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Sherman v. Town of Randolph

Supreme Judicial Court of Massachusetts, Suffolk - September 24, 2015 - N.E.3d - 2015 WL 5599144

Police officer sought review of Decision of the Civil Service Commission dismissing his appeal from town's decision to bypass him for promotion to sergeant. The Superior Court Department entered judgment for Commission. Officer appealed, and petition for direct appellate review was allowed.

The Supreme Judicial Court of Massachusetts held that town's decision to bypass officer was reasonably justified despite flaws in process.

Town's decision to bypass police officer for promotion to sergeant was reasonably justified, even though town's interview process was flawed. Officer received an overall low score, post-interview letters from member of panel articulated reasons why candidates' interview performances warranted bypass, and officer's supervisors had raised concerns that officer had difficulty in following through on case investigation and needed supervision.

A promotional decision may be reasonably justified on the merits, even where the appointing authority uses flawed procedures for selecting candidates, in the following limited circumstance: where the appointing authority had a reasonable justification on the merits for deciding to bypass a candidate, and the flaws in the selection process are not so severe that it is impossible to evaluate the merits from the record.

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