

ER

**COMMONWEALTH OF MASSACHUSETTS
SUPERIOR COURT**

SUFFOLK, SS

Civil Action No.

FINN, JASON & INNOVETS,

Plaintiff,

v.

COMMONWEALTH OF MASSACHUSETTS

HUMAN RESOURCES DIVISION,

MASSACHUSETTS CIVIL SERVICE

COMMISSION & CITY OF BOSTON,

PAUL F. BURKE, in his official capacity as

Commissioner of the Fire Department,

Defendant.

COMPLAINT FOR DECLARATORY & INJUNCTIVE RELIEF
APPEAL OF ADMINISTRATIVE AGENCY DECISION

INTRODUCTION

1. InnoVets is an organization that advocates for the interests of military veterans with a principal place of business in Boston.

2. Jason Finn is a resident of East Boston. He is a disabled veteran whose name appears on the current civil service eligibility list for Boston Firefighter tied at the highest rank for vacancies in the Boston Fire Department. He was subject to a lottery for original Boston Fire Fighter appointment in 2025 but his name was not picked. He currently is being considered for original appointment as a firefighter.

3. The Human Resources Division (HRD) is an agency of the Commonwealth within the Executive Office for Administration and Finance. Based in Boston, HRD provides

support and administers human resource programs and services to current and prospective state employees, agency business partners and select municipal employees. The agency administers the appointment and promotional process for Massachusetts public employers subject to Civil Service. G.L. c.31, §1 et seq. G.L. c.7, §4A.

4. The Civil Service Commission is a state agency established by G.L. c.7, §4I, G.L. c.31, §2, located within the Executive Office of Administration and Finance. The Commission has the authority to conduct investigations pertaining to Chapter 31 and to hear and decide appeals concerning decisions, actions, or failure to act by the Human Resources Division Civil Service Unit.

5. The City of Boston is a municipality that operates the Boston Fire Department.

6. Paul Burke is the Commissioner of the Boston Fire Department.

7. The Court has original and statutory jurisdiction over the subject matter of this action by virtue of G.L. c. 212, §4, G.L. c. 214, §1, G.L. c.30A, §14, G.L. c.31, §44. The relief is authorized by G.L. c. 231A, §§1 et. seq. and G.L. c. 214.

8. The City of Boston Fire Department is subject to civil service law, G.L. c. 31.

9. Chapter 242 of the Acts of 2020 authorizes the Boston Fire Department to appoint up to one-third of entry level firefighter appointments from a cadet “program established by the fire commissioner of the city of Boston and approved by the personnel administrator of the human resources division within the executive office for administration and finance.”

10. The law provides: “Such appointment may be terminated by the appointing authority at any time and shall be terminated whenever a cadet fails to maintain a passing grade in any course of study the appointing authority determines the cadet should undertake and when the cadet reaches the age of 27.” St.2020, c.242.

11. Prior to August 2025, the City of Boston never sought or received approval of its cadet program by the Human Resources Division.

12. In 2025, the City appointed cadets for the first time to one third of slots in Boston Fire Academy class, pursuant to Chapter 242.

13. The City currently is in the process of making further original appointments of firefighters that will be sent to a second Fire Academy class.

14. Cadets appointed as fire fighters have included several cadets who did not receive favorable recommendations by Fire Department Academy staff as well as several individuals related to Boston Fire Fighters.

15. The cadet program requires Emergency Medical Technician training. Several cadets failed to obtain an EMT certification prior to being appointed as a fire fighter.

16. For the first-ever Academy class including former cadets, the Department experienced above average failure rate for tests and exercises.

17. The Department has lowered standards required to graduate.

18. For instance, several cadets failed an initial written examination. Department executives responded by informing Academy staff that no cadets can fail in the Academy class, as this is an election year.

19. On May 19, 2025, Plaintiffs petitioned the Civil Service Commission to investigate the hiring practices of the Boston Fire Department, including but not limited to the administration of its cadet program and its appointment of cadets pursuant to Chapter 242. See Exhibit 1. That case was docketed as I-25-124, and captioned as, “Request for Investigation by Jason Finn and InnoVets related to the Boston Fire Department Cadet Program.”

20. On July 2, 2025, Burke and HRD executed an agreement for entry level local register appointments, pursuant to G.L. c.31, §59A, that allow up to 50 percent of fire fighter appointments to be made outside of the traditional Civil Service process. This agreement provides. “The policy must include provisions relating to anti-nepotism, anti-patronage, and anti-favoritism hiring practices.” Exhibit 2.

21. The Boston Fire Department Hybrid Policy issued pursuant to the agreement contains no such provisions. Exhibit 3.

22. The City of Boston since has publicly announced a hiring process under the Hybrid Policy and HRD MOA for Boston Firefighters. This process will allow the City to make 50 percent of fire fighter appointments to be individuals who are neither veterans nor disabled veterans.

23. On August 13, 2025, following a show cause conference and filing of statements by the parties, Commission Chair Christopher Bowman asked of the Fire Department: “Could you provide me with any documentation showing that HRD approved the BFD’s fire cadet program?”

24. On August 21, 2025, Fire Department Deputy Commissioner Connie Wong replied, “I’ve inquired of the dept members who were involved with the implementation of the cadet program, and have been advised that there is no written documentation of HRD approval of the BFD cadet program.”

25. Subsequently that same day, August 21, 2025, the Commission issued a Response to Request for Investigation. Exhibit 4. In footnote 2 of its decision, the Commission stated: “The Special Act that allows for the appointment of fire cadets as permanent civil service employees requires that the cadet program be approved by the Boston Fire Commissioner and the state’s

Human Resources Division. While acceptance of these cadets' names on the Form 14: Notice of Employment is evidence of implicit approval of the Fire Cadet program by HRD, the BFD and HRD should officially memorialize HRD's explicit approval of the fire cadet program forthwith."

26. On September 2, 2025, the Plaintiffs filed a motion for reconsideration and a new petition to investigate based, in part, on the lack of HRD approval of the cadet program. Exhibit 5.

27. On September 3, 2025, the Plaintiffs provided documents responsive to an information request that confirmed the Fire Department never sought or received HRD approval of the cadet program prior to appointing cadets as fire fighters pursuant to Chapter 242. Exhibit 6.

28. The Commission provided the City until October 10, 2025 to file a reply to the Plaintiffs' filing.

29. But for the City's appointment of cadets as fire fighters pursuant to Chapter 242 of the Acts of 2020, Finn and similarly situated veterans and disabled veterans would have been considered for original appointment.

COUNT I – JUDICIAL REVIEW OF AGENCY ACTION
G.L. c. 31, §44/G.L.c.30A, §14

30. Plaintiffs hereby incorporate all previous allegations.

31. The Civil Service Commission's Response to Request for Investigation was based on an erroneous interpretation of law, arbitrary or capricious, and/or unsupported by substantial evidence.

COUNT II – DECLARATORY RELIEF
G.L. c. 231A/

32. Plaintiffs hereby incorporate all previous allegations.

33. An actual controversy exists between the parties regarding validity of the City of Boston appointments made pursuant to Chapter 242 of the Acts of 2020.

34. The Commission has jurisdiction and authority to investigate and remedy violations of Chapter 242 that result in candidates on a Chapter 31 list being denied consideration for original appointment as fire fighter.

35. A binding declaration is necessary for the parties to determine the jurisdiction and authority of the Commission in response to this and similar petitions.

COUNT III – DECLARATORY RELIEF
G.L. c. 231A

36. Plaintiffs hereby incorporate all previous allegations.

37. An actual controversy exists between the parties regarding validity of the City of Boston appointments made pursuant to Chapter 242 of the Acts of 2020.

38. A binding declaration that the appointments of cadets as firefighters violated Chapter 242 because the cadet program did not conform to Chapter 242.

COUNT IV – DECLARATORY RELIEF
G.L. c. 231A/ G.L.c.31, §59A

39. Plaintiffs hereby incorporate all previous allegations.

40. An actual controversy exists between the parties regarding validity of the Memorandum of Agreement and Hybrid Policy executed between the City of Boston and HRD pursuant to G.L. c.31, §59A appointments made pursuant to Chapter 242 of the Acts of 2020.

41. A binding declaration that the Hybrid Policy is in violation of Memorandum of Agreement and G.L. c.31.

WHEREFORE, Plaintiffs pray that this Honorable Court:

1. That this Court grant Plaintiffs Declaratory Relief.
2. That this Court order the City to provide relief to Finn and similarly situated veterans and disabled veterans who were denied appointment and consideration for appointment by the Boston Fire Department as a result of its violations of law.
3. Enter such other and further orders as the Court deems necessary and just.
4. That this Court grant such further relief as it may deem just and proper.

Respectfully submitted,

FINN, JASON & INNOVETS.

By their attorney,

/s/Patrick N. Bryant
Patrick N. Bryant, BBO #652200
PYLE ROME EHRENBERG PC
2 Liberty Square, 10th Floor
Boston, MA 02109
617-367-7200
pbryant@pylerome.com

Date: September 22, 2025

EXHIBIT 1



Pyle Rome Ehrenberg PC

Terence E. Coles
Alfred Gordon O'Connell
Patrick N. Bryant
Ian O. Russell
James Hykel
Jillian M. Bertrand
G. Alexander Robertson
Catherine A. Terrell
Jeremy DaCruz

May 19, 2025

VIA ONLINE APPEAL FILING PORTAL AND EMAIL

Chairman Christopher Bowman
Civil Service Commission
One Ashburton Place, Room 503
Boston, MA 02108
christopher.bowman@mass.gov

Warren H. Pyle (1933-2019)
David B. Rome, retired
Betsy Ehrenberg, retired
Tod A. Cochran, retired

RE: Petition to Investigate Boston Fire Department

Dear Chair Bowman:

On behalf of InnoVets, and Jason Finn, we petition, pursuant to G.L. c.31, Section 2, the Civil Service Commission to investigate the hiring practices of the Boston Fire Department, including but not limited to the administration of its cadet program, which appears to be replete with a bias against military veterans and a prioritization of politics over public safety. InnoVets is a Massachusetts organization that supports and advocates for veterans. Jason Finn is a disabled military veteran who scored 99 on the examination and was subject to a lottery for original appointment. To date, he has not been offered original appointment and is aggrieved by the City's actions described herein.

The City of Boston long has cited, erroneously, G.L. c. 31, Section 26, as the primary reason the incoming classes of the Boston Fire Fighters fail to correspond to its desired demographics. (See, e.g., <https://www.bostonglobe.com/metro/2015/08/16/veteran-hiring-preference-thwarts-minority-candidates-fire-department/wEZPTdepartment/wEZPToft7PmwmKdngPnMO/story.html>). As a result, the City has long sought to appoint fire fighters through methods that do not obligate it to recognize the service of military veterans, including those disabled as a result of their service. The City's efforts have occurred through multiple mechanisms, including reliance on selective language certification lists and establishment of a cadet program (The City also recently announced its intent to enter into hybrid hiring agreement pursuant to Chapter 238 of the Acts of 2024.)

Our concern is that appointments through these methods can be zero sum between qualified veteran applicants and non-veteran candidates. Every fire fighter appointed from a cadet, selective language certification or hybrid list, almost certainly means there is one less

Mailing Address:

2 Liberty Square, 10th Floor
Boston, MA 02109
617.367.7200 (tel)
617.367.4820 (fax)

100 Main Street, 3rd Floor
Northampton, MA 01060
413.586.5097 (tel)
413.584.1529 (fax)

93 Main Street, Ste. E201
Brattleboro, VT 05301
802.652.5124 (tel)
802.652.5125 (fax)

pylerome.com



Chair Christopher Bowman

May 19, 2025

Page 2 of 4

appointment to be made from the traditional Section 6 list – unless that appointee also happens to be a veteran. This functional zero-sum relationship, after all, between veterans and appointments from cadet, selective language certification and hybrid lists, is why the City has vigorously pursued these alternatives.

With that backdrop, we have, based on information and belief, a number of troubling discrepancies and improprieties in the hiring practices of the Boston Fire Department, particularly related to the cadet program and current Academy class.

Since the enactment of Chapter 242 of the Acts of 2020, the City has hired a total of 63 cadets – 31 in 2023 ("A Class") and 33 in 2024 ("B Class"). Just three are veterans. The current Boston Fire Academy class includes 68 Boston fire fighters, 22 of whom are cadets. Of the nearly 200 veterans on the current fire fighter eligibility list updated as of May 1, 2025, approximately three dozen are proficient in at least one other language.

First, we are concerned that the cadet program is being used for patronage and nepotism. By our estimate, four or five cadets have relationships to Fire Department employees.¹ These relatives also were appointed as fire fighters under the cadets exception. In other words, approximately 20 percent of new hires from the new non-Civil Service list (i.e., non-veterans) are relatives of Fire Department employees. This suggests that the City's liberation from the requirements of veterans' preference was not used solely to help the City diversify the background of its roster.

Second, the City's requests for selective language certification lists relied upon inappropriate facts and arguments that are suggestive of bias. The selective language certification process nominally is to enable a municipality to ensure it has sufficient personnel to assist non-English speaking residents. The City, however, appears to have been using the process instead as an end-run around veterans preferences. In November 2024, the City requested to make 15 appointments from five different selective language certification lists. The Commonwealth Human Resources Division (HRD) review determined that the City had provided incorrect information and arguments. Ultimately, HRD rejected three of the Department's requested lists and approved the hiring of just six candidates from the selective language certification. While HRD's intervention may have stopped the City from effectuating its plans, the incident exposed behavior inconsistent with basic merit principles.

¹ One of the 68 Academy students is a cadet (B Class), a disabled veteran, and a relative of a Boston fire fighter.



Chair Christopher Bowman

May 19, 2025

Page 3 of 4

The purported purpose of the City's requests was to diversify the linguistic capacity of the Department. We are not finding language proficiency prioritized where the City is less encumbered. It seems more likely that the City is less motivated to improve emergency services to a multi-lingual population than to avoid hiring veterans. The City's response to our public records requests indicates that no more than nine cadets – or less than 15 percent of the total – have proficiency in a second language. We do not know how many of these are from the A Class, as the 2024 B Class cadets are ineligible for the hiring preference. We also do not know how many of those bilingual individuals were selected for the 22 cadet spots in the current Fire Academy class. Language versatility only seems to be a priority when it enables the City to avoid hiring from a traditional Civil Service list (i.e., veterans preference).

Third, the City inappropriately included individuals under the cadets exemption who do not qualify. Seven of the 22 cadets in the current Academy class failed the physical aptitude or written test necessary to graduate the cadets program. See St. 2020, c.242 (cadet must meet "the physical qualifications required of applicants for appointment as a firefighter in the city" and "shall be terminated whenever a cadet fails to maintain a passing grade in any course of study the appointing authority determines the cadet.").

Fourth, nine cadets failed the first written examination of the Academy. This performance does not merely suggest, as indicated above, that the City has hired persons unqualified to be cadets and firefighters. It also suggests that the hiring process is not guided by basic merit principles, as demonstrated by the Department's response. The City now is providing, for the first time ever, mandatory remedial training on the weekend, with guest observers. Remedial training might be regarded in ordinary circumstances as a justified aspect of an educational program with high stakes and rewards. However, this is unprecedented in the Fire Academy, where students normally are accountable for their failures. The reasons for this change are anything but a genuine attempt to improve prospects for aspiring fire fighters. The Fire Department command staff have expressly connected this deviation from standard protocol to 2025 being an election year in Boston. It has been stated that the Department cannot let cadets fail. Instead of hiring qualified veterans experienced in high-stress, dangerous environments, the City is committed to retaining otherwise unfit non-veterans in order to aid a political leader's re-election prospects.

In sum, the evidence we have gathered questions the City's fidelity to veterans and Civil Service: individuals appear to be hired based on relationships and politics; incorrect information is provided to bypass traditional methods of hiring; individuals are misclassified to justify hiring as non-civil service; and applied different, if not lower, standards for political reasons to a work force whose fitness and qualifications are essential for the City's emergency



Chair Christopher Bowman

May 19, 2025

Page 4 of 4

and rescue operations. We believe the information is more than sufficient to open an investigation into the City of Boston's hiring practices for fire fighters.

Sincerely,

A handwritten signature in black ink that reads "Patrick N. Bryant". The signature is written in a cursive, flowing style.

Patrick N. Bryant

cc: Renee Bushey, City of Boston Director of Labor Relations

EXHIBIT 2

MEMORANDUM OF AGREEMENT
FOR ENTRY LEVEL LOCAL REGISTER APPOINTMENTS

Between the Boston Fire Department
and the Massachusetts Human Resources Division

The Boston Fire Department has chosen to utilize a delegated Local Register for the selection process of entry level Firefighter positions. This delegated selection process for entry level positions will be used to hire a maximum of 50% of the total vacancies in the fire department during a five (5) year period, commencing with the execution of this agreement.

I. It is agreed that:

- 1) The Human Resources Division (HRD) authorizes Regina Caggiano, Director of Civil Service, and/or her designee to act as its representative in all matters relative to this delegation agreement. Primary responsibility for the administration of all delegated civil service functions, as described herein, for the Boston Fire Department will be assigned to Michael Gaskins, Recruitment officer, who will serve as Delegation Administrator. They, or their designee, will be responsible for all matters relative to this delegation agreement.
- 2) Periodic or random audits of all hiring and/or delegated personnel transactions may be conducted at any time by HRD representatives. All records, ledgers and correspondence relating to the delegated functions shall be made readily available and accessible to HRD upon request. HRD retains the right to review, retain copies of, approve, and/or disapprove any hiring related materials and/or records created before or after a Local Register employee's hire date, at its discretion.
- 3) A report on any audit findings regarding delegated personnel transactions will be made available to the Delegation Administrator. Any corrective action as a result of the audit findings, must be taken by the Boston Fire Department within thirty 30 days of receipt of the audit report. A written report of that corrective action shall be submitted to HRD.
- 4) HRD will be responsible for notifying the Delegation Administrator on a timely basis of any changes in the law or regulations which may affect the delegated functions.
- 5) HRD reserves the right to take action, up to and including rescinding this agreement, if the Boston Fire Department violates this agreement. If at any time after the execution of this agreement either the Boston Fire Department or HRD determines that delegation authority should be discontinued, reversion of such authority for all delegated functions to the Boston Fire Department may be effected through 30 days' written notice, by e-mail, by either the Boston Fire Department or the Personnel Administrator (Chief Human Resources Officer or their designee).
- 6) HRD will be available to the Delegation Administrator throughout the delegation process and HRD will provide technical assistance to the Delegation Administrator upon request.

- 7) Changes in approved procedures for the administration of the delegated functions as outlined in this agreement may not be made without the review and approval of both parties. No duties may be assumed by the Delegation Administrator which have not been authorized by this agreement or subsequent attachment.
- 8) Six months before the expiration of the agreement, the Delegation Administrator will present to HRD a status update as to whether the percentage appointments via the Local Register, cadet program, and from a civil service selective certification for languages exceeds more than 50% of the appointing authority's overall entry-level appointments during the life of the agreement. In the event appointments have exceeded the threshold, the parties agree that the appointing authority will not be eligible for additional Local Register or cadet appointments until parity is reached with traditional civil service appointments. Once the appointing authority is in compliance with M.G.L. c. 31, Section 59(d), the parties may extend the Local Register delegation agreement.

II. The Appointing Authority of Boston Fire Department shall:

- 1) No later than fourteen days after the execution of this agreement and before the commencement of any Local Register hiring, the appointing authority shall submit its "local register hiring policy" to HRD. The policy must demonstrate that the municipal fire department's hiring process will adhere to basic merit principles and commit to recruiting and consideration of candidates of diverse backgrounds. The policy must include provisions relating to anti-nepotism, anti-patronage, and anti-favoritism hiring practices. Hiring under this agreement may not commence until after the policy is approved by HRD.
- 2) Ensure candidates appointed as permanent firefighter meet the minimum statutory requirements of age and meet the health and physical fitness standards pursuant to M.G.L. c. 31, §61A. No Local Register appointment will be valid until the successful completion of the HRD medical and Physical Ability Test (PAT) has occurred.
- 3) Certify, using the process prescribed by HRD, that Local Register candidates selected for appointment meet at least one of the following criteria:
 - (i) **prior or proximately anticipated** graduation from a fire academy, or anticipated completion within the next 12 months of another prescribed course of study culminating in certification, approved by the Massachusetts **fire training council pursuant to section 165 of chapter 6**;
 - (ii) receipt of a passing mark, within the past 5 years, on: (A) a civil service examination for firefighter administered by the administrator; (B) a qualifying examination administered by the appointing authority that has been validated by a test-development expert and that tests the knowledge, skills and abilities to perform the primary or dominant duties of the position; or (C) any other examination approved by the administrator in consultation with individuals deemed to be subject matter experts in the **firefighting profession**; or
 - (iii) **current service, for a minimum of 6 months, in the commonwealth as a salaried firefighter**; or
 - (iv) past service as a salaried firefighter in another jurisdiction together with certification acceptable to the **Massachusetts fire training council**.

4) Limit the percentage of appointments via a Local Register, a cadet program, and appointments made from a civil service selective certification for languages to 50% of less of the appointing authority's overall appointments during the term of the agreement.

III. The Delegation Administrator shall be responsible for:

- 1) Maintaining a Local Register of candidates ensuring compliance with M.G.L. c. 31, sec. 59A and any HRD processes.
- 2) Adhering to the Certification of the eligible list and Local Register list in accordance with civil service laws, rules, regulations and procedures.
- 3) Upon the finalization of the appointment from the Local Register, notifying HRD of each appointed employee's employment from the Local Register list created by providing the employee's full name, address, email address, start date and documentation to support the prerequisite selected under Section II (3) at the time of hiring.
- 4) Facilitating the Local Register candidate's completion of an employment record in the civil service onlinesystem.
- 5) Maintaining records of the selected candidate's (or candidates') eligible criteria for appointment from the Local Register during the employment of any candidate from the Local Register and for three years following the individual's separation from employment.
- 6) Fully cooperating with HRD regarding all instances of requests for investigation or audits of hires from the Local Register.
- 7) Appearing and defending the appointment of candidates if an appeal is filed with the Civil Service Commission or in any Court.
- 8) Following all requirements of the Personnel Administration Rules and pertinent State and Federal laws.
- 9) Ensuring that any extension of this agreement may be examined and, if necessary, amended by HRD upon receipt of a timely written request from the Delegation Administrator that demonstrates compliance with M.G.L. c. 31, Section 59(d), and paragraph I (8) of this agreement.
- 10) Acknowledging that a failure to request an extension of this agreement within the timeframe approved by HRD will result in the inability to appoint from a Local Register.
- 11) Ensuring continued public access to all records determined to be public information.

- 12) Complying with all requirements of M.G.L. c. 31, Section 67, including timely submission of § 67 reports that include proper designations of firefighter appointed from a Local Register.

In the event this Local Register delegation agreement is significantly impacted by changes to law or the Personnel Administration Rules, this agreement shall be revisited by the parties and may be amended for consistency.

For the Boston Fire Department:

Paul F. Burke

Paul F. Burke (Jul 10, 2025 11:05 EDT)

07/02/2025

Appointing Authority Name **Boston Fire Department**

Date

Appointing Authority Title **Commissioner/Chief of Dept.**

For the Human Resources Division:

Regina Caggiano (for)

Regina Caggiano (for) (Jul 10, 2025 11:14 EDT)

07/02/2025

Melissa Pullin

Date

Chief Human Resources Officer

EXHIBIT 3

Boston Fire Department Hybrid Hiring Policy Memorandum of Agreement/Understanding

Purpose:

The Boston Fire Department is committed to recruiting and hiring highly qualified individuals based on merit, fostering a diverse workforce reflective of the Boston community, and ensuring a fair, equitable, transparent process. This hybrid policy will incorporate a delegated Local Register selection process for up to 50% of entry-level firefighter vacancies, as authorized by the Massachusetts Human Resources Division (HRD) under a Memorandum of Agreement (MOA), alongside traditional civil service hiring, in compliance with M.G.L. c.31, §§ 59A-59D

Scope

The Local Register Policy will apply to the recruitment of firefighters and the appointment of candidates under the Massachusetts Civil Service in accordance with M.G.L. c.31, §§ 59A-59D.

Policy

The Boston Fire Department, committed to a fair and equitable hiring practice that:

- Actively recruits Boston-based candidates from diverse backgrounds to reflect the community it serves.
- Ensures all hiring decisions are based on merit, qualifications, and demonstrated ability.
- Provides resources and information on the hiring process and steps to become a firefighter through the local register.
- Complies with merit-based selection principles by evaluating candidates based on objective, job-related qualifications and criteria.
- Acts in accordance with all applicable federal, state, and local laws related to workforce development, employment, and non-discriminatory practices.
- Complies with the Massachusetts Firefighting Standard and Training Commission's certification and regulatory requirements.

Definitions:

- Merit Principles: Hiring decisions will be based on an individual's qualifications, skills, and their demonstrated ability to perform job-related duties.
- Diverse Backgrounds: the wide range of different experiences, characteristics, and perspectives that individuals bring to a group or situation. This can include variations in race, ethnicity, gender, veteran status, sexual orientation, socioeconomic status, religion, education, work experience, and cultural background.

Authorization and Administration:

- The Fire Commissioner appoints the Boston Fire Department Recruitment Officer as Delegation Administrator for the Boston Fire Department, with responsibility for administering delegated functions. This delegation does not diminish the Fire Commissioner's overall authority, which remains

fully vested. The Boston Fire Department Recruitment Officer, or a designee if specified, shall carry out the duties as directed under this agreement.

Merit-Based Hiring Principles and Process

- **Qualifications and Competency:** Candidates will be evaluated based on related skills, experience, education, and ability to perform essential duties, including health and physical fitness standards per M.G.L. c. 31, § 61A. Preference and/or additional consideration will be given to Boston residents with a minimum of 3 years of continuous residency, verified by official documentation (e.g., voter registration, utility bills). Additional preference would be considered for candidates that possess valid EMT or paramedic certification at the time of application. Fluency in a second language will also be a skill that would be sought under additional preferences.
- **Objective Evaluation:** Standardized, job-related criteria (e.g., exams, physical tests, interviews) will be used, with residency preference and the committee's input and evaluation.
- **Performance-Driven Selection:** The best-qualified candidate from the Local Register will be considered, with residency preference status and committee input factored in as outlined.
- Within the selection process, preference will be given to current Boston residents with a minimum of 3 years of residency.
- Hiring of the 50% may be outside of an eligible list, and will take into consideration the results of individual screening and interviews, a physical assessment test, and input from the Boston Fire Department Human Resources Division that will oversee the interviews, screening, and hiring of applicants. In addition, Boston Fire Cadets that have not met their 2 years for appointment, will be considered as eligible candidates within the 50% hiring and would be considered as Boston residents for this purpose.
- For all candidates within the 50%, the Department will apply the screening process that is in place for Boston Fire Cadets, a program and process established April 2022. The decision for appointment will be recommended by the Boston Fire Department Human Resources Division and that Department would be responsible for assembling an internal committee to review and interview candidates, administer and assess fitness tests, and ultimately provide the list of candidates for the appointing authority to approve for selection.
- The committee will constitute: members of the BFD Human Resources Division, Personnel Division, active members of the Boston Fire Department to include member(s) from established, recognized affinity groups, and the committee will have representation from the department that would be reflective equally along the lines of race and gender. Committee members may also include parties from outside agencies with insight into hiring practices, to include the City of Boston and/or similar agencies within the first responder sector including, but not limited to police, EMS, and neighboring fire departments and agencies.

Commitment to Diversity

- **Inclusive Recruitment:** The Department will seek candidates from diverse backgrounds, (e.g., race, gender, age, disability, veteran status) to reflect Boston's community, prioritizing Boston residents with 3+ years of residency.

- Outreach Efforts: Vacancies will be advertised through varied media, community groups, and institutions, with targeted outreach within Boston to encourage local, certified candidates. The department will also host in-person events and information sessions and will continue to partner with HRD for outreach and campaigns throughout the City.
- Equal Opportunity: All applicants will receive equal consideration. Residency preference and committee input will be considered after the merit-based evaluation to ensure a fair and unbiased process.

Statement of Fair and Equitable Hiring Practices

The City and the Fire Department are committed to a hiring process that upholds the highest standards of fairness, transparency, and merit. All employment decisions are guided by objective, job-related criteria to ensure equal opportunity for all applicants. Selection processes are designed to prevent undue influence, favoritism, personal bias, or conflicts of interest, and to promote public confidence in the integrity of our workforce. Participants in the hiring process are expected to maintain professional boundaries and disclose relationships or potential conflicts that could affect impartiality.

By adhering to these principles, we affirm our dedication to equitable hiring practices that reflect the values of accountability, inclusion, and public trust.

Health and Physical Fitness Standards (M.G.L. c. 31, § 61A)

- Requirement: All candidates must meet HRD-established health and physical fitness standards, tested via medical exams and Physical Ability Tests (PAT) prior to appointment.

Hybrid Hiring Process

Traditional Civil Service Hiring (50% of Vacancies):

- Job Posting: Vacancies advertised for 14 days, and 1 year of Boston residency preference prior to exam date. The Department will coordinate the hiring process for traditional civil service hiring parallel to the hybrid process.
- Screening: HRD-certified eligible lists (PAR .08) screened for certification and residency, followed by interviews and PAT per § 61A in addition to committee interviews and BFD fitness assessment.
- Final Selection: Fire Chief selects from certified list (PAR .09, 2n+1 ratio) for 50% with traditional preferences.

Local Register Hiring (Up to 50% of Vacancies):

- The Department will coordinate the hiring process for traditional civil service hiring parallel to the hybrid process.
- Prioritizing certified Boston residents with 3+ years among equally qualified candidates, the department will consider candidates that have completed 2 years as a Boston Fire Cadet, candidates that possess valid EMT or paramedic certification at the time of application, and candidates ultimately recommended by the BFD HR Division Committee and process to include Boston residents, and

Boston Fire Cadets that have not completed 2 years that would be considered as Boston residents.

- **Candidate Criteria:** Local Register appointees must meet one of the following:
 - Passing score within 3 years on a civil service exam, validated local exam, or HRD-approved exam.
 - 3+ years of Boston residency as a preference and a preference for candidates that possess a valid EMT or paramedic certification at the time of application.
 - Additional consideration may be given to candidates who have moved out of the city within the past 3 years but can verify at least 7 years of residency and/or graduation from a Boston Public School, Charter School, or the METCO program. These candidates may be eligible for the Local Register, provided they are prepared to relocate back to the City of Boston by the start date of the training academy, in accordance with the City's employee residency policy.
 - Candidates with 4 or more years of prior employment with the city, state, or an agency recognized by the retirement system as eligible for service may receive an adjustment to the maximum hiring age. Similar to the allowance for military service, this may increase the maximum age from 32 up to 36, based on qualifying prior service.

Process:

- Public posting for a minimum of days, noting certification and residency preference
- Sign the list/local register
- Application
- Fitness Assessment
- Interview (Committee to include HR and Personnel Division)
- Conditional Offer
- Medical Evaluation
- PAT
- Upon appointment, HRD is notified with candidate details, certification proof, and residency documentation
- Limit: Combined Local Register will not exceed 50% of total hire

EXHIBIT 4

COMMONWEALTH OF MASSACHUSETTS

CIVIL SERVICE COMMISSION

100 Cambridge Street, Suite 200
Boston, MA 02114
(617) 979-1900

Tracking Number: I-25-124

Re: Request for Investigation by Jason Finn and InnoVets related to the Boston Fire
Department Cadet Program

RESPONSE TO REQUEST FOR INVESTIGATION

Background

On May 19, 2025, Jason Finn, whose name appears on the current civil service eligible list for Boston firefighter, and InnoVets, a Massachusetts organization that supports and advocates for veterans (collectively, the Petitioners) filed a request for investigation with the Civil Service Commission (Commission), primarily¹ related to the Boston Fire Department (BFD)'s fire cadet program.

On June 3, 2025, I held a remote show cause conference which was attended by a representative of InnoVets, Mr. Finn, counsel for the Petitioners, co-counsel for the BFD, and two BFD representatives. At my request, the Petitioners and the BFD subsequently submitted additional information, including written position statements.

Summary of Position Statements

The Petitioners allege that the BFD's Fire Cadet program, from which the BFD can appoint up to one-third of entry-level firefighter candidates outside the traditional civil service process, is "replete with a bias against military veterans and [prioritizes] politics over public safety."

Specifically, the Petitioners alleged that: only three of the 63 cadets appointed by the BFD in 2023 and 2024 are veterans; "four or five" cadets have relationships with Fire Department employees; and that several cadets in the current Fire Academy class initially failed the physical aptitude or written test, resulting in what the Petitioners describe as unprecedented remedial training efforts by the BFD.

¹ Although the petition also raised issues related to selective certifications, I found nothing in the petition that plausibly alleges any *current* violation of the civil service law or rules in this regard or that has not been previously addressed by the Commission. See Gaynor et. al v. Boston Fire Department, 25 MCSR 177 (2012).

This, the Petitioners argue, harms those candidates at the top of the traditional civil service lists—lists that the BFD would need to utilize for firefighter appointments but for the existence of the cadet program. Candidates at the top of the traditional civil service lists for Boston firefighter, including Mr. Finn, are almost entirely candidates who qualify for the statutory preference afforded to disabled veterans and veterans in Massachusetts.

The BFD's position is two-fold. First, the BFD, citing the Special Act that authorizes the cadet program, argues that the Commission lacks jurisdiction over any matters related to the cadet program. Second, even if the Commission does have jurisdiction to conduct the requested review, the BFD argues that the Petitioners have failed to show good cause warranting an investigation, arguing that all recruits, whether they are appointed through the traditional civil service process or the cadet route, are treated similarly and must meet the same rigid entrance requirements, including completion of: the state-administered Physical Abilities Test (PAT); and the state-approved Fire Academy.

Commission's Authority to Conduct Investigations

The Commission, established pursuant to G.L. c. 7, § 4I, is an independent, neutral appellate tribunal and investigative entity. Section 2(a) of Chapter 31 grants the Commission broad discretion upon receipt of an alleged violation of the civil service law's provisions to decide whether and to what extent an investigation might be appropriate. Further, Section 72 of Chapter 31 provides for the Commission to "investigate all or part of the official and labor services, the work, duties and compensation of the persons employed in such services, the number of persons employed in such services and the titles, ratings and methods of promotion in such services." The Commission exercises its discretion to investigate only "sparingly," typically only when there is clear and convincing evidence of systemic violations of Chapter 31 or an entrenched political or personal bias that can be rectified through the Commission's affirmative remedial intervention.

Chapter 242 of the Acts of 2020

Chapter 242 of the Acts of 2020 authorizes the BFD to make up to one-third of entry level firefighter appointments from an authorized cadet program, as opposed to via the traditional civil service process. The Special Act states in part that " ... such appointment[s] shall not be subject to the civil service law or rules ...".

Veterans' Preference

Assuring fair treatment of veterans is deeply embedded in the basic rights and "merit principles" of Massachusetts civil service law, which includes a variety of protocols for veterans to level the playing field with non-veterans in hiring, promotions and retention. Since first being enacted in 1884, the civil service law has provided a "preference" for veterans, stating that the civil service rules must provide "for giving preference in appointments to office and promotions in office (other qualifications being equal) to applicants who served in the army or navy of the United States in time of war and have been honorably discharged therefrom." (St. 1884, c. 320, Section 14, Sixth) The provision granting preference for disabled veterans, placing them ahead of veterans, was added in 1922. (St. 1922, c. 463)

In a matter dealing with the constitutionality of the veteran's preference and the disabled veteran's preference with respect to appointments in the civil service, the Supreme Judicial Court, in Hutcheson v. Director of Civil Service & others, 361 Mass. 480 (1972), opined regarding the legislative intent of the preference, citing it as an "inducement to patriotic service" which takes into consideration that individuals "... who are willing and indeed eager to serve in the armed forces in time of war may [otherwise] hesitate in their view of their obligations to their dependents and the risks of disabling injury, whether from combat, from training accident, or from other causes."

Commission's Response

The Commission, through decades of decisions and rulings, has reinforced that appointing authorities must comply with both the letter and spirit of the well-earned statutory and other provisions designed to protect veterans. While the special legislation authorizing the cadet program specifically states that cadet appointments are not subject to the civil service law and rules, I don't view that language as a proverbial straitjacket preventing *any* Commission oversight. For example, if compelling evidence showed that a candidate's veteran status disqualified them from being considered for appointment through an alternate pathway (i.e., the cadet program) or that the cadet program was disregarding minimum entrance requirements to make appointments based on reasons unrelated to basic merit principles, an investigation by the Commission would be authorized – and warranted.

That does not appear to be the case here. The undisputed facts show that some veterans, albeit a far lower percentage than those appointed through the traditional route, were considered and appointed through the cadet program. Further, even accepting as true that additional, remedial assistance was offered to assist recruits in the most recent class, *all* recruits were required to ultimately pass the rather rigid requirements of the state-approved Boston Fire Academy and the state-administered physical abilities test. In short, the record does not support the proposition that unqualified candidates are being appointed as Boston firefighters through the cadet program.

For the above reasons, I recommend that the Commission deny the Petitioners' request for investigation.²

² The Special Act that allows for the appointment of fire cadets as permanent civil service employees requires that the cadet program be approved by the Boston Fire Commissioner and the state's Human Resources Division. While acceptance of these cadets' names on the Form 14: Notice of Employment is evidence of implicit approval of the Fire Cadet program by HRD, the BFD and HRD should officially memorialize HRD's explicit approval of the fire cadet program forthwith.

Civil Service Commission

Christopher C. Bowman

Christopher C. Bowman
Chair

On August 21, 2025, the Commission (Bowman, Chair; Dooley, Markey, McConney and Stein, Commissioners) voted to accept the recommendation of the Chair and deny the Petitioners' request for investigation.

Notice:

Patrick Bryant, Esq. (for Petitioners)

Robert J. Boyle, Jr. Esq. (for Boston Fire Department)

Michele Heffernan, Esq. (HRD)

Regina Caggiano (HRD)

EXHIBIT 5



Pyle Rome Ehrenberg PC

Terence E. Coles
Alfred Gordon O'Connell
Patrick N. Bryant
Ian O. Russell
James Hykel
Jillian M. Bertrand
G. Alexander Robertson
Catherine A. Terrell
Jeremy DaCruz

September 2, 2025

VIA ONLINE APPEAL FILING PORTAL AND EMAIL

Chairman Christopher Bowman
Civil Service Commission
One Ashburton Place, Room 503
Boston, MA 02108
christopher.bowman@mass.gov

Warren H. Pyle (1933-2019)
David B. Rome, retired
Betsy Ehrenberg, retired
Tod A. Cochran, retired

RE: Petition to Investigate Boston Fire Department re lack of HRD approval for
Cadet Program
Motion for Reconsideration, I-25-124

Dear Chair Bowman:

On behalf of InnoVets, and Jason Finn, we petition, pursuant to G.L. c.31, Section 2, the Civil Service Commission to investigate the failure of the Boston Fire Department to obtain approval of Human Resources Division for its cadet program and/or the failure of the Human Resources Division to approve the Boston Fire Cadet program. The petitioners also move the Commission to reconsider its August 21, 2025 denial of the above-numbered petition and hereby reincorporates all arguments, evidence and position statement provided thereto.

Chapter 242 of the Acts of 2020 allows the City to appoint firefighters outside of civil service process provided that they were graduates of a Fire cadet program approved by the Human Resources Division (HRD).

Notwithstanding chapter 31 of the General Laws, any person who has completed not less than 2 years of service as a fire cadet under this act may, subject to a program established by the fire commissioner of the city of Boston and approved by the personnel administrator of the human resources division within the executive office for administration and finance, be appointed to fill a vacancy in a position in the lowest grade in the fire force of the city of Boston without certification from an eligible list prepared under said chapter 31; provided, however, that such person is either on a fire entrance eligible list prepared under said chapter 31 or passes a qualifying examination to be given by said personnel administrator. to approve, including but not limited to the administration of its cadet program.

Mailing Address:

2 Liberty Square, 10th Floor
Boston, MA 02109
617.367.7200 (tel)
617.367.4820 (fax)

100 Main Street, 3rd Floor
Northampton, MA 01060
413.586.5097 (tel)
413.584.1529 (fax)

93 Main Street, Ste. E201
Brattleboro, VT 05301
802.652.5124 (tel)
802.652.5125 (fax)

pylerome.com





Chair Christopher Bowman

September 2, 2025

Page 2 of 2

On August 14, 2025, Chair Bowman inquired of the City: "Could you provide me with any documentation showing that HRD approved the BFD's fire cadet program?" The City responded one week later: "I've inquired of the dept members who were involved with the implementation of the cadet program, and have been advised that there is no written documentation of HRD approval of the BFD cadet program." The City did not allege that HRD implicitly approved the program or even reviewed it. The Chair did not inquire of HRD whether, when and how it approved the program. In footnote 2 of the Commission's Response to Request for an investigation, the Chair wrote, "While acceptance of these cadets' names on the Form 14: Notice of Employment is evidence of implicit approval of the Fire Cadet program by HRD, the BFD and HRD should officially memorialize HRD's explicit approval of the fire cadet program forthwith."

The Commission should investigate whether HRD reviewed, let alone approved, the Fire Cadet program.¹ Any conclusion that HRD approved the program is unsupported by substantially evidence. Any conclusion that HRD implicitly approved the program is erroneous because the language requires actual review and approval. Moreover, any approval by HRD without actually reviewing the Fire Cadet program renders the statutory requirement of HRD approval to be superfluous, if not ministerial. Kelley v. City of Boston Fire Dept. and Civil Service Com'n, No. 12-571, 2013 WL 9925441, at *3 (Mass.Super. Aug. 05, 2013).

Sincerely,

A handwritten signature in black ink that reads "Patrick N. Bryant". The signature is written in a cursive, flowing style.

Patrick N. Bryant

cc: Renee Bushey, City of Boston Director of Labor Relations
Robert J. Boyle, Jr. Esq. (for Boston Fire Department)
Michele Heffernan, Esq. (HRD)
Regina Caggiano (HRD)

¹ Petitioner InnoVets has filed public records requests of both the City and HRD on this matter.

EXHIBIT 6a

From: Caggiano, Regina (HRD)
To: Michael Gaskins
Subject: RE: Bill
Date: Tuesday, August 19, 2025 11:21:00 AM

Hi Micheal,

I would first run it by those in Boston FD to determine the course of action based on the language of the Bill. I can't answer for you as this was developed through a special act. Would you like me to reach out to the Commissioner?

Thanks, Regina

From: Michael Gaskins <michael.gaskins@boston.gov>
Sent: Tuesday, August 19, 2025 9:55 AM
To: Caggiano, Regina (HRD) <regina.caggiano@mass.gov>
Subject: Re: Bill

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

What format would you prefer for curriculum? A presentation or a general overview in digital format? Would you like to schedule a formal meeting to cover the curriculum?

Diversity Recruitment Officer
Boston Fire Department - *First in the Nation*
www.boston.gov/fire
[@fire.boston.gov](https://twitter.com/fire.boston.gov) - Blue Sky
[@BostonFireDepartment](https://www.instagram.com/BostonFireDepartment) - Instagram

Would you like to be added to our mailing list for future sessions and updates?
[Subscribe or Unsubscribe](#) to BFD Recruiting Update Email list

On Tue, Aug 19, 2025 at 9:39 AM Caggiano, Regina (HRD) <regina.caggiano@mass.gov> wrote:

Good morning, Micheal,

Just following up on this. Was your team able to review the language of the bill regarding the curriculum?

Thanks, Regina

From: Michael Gaskins <michael.gaskins@boston.gov>
Sent: Tuesday, August 12, 2025 12:25 PM
To: Caggiano, Regina (HRD) <regina.caggiano@mass.gov>
Subject: Re: Bill

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Thank you - I will set up another time for us to discuss what you referenced earlier regarding curriculum.

On Tue, Aug 12, 2025 at 12:11 PM Caggiano, Regina (HRD) <regina.caggiano@mass.gov> wrote:

[Bill H.4919](#)

Hi Micheal, the link above was the bill signed by the Governor. Please let me know if you have any questions. Thanks, Regina

From: Michael Gaskins <michael.gaskins@boston.gov>
Sent: Tuesday, August 12, 2025 12:00 PM
To: Caggiano, Regina (HRD) <regina.caggiano@mass.gov>
Subject: Bill

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon -

Attached bill referencing BFD Fire Cadets -

Regards,
Michael

--

Diversity Recruitment Officer
Boston Fire Department - *First in the Nation*
www.boston.gov/fire
[@fire.boston.gov](https://twitter.com/fire.boston.gov) - Blue Sky
[@BostonFireDepartment](https://www.instagram.com/BostonFireDepartment) - Instagram

Would you like to be added to our mailing list for future sessions and updates?
[Subscribe or Unsubscribe](#) to BFD Recruiting Update Email list

--

Diversity Recruitment Officer
Boston Fire Department - *First in the Nation*
www.boston.gov/fire
[@fire.boston.gov](https://twitter.com/fire.boston.gov) - Blue Sky
[@BostonFireDepartment](https://www.instagram.com/BostonFireDepartment) - Instagram

Would you like to be added to our mailing list for future sessions and updates?
[Subscribe or Unsubscribe](#) to BFD Recruiting Update Email list

EXHIBIT 6b

From: [Caggiano, Regina \(HRD\)](#)
To: [paul.f.burke](#); [Kevin Meehan](#)
Subject: RE: Cadet program questions
Date: Wednesday, August 20, 2025 5:13:00 PM

Hi Commissioner Burke,

The bill signed by the Governor has language around the Cadet program curriculum approval by the Personnel Administrator, i.e. HRD.

If your office submitted something, could you resubmit?

If your office has not submitted a program/curriculum, perhaps something along the lines of what the Department submitted for the Local Register.

I would be the person to submit the document too, and from there I'll make sure it's reviewed by the appropriate personnel in our organization.

Please let me know if you have any questions.

Thanks, Regina

Regina Caggiano

Director of Civil Service

The Commonwealth of Massachusetts, Human Resources Division

100 Cambridge Street, Suite 600, Boston, MA 02114

Office: 617-878-9747 | Mobile: 617-507-9673

From: Paul Burke <paul.f.burke@boston.gov>
Sent: Wednesday, August 20, 2025 2:49 PM
To: Caggiano, Regina (HRD) <regina.caggiano@mass.gov>; Kevin Meehan <kevin.meehan@boston.gov>
Subject: Cadet program questions

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Regina,

I hope this email finds you well. What format would you like to describe the Cadet program?

Would you like a formal presentation or a general overview of the program? Also, may we have

the contact information for the person at your end who is responsible for any review.

Respectfully,

Paul F. Burke

Fire Commissioner / Chief of Department

Boston Fire Department

115 Southampton Street

Boston, MA 02118

EXHIBIT 6c

From: [Caggiano, Regina \(HRD\)](#)
To: [Michael Gaskins](#)
Subject: RE: List and Emails
Date: Thursday, August 21, 2025 11:24:00 AM

Hi Micheal,

Thank you for forwarding. At this time, our office can take no action until all elements of the special act are met.

Thanks, Regina

Regina Caggiano

Director of Civil Service

The Commonwealth of Massachusetts, Human Resources Division

100 Cambridge Street, Suite 600, Boston, MA 02114

Office: 617-878-9747 | Mobile: 617-507-9673

From: Michael Gaskins <michael.gaskins@boston.gov>
Sent: Tuesday, August 12, 2025 1:12 PM
To: Caggiano, Regina (HRD) <regina.caggiano@mass.gov>
Subject: List and Emails

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon -

Attached names and emails as requested - Cadets Appointed 2025 - note this updated list differs from the initial list as two cadets did not graduate -

Destiny Santiago - Dismissed

Felix Figueroa - Resigned

I'll check with the Academy to ensure they have submitted the appropriate paperwork/forms to reflect this update.

Regards,

Michael

--

Diversity Recruitment Officer

Boston Fire Department - *First in the Nation*

www.boston.gov/fire

[@fire.boston.gov](https://twitter.com/fire.boston.gov) - Blue Sky

@BostonFireDepartment - Instagram

Would you like to be added to our mailing list for future sessions and updates?

[Subscribe or Unsubscribe](#) to BFD Recruiting Update Email list