



Medford City Council
Medford, Massachusetts

MEETING DATE

February 20, 2024

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AGENDA ITEM

24-046 - Request to Exempt Fire Chief Position from Civil Service Law

FULL TEXT AND DESCRIPTION

February 15, 2024

Via Electronic Delivery

To The Honorable President and
Members of the Medford City Council
Medford City Hall
Medford, MA 02155

Re: Removal of Fire Chief Position from Civil Service

Dear President Bears and Members of the City Council:

I respectfully request and recommend that your Honorable Body vote to submit a request, pursuant to Article II, Section 8, Paragraph I, Clause (I) of the Amendments of the Constitution, as amended by Article LXXXIX (89), that State Senator (Name) and State Representative (Name) submit Special Legislation to the General Court seeking to remove the position of Fire Chief in the Medford Fire Department from the Civil Service Law, G.L. c. 31, which would divest the position from all of the rights and obligations set forth in G.L. c. 31. Your vote and the legislation would have no effect on the Civil Service status of any other member the Medford Fire Department or any other employee of the City of Medford.

The Special Act would provide as follows:

AN ACT EXEMPTING THE POSITION OF FIRE CHIEF IN THE CITY OF MEDFORD 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. The position of Fire Chief in the City of Medford shall be exempt from Chapter 31 of the General Laws.

Section 2. Section 1 shall not impair the civil service status of any person holding the position of Fire Chief in the City on the effective date of this act.

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

By way of background, of the approximately one hundred and two (102) municipal fire departments that are subject to the Civil Service Law, approximately fifty-one (51) departments, or fifty percent (50%), have a Civil Service Chief.

In recent years municipalities have sought to exempt the position of Fire Chief from Chapter 31, for various reasons. Among one of the main reasons that municipalities have sought to exempt the position from Chapter 31 is because, once a Fire Chief is appointed under the current Civil Service System, they are essentially lifetime appointments, and the procedures which the municipality would have to follow to make a change in the position, and the standard the municipality would have to satisfy in order to do so, are both incredibly burdensome.

With the ever-changing nature and fluidity of the fire profession currently, the needs of the City may change with little notice. The Chief needs to be able to quickly change, adapt, and work with the changing needs of the City to ensure proper supervision of the Department and compliance with applicable laws and regulations. By removing the position from Civil Service, the City would be able to annually evaluate the Chief's performance on a predetermined contractual basis. The City would have the ability to negotiate removal and non-reappointment clauses with the individual in the position, rather than being bound to the de facto lifetime appointment that comes with the Civil Service Law.

The City, additionally, would not be bound to the constrictive measures that exist in Civil Service relative to appointments to the position of Fire Chief. Under Civil Service, an applicant pool is generally limited and certain "scenarios" are utilized when either a test or assessment center is administered for the position. In order to post a test, the City must work with the understaffed Civil Service HRD unit. This requires the back and forth of multiple forms and processes that are generally unnecessary or redundant. Subjects must create online profiles, submit more required forms and documents electronically, and pay fees to the Commonwealth. The City must then wait for Civil Service to process all forms and payments, which can take months. They must then conduct a bid for a vendor to deliver the exam and arrange a date that works for the City, the Vendor, and for a Civil Service Representative to be present. This again pushes out the timeline.

Outside of the constraints of Civil Service, and through its own procurement process, the City would solicit bids from vendors who have experience in conducting fire service assessment centers for Fire Chief. The request for proposals would seek a qualified consultant to design, validate, administer, and score an assessment center in order to create a promotional eligible list from which to promote a candidate to the position. The City would be able to offer a better test, to a larger and more diverse pool of applicants, that could draw interest from applicants throughout the Commonwealth, as well as nationally. This process would better allow the City and the Fire Department to evolve, maximize its budget, manage the Department, and fill a vital position in a more expedited manner. Through its own appointment process, the City would be in a better position to diversify the Department without jumping through the hoops that Civil Service requires when asking for a specialized certification. It would also allow the City more flexibility on the "scenarios" presented during the test.

By removing the Fire Chief from Civil Service, the City would be replacing an outdated and cumbersome procedure with an updated and efficient one. Given the Fire Chief's pending retirement and the resulting vacancy in the position, now is the opportune time for the Council to act.

The removal of the Fire Chief from Civil Service will serve to propel the Department in the right direction going forward and it would be in the best interests of the residents of this City.

Thank you for your attention to this matter.

Respectfully submitted,



Breanna Lungo-Koehn
Mayor

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 2024.02.15_Council_Paper_Fire_Chief_Position