

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

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

JILL PAVONE,
Appellant

v.

B2-15-140

HUMAN RESOURCES DIVISION,
Respondent

Appearance for Appellant:

Pro Se
Jill Pavone

Appearance for Respondent:

Melissa Thomson, Esq.
Human Resources Division
One Ashburton Place: Room 211
Boston, MA 02108

Commissioner:

Christopher C. Bowman

DECISION

On July 2, 2015, the Appellant, Jill Pavone (Ms. Pavone), filed an appeal with the Civil Service Commission (Commission), contesting the decision of the state's Human Resources Division (HRD) to deny her credit for her Education and Experience (E&E) exam component, resulting in her receipt of a failing score on the 2015 Correction Officer II (CO II) exam and exclusion from the eligible list.

On July 28, 2015, I held a pre-hearing conference at the offices of the Commission which was attended by Ms. Pavone and counsel for HRD. A full hearing was held at the same location on September 10, 2015.¹ CDs were made of the digitally-recording hearing. A copy was retained

¹ The Standard Adjudicatory Rules of Practice and Procedure, 801 CMR §§ 1.00, *et seq.*, apply to adjudications before the Commission with G.L. c. 31, or any Commission rules, taking precedence.

by the Commission and both parties were provided with copies as well.² HRD submitted a post-hearing proposed decision; Ms. Pavone opted not to.

FINDINGS OF FACT:

HRD submitted twenty-seven (27) documents (A through Z and AA). Based upon the documents entered into evidence, the testimony of:

Called by HRD:

- Brianna Ward, Director of Test Development for HRD;

Called by Ms. Pavone:

- Jill Pavone, Ms. Pavone;

and taking administrative notice of all matters filed in the case and pertinent statutes, regulations, policies, and reasonable inferences from the credible evidence, I make the following findings of fact:

1. Ms. Pavone is presently employed as a Correction Officer I (CO I) with the Department of Correction (DOC). (Testimony of Ms. Pavone)
2. Ms. Pavone sat for the 2012 CO II promotional exam, completed all components, received a passing score and was placed on the eligible list on or about November 15, 2013. Exhibit A.
3. The 2015 CO II exam consists of two (2) components: a written exam component, administered on March 21, 2015; and the Education and Experience (E&E) component. The passing score for the exam is a 70. The weight afforded to the written exam component is 60% and the E&E exam component is 40%. *See Exhibit Z.*

² 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 he/she wishes to challenge the decision as unsupported by substantial evidence, arbitrary or capricious, or an abuse of discretion. In such cases, this CD should be used by the plaintiff in the judicial appeal to transcribe the recording into a written transcript.

4. On or about February 16, 2015, Ms. Pavone applied for the 2015 CO II written exam.
Exhibit A.
5. By correspondence dated March 11, 2015³, HRD notified Ms. Pavone to appear at Waltham High School on March 21, 2015 for the written component of the CO II exam. Exhibit B.
6. The March 11, 2015 notice states as follows:

“You will receive an email with instructions on how to file your E&E Claim on March 13, 2015. All E&E supporting documentation can be uploaded at the time when the E&E Claim is submitted. To confirm that your E&E Claim was received successfully, you will receive a confirmation email after submission.” Exhibit B (emphasis in original).

7. By correspondence dated March 13, 2015, HRD notified Ms. Pavone of the instructions for submitting the E&E claim. The notice states:

“Please pay close attention to the following regarding the submission of your Education and Experience Claim. The Education and Experience claim is a separate application than the Written Exam application. In order to receive a final score for the 2015 Correction Officer II Promotional Series examination and to be placed on an eligible list, you must complete an Education and Experience (E&E) claim. Exhibit C (emphasis in original).

8. The March 13, 2015 correspondence gives numbered instructions on accessing the E&E exam component. The last instruction, number 8, states:

“8. If you have successfully completed and submitted the E&E claim application you will receive a confirmation email. (AN APLICATION IS NOT COMPLETE UNTIL YOU RECEIVE THIS CONFIRMATION EMAIL). Exhibit C (emphasis in original).

³ All communications and notices regarding civil service exams are communicated electronically, by email.

9. The March 13, 2015 correspondence again reiterates, “[i]f you do not receive an individual automated confirmation email after you submit your claim, your E&E claim application is considered incomplete.” Exhibit C.
10. The March 13, 2015 correspondence further states, “[p]lease note that the *E&E is an examination component*, and therefore, you must complete the Online E&E Claim yourself... Please read the instructions carefully. Exhibit C (emphasis added).
11. The deadline for all candidates for the CO II exam to complete the E&E exam component, including the online submission of the E&E Claim and submission to HRD of supporting documentation, was March 28, 2015, seven (7) days after the written exam component was administered. Exhibit C.
12. HRD sent Ms. Pavone two (2) “E&E Claim Reminder[s].” Exhibits D, E.
13. The first E&E Claim Reminder was on March 20, 2015. Ms. Pavone received and viewed this reminder correspondence on the same date. Exhibit F.
14. The March 20, 2015 E&E Claim Reminder reiterates the information in the March 13, 2015 correspondence. Specifically, it states:

“In order to receive a final score for the 2015 Correction Officer II exam and be placed on an eligible list you must complete an Education and Experience (E&E) claim.” Exhibit D.
15. The March 20, 2015 E&E Claim Reminder repeats the instructions as listed on the March 13, 2015 correspondence. It again, states:

“8. If you have successfully completed and submitted the E&E claim application you will receive a confirmation email. (AN APPLICATION IS NOT COMPLETE UNTIL YOU RECEIVE THIS CONFIRMATION EMAIL)” Exhibit D (emphasis in original).

16. The E&E Claim Reminder further reiterates, “[I]f you do not receive an individual automated confirmation email after you submit your claim, your promotional exam is not considered complete.” Exhibit D.
17. Ms. Pavone sat for the written exam component on March 21, 2015. (Testimony of Ms. Pavone, *See Exhibits A, Z*)
18. The written exam instructions, read by the exam proctors on March 21, 2015 to all CO II exam candidates, notified the candidates of the following:

“As you know, all claims for Education and Experience are collected online. If you wish to revise and or update your online claim for Education and Experience, you have seven calendar days from today to do so online. Supporting documentation may be submitted online or by mail to the address on the board. Please note: All claims must be submitted online, and all supporting documentation must be postmarked no later than seven calendar days from today. That day will be: March 28, 2015. Exhibit G.
19. HRD sent a second E&E Claim Reminder to Ms. Pavone on March 24, 2015. Exhibit F.
20. The text of the second reminder is identical to that of the March 20, 2015 E&E Claim Reminder. See Exhibits D, E.
21. According to the internal records of HRD’s candidate tracking program, referred to by HRD as “NEOGOV,” Ms. Pavone was sent the second E&E Claim Reminder on March 24, 2015 but the email was not opened by Ms. Pavone and viewed. Exhibit F.
22. Candidates access the online E&E claim through the website “governmentjobs.com”. A hyperlink is also emailed to the candidates in the March 13, 2015 E&E instructional correspondence as well as the two (2) E&E Claim Reminders, which provides direct access

to the “open” applications, including at that time the CO II E&E claim. (Testimony of Brianna Ward, Exhibits C,D,E)

23. For the purposes of the September 10, 2015 hearing, Brianna Ward activated the online application for the CO II E&E Claim and guided the parties and Hearing Officer through the steps of successful submission of an E&E Claim. The screens viewed at hearing were identical to those viewed by CO II candidates viewed when filling out an E&E Claim.

(Testimony of Ms. Ward)

24. The hyperlink emailed to the candidates in the HRD E&E notices of March 13, 20 and 24, 2015 prompts the candidate to log into his/her governmentjobs.com account. Upon log in, the screen shows the “open” promotional jobs.⁴ Exhibit H.

25. When the candidate selects “2015 Correction Officer II Education and Experience Claim” a screen pops up on the right-hand side. Across the top are the tabs “Description,” “Benefits,” and “Questions.” Exhibit I.

26. The first tab, “Description,” is highlighted and contains detailed instructions, including a “Summary of the Online Education & Experience (E&E) Claim Process” and “General Instructions.” Exhibit J.

27. The entire 2015 Correction Officer II E&E Claim, including the instructions under the tab “Description” and the multiple-choice questions under the tab “Questions,” is able to be printed for reference by the candidate while filling out the claim. Under “PREPARING & SAVING YOUR CLAIM,” it states, “HRD recommends that applicants download and print a copy of the Online E&E Claim to work with offline before attempting to complete the online form.” Exhibit J.

⁴ Prior to the hearing, counsel for HRD printed screen shots of the CO II E&E Claim process, accessing it under her governmentjobs.com profile, so that the screenshots could be submitted at hearing without the necessity of printing during the hearing. The name of HRD counsel therefore appears throughout the screenshots.

28. Contained under “Summary of the Online Education & Experience (E&E) Claim Process,” in capitalized letters, it states:

DO NOT ATTEMPT TO COMPLETE THE ONLINE E&E CLAIM WITHOUT READING ALL OF THESE INSTRUCTIONS. OTHERWISE, YOU COULD RECEIVE A LOWER SCORE THAN YOU DESERVE. YOU MAY SAVE AND EXIT THE ONLINE E&E CLAIM AS MANY TIMES AS YOU WISH UP UNTIL THE STATUTORY DEADLINE. ALL CLAIMS MUST BE SUBMITTED BEFORE MIDNIGHT ON THE DEADLINE DATE. YOU MAY PRINT YOUR COMPLETED CLAIM FOR FUTURE REFERENCE.

Exhibit J (Underline added)

29. Immediately below the foregoing paragraph, also in capitalized letters, it states, “THIS IS AN EXAMINATION COMPONENT.” Thereafter, it states:

“Complete your Online E&E Claim on your own and to the best of your ability. Accurate completion of the education and experience claim is a scored weighted examination component. ...Positions in the Correction Officer II and III classifications require the ability to read and understand instructions and take necessary steps to remember and implement them. Failure to follow any instructions in regards to this examination component is cause for disqualification.” Exhibit J.

30. Also contained under the topic “General Instructions” it states:

“PREPARING & SAVING YOUR CLAIM: ...As mentioned above, the Online E&E Claim provides you with the ability to save your work at any point and exit the claim. Up to the statutory deadline of midnight 7 calendar days after the written examination date, you will be able to sign-in, complete, and submit your Online E&E Claim. Please be aware that once it is submitted, you will not be able to alter your Online E&E Claim. After submission, your

Online E&E Claim will be saved in your online user account and you will have access to download or print a copy at any time...” Exhibit J (underline added).

31. Selecting the tab “Questions” brings the candidate to all of the multiple-choice questions asked as part of the E&E exam component. Exhibit K.
32. The candidate fills out answers to the multiple choice questions asked regarding his/her specific education and experience. (Testimony of Ms. Ward).
33. The first question asked of the candidate is worth 70 points. It is pertaining to eligibility, and so long as the candidate submits an E&E claim with the answer “yes” that he/she “[has] been approved as eligible to take this exam and have received a Notice to Appear on the exam date,” the candidate is awarded a grade of 70 on the E&E exam component. *See* Exhibits J, N.
34. After review of the instructions, the candidate clicks on the “Apply” button in the upper right hand corner to begin the E&E claim. (Testimony of Ms. Ward, *See* Exhibits I,K).
35. When in the E&E Claim application, the candidate is brought to a “General Information” screen as part of the first of five (5) tabs on the left-hand side. The five (5) vertical tabs are named “Info”; “Attachments”; “Questions”; “Review”; and “Submit.” Exhibit L.
36. The page relating to the “Info” tab seeks contact information (Exhibit L); the page for the “Attachments” tab allows for the upload of documents supporting the E&E Claim (Exhibit M); that for the “Questions” tab contains the multiple choice questions seeking responses regarding the candidates’ education and experience (Exhibit N); the page for the “Review” tab allows for the candidate to review and edit the responses (Exhibit O); and that for the “submit” tab brings the candidate to the steps to electronically submits the claim to HRD (Exhibit Q). (Testimony of Ms. Ward)

37. While in the “Review” stage, when the candidate completes all required information and finds it satisfactory, the candidate then clicks the button “Proceed to Certify and Submit.” Exhibit P.
38. When the “Proceed to Certify and Submit” button is selected, the page relating to the “Submit” tab is shown. A box with the Massachusetts State Seal comes up, wherein the candidate acknowledges and attest that the information provided is true. The candidate has two options to select: “Decline,” or “Accept & Submit.” Exhibit Q.
39. If the candidate selects the “Decline” button, a box pops up informing the candidate, “You are leaving the application process. Do you want to proceed?” The candidate has two (2) options: selecting “Don’t Leave” or “Leave Application.” Exhibit R.
40. As directed in the E&E Claim Description under General Instructions, the candidate may exit the application process at any time and the work will be saved, allowing the candidate to return and resume work where he/she left off prior to the statutory submission deadline. Exhibit J.
41. If, per the page relating to the “Submit” tab, the candidate selects “Accept & Submit,” (Exhibit Q) then a screen with “Application Submitted!” below a checkmark (✓) symbol appears (Exhibit S). The screen also states the date and time of the submission. Exhibit S.
42. Upon successful submission, and as noted in the written exam notice to appear (Exhibit B); the E&E claim instructions of March 13, 2015 (Exhibit C); and the two (2) E&E Claim Reminders (Exhibits D, E), the candidate receives a confirmation email stating the date and time of the E&E Claim submission (Exhibit T).
43. In the confirmation email, the subject of the message is “Application received by Commonwealth of Massachusetts,” and the body of the message reads, “[y]our application

has been received by **Commonwealth of Massachusetts** for the **2015 Correction Officer II Education & Experience Claim** position at [date] [time]...” Exhibit T (emphasis in original).

44. As directed in the “Description” portion of the E&E Claim (Exhibit J), at any time the candidate may log into his/her governmentjobs.com account and view the submitted and incomplete applications (See Exhibit U, Testimony of Ms. Ward). In doing so, the candidate may go between the “Submitted” tab wherein the title of the exam, the date, and status of “Application Received” is shown. Exhibit U. The candidate may also click on the “Incomplete” tab to view applications worked on but not submitted. *Id.*
45. When a candidate is logged into his/her governmentjobs.com account, there is a “Help” tab on the upper right-hand corner that brings the candidate to the “Support” page, wherein a tab on the left brings the candidate to the “Online Employment Application Guide.” Exhibit V.
46. From the “Online Employment Application Guide,” there is a topic entitled, “Check Application Status” that explains to candidates that “[y]ou can get more detailed status information for all applications by clicking “Applications & Status” in the top menu bar (in the pull-down below your username).” The guide further explains:

Use the Submitted button to see all applications that you have successfully submitted...

[example provided]

Use the Incomplete button *to see all applications that you started, but did not complete.*

[example provided] Exhibit W (emphasis added).
47. On or about March 24, 2015, within the deadline to submit the E&E exam component, Ms. Pavone went online to the governmentjobs.com website and attempted to log in. She could not remember her correct password, and requested a new password through the website. Ms.

Pavone received an email from governmentjobs.com with the link to reset her password (Exhibit X). She reset the password and successfully logged in on March 24, 2015.

(Testimony of Ms. Pavone)

48. Ms. Pavone went through the steps online to complete her E&E Claim, and believed she successfully submitted it. Ms. Pavone did not view the screen with the message

“Successfully Submitted!” Rather, Ms. Pavone recalls being returned to the “home screen” of her governmentjobs.com account. (Testimony of Ms. Pavone)

49. Ms. Pavone did not take any further steps, such as checking her application status, to view confirmation that her E&E exam component was submitted. Ms. Pavone did not print any screen from her account that indicated she completed and/or submitted her E&E Claim.

(Testimony of Ms. Pavone)

50. Ms. Pavone recalls hearing her iPhone’s alert that indicated new email messages delivered to her phone. Ms. Pavone checked her messages and saw a new message that she believed was her confirmation email. Ms. Pavone did not open the email message, did not read it or print it. Ms. Pavone saved the email message in her iPhone’s “notes” folder. (Testimony of Ms. Pavone)

51. Ms. Pavone mailed in her supporting documentation to HRD, postmarked March 25, 2015.

Exhibit Y.

52. Ms. Pavone thereafter damaged her iPhone, prior to receiving her examination score.

(Testimony of Ms. Pavone)

53. On or about June 16, 2015, the scores of the Correction Officer II promotional examination were emailed to the candidates, including Ms. Pavone. *See* Exhibit Z.

54. Ms. Pavone's examination results notice notified her that she failed the CO II exam. Under the "Score by Subject," it indicated that the E&E exam component was "NOT SCORED; FAILURE TO COMPLETE EDUCATION AND EXPERIENCE CLAIM." Exhibit Z (emphasis in original).
55. Ms. Pavone filed an Examination Appeal, acknowledged as filed by the Civil Service Commission on July 2, 2015, a timely appeal.
56. Ms. Pavone attempted to retrieve the email she received on March 24, 2015 after completing her E&E Claim, that which she believed was a confirmation email, but could not due to her damaged iPhone. (Testimony of Ms. Pavone)
57. When Ms. logged in after the pre-hearing conference of July 28, 2015, her E&E Claim showed as "incomplete." (Testimony of Ms. Pavone)⁵
58. At the hearing, Ms. Pavone logged into her governmentjobs.com account. Ms. Pavone accessed the screen showing the status of her applications. (Testimony of Ms. Pavone)
59. Under the "Submitted" tab of Ms. Pavone's application status, the screen indicated that the 2015 CO II written exam application was submitted. (Testimony of Ms. Pavone)
60. The 2015 CO II E&E Claim did not appear under the "Submitted" tab.
61. When requested to click the "Incomplete" tab of Ms. Pavone's application status, the 2015 CO II E&E Claim was listed as an "incomplete" application. (Testimony of Ms. Pavone)

⁵ At the hearing, Ms. Pavone testified that, after receiving her failing score, she logged into her governmentjobs.com account with the assistance of a friend and viewed a screen that indicated her E&E Claim was "completed." She did not submit any documentation to support this recollection. After seeing the live demonstration of how this online process works and based on Ms. Pavone's own testimony at the conclusion of that live demonstration, I do not believe the online system ever indicated that the status of the claim was "completed" because I don't believe Ms. Pavone ever clicked "Accept and Submit."

62. Ms. Pavone clicked on the 2015 CO II E&E Claim, and the screen went to the “Review” stage of her claim, which I have inferred was Ms. Pavone’s last progress and furthest step taken on that claim. (Testimony of Ms. Pavone)

Legal Standard

G.L. c. 31, § 2(b) addresses appeals to the Commission regarding persons aggrieved by “... any decision, action or failure to act by the administrator, except as limited by the provisions of section twenty-four relating to the grading of examinations” It provides, *inter alia*,

“No decision of the administrator involving the application of standards established by law or rule to a fact situation shall be reversed by the commission except upon a finding that such decision was not based upon a preponderance of evidence in the record.”

Pursuant to G.L. c. 31, § 5(e), HRD is charged with: “conduct[ing] examinations for purposes of establishing eligible lists.

G.L. c. 31, § 22 states in relevant part: “In any competitive examination, an applicant shall be given credit for employment or experience in the position for which the examination is held.”

G.L. c. 31 § 24 allows for review by the Commission of exam appeals. Pursuant to § 24, “[t]he 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.”

In Cataldo v. Human Resources Division, 23 MCSR 617 (2010), the Commission stated that “... under Massachusetts civil service laws and rules, HRD is vested with broad authority to determine the requirements for competitive civil service examinations, including the type and weight given as ‘credit for such training and experience as of the time designated by HRD.’ G.L. c. 31, § 22(1).”

Analysis

It is undisputed that Ms. Pavone, and all applicants who took this most recent CO II examination, had until March 28, 2015 to file an E&E Claim with HRD. With the exception of supporting documentation, all applicants, as of this examination cycle, must complete the E&E application *online*, using an off-the-shelf software program (NEOGOV) that was purchased by and customized for HRD.

As part of the full hearing before the Commission, HRD's Director of Test Development, Brianna Ward, walked through a demonstration of the E&E online module that all applicants must navigate in order to file their E&E claim. Ms. Pavone also accessed her online account at the hearing. Based on that demonstration, the documentation submitted and the testimony of Ms. Ward and Ms. Pavone, I have concluded that, on March 24, 2015, Ms. Pavone logged into her online account, completed the online E&E claim for the 2015 CO II exam through the "Review" stage, but failed to click "accept and submit." As such, while all of her E&E information was data-entered into the online system, it was not "submitted" to HRD. Although Ms. Pavone subsequently provided HRD with all of the written documentation (via mail) to support her E&E claim, her failure to complete the E&E process online resulted in her failing the promotional examination.

What happened here is analogous to a consumer attempting to make an online purchase by selecting the product, adding it to the virtual "cart"; entering all of his / her payment information and then failing to "confirm" the purchase. When several weeks goes by and the product fails to show up at the consumer's doorstep, s/he is likely to retrace his/her steps; correct the error; and receive the product, albeit a bit later than desired.

Here, however, there is no opportunity to correct the error once the deadline has passed – and the consequences are far weightier than receiving a purchase later than expected. Here, the result is automatic failure of a promotional examination and the inability to be considered for promotion for at least two (2) years.

Both as a hearing officer *and* as a person who sometimes finds myself frustrated by the onslaught of automated, online programs and Apps designed to make our lives “easier”, each with their own set of protocols, username and password requirements⁶ and unique terminology, I am not unsympathetic to the plight of Ms. Pavone, who happens to have a master’s degree.

Empathy aside, I am required here to determine whether Ms. Pavone is an aggrieved person. To do so, I must find that she was harmed through no fault of her own. She was not. Ms. Pavone had four (4) days to remedy her error prior to the submission deadline of midnight, March 28, 2015. By no less than four (4) separate notices⁷, HRD informed all candidates, including Ms. Pavone, that a confirmation email is sent upon successful submission of the E&E exam component. Unequivocally, the March 13, 2015 email of E&E Claim instructions put Ms. Pavone on more than adequate notice, by twice stating in the same email, that the E&E claim is not complete unless a confirmation email is received. Two (2) E&E Claim reminders reiterate the importance of the confirmation email. Despite sufficient notice, Ms. Pavone did not take any steps to ensure that she received a confirmation email, thereby completing her E&E exam component. After she worked on the E&E claim, Ms. Pavone heard the alert on her phone notifying her of new email, saw an email message in her inbox that presumably, from the sender and subject, caused her to believe was the confirmation email, and saved it. By Ms. Pavone’s

⁶ As I was penning this decision, I decided to count the number of different online programs for which I’m required to have a username and password, many of which must be changed at regular intervals. I stopped counting at 40.

⁷ The March 11, 2015 notice to appear, the March 13, 2015 E&E Claim Instructions; the March 20, 2015 E&E Claim Reminder, and the March 24, 2015 E&E Claim Reminder, all documented as sent to Appellant by Exhibit F.

own testimony, she did not open the email and read it. There is no evidence of circumstances beyond her control that prevented her from opening and reading the email in the four (4) days prior to the submission deadline, and remedying her claim status so as to properly and timely submit it.

Further relief is not appropriate because the E&E Claim is a scored exam component comprising 40% of the overall examination score; not simply a formality. Ms. Pavone had sufficient notice that the E&E Claim is an exam component.

The March 13, 2015 notice of E&E Instructions put Ms. Pavone and all applicants on notice that you cannot pass the exam without submission of an E&E claim when it clearly stated, “in order to receive a final score for the 2015 Corrections Officer II Promotional Series examination and to be placed on an eligible list, you must complete an Education and Experience (E&E) claim.”

HRD is vested with broad authority pursuant to M.G.L. c. 31 § 22 to determine the passing requirements of exams. Here, HRD determined that submission of the online E&E Claim is a requirement to passing the CO II promotional examination. I am not persuaded to afford Ms. Pavone relief based upon her testimony that she simply did not know her E&E Claim was not submitted and took no steps to confirm timely submission. In light of the sufficient notice of the importance of the confirmation email, it is reasonable to expect that Ms. Pavone open and read the email received on March 24, 2015, to determine that it was, in fact, an email confirming submission of the E&E exam component. Her failure to take these reasonable steps, and to instead presume it was the confirmation email, cannot be excused on an exam component where part of the measured abilities is the implementation of instructions.

Conclusion

Ms. Pavone's appeal under CSC Docket No. B2-15-140 is hereby *denied*.

Civil Service Commission

/s/ Christopher Bowman
Christopher C. Bowman
Chairman

By a vote of the Civil Service Commission (Bowman, Chairman; Camuso, Ittleman, Stein and Tivnan, Commissioners) on December 10, 2015.

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:

Jill Pavone (Appellant)

Melissa Thomson, Esq. (for Respondent)