

**COMMONWEALTH OF MASSACHUSETTS**

**SUFFOLK, ss.**

**CIVIL SERVICE COMMISSION**

One Ashburton Place: Room 503  
Boston, MA 02108  
(617) 727-2293

**MICHAEL GOGGIN,**

*Appellant*

v.

**B2-15-110**

**BOSTON POLICE DEPARTMENT *and*  
HUMAN RESOURCES DIVISION,**

*Respondents*

Appearance for Appellant:

Michael Goggin, *Pro Se*

Appearance for Respondent, HRD:

Melissa Thomson, Esq.  
Human Resource Division  
One Ashburton Place  
Boston, MA 02108

Appearance for Respondent, BPD:

Nicole I. Taub, Esq.  
Boston Police Department  
1 Schroeder Plaza  
Boston, MA 02120-2014

Commissioner:

Paul M. Stein

**DECISION ON HRD' S MOTION FOR RECONSIDERATION**

The Appellant, Michael Goggin, acting pursuant to G.L.c.31,§2(b) & §24, appealed to the Civil Service Commission from the decision of the Massachusetts Human Resources Division (HRD) to deny his request to add Education and Experience (E&E) points to his score on the competitive examination he took for promotion to the position of Police Sergeant with the Boston Police Department (BPD). By Decision dated February 4, 2016, the Commission ordered that HRD award Officer Goggin E&E points equivalent to the points awarded to a candidate with a conferred Associates Degree based on his successful completion of nearly four years of substantially equivalent course work toward a Bachelor's Degree, which he was

expected to receive in the very near future. HRD has moved for reconsideration on the grounds that the Commission's Decision overlooked HRD's long-standing and well-founded practice to award E&E points only to whole and conferred degrees and it would place an undue burden on HRD in the future to implement the Commission's Decision. HRD requests that the Commission schedule a full evidentiary hearing to receive evidence in support of HRD's conclusion that E&E credits should be awarded only for whole and conferred degrees and that HRD should not be required to examine a candidate's individual academic transcripts to determine whether the candidate's progress in a course of study towards a university Bachelor's Degree is equivalent to that of a candidate who attained a "conferred" Associate's Degree after two-years of study. For the reasons explained below, the Commission does agree to reconsider its Decision and, modify, in part, the relief provided to Officer Goggin.

The Commission finds no clerical error or factor that it has overlooked in arriving at the conclusion that, as a matter of civil service law, the measure of a candidate's "training and experience related to the position for which the examination is held" as prescribed by PAR.6(1)(b) cannot be determined in all cases exclusively by reference to a paper diploma (i.e., conferred degree). As the Commission's Decision concluded:

"[I]t does not meet the test of being "reasonable and firmly grounded in common sense" to award additional points to the exam score of a peer who chose to complete an Associate's Degree . . . but to award no credit to someone in his position who chose to transfer from a two-year program prior to graduation and continue, diligently, to pursue a university conferred Bachelor's Degree instead."

"The record is clear that, in some circumstances, HRD does review transcripts and assesses their content in order to apportion the record of a candidate with more than one conferred degree. HRD also distinguished the fields of study that get more weight (Category 1 - Business administration, management, public administration, political science, law, criminal justice, criminology, sociology, human services, psychology, education, or computer science) from all other fields (Category 2). . . . Under the current HRD rules . . . a candidate with a Category 1 Associate's Degree in Criminal Justice is required to have earned about 18 course credits in the field of Criminal Justice. [Citation] Yet, by HRD's current rules, a candidate, such as Officer Goggin, whose record, on its

face, demonstrated that he has some 90 course credits under his belt in Category 1 fields of study (Criminal Justice, Law, Management, Information Management, Sociology), gets zero education credit for these substantially greater and directly relevant ‘elements of his education and training’. This result seems both illogical and inconsistent with ‘basic merit principles’ that govern the civil service system, which requires, among other things the ‘advancing of employees on the basis of their relative ability, knowledge and skills’ and ‘assuring that all employees. . . are protected from arbitrary and capricious actions.’ G.L.c.31, §1”

The Commission stands by this conclusion and sees no reason to conduct a full evidentiary hearing on the issue at this time. In particular, the Commission fully considered, and has rejected, HRD’s argument that it had neither the expertise nor the resources to award education credits on any basis other than by reference to documentation of a conferred or whole degree.

The Commission agrees, however, that HRD, rather than the Commission, is more properly the agency that, in the first instance, should make the determination, in any particular case, as to whether or not any particular candidate’s academic record was or was not sufficiently equivalent evidence of “training and experience related to the position for which the examination is held”. Thus, insofar as the initial relief granted to Officer Goggin did overlook the fact that HRD should have the opportunity to make such an evaluation, the Commission will modify the relief granted to afford HRD that opportunity.

### **CONCLUSION**

Accordingly, the Commission’s Decision under Docket No. B2-15-110 is **modified**. HRD is ordered to complete a substantive evaluation of Officer Goggin’s academic record on or before April 30, 2016 and determine whether or not his 90 credits of study demonstrate a substantially equivalent level of “training and experience related to the position for which the examination is held” as HRD has deemed a candidate with a conferred Associate’s Degree in either Category 1 or Category 2 to possess. After HRD’s determination, the Commission will entertain a motion to

reopen this appeal, if necessary, insofar as Officer Goggin claims to be further aggrieved by HRD's determination.

Civil Service Commission

/s/ Paul M. Stein

Paul M. Stein  
Commissioner

By vote of the Civil Service Commission (Bowman, Chairman; Camuso, Ittleman, Stein & Tivnan, Commissioners) on March 17, 2016.

Notice to:

Michael Goggin (Appellant)  
Melissa A. Thomson, Esq. (for HRD)  
Nicole Taub, Esq. (for BPD)