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### Civil Service Sides with Orr on Demotion

Another state commission has sided with Ray Orr. For the second time in a year a state commission has decided that the town was wrong in demoting Ray Orr.

With these words the Civil Service Commission joined the Division of Labor Relations in siding with Orr in the case of his demotion to patrolman “the Appointing Authority is ordered in accordance with G.L. c. 31, § 43 to return the Appellant “to his position without loss of compensation or other rights.” . Those words mean the likelihood of the Town of Carver paying a huge settlement rose considerably. The town demoted Orr after 12 years as sergeant 8 of which were as senior sergeant.

Orr was demoted to patrolman after Selectmen charged Orr with writing a false report to then Chief Skoog. In September of 2002 the alleged that “On or about July 16, 2002, you were directed by Chief Skoog to issue a report regarding an incident that took place in the booking room involving Officer Mulready... This report was false, and you submitted the report knowing that it was false, in violation of department rules and regulations.”

The town further alleged “In the report you falsely reported that Officer Englehart had threatened Officer Mulready. This false statement was made against Officer Englehart in retaliation for the exercise of her rights under the Massachusetts General Laws and constituted retaliation” The commission noted “that the Town did not discipline anyone in the booking room for writing a false or inaccurate report except for the Appellant. Indeed, the record indicates that the Town did not even interview anyone regarding this incident except for Luca. “

Continuing the commission noted “The Booking Room incident which is the focus of this appeal is but a microcosm of a greater dysfunction which is pervasive in the Department. This incident stood against a backdrop of significant Union in-fighting” To further exacerbate an already bad assessment the commission continued “Meanwhile, the Town’s Administration was demonstrating anti-Union animus”

The commission stated “The evidence reliably supports the conclusion that the Appellant wrote a truthful report in response to Chief Skoog’s request.” The report continued “The Appellant followed the Chief’s order by submitting a response within the time requested to the new Chief of Police “The commission further found that “the Appellant’s report is not false because he testified as to not having a specific memory of who was at that particular meeting at the time he wrote the report.” The report further stated

“The evidence shows that the Appellant may have not liked Englehart, but the Town fails to show that he retaliated against her by wholly fabricating her outbursts at Union meetings.” In a scathing conclusion the commission report found “the Town’s demotion of the Appellant as senior sergeant is a grossly disproportionate sanction for the offenses alleged, even if the allegations were sustained.” ...”Based on all the reasons stated herein, the Appointing Authority has not sustained its burden of proving just cause for its action demoting the Appellant from his position as a police sergeant.”

Tell us again, Mr. Casey, how Kopelman and Paige is batting 1000 percent Attorney Maria C. Rota, Esq. of the firm Kopelman & Paige, P.C. is listed as the respondent’s attorney. Perhaps you can enlighten us as to how much money Kopelman & Paige pocketed in this losing venture.

Read Entire Finding

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