiently and expeditiously. Police officer's actions are constantly under scrutiny, now more than ever, as they have the ability and authority to take away a citizen's liberty through the use of force if necessary. The most important thing we can do is to select, train and promote the best possible candidates for the job.

Senator Moore, I sincerely appreciate your assistance with assisting and removing the Millbury Police Department from civil service.

Thank you,



Brian S. Lewos  
Chief of Police