

COMMONWEALTH OF MASSACHUSETTS

CIVIL SERVICE COMMISSION

100 Cambridge Street – Suite 200

Boston, MA 02114

617-979-1900

DAWN FAVALORA,

Appellant

v.

HUMAN RESOURCES DIVISION,

Respondent

Docket number:

B2-25-049

Appearance for Appellant:

Dawn Favalora

Pro Se

Appearance for Respondent:

Erik Hammarlund, Esq.¹

Labor Counsel

Human Resources Division

100 Cambridge Street, Suite 600

Boston, MA 02114

Commissioner:

Paul M. Stein

SUMMARY OF DECISION

The Commission allowed, in part, the appeal of a Department of Correction Officer III (Lieutenant), concluding that HRD erroneously denied her proper credit on the Experience & Education (E&E) component of the 2024 DOC Captain Examination for time spent as an acting captain and ordered an evidentiary hearing on the Appellant's claims for specialty assignment credit and teaching courses at the DOC Academy.

DECISION ON CROSS MOTIONS FOR SUMMARY DECISION

On February 21, 2025, the Appellant, Dawn Favalora, a Correction Officer III (CO III) (Lieutenant) assigned to the Lemuel Shattuck correction facility within the Massachusetts Department of Correction (DOC) system, appealed to the Civil Service Commission

¹ Attorney Hammarlund has informed the Commission that he is no longer employed by HRD and that correspondence should be forwarded to HRD General Counsel Michele Heffernan.

(Commission), pursuant to G.L. c. 31, § 24, after the state's Human Resources Division (HRD) denied her request for credit for certain DOC employment experience on the Experience & Education (E&E) component of the December 14, 2024 DOC Captain promotional examination. I held a remote pre-hearing video conference on March 18, 2025, at which time the Appellant raised an additional issue, claiming that she should also receive E&E credit for her teaching experience at DOC Academy. Also, after the appeal was filed, HRD informed the Appellant that it had calculated her E&E score incorrectly and issued a new Score Notice lowering her E&E score. The Appellant was allowed to amend her appeal to include these two additional issues. On May 6, 2025, HRD filed a Motion for Summary Decision to which the Appellant filed a Rebuttal on May 15, 2025, which I deemed an Opposition and Cross Motion for Summary Decision. A motion hearing was held via remote videoconference on May 16, 2025. At the motion hearing, I requested, and the Appellant subsequently filed, further supplemental information concerning her claim. After consideration of the evidence and arguments from the parties, I have concluded that both HRD's Motion and the Appellant's Motion be allowed in part and denied in part. HRD is ordered to adjust the Appellant's E&E score to include credit for her time as the shift commander of the DOC Holding area. If adjustments for her specialty service as a Critical Intervention Team (CIT) member, Informal Grievance Officer, and/or teaching at the DOC Academy would change her overall final score, the Commission will hold an evidentiary hearing to adjudicate the disputed issues involving those claims.

UNDISPUTED FACTS

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

1. The Appellant, Dawn Favalora, is a Correction Officer III (CO III) (Lieutenant) with the DOC.

2. Beginning on May 8, 2022, the Appellant was assigned to the Shattuck Hospital Correctional Unit (SHCU), working as the shift commander on the 8 North Unit. She also performs duties filling in as the shift commander of the DOC Holding Unit several days a week.

3. Pursuant to SHCU Post Order Number 1 the duties of a shift commander on the 8 North Unit are assigned to a COII or COIII. There is no Captain assigned to 8 North. The duties of the shift commander on the DOC Holding Unit are assigned to a DOC Captain. Shift commanders on 8 North and DOC Holding report to the SHCU Deputy Superintendent

4. The Appellant took and passed the DOC Captain promotional examination administered by HRD on December 7, 2024, which included an Education and Experience (E&E) component, accounting for 20% of the total exam score.

5. The Appellant's name appears on the current DOC Captain eligible list established 2/15/2025, where she was ranked in 9th place, tied with one other candidate.

6. Prior to the due date (December 14, 2024), the Appellant duly submitted an E&E on-line claim form that she supported with the following documentation:

12/3/24 Experience Verification Form signed by DOC Personnel Officer

Q4. DOC Experience: Correction Officer I (2/14/10 – 1/25/14) – 3 yrs 11 mos (5.57 points); Correction Officer II (1/26/14 – 5/7/22 - 8 yrs 2 mos (17.98 points).

Q.5. DOC Experience: Correction Officer III (5/8/22–12/7/24) - 1 yr 7 mos (3.17 points)

12/3/24 Letter from SHCU Administrative Captain

Q.6. Temporary/Provisional DOC Captain (“Shift Commander”) (5/8/22-12/7/24) 4,098 hours = 19-24 months) (11.97 points)

12/3/24 Letter from SHCU Administrative Captain Q7/Q8. Specialty Assignments (Informal Grievance Officer – 2/23 to 12/7/24 =18 mos (3 points)

12/2/24 Letter from DOC Academy Director/Training for Trainers Certificate

Q.9. Specialty Unit Experience – Training Academy – 5 courses (5 points)²

² The letter from the DOC Academy Director attested to the Appellant's teaching a course entitled “Field Training Practicum” to five recruit classes (RTC #313, RTC #315, RTC #316, RTC #321 & RTC #322).

7. Initially, HRD awarded the Appellant E&E points for experience as a CO I, CO II, and CO III; for teaching one (1) academy course; and for all time claimed as a temporary/provisional captain. HRD awarded no credits for specialty assignments.

8. While this appeal was pending at the Commission, on or about March 21, 2025, HRD informed the Appellant that it had conducted an “audit” of her E&E claim and had discovered that she, among others, had not properly documented her Q.6 “temporary/provisional” experience with an EVF form signed by the “appointing authority.” HRD changed her Q.6 claim to “No Experience” and recalculated her E&E score (and those of other candidates similarly situated). The change resulted in a reduction in the affected candidates’ E&E scores, including the Appellant’s E&E score. After the overall scores of the affected candidates were recalculated, the reductions moved the Appellant from a 9th place tie to 10th place tied with three other candidates.

9. In response to HRD’s recalculation of her E&E score, on April 4, 2025, the Appellant submitted and filed with the Commission a new EVF form signed by the DOC’s Executive Director of Human Resources which restated her time as a CO I, CO II and CO III and claimed Temporary and Provisional service as a “Shift Commander” from 5/8/22 to present. A further breakdown later provided by the Appellant showed that, of the total 4,098 hours of experience as “shift commander” previously claimed from 5/8/22 to 12/7/24, a total 678 hours were attributable to working as the Shift Commander for an absent Captain assigned to DOC Holding. Pursuant to the Candidate Preparation Guide, the 678 hours at DOC Holding would be prorated at 172 hours/month = 3.7 months, rounded up to 4 months (4.55 points).

10. The Candidate Preparation Guide does not list the position of Informal Grievance Officer as a position entitled to E&E credit as a specialty assignment.

11. In asserting that she should receive special credit for work as an Informal Grievance Officer, the Appellant points to Section 38E of Chapter 127 which mandates that the DOC “commissioner shall promulgate regulations to establish a fair, impartial, speedy and effective system for the resolution of grievances filed against the department, its officers or employees, by inmates who are committed to, held by or in the custody of the department in a state, county, or federal correctional facility, or the Massachusetts treatment center.”

12. This statutory mandate has been implemented by DOC regulations, 103 CMR 491, entitled “Inmate Grievances”, which provides for appointment of an “Inmate Grievance Coordinator” (IGC) who is “responsible for rendering grievance decisions, and for coordinating the operation of the grievance procedure, at the institutional level.” The IGC is appointed by and reports to the institution’s Superintendent.³

13. The Appellant also asserts that she is entitled to specialty assignment credit for her 4 years as a member of a DOC specialty unit known as the Critical Intervention Team (CIT), for which she completed a 40-hour training course in December 2019. The Appellant sought to obtain a letter from the DOC attesting to her participation in the CIT program to “take this through civil service”. DOC declined to provide a letter because HRD had informed DOC that “CIT is not eligible for points” but “they were working on resolving language for the next exam.”

11. Special assignments that are qualified for E&E credit are established by HRD in consultation with “subject matter experts” at DOC and are set forth in the E&E Candidate Preparation Guide provided to candidates in or about October 2024.

³ DOC’s standard operating procedures, incorporated as an appendix to DOC’s regulations at 103 CMR 491, refer to the position as the “Informal Complaint Coordinator.” Absent evidence to the contrary, I infer that the position of IGC and Informal Complaint Coordinator are merely different titles for the position held by the Appellant for which she claimed E&E credit as “Informal Grievance Officer”, pursuant to the 12/3/24 letter from the DOC Administrative Captain.

14. The CIT is defined in DOC Policy 103 DOC 551.1, “Special Operations Response Units”:

“Crisis Intervention Team (CIT): A voluntary group of institution level employees recommended by the Superintendent and reviewed/approved by the CNT Commander for use in any situation that may necessitate crisis intervention. These situations may include, and are not limited to, barricade subjects, hostage takings, attempted suicides, and/or any other disturbances that pose a threat to the safety of staff, inmates, and/or the public.”

15. Policy 103 DOC 559.1 also provides for a Crisis Negotiation Team (CNT) comprised of “[a]ppointed employees comprised of specially trained intervention specialists, as directed by the Commissioner.”

16. The CIT is not listed in the Candidate Preparation Guide as an assignment approved for E&E credit. The CNT is listed an approved specialty assignment in the E&E Candidate Preparation Guide.

17. 103 DOC 559.5.C. provides the selection standards for CIT and CNT members:

C. CNT & CIT

1. Any Correction Officer I, II, III or Correction Program Officer A/B, C, or D interested in becoming a member of the CNT shall obtain an application from the SOCG Tactical Administrator. The completed application shall be submitted to the SOCG Tactical Administrator. In addition, the Applicant shall: a. Have a minimum of three (3) years’ experience as an employee of the DOC (may be waived at the discretion of the CNT Commander); b. Have a telephone and dependable transportation; c. Be able to withstand mental and physical stress; and d. Have a working knowledge of emergency response and disorder management procedures.

2. A selection panel of three (3) CNT members, one (1) of whom shall be the CNT Commander, shall first conduct an administrative review of the Applicant’s personnel file and consider the following information: a. EPRS evaluations; b. Attendance; c. Disciplinary record; d. Commendations; e. Special skills or training; f. Training records; g. IAs; and h. Firearm/Less Lethal qualifications.

3. The selection panel shall schedule and conduct an oral interview with each Applicant selected following the completion of the administrative review process. At the completion of the interview process, the Applicant will be required to participate in a forty (40) hour evaluation/basic training week. Upon completion, the CNT Commander shall provide a written recommendation to the SOCG Commander of those Applicants recommended for appointment.

. . .

6. Any Department employee can apply through their respective Superintendent/ Division Head to become a CIT member. Superintendents/Division Heads shall make recommendations to the CNT Commander regarding their employees and their suitability to become a CIT member. In addition, each Applicant shall: a. Have a minimum of three (3) years' experience as an employee of the DOC (may be waived at the discretion of the CNT Commander); b. Have a telephone and dependable transportation; c. Be able to withstand mental and physical stress; and d. Have a working knowledge of emergency response and disorder management procedures.

7. The CNT Commander shall consider the following areas for each applicant: a. EPRS evaluations; b. Attendance; c. Disciplinary record; d. Commendations; e. Special skills or training; f. Training records; and g. IAs.

18. CIT members are located in all DOC facilities and serve as the initial, and often only, responders in handling and deescalating a crisis situation. Both CNT and CIT members are required to complete a 40-hour initial training and complete refresher training annually. Pursuant to 103 DOC 559.7.F, CIT refresher training may include: “a. Review of the CIT (40-hour) training; b. Development of active listening skills; c. Cross training with CNT; and d. Disorder Management.”

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 . . . 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

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, 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).

Although the Commission rarely exercises the authority to overrule HRD's decisions in matters of examinations as arbitrary or unreasonable, rarely does not mean never. See, e.g., Cote v. HRD, CSC B2-25-0546 (5/29/2025); Rubeski v. HRD, 37 MCSR 298 (2024); Silva v. HRD, 35 MCSR 132 (2022); Callahan v. HRD, 34 MCSR 225 (2021); Naylor v. HRD, 31 MCSR 113 (2018), *after full hearing*, 32 MCSR 351 (2019); Clarke v. HRD, 30 MCSR 295 (2017), *supplemental decision*, 30 MCSR 410 (2017); K. Souza v. HRD, 29 MCSR 15 (2016); Wilbanks v. HRD, 29 MCSR 22 (2016), *aff'd*, Civ.A. 2016-0356 (Suffolk Sup. Ct. 2017), *on further review*, 30 MCSR 316 (2017); N. Souza v. HRD, 28 MCSR 624 (2015). This appeal presents the rare occasion that the Commission is warranted to find that HRD's denial of the Appellant's claims to certain "acting" time in the position of DOC Captain while she was assigned as the shift commander of the DOC Holding area was unreasonable and arbitrary. In addition, there are factual issues that require an evidentiary hearing on the Appellant's claims to E&E credit for 59 months as a CIT member (8 points), 18 months as an Informal Grievance Coordinator (3 points), and additional points for the courses she taught at the DOC Academy (5 points claimed vs. 1 point awarded).

Shift Commander

I agree that, originally, HRD incorrectly awarded the Appellant E&E credit for the full amount of time she claimed under Q.6 as “temporary/provisional” experience as a DOC Captain. The Appellant’s regular shift assignment as the Lieutenant assigned as Shift Commander on 8 North qualified as experience as a Lieutenant, not as a Captain. The Appellant’s claim that there was no Captain assigned as a supervisor on that unit while she was on duty (unlike similar units in other correctional facilities) does not change this fact. She was entitled to CO III experience credit for acting as shift commander on 8 North. HRD correctly determined that she could not also receive credit for serving “out of grade” as a captain for the same duty, which would be double counting.

The Appellant’s duty assignment to the DOC Holding unit, however, stands on a different footing. In performing the duties of the DOC Holding shift commander, the Appellant was acting “out-of-grade” for an absent Captain and performed a duty assignment that the SHCU job description specifically called to be filled by a DOC Captain. I find it unreasonable and arbitrary to deny the Appellant E&E Q.6 credit for such legitimate “out of grade” duty

I also find that it is unreasonable and arbitrary for HRD to deny the Appellant the E&E experience credit for her “out of grade” duty on the grounds that she had failed to file the proper paperwork with her E&E claim to be entitled to such credit. The Appellant correctly points out that HRD’s claim, that such credit can only be claimed through an EVF form and a letter from a DOC commanding officer does not suffice, is inconsistent with the language in the E&E Candidate Preparation Guide which states:

The E&E asks a series of questions about a candidate’s employment and supervisory experience. All experience claims must be supported by a current employment verification form (EVF) or a letter on official letterhead signed by an appointing authority or designee from the department in which the experience occurred [.]

...

The EVF form will be used to calculate work experience at each rank. Temporary and provisional time will be added to the candidates' time in rank.

... Please remember that all types of experience in each category must be totaled on your EVF or letter from the appointing authority. Experience that is not totaled cannot be credited. For any part-time employment claims, it is the candidate's responsibility to tally the number of hours

(emphasis added)

Here, the Appellant initially filed both an EVF and a letter from the SHCU Administrative Captain, the latter attesting to the full 4,098 hours of Q.6 "temporary/provisional" Captain time the Appellant claimed and that HRD initially approved. When it turned out, after the eligible list had been established, that HRD rescinded approval of the Appellant's Q.6 claim because it was only supported by a letter, rather than an EVF, the Appellant immediately submitted a revised EVF containing the Q.6 time.

As noted above, I agree that the Appellant is not entitled to Q.6 E&E credit for that portion of her claim attributable to her duty as a Lieutenant on 8 North. She has, however, fully documented the 678 hours (equivalent to 4 months) she worked "out of grade" for the absent Captain assigned to DOC Holding. HRD unreasonably denied the Appellant E&E credit for that experience.

Specialty Assignments

The Appellant's claim to E&E credit for specialty assignments with the CIT and as an Informal Grievance Officer is a closer call. I agree that, in general, HRD is entitled to deference in determining the structure of an E&E claim. For purposes of this motion, it is assumed that, prior to establishing which specialty assignments are entitled to E&E credit and which are not, HRD consulted with certain "experts" in an effort to obtain the relevant facts. However, the evidence presented here does raise a substantial question of fact as to why the CIT position was excluded when the CNT position, which seems substantially similar, was approved for E&E credit. Thus, the Appellant has raised a sufficient question "above the speculative level" that requires a full

hearing to provide the parties with the opportunity to offer evidence and testimony in order to decide whether HRD acted reasonably in excluding CIT work as approved for E&E credit.

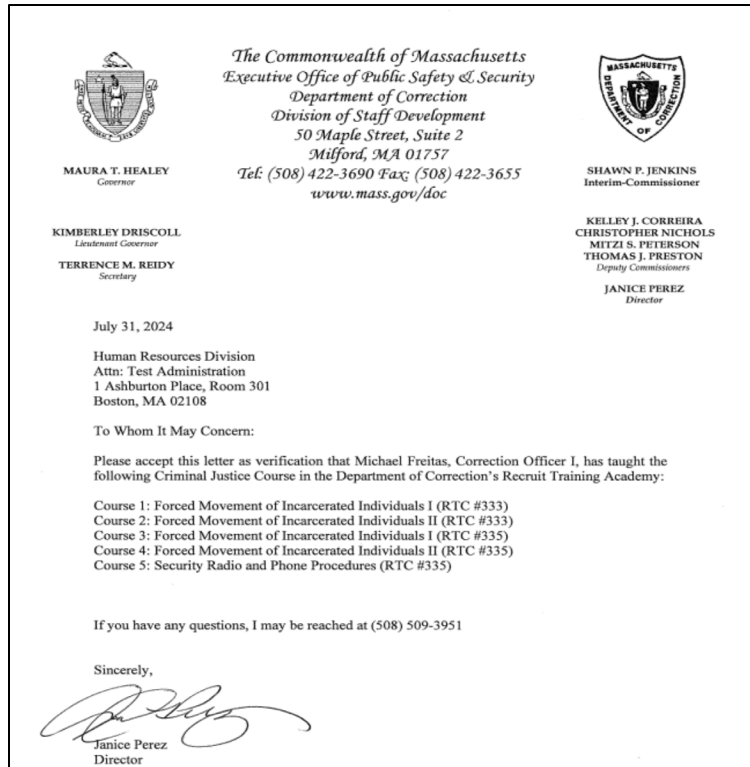
As to the Appellant's claim for E&E credit as an Informal Grievance Officer, other than the fact that the position is mandated by statute and it is filled by and reports to the Superintendent, the Appellant has made a less compelling case that such a position is comparable to those for which E&E credit has been approved. Since an evidentiary hearing is required on the CIT issue, I will also take further evidence from the parties on the Informal Grievance Officer issue as well.

DOC Academy

The difference between the parties as to the Appellant's E&E claim for teaching experience at the DOC academy concerns whether the Appellant has taught the same course five times (and thus is entitled to one E&E point) or has taught five courses once (and so should be entitled to five E&E points). The Candidate Preparation Guide is unambiguous about how HRD awards these credits:

Candidates may claim experience as an instructor in the Department of Corrections Recruit Training Academy. You may not submit a claim for teaching the same course on more than one occasion, the claims must be unique teaching experiences. All claims of teaching in the recruit academy must be verified in writing by the institution. Instructor certificates alone are not sufficient as proof of teaching. You may claim up to 5 courses taught to receive experience points on your E&E claim.

Example: The verification below displays credit for teaching 3 courses. We accept only unique courses taught. Credit cannot be claimed for teaching the same course on multiple occasions.



The Appellant argues, however, that it is unreasonable to count the five courses she taught to different recruit classes as the “same” course, merely because it bears the same course name. She points out that this course covers a wide range of subject matter that regularly requires updating to meet changes in laws, policies and regulations. I accept that she honestly believes that each time she teaches is “unique”.

The Commission addressed a similar issue in the appeal of N. Souza v. HRD, 28 MCSR 624 (2015). In the Souza appeal, after a full evidentiary hearing, the Commission determined that HRD had unreasonably denied that appellant E&E credit for his work as a Field Training Officer, responsible for on-the job training of newly appointed Correction Officers during their first six months on the job, ostensibly because it was “in service” training that was not associated with a “recognized college, university, Department of Correction recruit training academy, or non-degree granting school above the high school level”. HRD’s E&E examination guide also stated:

DO NOT INDICATE THE SAME COURSE IN MORE THAN ONE CATEGORY. DO NOT COUNT THE SAME COURSE MORE THAN ONCE IF YOU HAVE INSTRUCTED ON MORE THAN ONE OCCASION.

After hearing considerable evidence about the nature of the work the Appellant performed in teaching the new officers, the Commission first determined that HRD's distinction between "institutional" teaching and "in-service" or OJT field training of newly appointed recruits was not reasonably justified. The Commission then addressed the question of how many courses Mr. Souza was reasonably entitled to claim. Evidence showed that Mr. Souza had taught a course entitled "Field Training Practicum" to two groups of Correction Officers six months apart – Class 312 in September 2013 and Class 313 in February 2014. The Commission unanimously decided that each separate course was entitled to E&E credit.

Although the facts in Souza are not exactly on all fours with this appeal, the principle applied in that case is apt. Accordingly, I conclude that the Appellant has raised a substantial claim "beyond a speculative level" that she should receive more than one E&E point for the five DOC Academy courses she has taught. Further evidence will be accepted, however, before fashioning a remedy.

CONCLUSION

For the reasons stated above, the Motions for Summary Decision by HRD and the Appellant, respectively, are ***granted in part and denied in part***. The Appellant's appeal under Docket Number B2-25-056 is ***allowed in part and denied in part***.

1. HRD is ordered, forthwith, to recalculate the Appellant's E&E score so as to provide her credit, consistent with this Decision, for her experience in the position of DOC Captain while she was assigned as the shift commander of the DOC Holding area and, after such recalculations, to adjust her final exam score and place on the current DOC Captain eligible list, as appropriate.

2. The Commission will tentatively schedule an evidentiary hearing on the Appellant's E&E

claims for specialty credit as a Critical Intervention Team (CIT) member, an Informal Grievance Officer, and her teaching experience for each separate class of recruits at the DOC Academy. The burden of proof on both the CIT and Informal Grievance Officer issues will rest on the Appellant to prove that HRD's actions were unreasonable or arbitrary.

3. On or before July 31, 2025, HRD may provide a calculation that shows whether allowance of additional E&E credit (above the credit ordered in paragraph 1 above), individually or in any combination, for Appellant's work as a CIT member, an Informal Grievance Officer and/or credit for teaching as many as five DOC Academy courses, would result in any further change to the Appellant's final exam score or her place on the current DOC eligible list. If such calculation produces a conclusion that any such additional credit would not change the Appellant's overall exam score or place on the current DOC Captain's eligible list, the calculation may be accompanied by a Motion for Summary Decision to cancel the evidentiary hearing and dismiss the appeal as moot.

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 June 26, 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:
Dawn Favalora (Appellant)
Michele Heffernan, Esq. (for Respondent)