

Commonwealth of Massachusetts

CIVIL SERVICE COMMISSION

100 Cambridge Street – Suite 200
Boston, MA 02114

VIRGEN M. BAGU TOMASSINI,
Appellant

v.

HUMAN RESOURCES DIVISION,
Respondent

Docket Number:	B2-25-172
Appearance for Appellant:	Virgen M. Bagu Tomassini, <i>pro se</i>
Appearance for Respondent:	Aezad Aftab, 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 Institutional Parole Officer Promotional Examination, as her “fair test” appeal was untimely and her E&E scores, after review by HRD, were determined to have been properly calculated.

DECISION ON RESPONDENT’S MOTION FOR SUMMARY DISPOSITION

On July 18, 2025, the Appellant, Virgen M. Bagu Tomassini, appealed to the Civil Service Commission (Commission), pursuant to G.L. c. 31, § 24, from the denial, after review by the state’s Human Resources Division (HRD), of her claims that the 2025 Institutional Parole Officer C Promotional Examination was not a “fair test” and that she

was entitled to additional “experience” credits on the E&E component of the examination. I held a remote pre-hearing conference on this appeal on August 26, 2025. By Procedural Order on August 26, 2025, HRD’s Pre-Hearing Memorandum¹ and its Supplemental Pre-Hearing Memorandum filed on September 12, 2025, were jointly deemed a Motion for Summary Decision. The Appellant submitted several documents with her Claim of Appeal or on August 26, 2025. She was allowed an opportunity to respond after receiving HRD’s Supplemental Pre-Hearing Memorandum but she did not do so. After careful review of the information provided, HRD’s Motion for Summary Disposition is allowed and the Appellant’s appeal is dismissed.

UNDISPUTED FACTS

HRD submitted four exhibits with its Pre-Hearing Memorandum (*Resp. Exhs. 1 through 4*) and one supplemental exhibit (*Resp. Exh. 5*). I marked the Appellant’s Claim of Appeal and attachments as *App. Exh. 1* and her resume submitted on 8/24/25 as *App. Exh. 2*. Based on the submissions of the parties, the following facts are not disputed:

1. The Appellant is employed by the Massachusetts Parole Board as a Transitional Parole Officer A/B. (*App. Exhs. 1 & 2*)
2. On or about March 14, 2025, the Appellant applied to take the May 17, 2025 Institutional Parole Officer C Examination. The promotional examination was comprised of a written component and an education and experience (E&E) component. The E&E

¹ HRD’s initial Pre-Hearing Memorandum appeared, in part, to refer to facts related to a different examination appeal and did not address all of the issues that the Appellant had raised at the Pre-Hearing Conference, some for the first time in this appeal.

component was a required component and accounted for 20% of the total exam score.

(HRD Pre-Hearing Memorandum; Resp. Exhs. 3 & 4)

3. On May 9, 2025, HRD sent an email notice to the candidates, including the Appellant, registered to take the May 17, 2025 Institutional Parole Officer C Promotional Examination.

The notice stated:

Dear 2025 Institutional Parole Officer C Applicant,

To submit a multiple-choice item review, **fair test review**, situational judgement test item review or essay review (for Assessment Center components that require you to provide a written essay response), **you must go to the civil service website linked below**. Go through the application process, attach any relevant documents, and then submit.

2025 Promotional Exam Review

If you are submitting a Multiple-Choice Item Review for a Technical Knowledge Exam, please specify the textbook or source for which each question (item) originates from. Additionally, please include any supplemental information that will assist in identifying the item you are requesting to be reviewed.

Be advised:

- The deadline to submit a multiple-choice item review is 7 days after the examination.
- **The deadline to submit a fair test review is 7 days after the examination.**
- The deadline to submit a situational judgement test item review is 7 days after the examination.
- The deadline to submit an essay review is 17 days after you receive your score notice (for Assessment Center Components that require a written essay response).

(Resp. Exh. 1) (**emphases added**)

4. The Appellant participated in the written component of the examination administered by HRD on May 17, 2025. (App. Exh. 1; HRD Pre-Hearing Memorandum)

5. The Appellant duly submitted her E&E application through the on-line portal prior to the deadline of May 24, 2025. (HRD Pre-Hearing Memorandum; Resp. Exh. 4)

6. After receiving her E&E scores on or about July 3, 2025, the Appellant filed a timely request for HRD to review her E&E scores on three supervisory experience categories: Q.5 – Mass Parole Board Non-Supervisory Experience; Q.6 – Mass Parole Board Supervisory Experience; and Q.11- Outside Non-Parole Supervisory Experience. The Appellant’s request for HRD review did not seek a “fair test” review. (*HRD Supplementary Pre-Hearing Memorandum*)²

7. After review, HRD denied the Appellant’s claims for E&E supervisory credit, based on the lack of necessary documentation, either at the time the E&E claim was filed or as part of the request for review. (*HRD Supplementary Pre-Hearing Memorandum; Resp. Exh. 5*)³

8. On July 18, 2025, the Appellant filed this “fair test” appeal with the Commission. In her appeal, she stated, in relevant part:

The reason for my letter is for an Appeal on the Examination Exam given on May 17, 2025, Civil Service Title Promotional Institutional Parole Officer C. I believe this test was not fair because it does not represent at all what the job consists of.

...

The test is not fair because for one it does not reflect what we do at all. The books and questions used by the civil service have nothing to do with our position or what the job requires you to do. This is a managerial/promotional position, and the questions should reflect that. I appreciate the new component of situational judgement test items but as it states in the

² The Appellant also sought review of a non-supervisory experience claim (Q.7) and HRD amended her original score from “no experience” to one year experience. This issue is not before the Commission. (*Claim of Appeal; HRD Supplemental Pre-Hearing Memorandum; App.Exh. 1*)

³ The Appellant’s Claim of Appeal stated that she “worked as a “Temporary Institutional Officer C” and her resume stated that she worked as a “Parole Office C” from August 28, 2017, to April 23, 2018 and supervised “Transitional Parole Officers and support staff” in that position. The information, however, falls short of what HRD has required, i.e. specific verification from the employer on an EVF (employment verification form or official letterhead that the work was full or part time, and if not full-time, the actual hours worked. (*Resp.Exh.5*)

test you are given different points based on your answer, but that answer could reflect personal opinions, institutional needs, facility needs etc. I think once again questions should be direct and how they relate to the position not in books or scenarios where there is a lot of room for error. . . You cannot fully see the capabilities of an individual by just answering questions on a civil service test. It leaves a lot of room for error, overlooks qualified individuals who like me do not test well. . . . I have also worked as Temporary Institutional Officer C, have been part of other assignments including taking part in the hiring process, background investigations on perspective [sic] employees yet not fully given the full amount of experience. How is that fair? I also was asked by the Civil Service to provide letters by the Agency, which I do not believe every TPO was required to do. I also provided my resume and other supplemental information that Civil Service stated it was not accepted see below especially question number 5.

(Claim of Appeal; emphases added)

APPLICABLE LEGAL STANDARD

A motion to dispose of an appeal, in whole or in part, via 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 Bd, 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 dismissed.

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.” Pursuant to Section 24 of Chapter 31, “. . . the commission shall not allow credit for training or experience unless such training or experience was fully stated in the training and experience sheet filed by the applicant at the time designated by the administrator [HRD]”.

The Commission repeatedly has held that consistency and equal treatment are fundamental as important hallmarks of the basic merit principles under civil service law. DiGiando v. HRD, 37 MCSR 252 (2024). The Commission generally has deferred to HRD’s expertise and discretion to establish reasonable requirements, consistent with basic merit principles, for crafting, administering, and scoring examinations. In particular, in deciding prior appeals, the Commission has concluded that, as a general rule, HRD’s insistence on compliance with its established examination requirements for claiming and scoring training and experience credits was neither arbitrary nor unreasonable. See Helms v. HRD, 38 MCSR

147 (2025); Bell v. HRD, 38 MCSR 44 (2025); Donovan v. HRD, 38 MCSR 60 (2025); Weaver v. HRD, 37 MCSR 313 (2024); Medeiros v. HRD, 37 MCSR 56 (2024); Dunn v. HRD, 37 MCSR (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 Appellant first raised her “fair test” appeal in her filing with the Commission on July 18, 2025. The two issues of alleged unfairness that she first raised in her appeal to the Commission were known, or surely should have been known, within the seven-day window for filing a fair test appeal [i.e., (a) “the books and questions used by the civil service have nothing to do with our position or what the job requires you to do”; and (b) unreasonably requiring “letters by the Agency” to establish E&E credits in lieu of a “resume and other supporting documentation”].⁴

Second, the Appellant has provided no persuasive evidence to raise, beyond speculation, any alleged factual basis for the Commission to conclude that HRD’s design, administration or scoring of the Institutional Parole Officer C examination is unreasonable or arbitrary. Thus, the present appeal fails to provide any reason to depart from the Commission’s well-established precedents. Accordingly, I defer to HRD’s reasonable

⁴ I note that this appeal may be distinguished from an appeal in which the alleged basis of a “fair test” appeal could not reasonably be discovered until a subsequent date, such as when the exam scores are released. See, e.g., O’Neill v. Civil Service Comm’n, 78 Mass. App. Ct. 1127 (2011) (unpublished opinion).

expertise in the design, administration and scoring of the 2025 Institutional Parole Officer C Promotional Examination.

Regarding the Appellant's E&E "experience" claims, I find no factual issues that require further hearing. The Appellant's submissions to HRD, and to the Commission, do not include the information that HRD reasonably requires to establish the E&E credits claimed by the Appellant. I find that HRD's determinations are reasonable and not arbitrary to conclude that neither the Appellant's FY2025 EPRS as a Transitional Parole Officer, nor her resume, nor the letter from a private employer (concerning employment as a Residential Counselor and Teachers Aide), suffice to establish what HRD has specified in its Candidate Preparation Guide as required to grant the Appellant such "experience" credit.

CONCLUSION

For the reasons stated above, HRD's Motion to For Summary Disposition is ***granted*** and the Appellant's appeal under Docket Number B2-25-172 is ***dismissed***.

CIVIL SERVICE COMMISSION

/s/ Paul M. Stein

Paul M. Stein
Commissioner

By vote of the Civil Service Commission (Bowman, Chair; Dooley, Markey, McConney, and Stein, Commissioners) on November 13, 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:

Virgen M. Bagu Tomassini (Appellant)

Aezad Aftab, Esq. (for Respondent)