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## **Settlement gives police sergeant \$70,000, higher pay, next promotion**

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The police sergeant who was passed over for promotion will get a \$70,000 payment, a raise retroactive to Jan. 1 and a promotion to lieutenant on the next vacancy.

Sgt. John McCarthy filed suit in federal court against the city, Mayor John Bell and police Chief John Beaudette on Dec. 9, 2005, claiming he was passed over for promotion to lieutenant because of his activities as president of the Gloucester Superior Officers Association.

The city and McCarthy entered mediation in April, following a scheduled trial date for that month. Both sides announced the agreement, which Bell and Beaudette signed June 27 and McCarthy signed July 12, in a brief joint statement Friday. The city released the agreement late yesterday afternoon.

Neither McCarthy nor City Solicitor Linda Lowe would comment, citing a provision within the agreement that they would not discuss the details.

The agreement orders the city to give McCarthy, through the office of his attorney, Pyle Rome Lichten Ehrenberg & Liss-Riordan, two payments of \$35,000 each. McCarthy is also to receive a lieutenant's pay rate of \$62,735.91 annually retroactive to Jan. 1.

A sergeant's pay rate is \$56,003.33. That pay rate will continue until Jan. 1, 2009, should McCarthy not be promoted before then.

In addition, the city was ordered to promote McCarthy to lieutenant the next time a spot opens. According to city ordinance, the Police Department has six lieutenants and seven sergeants.

Because of the settlement, the case was dismissed Friday, according to records from the John Joseph Moakley U.S. Courthouse in South Boston.

An administrative complaint was filed with the state labor relations board, saying the city retaliated against McCarthy for union activities by bypassing him for the promotion. A complaint was also filed with the Civil Service Commission. The agreement resolves all those claims.

The suit sought the missed promotion, back pay, emotional distress damages, punitive damages, attorneys' fees and interest.

It stated that McCarthy scored an 85 on the exam for the lieutenant's position in 2004, ranking him first on the civil service list and five points ahead of Michael O'Hanley, who was promoted to lieutenant in October.

McCarthy interviewed with both Bell and Beaudette for the position after the exam but was told in September 2005 the two were discussing bypassing him for the position because of his union activities, the suit says. The suit claims an administrative assistant of Bell's in October 2004 told McCarthy he would likely not be promoted "specifically because of his public advocacy of union issues."