



Office of the  
**TOWN MANAGER**

# **TOWN OF NEEDHAM**

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## **Information on Question #1** **Removal of the Police Chief and the Police Department from the Civil Service System** **March 7, 2023**

### Status on the Removal of the Police Chief and the Police Department from Civil Service

- In 2021, the Select Board adopted a goal to exempt the Town from the Commonwealth's Civil Service System.
- The Town and the Needham Police Union reached agreement on this concept and formalized a replacement promotional process that is contained in the collective bargaining agreement between the parties. The Needham Personnel Board approved HR Policy #108 governing the appointment of entry-level police officers.
- The May 9, 2022 Special Town Meeting approved a home rule petition asking the Legislature to enact legislation to exempt the Needham Police Department from the provisions of Civil Service. The petition was forwarded on June 27, 2022 to Representative Garlick who filed House 5192 on the Town's behalf. The Legislature has not acted on this petition, and it appears that there is currently little Legislative support for exempting municipal departments from the Civil Service system.
- Because the Town of Needham elected to participate in the Civil Service program by way of the vote of the residents at the ballot, the Town may exit the Civil Service system in that manner.
- The Town's interest in widening the pool of candidates, expanding local preference, and improving efficiency cannot be adequately addressed in the current system.

### Background on the Civil Service System

- The Massachusetts Civil Service system was created in the 1880s, primarily to protect hiring and discipline decisions from patronage. Today, employment and ethics laws, along with the rights of employees to collectively bargain, have significantly altered this dynamic. As hiring practices, employment protections, and overall workforce trends have evolved, the Civil Service system has grown increasingly outdated and inefficient.

- Under the current system, testing of job applicants and employees seeking promotion in the Needham Police Department is conducted by the Civil Service Unit of the Commonwealth's Human Resources Division. In prior decades, thousands of applicants would take Civil Service examinations. However, that number has dropped precipitously. The current list of Needham applicants has only eight names, and the Department has five vacancies. The cost to applicants of registering for the examination and the perception by many that the system is overly bureaucratic, drawn-out, and generally outdated have also contributed to the continuing decline in applicants. Further, the Massachusetts Superior Court recently [found](#) that the civil service promotional examinations promulgated by the Commonwealth's Human Resources Division have a discriminatory impact on the test-taking population (Tatum v. Commonwealth of Massachusetts, No. 0984VC00576 (Suff. Sup. Ct., Oct. 27, 2022)). As a result of this decision, the Human Resources Division is not scoring the most recent round of police promotional examinations and cannot administer new examinations until such concerns have been addressed.
- Another impediment to recruitment within the current regulations is that Needham has historically been a "resident preference" community for Civil Service. State rules require that an applicant for the position of Police Officer in Needham must have lived in the Town within 12 months of applying to take the exam. This limits the applicant pool, as many applicants for police officer positions are younger individuals who do not typically live in the suburbs, or are living elsewhere due to school, military service, or other career commitments.
- The Civil Service System limits the Town to hiring police officers in the order that they scored on a written examination, with some adjustments. With limited exception, the Town must hire within the prescribed number of applicants without consideration of any knowledge, skills, and abilities the applicant may have other than scoring well on a written exam.
- The system proposed to replace Civil Service would be administered by the Town of Needham. It retains the desire of the Town to have police officers who have a connection to Needham, including those who were raised in Needham but are currently living elsewhere, attended Needham Public Schools through the METCO program, or have other unique situations that give them familiarity, orientation, or dedication to the community. Removing the Town from the Civil Service System allows for greater flexibility within the hiring and promotion process, and a more comprehensive review of candidates. The Town will be able to consider an applicant's education, public service experience, language skills, veteran/military status, and other qualifications in addition to their written exam scores. Creating our own, locally-based recruitment system also provides opportunities to make changes in the future depending on the current environment and changing conditions. Eliminating Civil Service preference rules and selection will allow the Town to cast a wider recruitment net that will be one of many options for

recruiting the highest qualified officers and increasing the diversity of the department.

- The Town of Needham is not the first community of our size and character to make this change. Thirty-five communities that had been in Civil Service have recently left the system, to include: Wellesley, Norwood, Westwood, Burlington, Lexington, Foxborough, Franklin, Framingham, Walpole, Wayland, Acton, Sharon, and Sudbury.
- M.G.L. c.4, §4B (Attachment 5) provides a path out of civil service. This section provides that a town may revoke its acceptance of a law, provided that three years have passed since its original acceptance. The Town would revoke the law “in the same manner” as it was accepted originally. Because the Town originally entered civil service by accepting Chapter 38 of the Acts of 1924 at the ballot, the Town may revoke that acceptance by ballot vote as well.
- In Needham, Chapter 38 of the Acts of 1924 (Attachment 6) stated that the question should be put to the voters at the annual Town election, and that if it did not pass at that election, it could be re-voted at any subsequent annual town meeting. Voters of the Town approved the measure on March 8, 1926 (Yes: 976, No: 947 Blank: 517).

#### Primary Reasons to Exit the Civil Service System

- To widen the candidate pool.
- To increase the number of applicants.
- To select candidates based on criteria other than simply exam scores.
- To increase the diversity of candidates.
- To provide for a more efficient hiring process that is locally-based.
- To lower barriers to applying and create an application process that is more attractive to the current workforce.
- To expand opportunities for local preference to those with a connection to Needham.
- To allow the Town to hire the most qualified officers
- To help the Town remain an employer of choice for police officers.
- To allow the Town to take ownership over promotional processes considering the [Tatum](#) decision.