

**City of Peabody Fire Department**

Office of Chief Steven E. Pasdon

47 Lowell Street

Peabody, MA 01960

Office: 978-531-2209 Fax: 978-977-0828

steve.pasdon@peabody-ma.gov



April 3, 2008

John Brophy
9 Lake Shore Drive
Peabody, MA 01960**Re: Fire Department Reinstatement**

Dear Jack,

I am writing to inform you of some necessary appointments and dates for your re-employment with the Peabody Fire Department.

Please report to Quadrant Health Strategies located at 27 Centennial Drive, Peabody MA on Friday April 11, 2008 @12:30pm for medical and hair follicle drug testing. If this appointment is kept, and all the testing found to be satisfactory, your start date will be Tuesday, April 29, 2008.

On that date you are to report to Captain Jeff Maguire for a minimum of two weeks training. Upon the completion of the training your skill sets will be evaluated by the Captain and if found to be satisfactory you will be assigned to a Division. If minimum benchmarks are not met, your training shall continue until such time you are able to meet them.

If you have any questions or concerns, please contact me.

Very truly yours,

Steven E. Pasdon
Fire ChiefCc: Daniel Cocuzzo, Esquire
Dr. Heidi Henson, Human Resources
File



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April 11, 2008

John Brophy
9 Lake Shore Drive
Peabody, MA 01960

Re: Fit for Duty Exam / Drug Testing

Dear Jack,

As you are aware, I notified you via the U. S. Postal Service (1st class mail) and by phone message (your personal cell phone) on Thursday, April 3, 2008 that you were to report for medical (fitness for duty exam) and hair follicle drug testing on Friday, April 11, 2008 @ 12:30pm (see copy attached).

After discussing this matter with President James Lendall of Local 925 on Monday April 7, 2008 when he requested a copy of the letter to you dated April 3, 2008 and in view of the fact that I had not heard back from you, a copy of the letter was re-sent to you on Monday April 7, 2008 via the U.S. Postal Service (certified mail with delivery receipt requested):

I have been notified by Quadrant Health Strategies that you failed to keep this appointment and as a result, another one has been made for you. In view of the fact that you have been reinstated as a member of the Peabody Fire Department effective Sunday, April 13, 2008 you are hereby ordered to report to Quadrant Health Strategies, 27 Centennial Drive Peabody, MA on Friday April 18, 2008 at 11:00am for a fitness for duty exam and hair follicle drug testing.

It is my desire to work with you to seamlessly transition you back as a functional member of the Peabody Fire Department. After successfully passing the required fitness for duty and drug testing, you will report for duty on Tuesday April 29, 2008 @ 8:00am for training with Captain Maguire. After completing two weeks of training and successfully meeting some minimum benchmarks, you will then receive an additional week of 1st Responder, CPR and AED training.

If you have any questions or concerns, please contact me.

Very truly yours,

A handwritten signature in black ink that reads "Steven E. Pasdon".

Steven E. Pasdon
Fire Chief

cc: Dr. Heidi Henson, Director of Human Resources
File



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Office of Chief Steven E. Pasdon

47 Lowell Street

Peabody, MA 01960

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steve.pasdon@peabody-ma.gov



April 18, 2008

John Brophy
9 Lake Shore Drive
Peabody, MA 01960

Re: Failure to Report for Medical and Hair Follicle Drug Testing / Second Order to Report

Dear Mr. Brophy:

As you are aware, you were ordered by me to report for medical (fitness for duty) and hair follicle drug testing today Friday, April 18, 2008 at 11:00am. You were notified by letter dated April 11, 2008 via US Postal Service (registered mail return receipt), in hand by Christopher P. Chigas, Constable and by phone from me to you (617-755-9089) with a message left on April 14, 2008 at 2:31pm.

I have been informed by Quadrant Health Strategies that you failed to keep this appointment in direct violation of an order issued by me for you to appear in the letter dated April 11, 2008. As a result, you have subjected yourself to disciplinary action by me (pending).

You are hereby ordered to report to Quadrant Health Strategies, 27 Centennial Drive Peabody, MA on Wednesday April 23, 2008 at 11:00am for a medical (fitness for duty) and hair follicle drug testing. If you fail to report for this testing you will subject yourself to further disciplinary action (insubordination) by me up to and including suspension and further disciplinary action by the Appointing Authority, Mayor Michael J. Bonfanti.

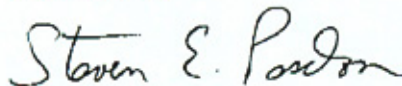
In view of your efforts to be reinstated to the Peabody Fire Department, I am confused by your recent actions of ignoring my letters and telephone calls directing you to report to Quadrant Health Strategies on Friday April 11, 2008 and today Friday, April 18, 2008 in direct violation of an order issued by me. As I told you in my letter dated April 11, 2008, you were reinstated as a member of the Peabody Fire Department by Mayor Michael J. Bonfanti on April 13, 2008 with a return date to active duty for training on April 29, 2008 pending medical and hair follicle drug testing.

I anticipate your cooperation in this matter and it is expected that after reporting for and successfully passing the medical and hair follicle drug testing, you will report for duty on Tuesday April 29, 2008 for training.

Peabody Fire Department – Page 2

If you have any questions or concerns, please contact me.

Very truly yours,



Steven E. Pasdon
Fire Chief

VIA US CERTIFIED MAIL
VIA CAPITOL CONSTABLE SERVICE

Cc: Mayor Michael J. Bonfanti
Attorney Daniel Cocuzzo
Dr. Heidi Henson, Director of Human Resources
File



City of Peabody, Massachusetts
Office of the Mayor
Michael J. Bonfanti
Mayor

24 Lowell Street
 Peabody, MA 01960

(978) 538-5700
 (978) 538-5980 Fax

May 7, 2008

Mr. John Brophy
 9 Lake Shore Road
 Peabody, MA 01960

Re: Mr. John Brophy-- Contemplated Disciplinary Action

Dear Mr. Brophy:

You are hereby notified that a hearing will be conducted before me, as your appointing authority to determine what disciplinary action, if any, up to and including your discharge that should be taken as a result of the your disregard of direct orders from Fire Chief Steven Pasdon on various dates. Based upon an Investigatory Interview conducted by Chief Steven Pasdon, the suspension letters submitted to the City of Peabody and your prior disciplinary history, a disciplinary hearing under the provisions of General Laws, Chapter 31, § 41 will be conducted at 2:00 p.m., on May 20, 2008. Said hearing will be held in my office at 24 Lowell Street, Peabody, Massachusetts 01960.

The specific reasons for the contemplated disciplinary action are based upon but not inclusive of the following:

I. Conduct in Violation of Direct Orders/Insubordination

1.) At the Investigatory Interview conducted on April 29, 2008 you admitted that you received a letter dated April 3, 2008 in which Peabody Fire Chief Steven Pasdon requested that you report for a Fitness for Duty Examination and Drug Screening. You further acknowledged receiving several phone messages from Chief Pasdon requesting you to report for the testing. Despite these requests from Chief Pasdon you did not report for the testing and you stated this during the Investigatory Interview. In the very least these requests from your superior put you on notice that you would be required to report for these tests in the near future. Further, you did not notify Chief Pasdon that you would not be reporting for the tests.

2.) At the Investigatory Interview on April 29, 2008 you further acknowledged that you received another letter from Peabody Fire Chief Steven Pasdon on April 11, 2008 which ordered you to report for a Fitness for Duty and Drug Screening on April 18, 2008. Despite the prior notice of April 3rd letter and the order to report for said testing you acknowledged that you did not report for said testing on April 18, 2008. You further acknowledged that you realized this to be a direct order from Chief Pasdon that you did not comply with. In addition, you did not call Chief Pasdon to inform him of any conflicts or issues with said testing date.

3.) At the Investigatory Interview you further acknowledged that you received another letter from Peabody Fire Chief Steven Pasdon on April 18, 2008 which ordered you to report for a Fitness for Duty Examination and Drug Screening test on April 23, 2008. Despite the prior notice of the April 3rd letter and the Direct Order from Chief Pasdon to report for said testing on April 18, 2008 you did not report for said testing on April 23, 2008. You further acknowledged that you again realized this to be a direct order from Chief Pasdon but you did not comply. In addition, you did not call Chief Pasdon to inform him of any conflicts or issues with said testing date.


two Union Representatives Firefighter Michael Dewan and Lieutenant Mark Manning. The City was represented by Fire Chief Steven Pasdon and Attorney Daniel Cocuzzo. During this Investigatory Interview you admitted the previous mentioned facts. Upon doing so, Chief Pasdon reiterated the seriousness of your actions and that you were insubordinate by refusing Direct Orders from him. You acknowledged the seriousness of the situation and that you knew you were Directly Ordered by Chief Pasdon on numerous occasions to report for a Fitness for Duty Examination and Drug Screening Test but you did not report. Chief Pasdon then gave you the opportunity by Direct Order to report for testing on the 29th towards the conclusion of the Investigatory Interview. Chief Pasdon also stated that a Fire Department vehicle would take you to the testing. You again refused to comply with Chief Pasdon's order and declined to go for the testing. In addition, Chief Pasdon specifically asked you if you realized that once again you were being "ordered" to do so. You acknowledged that you understood that you were directed to go and that you were again in violation of a direct order by refusing to go. Moreover, Attorney Cocuzzo specifically and pointedly asked you the whether you received the April 3rd letter, the April 11th letter and the April 18th letter? You answered in the affirmative to receiving all three letters. Attorney Cocuzzo then again specifically and pointedly asked whether you understood that you were ordered by Chief Steven Pasdon to report to said testing on April 18th, April 23rd and again on April 29th. You again answered in the affirmative and acknowledged all three (3) orders. Attorney Cocuzzo also asked you whether you received Voice Messages from Chief Pasdon informing you of your testing appointments, your orders to attend the testing and to contact him. You again answered in the affirmative to receiving said messages. Finally, Attorney Cocuzzo specifically asked you whether you realized you were violation of Direct Orders from Chief Pasdon when you refused to report for the testing. You again answered in the affirmative.

Due to your admitted and blatant disregard for Direct Orders given to you by your superior, Chief Pasdon issued suspensions of three (3), four (4) and five (days). You did not file an Appeal under the Civil Service Statute, M.G.L. Chapter 31, nor did you file for Arbitration through your Union. Therefore, you not only have a prior thirty-day (30) suspension on the books but you also currently have the previous three suspensions now part of your permanent employment record. Thus, at this juncture the City has a duty and obligation to the citizens of Peabody to contemplate further discipline.

For your information and to assist you in better understanding the violations with which you are being charged, I am enclosing a copy of the Disciplinary Letters given to you from Chief Pasdon, which provide specific details relating thereto. Please be advised that your past disciplinary history is also relevant and may be an issue raised at this hearing.

At the hearing, you have a right to be present, and be represented by an attorney or other representative of your choice. For a full explanation of your rights, enclosed please find copies of General Laws, Chapter 31, Sections 41-45.

Very truly yours,


Michael J. Bonfanti, Mayor

KD/

Encs:

Cc: Heidi Henson, Director of Personnel
Attorney Daniel A. Cocuzzo, Assistant City Solicitor
Steven Pasdon, Fire Chief City of Peabody
Jim Lendall, President Local 925