

COMMONWEALTH OF MASSACHUSETTS

CIVIL SERVICE COMMISSION

100 Cambridge Street; Suite 200

Boston, MA 02114

(617) 979-1900

DIMITRI GEORGOULOPOULOS,

Appellant

v.

MASSACHUSETTS

ENVIRONMENTAL POLICE,

Respondent

Docket Number:

G1-23-247

Appearance for Appellant:

Dimitri Georgouloupoulos, *Pro Se*

Appearance for Respondent:

Alexis N. Demirjian, Esq.
Deputy Director of Labor Relations,
Massachusetts Executive Office of Energy
and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Commissioner:

Shawn C. Dooley

SUMMARY OF DECISION

The Commission affirmed the decision of the Massachusetts Environmental Police to bypass a candidate for appointment as an Environmental Police Officer A/B (EPO A/B) as he does not possess the minimum entrance requirements specified for the position by MEP.

DECISION

On December 11, 2023, the Appellant, Dimitri Georgouloupoulos (Appellant), filed a timely appeal to the Civil Service Commission (Commission), pursuant to G.L. c. 31, § 2 (b).

The appeal challenged the Massachusetts Environmental Police (MEP)'s decision to bypass the

Appellant for appointment as an Environmental Police Officer A/B (EPO A/B).¹ On January 24, 2024, the Commission held a remote pre-hearing conference. On April 23, 2024, I conducted an in-person full hearing at the offices of the Commission in Boston. The hearing was recorded via the Webex videoconferencing platform, and copies of the recording were provided to both parties.² The Appellant and MEP both filed proposed decisions. For the reasons set forth below, the Appellant's appeal is denied.

FINDINGS OF FACT

The Appellant submitted into evidence 13 exhibits. ("A.Ex.") The Respondent submitted into evidence 33 exhibits. ("R.Ex.") Based on the documents submitted and the testimony of the following witnesses:

Called by MEP:

- Lieutenant James Cullen, Massachusetts Environmental Police

Called by the Appellant:

- Dimitri Georgouloupoulos, Appellant

and taking administrative notice of all matters filed in this case, pertinent law and reasonable inferences from other credible evidence, a preponderance of the evidence establishes the following facts:

1. The Appellant was raised and currently resides in Norwood, MA. (*Testimony of Appellant*)

¹ Initially the Appellant filed a non-bypass equity appeal because he had not yet received his notification of bypass. At the pre-hearing, the appeal was converted to a bypass appeal.

² A link to the audio/video recording was provided to the parties. If there is a judicial appeal of this decision, the plaintiff in the judicial appeal would be obligated to supply the court with a transcript of this hearing to the extent that they wish to challenge the decision as unsupported by the substantial evidence, arbitrary and capricious, or an abuse of discretion. If such an appeal is filed, the recording provided to the parties should be used to transcribe the hearing.

2. At the time of the hearing, the Appellant was enrolled at the Massachusetts Maritime Academy and anticipated graduating in June 2024 with a Bachelor of Science in Emergency Management. *(R.Ex 19; A.Exs 1 and 2; Testimony of the Appellant)*
3. The Appellant is a United States Coast Guard veteran who currently serves in a reserve capacity with United States Coast Guard Station at Woods Hole. *(R.Ex 19; A.Exs 1 and 2; Testimony of the Appellant)*
4. On October 29, 2022, the Appellant took and passed the civil service examination for EPO A/B. *(Stipulated Fact)*
5. On February 15, 2023, the state's Human Resources Division (HRD) established an eligible list for EPO A/B. *(Stipulated Fact)*
6. On February 23, 2023, HRD issued Certification No. 09085 to MEP upon which the Appellant was ranked 18th among those willing to accept appointment. *(Stipulated Fact)*
7. MEP appointed 14 candidates from Certification No. 09085, six of whom were ranked below the Appellant. *(Stipulated Fact)*.³
8. MEP is a conservation law enforcement agency housed within the Executive Office of Energy and Environmental Affairs. The mission of MEP is to protect the environment and natural resources through enforcement, education, and outreach. *(Testimony of Lt. Cullen)*
9. MEP has jurisdiction within the entire Commonwealth, as well as the state's waters. MEP officers are also deputized to enforce Federal fisheries laws and regulations. *(Testimony of Lt. Cullen)*

³ MEP hired an additional police officer from certification number 07249, which was issued in 2020. This officer was hired off an earlier list due to a military deferment consistent with USERRA. As this officer was not on the current certification and special circumstances govern his hire, his appointment does not constitute a bypass of the Appellant.

10. MEP enforces laws related to fish and wildlife, protection of endangered species, laws regulating commercial marine vessels, recreational boating, and recreational off-road vehicles. *(Testimony of Lt. Cullen)*
11. The Massachusetts Human Resources Division (HRD) has established minimum entrance requirements (MERs) for the position of EPO A/B. The MEP's minimum entrance requirements are established by HRD pursuant to G.L. c. 31, § 5. *(R.Ex 8)*
12. In addition to a high school diploma, applicants must have the following minimum experience or education:
- At least two years of full-time, or equivalent part-time, professional or paraprofessional experience in wildlife or fisheries conservation or management, natural resources conservation or management, biological or environmental science, forestry, ecology, marine science, conservation law enforcement or related field, or any equivalent combination of such experience and the substitutions below.
 - An associate's degree in environmental science, biology, oceanography, ecology, natural resources management, wildlife management, fisheries management, forestry, conservation law enforcement or related field, may be substituted for up to one year of required experience on the basis of two years of education for one year of experience.
 - A bachelor's or higher degree in environmental science, biology, oceanography, ecology, natural resources management, wildlife management, fisheries management, forestry, conservation law enforcement or related field, may be substituted for up to two years of required experience on the basis of two years of

education for one year of experience.

- One year of education equals 30 semester hours or its equivalent. Education completed toward a degree will be prorated on the basis of the proportion to the requirements actually completed. (*R.Exs 7 - 9, 21; Testimony of Lt. Cullen*)

13. To determine whether a candidate meets the minimum entrance requirements, MEP asks the candidates to submit any documentation that the candidate feels is relevant to document how the candidate meets the minimum entrance requirements. (*R.Exs 7 -9; Testimony of Lt. Cullen*)

14. Candidates receive notices from MEP which outline the minimum entrance requirements and provide the following instructions:

If you are claiming 2 years of full-time related experience (or the equivalent in part-time work), you will need to “show the math” and demonstrate how the part time experience adds up to 2 years of full-time related experiences (based on a 40 hour work week)

Time spent as a traditional city, town or state police officer does not, in and of itself, count as “related experience” for purposes of meeting our entrance requirements.

If claiming an educational substitution for the experience, make sure you indicate your specific “major” (i.e., wildlife biology, marine sciences, etc.) with your degree information. Degrees in “Criminal Justice Administration” are not considered to be “related degrees” for purposes of meeting our entrance requirements. (*Respondent’s Exhibit 7*)

15. Following the submission of documents, MEP invites the candidate to a panel interview with members of MEP patrol staff, senior officers, and HR management to provide each candidate an opportunity to discuss their qualifications and establish how they meet the necessary minimum entrance requirements. (*Testimony of Lt. Cullen*)
16. The Appellant submitted a resume, which described his experience, and included descriptions of his duties in the United States Coast Guard and stated that he had “over 760 underway hours across over 200 missions.” (*R.Ex 19, Testimony of Lt. Cullen; Testimony of the Appellant*)
17. The Appellant’s resume stated that he was expected to receive a bachelor’s degree in Marine Transportation from the Massachusetts Maritime Academy. When the Appellant appeared for the MER interview, he noted that his major had changed from Marine Transportation to Emergency Management.⁴ (*Respondent Exhibit 1; Testimony of Lt. Cullen; Testimony of the Appellant*)
18. Aside from the Appellant’s stated “underway” hours, his submission to the MEP panel did not contain any specific breakdown of his work on environmental or related issues. (*R.Ex 19; Testimony of Lt. Cullen; Testimony of the Appellant*)
19. MEP counts both full-time and part-time experience working in a related environmental field, using approximately 2000 hours of part-time experience equivalent to one year of full-time work experience. To meet the minimum entrance requirements, a candidate must demonstrate that they have 4000 hours of experience in wildlife or fisheries conservation or management, natural resources conservation or management, biological or environmental

⁴ Lt. Cullen stated during the hearing before the Commission that MEP would have considered Marine Transportation degree to be a related field whereas it does not consider a degree in Emergency Management as meeting the MERs.

science, forestry, ecology, marine science, conservation law enforcement or related field.

(Testimony of Lt. Cullen; R.Ext 7)

20. If a candidate claims they meet the minimum entrance requirements through experience, they must quantify their work and/or military experience to account for the 4000 hours. A candidate must articulate the duties they performed and how often they performed those duties. *(Testimony of Lt. Cullen; R.Ex 7)*

21. There are many roles within each branch of the military and a candidate must explain what duties they performed, how these duties relate to the requirements set forth by MEP, and how often they performed those functions to account for the 2 years (4000+ hours) of related experience. *(Testimony of Lt. Cullen)*

22. MEP gave the Appellant credit for all the “underway” hours (760) that the Appellant reported on his resume towards the two-year experience requirement but did not give the Appellant credit for any more experience due to insufficient documentation and the Appellant’s inability to quantify the duties he performed. *(Testimony of Lt. Cullen)*

23. The nine lower-ranked candidates that were hired over the Appellant provided significant documentation as to how they met the MEP’s minimum entrance requirements. *(R.Exs 10-18)*

24. On December 21, 2023, MEP informed the Appellant that he was bypassed for appointment due to his failure to meet the minimum entrance requirements for the position of EPO A/B. *(R.Ex 1).*

25. At the hearing before the Commission, the Appellant submitted into evidence several documents which were not originally submitted to MEP in connection with his minimum entrance requirements review. *(See A.Exs 1-9, Appellant’s Testimony)*

26. Also at the hearing, the Appellant submitted a transcript from the Massachusetts

Maritime Academy and a description of his course of study. These were not previously submitted to the MEP. (*A.Exs 2 and 6*)

APPLICABLE CIVIL SERVICE LAW

The core mission of Massachusetts civil service law is to enforce “basic merit principles” for “recruiting selecting and advancing employees on the basis of their relative ability knowledge and skills” and “assuring that all employees are protected against coercion for political purposes and are protected from arbitrary and capricious actions.” G.L. c. 31, § 1. See, e.g., *Massachusetts Ass’n of Minority Law Enforcement Officers v. Abban*, 434 Mass. 256, 259, (2001); *MacHenry v. Civil Serv. Comm’n*, 40 Mass. App. Ct. 632, 635 (1995), rev. den., 423 Mass. 1106 (1996).

Basic merit principles in hiring and promotion calls for regular, competitive examinations, open to all qualified applicants, from which eligible lists are established, ranking candidates according to their exam scores, along with certain statutory credits and preferences, from which appointments are made, generally, in rank order, from a “certification” of the top candidates on the applicable civil service eligible list, using what is called the 2n+1 formular. G.L. c. 31 §§ 6 through 11, 16 through 27; Personnel Administrative Rules, PAR.09. To deviate from that formula, an appointing authority must provide specific, written reasons—positive or negative, or both, consistent with basic merit principles—to affirmatively justify bypassing a higher ranked candidate in favor of a lower ranked one. G.L. c. 31, § 27; PAR.08(4).

A person may appeal a bypass decision under G.L. c. 31, § 2(b) for de novo review by the Commission. The Commission’s role is to determine whether the appointing authority had shown, by a preponderance of the evidence, that it has “reasonable justification for the bypass after an “impartial and reasonably thorough review” of the relevant background and

qualifications bearing on the candidate's present fitness to perform the duties of the position.

Boston Police Dep't v. Civil Service Comm'n, 483 Mass. 474-78 (2019); *Police Dep't of Boston v. Kavaleski*, 463 Mass. 680, 688-89 (2012); *Beverly v. Civil Service Comm'n*, 78 Mass. App. Ct. 182, 187 (2010); *Leominster v. Stratton*, 58 Mass. App. Ct. 726, 727-28 (2003).

"Reasonable justification ... means 'done upon adequate reasons sufficiently supported by credible evidence, when weighed by an unprejudiced mind, guided by common sense and by correct rules of law'". *Bracket v. Civil Service Comm'n*, 447 Mass. 233, 543 (2006); *Commissioners of Civil Service v. Municipal Ct.*, 359 Mass. 211, 214 (1971), and cases cited. See also *Mayor of Revere v. Civil Service Comm'n*. 31 Mass. App. Ct. 315, 321 (1991) (bypass reasons "more probably than not sound and sufficient").

Appointing authorities are vested with a certain degree of discretion in selecting public employees of skill and integrity. See, e.g., *City of Cambridge v. Civil Service Commission*, 43 Mass. App. Ct. 300, 303-305, *rev. den.*, 428 Mass. 1102 (1997). However, the governing statute, G.L. c. 31 § 2(b), gives the Commission's de novo review "broad scope to evaluate the legal basis of the appointing authority's action" and it is not necessary for the Commission to find that the appointing authority acted "arbitrarily and capriciously." *Id.*

MEP's minimum entrance requirements for the position of EPO A/B are directly related to the subject of natural resource and environmental protection and reasonably related to the requirements of the job. See *Lalli v. Massachusetts Environmental Police*, G1-20-173 (2021). The Commission has made clear that, absent proof that job requirements are arbitrary or unequivocally irrelevant to the performance of the duties required of the position, it will defer to the interpretation given to those requirements by the appointing authority, who is best situated and informed on those matters. See *Harrell v. Massachusetts Environmental Police*, 33 MCSR 30

(2020). See also *Graham v. Department of Conservation & Recreation*, 31 MCSR 337 (2018) (DCRs definition of “major park” and other terms); *Trubiano v. Department of Conservation & Recreation*, 31 MCSR 298 (2018) (definition of “major recreational area” and “heritage park”).

ANALYSIS

MEP has shown by a preponderance of evidence that it was reasonably justified to bypass the Appellant for appointment as an EPO A/B as he was unable to show that he met the minimum experience requirements specified for the position by MEP.

MEP clearly outlines the minimum entrance requirements for the position in its hiring package given to all candidates. These requirements call for education and experience totaling 4000+ hours directly related to wildlife or fisheries conservation or management, natural resources conservation or management, biological or environmental science, forestry, ecology, marine science, conservation law enforcement. Additionally, MEP reminded the candidates that they needed to “show the math” as to how they meet the two-year (4000+ hour) requirement.

All claims must be verified by supporting documentation, which must provide specific details of any related employment or experience, including dates of service and, if part time, total number of hours worked. The supporting documentation must be on original letterhead with an original signature from the appointing authority where the employment or experience occurred.

For his minimum entrance requirements (MER) submission to MEP, the Appellant only provided a resume and no other supporting documentation. This resume predominantly outlined his duties and skills corresponding to his time on active duty with the United States Coast Guard. He failed to identify which of these duties would relate to the minimum entrance requirements and none (except coxswain) were readily identifiable as duties that would meet the requirements set forth in the hiring packet. Unfortunately, he failed to explain/document what duties he

performed, how often he performed them, or how they were related to the hiring requirements for an EPO A/B. While he did include in his resume that he was a “certified coxswain for over 760 underway hours across over 200 missions,” he did not quantify time related to any other duties performed, whether it related to the requirements set forth by the MEP or not. Further, he listed under education and training that he was currently enrolled at Massachusetts Maritime Academy working toward a B.S. in Marine Transportation degree with an expected graduation date of June 2025. He did not provide a transcript or quantify courses and time that could be used as a substitution for related work experience.

MEP did note that the Appellant’s honorable military service is admirable and commendable. However, in order to meet the MERs for EPO A/B, a candidate needs to show that the duties performed are or were related to wildlife or fisheries conservation or management, natural resources conservation or management, biological or environmental science, forestry, ecology, marine science, conservation law enforcement or related field to fulfill the work experience requirement. The onus was on the Appellant to explain what his duties in the military were, how they relate to the requirements, and quantify how many hours he spent performing these tasks. In his submission to MEP, he only submitted a resume that listed duties and skills without quantifying how any of these would satisfy the MERs and did not quantify how any hours would correspond to achieving the 4000 hours required. During his interview with MEP, he again did not expound upon any of his work history as to how it would satisfy the work requirement. Further, he notified the board that he changed his major at MMA from Marine Transportation (a degree MEP accepts to satisfy the MER) to Emergency Management which is not a degree that qualifies to satisfy the MER.

Further, the Appellant did not provide MEP with a transcript of his college courses to use as a substitute for work experience as set forth in the job posting. This made it impossible for the MEP to give him even partial credit toward satisfying the MER. While he had yet to obtain his degree from MMA at the time of his hearing before the Commission, he did provide a partial transcript as part of his exhibits to the Commission. This transcript showed that at the time of the application he had completed 81 credits and at the time of the hearing before the commission he had obtained 126 credits toward the 137 hours required toward his degree in Emergency Management. While MEP states that Emergency Management is not a degree that qualifies to be used as a substitution for work experience, there are undoubtedly courses that would qualify to satisfy some of the requirements. Again, the Appellant did not identify or quantify in his submission to the Commission or in the hearing with MEP what courses should be considered and how many hours that would qualify for. Of note, MEP did not have access to this data at the time of their decision nor was the Appellant able to identify courses or corresponding hours that would serve as substitution for experience during the hiring interview.

I further find that while the Appellant provided additional documentation to the Commission that MEP did not have access to during their hiring process, it still remained unclear as to how he would satisfy the MER. In parsing his partial transcript, I was only able to identify roughly 30 credits that might be considered by MEP (although there may be others that qualify). This would translate to 6 months of experience based on the MEP entrance requirements. When reviewing his updated resume and supporting documents, I was unable to quantify the number of hours and/or percentage of time the Appellant spent doing particular tasks while in the Coast Guard. He also failed to identify which tasks while on active duty or reserve duty he is

attempting to identify as relevant work experience. Further, none of his other stated work experience appeared to qualify to satisfy the MER.

While the Appellant was not able to prove that he had satisfied the work experience requirement during this hiring process, there is nothing in this denial that precludes him from applying again and being considered by the MEP without prejudice in the future. It is my hope that once he earns his degree from Mass Maritime, the Appellant will be able to identify what courses are relevant to becoming an Environmental Police Officer and get credit for the corresponding hours. In addition, by providing a more detailed accounting of his time and duties in the Coast Guard and how they might satisfy the MERs (as well as any other past or current work experience), it is my hope that he can show the hours necessary to meet the 4000 hour requirement to be considered for the position of EPO A/B.

Further, it is the Commission's belief that MEP should clarify what they need to see by way of documentation in order for a candidate to satisfy the minimum experience requirement. In their directions to candidates, MEP should provide detailed examples as to what (including supporting documents and corresponding hours) is required to be considered to have satisfied the MER. Simply stating "show the math" is vague and open to interpretation. By providing either examples of what is expected or a form on which a candidate can list every item to get to the 4000 hours would clarify any confusion and would make the process fairer and more transparent.

CONCLUSION

For all of the above reasons, MEP's decision to bypass Dimitri Georgouloupoulos for the position of Environmental Police Officer (EPO A/B) is affirmed. The appeal filed under Docket No. G1-23-247 is hereby *denied*.

Civil Service Commission

/s/ Shawn C. Dooley

Shawn C. Dooley
Commissioner

By vote of the Civil Service Commission (Bowman, Chair; Dooley, Markey and McConney, Commissioners [Stein – Absent]) on August 22, 2024.

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)(1), 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:

Dimitri Georgouloupoulos (Appellant)

Alexis N. Demirjian, Esq. (for Respondent)