Civil Service Disputes

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Overview

Civil service protections under Massachusetts General Laws Chapter 31 are among the strongest employment safeguards available to public workers. They are also procedurally unforgiving. Missing an appeal deadline by even one day can permanently waive an employee's right to challenge a termination, suspension, or bypass. And contrary to what many public employees believe, the burden of proof at a Civil Service Commission hearing falls on the employee to demonstrate that the appointing authority lacked just cause.

These realities catch people off guard. Police officers, firefighters, and municipal employees often assume their union will handle the entire process or that civil service status alone guarantees job security. Neither assumption is reliable. The Commission operates under strict procedural requirements, and the margin for error is almost nonexistent.

Cohen Cleary represents civil service employees in discipline appeals, termination hearings, bypass disputes, and related proceedings before the Massachusetts Civil Service Commission.

How We Help With Discipline Appeals, Bypass Challenges, and Commission Hearings

We handle civil service matters at every stage, from initial investigation through Commission hearings and post-decision appeals. Whether you need a public employee lawyer to challenge a wrongful termination or a police discipline attorney defending your record before the Commission, our representation includes:

- **Discipline and termination appeals under G.L. c. 31, § 43,** where an employee has been suspended, demoted, or discharged and must prove that the appointing authority's action lacked just cause
- **Bypass appeals under G.L. c. 31, § 2(b),** representing candidates passed over for hiring or promotion from a civil service eligible list, including challenges based on improper or pretextual reasons-for-bypass letters
- **Pre-hearing investigation and preparation,** including public records requests, witness identification, and analysis of the appointing authority's stated justification
- **Representation at Civil Service Commission hearings,** including direct and cross-examination of witnesses and submission of post-hearing briefs
- **Appeals of Commission decisions to Superior Court** under G.L. c. 30A

We also advise employees facing Loudermill hearings and internal investigations before formal discipline is imposed. Early involvement often shapes the outcome of later proceedings. When union grievance processes and civil service appeals overlap, we help clients understand the strategic implications of pursuing one path, the other, or both.

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Why Civil Service Employees Choose Cohen Cleary

At Cohen Cleary, our practice teams combine deep subject-matter experience with disciplined execution and responsive client service. We do not take a one-size-fits-all approach. Every matter is handled with careful preparation, clear communication, and a strategy tailored to the client's goals and the realities of the forum.

Clients choose Cohen Cleary because we deliver:

Practice-Focused Legal Experience

Our attorneys work in defined practice areas, allowing us to develop practical insight into the legal, procedural, and regulatory nuances that matter most in each case. This focus allows us to anticipate issues, avoid unnecessary delays, and position matters for efficient resolution.

Clear Guidance and Proactive Communication

We prioritize clarity at every stage. Clients receive straightforward explanations of their options, timely updates on developments, and practical advice grounded in real-world outcomes.

Strategic Advocacy with Trial Readiness

Whether a matter calls for negotiation, mediation, or litigation, our attorneys prepare every case with discipline and foresight. We pursue efficient resolution when possible and are fully prepared to advocate aggressively when necessary to protect our clients' interests.

Regional Knowledge and Local Presence

With offices throughout Massachusetts and experience across New England courts and agencies, we bring local insight and regional reach to every matter.

Client-Centered Service

We treat every matter with urgency and respect. Our clients rely on us for responsive service, sound judgment, and steady counsel through complex legal challenges.

In our civil service practice, this approach helps clients navigate discipline appeals, bypass challenges, and Commission proceedings with clarity, efficiency, and confidence.

Our Approach to Civil Service Commission Proceedings

Civil Service Commission hearings function more like a trial than an administrative review. Testimony is taken under oath, evidence rules apply (though more relaxed than in Superior Court), and the Commission issues written decisions with detailed findings of fact. We prepare each case with the understanding that the hearing officer's assessment of witness credibility often determines the outcome. That means thorough pre-hearing preparation: reviewing personnel files, analyzing the appointing authority's stated reasons, preparing witnesses, and developing a record that supports the employee's position on each element of the just cause standard.

Serving Public Employees Across Massachusetts

Cohen Cleary represents civil service employees before the Massachusetts Civil Service Commission, which has jurisdiction over all covered municipal and state positions across the

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Commonwealth. As your Civil Service Commission lawyer, we are familiar with the procedural expectations and hearing practices that shape case outcomes. Our attorneys regularly handle matters involving police departments, fire departments, and municipal agencies across multiple counties. From our offices in Taunton and Plymouth, we serve civil service employees throughout Bristol County, Plymouth County, southeastern Massachusetts, and across the state, with capacity to represent clients in Rhode Island and throughout New England.

Protect Your Civil Service Rights With Guidance From Cohen Cleary

If you are a civil service employee facing discipline, termination, or a bypass, the time to act is limited. A bypass appeal attorney or discipline counsel can make the difference between preserving your career and losing your right to be heard. Contact Cohen Cleary to discuss your situation before critical deadlines pass. Call our offices in Taunton or Plymouth to schedule a consultation.

Frequently Asked Questions About Civil Service Disputes

What is the deadline to file a civil service appeal in Massachusetts?

Under G.L. c. 31, § 43, an employee who has been suspended, demoted, or terminated must file an appeal with the Civil Service Commission within ten days of receiving written notice of the action. For bypass appeals under § 2(b), the deadline runs from the date the candidate receives a notice of bypass. These deadlines are strictly enforced, and late filings are typically dismissed regardless of the circumstances.

What does “just cause” mean in a civil service hearing?

Massachusetts civil service law requires appointing authorities to demonstrate just cause before imposing discipline on a covered employee. The Commission evaluates several factors, including whether the employee’s conduct was reasonably related to a legitimate government interest, whether the discipline was proportionate, and whether the employee received adequate notice of the rules or standards at issue. The employee bears the burden of proving that the appointing authority’s stated reasons were not justified.

Can I pursue both a union grievance and a civil service appeal?

In many cases, yes. A union grievance under a collective bargaining agreement and a civil service appeal under Chapter 31 are separate legal processes with different procedural rules, standards, and remedies. However, the strategic decision about how to pursue parallel claims matters. Outcomes in one proceeding can sometimes affect the other, and coordination between the two tracks requires careful planning.

What happens at a Civil Service Commission hearing?

A Commission hearing resembles a trial. The hearing officer takes testimony under oath, reviews documentary evidence, and allows both sides to examine and cross-examine witnesses. Following the hearing, both parties typically submit written briefs. The Commission then issues a written decision with findings of fact and conclusions of law. If either party disagrees with the decision, it may be appealed to Superior Court under G.L. c. 30A.

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