

COMMONWEALTH OF MASSACHUSETTS

CIVIL SERVICE COMMISSION

100 Cambridge Street – Suite 200
Boston, MA 02114
617-979-1900

SALVATORE G. BATTAGLIA,
Appellant

v.

HUMAN RESOURCES DIVISION,
Respondent

Docket number:

B2-24-171

Appearance for Appellant:

Salvatore G. Battaglia
Pro Se

Appearance for Respondent:

Erik Hammarlund, Esq.
Labor Counsel
Human Resources Division
100 Cambridge Street, Suite 600
Boston, MA 02114

Commissioner:

Paul M. Stein

SUMMARY OF DECISION

The Commission dismissed the examination appeal of Correction Officer I who took the promotional examination for Correction Officer II as he has no reasonable expectation of showing that his prior employment as a Therapeutic Safety Technician at Bridgewater State Hospital was comparable to the duties and responsibilities of a correction officer.

DECISION ON RESPONDENT’S MOTION FOR SUMMARY DECISION

On November 8, 2024, the Appellant, Salvatore G. Battaglia, a Correction Officer I (CO I) with the Department of Correction (DOC), appealed to the Civil Service Commission (Commission) after the state’s Human Resources Division (HRD) denied his request for credit for certain prior employment on the Experience/Training & Education (E&E) component of the

August 17, 2024 Correction Officer II (CO II) examination. I held a remote pre-hearing conference on this appeal on December 10, 2024. Pursuant to a Procedural Order dated December 16, 2024, HRD filed a Motion for Summary Decision on December 23, 2024. The Appellant filed no response to the motion. For the reasons stated below, HRD's Motion for Summary Decision is allowed and the Appellant's appeal is dismissed.

UNDISPUTED FACTS

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

1. The Appellant, Salvatore G. Battaglia, is a CO I with the DOC.
2. The Appellant took the August 17, 2024 CO II promotional examination administered by HRD.
3. The CO II promotional exam contained a Technical Knowledge (TK) component, a Situational Judgement Test (SJT) component and an E&E component.
4. On October 29, 2024, HRD informed the Appellant that his claims for E&E credit for certain prior employment experience had been denied or adjusted as follows:
 - Q(3) Claim for DOC work experience – 3 years claimed adjusted to 4 years
 - Q(8) Claim for work experience in corrections setting outside of DOC – 4 years claimed denied
 - Q(9) Claim for supervisory experience outside of DOC – 6 years claimed adjusted to 2 years.¹
5. The Appellant's claim for work experience in a corrections setting outside of DOC involved his work at Bridgewater State Hospital (BSH) from March 2019 to January 2021 as a "Therapeutic Safety Technician" (TST).

¹ The adjustment of the E&E claim related to his supervisory position in the military, as shown on the Appellant's DD214 form, which is not an issue in this appeal.

6. According to HRD, the work experience in a corrections setting outside of DOC in Q(8) of the E&E claim form was established to allow credit for those who performed “outside correctional officer work” in a correctional facility other than a DOC facility, equivalent to the job of CO I.

7. The BSH was not a DOC facility during the time that the Appellant worked there.

8. After reviewing the relevant job descriptions, HRD determined that the Appellant’s duties in the position of TST were not equivalent to the job of a CO I at DOC.

9. A CO I at DOC must have completed a required training course, hold a firearms permit, and perform duties involving the custodial care and control of prisoners, patrols, security checks, and guarding and directing inmates during work assignments to maintain order and security.

10. The job of a Therapeutic Safety Technician does not require any certifications and the duties are primarily involved in clinical care, as described in the job description for that position:

JOB SUMMARY: A member of an interdisciplinary clinical team focused on the delivery of care to all patients, who supports the efforts of the clinical and medical personnel in delivering treatment to the patient population at the hospital. Care is to be delivered in accordance with a person- centered, trauma informed, recovery/resiliency philosophy and approach to care. TSTs assist patients and support the wellness of such by ensuring a safe therapeutic environment throughout the hospital and during community visits.

APPLICABLE LEGAL STANDARD

The Commission may, on motion or upon its own initiative, dismiss an appeal at any time for lack of jurisdiction or for failure to state a claim upon which relief can be granted. 801 CMR 1.01(7)(g)(3). 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 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 . . . that 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 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, e.g., Kiley v. HRD, 36 MCSR 442 (2023); 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).

Here, the plain language of the job descriptions shows that the job of a CO I at a DOC correction facility is not sufficiently comparable to the job of a BSH TST previously held by the Appellant and the Appellant has not offered any evidence or argument that he would be able to show otherwise. Since the Appellant has no reasonable expectation of showing that HRD's actions were arbitrary or capricious here, and consistent with prior Commission decisions recognizing the deference given to HRD in such matters, his appeal must be dismissed.

CONCLUSION

For the reasons stated above, HRD's Motion for Summary Decision is *allowed*, and the Appellant's appeal under Docket Number B2-24-171 is *dismissed*.

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 February 20, 2025.

Either party may file a motion for reconsideration within ten days of the 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:

Salvatore S. Battaglia (Appellant)

Erik Hammarlund, Esq. (for Respondent)