

COMMONWEALTH OF MASSACHUSETTS

CIVIL SERVICE COMMISSION

100 Cambridge Street – Suite 200

Boston, MA 02114

617-979-1900

RYAN ARSENAULT,

Appellant

v.

HUMAN RESOURCES DIVISION,

Respondent

Docket number:

B2-25-140

Appearance for Appellant:

Ryan Arsenault

Pro Se

Appearance for Respondent:

Michael J. Owens, Esq.

Labor Counsel

Human Resources Division

100 Cambridge Street, Suite 600

Boston, MA 02114

Commissioner:

Paul M. Stein

SUMMARY OF DECISION

The Commission denied an examination appeal brought by a candidate who took the 2025 Boston Fire Lieutenant Promotional Examination, concluding that the state's Human Resources Division did not act unreasonably or arbitrarily in determining that the Appellant's law degree was education "unrelated" to the core duties of a Fire Lieutenant and, therefore, entitled to credit as such, rather than as education directly "related" to the job duties of a Fire Lieutenant.

DECISION ON CROSS MOTIONS FOR SUMMARY DECISION

On June 13, 2025, the Appellant, Ryan Arsenault, a Firefighter with the City of Boston's Fire Department (BFD), appealed to the Civil Service Commission (Commission), pursuant to G.L. c. 31, § 24, after the state's Human Resources Division (HRD) denied his request to grant him additional education credits for his law degree on the Experience / Certification, Training & Education (ECT&E) component of the 2025 BFD Fire Lieutenant promotional examination. I

held a remote pre-hearing conference on July 7, 2025. HRD's Pre-Hearing Memorandum was deemed a Motion for Summary Decision and the Appellant's deemed an Opposition. After reviewing the parties' submissions, HRD's Motion for Summary Decision is allowed and the Appellant's appeal is denied.

UNDISPUTED FACTS

Based on the submission of the parties, the following facts are not disputed:

1. The Appellant, Ryan Arsenault is a Firefighter employed by the City of Boston's Fire Department (BFD).

2. The Appellant holds a Juris Doctorate degree in law and is currently licensed to practice in the Commonwealth of Massachusetts.

3. The Appellant duly registered and took the April 12, 2025 Boston Fire Lieutenant promotional examination, which included an Experience, Certification/Training & Education (ECT&E) component, accounting for 20% of the total exam score.

4. The "Candidate Preparation Guide for the 2025 Fire Promotional Exams, Lieutenant and Captain, Boston District Fire Chief" provides:

Candidates can receive credit for one degree: related degree (listed below) or an unrelated degree. The degrees are listed on the application in order of highest point value. (For example, if the candidate received a related bachelor's and an unrelated master's degree, they should select the "related bachelor's degree" category to receive the most points.) Related degrees are based on job analysis conducted with our subject matter experts. The degree must be earned/conferred before the exam date.

The related degrees in the fire service are: • Biochemical Science • Building Construction Engineering/Management • Business Administration • Business Management • Chemical Engineering • Chemistry • Civil Engineering • Communications • Computer Science • Emergency Management • Executive/Organizational Leadership • Fire Administration • Fire Prevention Engineering • Fire Safety • Fire Service • Fire Science • Homeland Security/Security and Intelligence Studies • Nursing • Occupational Safety • Paramedic Medicine • Public Administration • Psychology • Social Work • Structural Engineering.

5. On June 6, 2025 the Appellant received his final exam score (rounded) to 80.

6. The Appellant received a score of 17.09 (out of the maximum of 20) on the ECT&E component based on the following raw ECT&E points:

Experience: 35.21 points out of a maximum 59 points

Certification/Training: 8.50 points out of a maximum 21 points

Education: 11.00 points out of a maximum 21 points.

7. The Appellant's Education points were awarded for an "unrelated" conferred Master's or higher degree, i.e., a law degree (Juris Doctorate).

8. Had the Appellant's law degree been treated as a "related" degree, it would have earned 20 raw Education points.

9. The Appellant sought a review by HRD of the education component of his ECT&E score, which HRD denied on June 6, 2025 by email notice stating:

The Human Resources Division (HRD) is in receipt of your "fair test" appeal filed pursuant to M.G.L. c. 31 sec. 22 in regard to the Boston Fire promotional examination. HRD's Civil Service Unit conducts a job analysis with numerous subject matter experts (SMEs) from the Boston fire department. The job analysis reviews all components in the Experience, Certification/Training and Education (ECT&E) examination. Through surveys and subject matter expert input, a law degree was not considered as a related degree for a fire promotional examination.

10. HRD established a new eligible list for BFD Fire Lieutenant on July 22, 2025. The Appellant is ranked 67th on the eligible list, tied with five others. If the nine raw Education points differential between a "related" and "unrelated" Master's or higher degree were added to his score, it would not be likely to change his chances for promotion to Fire Lieutenant from the new eligible list.

APPLICABLE LEGAL STANDARD

A motion to dispose of an appeal, in whole or in part, via dismissal or summary decision may be allowed by the Commission pursuant to 801 C.M.R. 1.01(7)(h) when, “viewing the evidence in the light most favorable to the non-moving party”, the undisputed material facts affirmatively demonstrate that the non-moving party has “no reasonable expectation” of prevailing on at least one “essential element of the case”. See, e.g., Milliken & Co. v. Duro Textiles LLC, 451 Mass. 547, 550 n.6 (2008); Maimonides School v. Coles, 71 Mass. App. Ct. 240, 249 (2008); Lydon v. Massachusetts Parole Board, 18 MCSR 216 (2005). See also Mangino v. HRD, 27 MCSR 34 (2014) and cases cited (“The notion underlying the summary decision process in administrative proceedings parallels the civil practice under Mass.R.Civ.P.56; namely, when no genuine issues of material fact exist, the agency is not required to conduct a meaningless hearing.”); Morehouse v. Weymouth Fire Dept., 26 MCSR 176 (2013) (“a party may move for summary decision when . . . there is no genuine issue of fact relating to his or her claim or defense and the party is entitled to prevail as a matter of law.”)

ANALYSIS

The undisputed facts, viewed in a light most favorable to the Appellant, establish that this appeal must be denied.

Section 22 of Chapter 31 of the General Laws prescribes that “[t]he administrator [HRD] shall determine the passing requirements of examinations.” According to the Personnel Administration Rules (PAR) 6(1)(b), “[t]he grading of the subject of training and experience as a part of a promotional examination shall be based on a schedule approved by the administrator [HRD] which shall include credits for elements of training and experience related to the position for which the examination is held.”

The Commission, generally, defers to HRD’s expertise and discretion to establish reasonable requirements, consistent with basic merit principles, for crafting, administering, and scoring examinations so long as HRD’s methodology for scoring training and experience credits was neither arbitrary nor unreasonable. See, e.g., Battaglia v. HRD, CSC No.B2-24-171 (2025); Dunnigan v. HRD, 36 MCSR 439 (2023); Adjemian v. HRD, 36 MCSR 308 (2023); Shea v. HRD, 36 MCSR 397 (2023); Flannery v. HRD, 36 MCSR 285 (2023); Cooley v. HRD, 35 MCSR 81 (2022); Murphy v. HRD, 34 MCSR 242 (2021); Pierce v. HRD, 34 MCSR 79 (2021); Toothaker v. HRD, 33 MCSR 374 (2020) ; Paiva v. DOC, 33 MCSR 328 (2020), *aff’d in relevant part sub nom. Paiva v. Civil Service Comm’n*, CA 1982-CV-01309 (Norfolk Sup. Ct. 2023); Mailea v. HRD, 33 MCSR 289 (2020); Kenneally v. HRD, 31 MCSR 108 (2018). See also Helms v. HRD, B2-24-178 (5/15/2025); Bell v. HRD, B2-24-180 (2/20/2025); Donovan v. HRD, B2-24-117 (1/9/2025); Weaver v. HRD, 37 MCSR 313 (2024); DiGiando v. HRD, 37 MCSR 252 (2024); Medeiros v. HRD, 37 MCSR 56 (2024); Dunn v. HRD, 37 MCSR 45 (2024); Kiley v. HRD, 36 MCSR 442 (2024); Evans v. HRD, 35 MCSR 108 (2022); Turner v. HRD, 34 MCSR 249 (2022); Amato v. HRD, 34 MCSR 177 (2021); Wetherbee v. HRD, 34 MCSR 173 (2021); Russo v. HRD, 34 MCSR 156 (2021); Villavizar v. HRD, 34 MCSR 64 (2021); Holska v. HRD, 33 MCSR 282 (2020); Flynn v. HRD, 33 MCSR 237 (2020); Whoriskey v. HRD, 33 MCSR 158 (2020); Bucella v. HRD, 32 MCSR 226 (2019); Dupont v. HRD, 31 MCSR 184 (2018); Pavone v. HRD, 28 MCSR 611 (2015); and Carroll v. HRD, 27 MCSR 157 (2014).

The preponderance of the evidence establishes that HRD’s decision that a law degree should be considered ancillary “unrelated” education, rather than education directly “related” to the core job duties of a fire lieutenant, is neither unreasonable nor made arbitrarily. HRD compiled the list of undergraduate and graduate academic degrees that qualified for additional ECT&E

education credits after a review by a panel of subject matter experts (SMEs) who considered the job duties of the position, and the curriculum associated with the academic degrees that were considered directly “related” to the performance of those duties.

Most of the academic degrees that HRD considers “related” to the job of a Fire Lieutenant are logically associated with technical aspects of fire science and emergency response activities.¹ This includes degrees in Biochemical Science, Building Construction Engineering/Management, Chemical Engineering, Chemistry, Civil Engineering, Emergency Management, Fire Administration, Fire Prevention Engineering, Fire Safety, Fire Service, Fire Science, Homeland Security/Security and Intelligence Studies, Nursing, Occupational Safety, Paramedic Medicine and Structural Engineering.

Other degrees are logically “related” to the management responsibilities of a Fire Lieutenant who acts as a first line supervisor and, at times, may serve as an incident commander or acting Captain: i.e., degrees in Business Administration, Business Management, Communications, Computer Science Executive/Organizational Leadership and Public Administration.

The Appellant argues that the job description for a Boston Fire Lieutenant requires, and the examination is designed to test candidate’s “knowledge of pertinent laws, codes, and standards” and that the examination reading materials include parts of the Massachusetts General Laws, specifically, Sections 5, 14, 23, 24, 26A-26F, 26F½, 26G-26I and 287A of Chapter 148 (Fire Prevention). The Appellant also contends that a law degree is as relevant to the job of a Fire Lieutenant as a degree in Psychology or Social Work, which are treated as a “related” degree.

¹ I take administrative notice that firefighters also act as “first responders” on emergency calls and, although Boston operates a separate EMS department, many fire departments also operate Advanced Life Support (ALS) ambulance services, which calls for staffing by EMS personnel, usually at the paramedic level.

Although a fire officer must know the pertinent laws and building codes regulating the construction and maintenance of buildings and other structures, or the technical regulations governing the use of flammable materials, I agree with HRD that a law degree is not essential to gaining that knowledge. The Appellant does not suggest that a law degree is a necessary or desirable qualification in the job description of a fire officer, nor does he point to any part of the curriculum typically covered in law school on fire science law or regulations. I take the Appellant's point that a degree in psychology or social work may seem as equivalent a fit to his work as a law degree but, I do see that, especially on-scene at a fire or in response to a medical emergency, having the skills learned from the discipline of psychology and social work can be rationally and reasonably related to the job of a fire officer. While others may disagree, I must defer to HRD's judgment in the design of civil service examination where its decisions are reasonable as is the case here.

I do take note that the job of a BFD fire officer as a "first responder" may not encompass all the duties that are expected of a fire officer in another department which operates EMS ambulance equipment as well as fire apparatus. It remains a matter of HRD's discretion, however, whether those differences in the BFD and fire departments in other similarly situated municipalities that have separate fire service and EMS departments, warrant a different list of educational degrees that are classified as "related" to the duties of those officers. On this record, I find no basis to disturb HRD's reasonable classification of a law degree as "unrelated" to the duties of a BFD Fire Lieutenant, which is the sole issue presented in this appeal.

CONCLUSION

For the reasons stated above, HRD's Motion for Summary Decision is *allowed*. The appeal of the Appellant, Ryan Arsenault, under Docket Number B2-25-140. is *denied*.

Civil Service Commission

/s/Paul M. Stein

Paul M. Stein
Commissioner

By vote of the Civil Service Commission (Bowman, Chair; Markey, McConney and Stein, Commissioners [Dooley – Absent]) on July 31, 2025.

Either party may file a motion for reconsideration within ten days of receipt of this Commission order or decision. Under the pertinent provisions of the Code of Mass. Regulations, 801 CMR 1.01(7)(l), the motion must identify a clerical or mechanical error in this order or decision or a significant factor the Agency or the Presiding Officer may have overlooked in deciding the case. A motion for reconsideration does not toll the statutorily prescribed thirty-day time limit for seeking judicial review of this Commission order or decision.

Under the provisions of G.L. c. 31, § 44, any party aggrieved by this Commission order or decision may initiate proceedings for judicial review under G.L. c. 30A, § 14 in the superior court within thirty (30) days after receipt of this order or decision. Commencement of such proceeding shall not, unless specifically ordered by the court, operate as a stay of this Commission order or decision. After initiating proceedings for judicial review in Superior Court, the plaintiff, or his / her attorney, is required to serve a copy of the summons and complaint upon the Boston office of the Attorney General of the Commonwealth, with a copy to the Civil Service Commission, in the time and in the manner prescribed by Mass. R. Civ. P. 4(d).

Notice to:

Ryan Arsenault (Appellant)

Michael J. Owens, Esq. (for Respondent)