

June 11th, 2025

Honorable Members of the Boston City Council,

As Chief of People Operations, I write to address the human resources matters on the Council agenda this week and to reiterate the City's longstanding legal position regarding City Council engagement with the resolution of individual personnel matters.

Corporation Counsel has provided the following guidance to me, consistent with guidance previously shared with the Council by IGR:

The City Council is precluded from participating in individual personnel matters. Such matters are outside the scope of the City Council's legislative authority and constitute an impermissible intrusion into the executive branch's personnel decisions. Although most municipal matters fall within the Council's jurisdiction, there are specific provisions of the Boston City Charter that exclude personnel matters. As a result, I also caution against members of your cabinet participating in Council hearings regarding an individual employee's personnel matter.

First, Section 17G of the Boston City Charter (Acts of 1951, c.376, § 1.17G) provides:

"neither the city council nor any member, committee, officer or employee thereof shall directly or indirectly on behalf of the city . . . take part in the employment of labor, . . . ; nor in the conduct of the executive or administrative business of the city or county; nor in the appointment or removal of any city or county employee."

The City Council inserting itself into the employment practices surrounding particular employees implicates multiple aspects of this prohibition. It at least indirectly seeks to take part in the employment of labor, the conduct of the executive business of the city, and the appointment or removal of a city employee. Because Section 17G specifically excludes the Council from participating in employment matters, it does not have jurisdiction in personnel matters in the context of a hearing.

Second, with respect to employees who are members of collective bargaining units, G. L. c. 150E provides that the chief executive officer (the Mayor) is the employer under the statute with obligations to engage in an employment relationship governed by a CBA subject to the provisions of Chapter 150E. Again, state law specifically excludes from the City Council's jurisdiction authority over individual employment matters in this way. Disclosing personnel information to the City Council, or the public more generally, erodes employee privacy and confidentiality. While the City has successfully defended previous defamation lawsuits stemming from such disclosures, releasing this information significantly elevates the risk of future litigation.

There are two matters before the Boston City Council that are related to personnel today. The first is a resolution in support of an employee seeking a workplace accommodation, who is represented by a City union. Such personnel decisions involve personal medical information and a fact-specific evaluation of workplace policies and job functions, and should not be adjudicated by the Council in place of the well-established processes for review and evaluation by the City. In addition, as the employee is represented by a collective bargaining unit, the matter is explicitly beyond the jurisdiction of Council, as noted in the Charter.

The second matter is about an Order calling for the Office of Human Resources to undertake an independent investigation into allegations, raised publicly through the media, of misconduct leveled against a Cabinet member and a re-investigation into the termination of two employees on May 20th.

The City terminated the two employees in question after determining that they had attempted to invoke their public positions to avoid consequences of an altercation with Boston Police. These terminations occurred after a review conducted by the City's Human Resources Department which included reviewing publicly available information, including police reports, as well as interviews with involved employees including those facing termination.

The conduct of the implicated Cabinet member was previously reviewed by the Human Resources Department, and the City found no violation of law or City policy at that time. The City had not received any allegations of misconduct or harassment from any parties through the internal review process prior to the media reports.

Whenever the City receives an allegation of employee misconduct from an employee, a former employee, or a member of the public, the City's Human Resources team takes steps to review and takes employment action accordingly. After receiving new allegations in this matter, per well-established City practice, the Human Resources Department is undertaking further review of the matter, with the engagement of external employment counsel. We cannot comment further on a personnel matter, but urge the Council to refrain from further actions that, in addition to exceeding the Council's authority, might interfere with a fair and expeditious review for all involved.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alex Lawrence', with a stylized, cursive script.

Alex Lawrence
Chief People Officer