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City's legal defeats invite more trouble

Gloucester's leaders are now 0-2 in recent legal disputes with police officers. Thanks to those losses, local taxpayers are on the hook for more than \$200,000.

This is an ominous trend - one that will likely prompt even more aggressive challenges to authority from union members. It ought to concern Mayor John Bell enough to consider a change in management, or at the least a change in management tactics, in the department.

It was this past January when Patrolman Stephen Lamberis returned to work after a 17-month suspension that even the city's lawyers said could not have been defended if challenged in court. After all that time, the department still had not completed its investigation into whether the stated reasons for Lamberis's suspension could be substantiated.

For that 17-month vacation, Lamberis collected \$135,000, including a \$25,000 payment for a promise not to sue the city.

The settlement didn't end the fallout. Three weeks later, when city councilors had police Chief John Beaudette before them, they learned that the chief had not yet spoken a word to Lamberis since his return. A few weeks after that, Lamberis filed four grievances over pay disputes and what he claimed were punitive work assignments that he said violated the union contract.

This week comes word that the city has settled out of court with Sgt. John McCarthy, who sued in federal court in December 2005, claiming he was passed over for lieutenant because of his activities as president of the superior officers' union.

The city has agreed to give him \$70,000 and pay him a lieutenant's salary retroactive to Jan. 1 even though he is still a sergeant. That is an annual pay increase of about \$6,700. The settlement also requires that McCarthy be promoted to lieutenant the next time there is a vacancy.

None of the parties involved will discuss it - as is usually the case, one of the settlement provisions is that neither side will comment on it. But, it doesn't take a comment from either side to tell who won and who lost. The city lost - big.

It is difficult to manage public employees. City officials are correct when they say they are constrained by Civil Service rules that are overwhelmingly weighted in the favor of employees. But some constraints they have brought on themselves, by signing contracts that give away what used to be management rights to the employees.

But, difficult environment or not, the chief, the mayor and City Council must deal with it much better than they have so far. It does no good - in fact it does serious damage - for the department to impose discipline on an employee that ultimately gets thrown out of court or overturned by Civil Service, complete with a financial bonus to the employee.

Those losses simply invite more of the same from other disgruntled employees.

Discipline is essential, especially in a para-military organization like a police department. But these two situations should teach city officials that they must be well prepared to defend any sanctions imposed.