



Commonwealth of Massachusetts  
Office of the State Auditor  
Suzanne M. Bump

*Making government work better*

Official Audit Report – November 8, 2019

---

## Civil Service Commission

For the period January 1, 2017 through December 31, 2018





Commonwealth of Massachusetts  
Office of the State Auditor  
Suzanne M. Bump

*Making government work better*

November 8, 2019

Mr. Christopher C. Bowman, Chair  
Civil Service Commission  
One Ashburton Place, Room 503  
Boston, MA 02108

Dear Mr. Bowman:

I am pleased to provide this performance audit of the Civil Service Commission. This report details the audit objectives, scope, and methodology for the audit period, January 1, 2017 through December 31, 2018. My audit staff discussed the contents of this report with management of the agency, whose comments are reflected in this report.

I would also like to express my appreciation to the Civil Service Commission for the cooperation and assistance provided to my staff during the audit.

Sincerely,

A handwritten signature in blue ink, appearing to read "SMB", written over a light blue circular watermark.

Suzanne M. Bump  
Auditor of the Commonwealth

cc: Michael J. Heffernan, Secretary, Executive Office for Administration and Finance

---

## TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>OVERVIEW OF AUDITED ENTITY .....</b>	<b>2</b>
<b>AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY .....</b>	<b>4</b>

## EXECUTIVE SUMMARY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has performed an audit of the Civil Service Commission (CSC) for the period January 1, 2017 through December 31, 2018. CSC's website states,

*We hear and decide appeals filed by certain state and municipal employees and candidates for positions covered by the civil service law, including: discipline, layoff, bypass, and examination appeals as well as classification appeals for all state employees.*

In this performance audit, we examined certain aspects of how CSC administered its appeal process in terms of establishing time standards for the completion of appeals and the extent to which it met established timelines.

Our audit revealed no significant instances of noncompliance by CSC that must be reported under generally accepted government auditing standards.

---

## OVERVIEW OF AUDITED ENTITY

The Civil Service Commission (CSC) is a quasi-judicial agency created under Section 41 of Chapter 7 of the Massachusetts General Laws. CSC has a five-member appellate board whose members are appointed by the Governor for five-year staggered terms.

According to its website, CSC's mission is to adjudicate appeals of public employees and job applicants covered by Chapter 31 of the General Laws. CSC has four full-time employees and two part-time employees.

The issues that come before CSC are mostly factual disputes dealing with whether an appointing authority has just cause to discipline or lay off an employee or, in cases involving appointments and promotions, whether there was reasonable justification to bypass the employee or job applicant. CSC has the authority to conduct investigations regarding the civil service process and review changes to the Personnel Administration Rules proposed by the state's Human Resources Division (HRD).

The appeal process typically involves an appellant and an appointing authority. Appellants can represent themselves or be represented by attorneys; the latter occurs 50% to 60% of the time. A notice of the pre-hearing conference is sent to the appellant and appointing authority, informing both parties of what documents they need to bring to the pre-hearing conference. The response time between the receipt of the appeal and the notice of a scheduled pre-hearing conference is approximately a week or less, according to data extracted from CSC's case management system. Pre-hearing conferences are usually scheduled to be held within 30 days after the date the appeal was originally filed; full hearings, if necessary, are usually held within 90 days after the pre-hearing conference.

According to CSC's website, CSC received, on average, approximately 219 appeals per year for calendar years 2014 through 2018 that ranged from a low of 171 appeals to a high of 265. Appeal hearings are held at the Civil Service Office in Boston, the Division of Administrative Law Appeals in Boston, the Springfield State Office Building in Springfield, the Armand P. Mercier Community Center in Lowell, and the University of Massachusetts School of Law in North Dartmouth.

### CSC Case Management System

The Governor designates one commissioner of CSC as the chair, who is responsible for the day-to-day operations of CSC and the assignment of cases to be heard by individual commissioners. The appeals

---

that CSC receives are entered in a database application called Time Matters Case Management System. The database application, which contains approximately 13,615 records, can track appeals and generate reports. The cases that come before CSC usually require a pre-hearing conference, and approximately 49% of appeals that are filed result in a full hearing. The remaining cases are settled, withdrawn, or dismissed for lack of prosecution or on procedural or jurisdictional grounds.

According to the CSC's website, the agency handles the following types of appeal:

1. Bypass (original appointment and promotional appointment): These are disputes brought forth by candidates for civil service positions who feel they have been bypassed for appointments to civil service positions, or by existing civil service employees who have been bypassed for promotion by someone ranked lower on the civil service list of available candidates.
2. Examination (original appointment and promotional appointment): These cases involve civil service exam applicants who are challenging exam-related determinations by HRD.
3. Non-Bypass Equity: Individuals who would like to contest the action or non-action taken by HRD may file this type of appeal.
4. Classification: Any state employee who believes s/he has been improperly classified in his/her current position and has received a denial from HRD may file a classification appeal.
5. Discipline/Layoff: These are appeals between state or municipal appointing authorities and their civil service employees concerning whether the employers had just cause to discipline, discharge, or lay off an employee. An employee with civil service protection may file this appeal if s/he believes s/he has been unfairly terminated, demoted, or laid off.
6. Performance Evaluation: These cases involve state employees contesting the results of performance evaluations.

---

## AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of the Civil Service Commission (CSC) for the period January 1, 2017 through December 31, 2018.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Below is a list of our audit objectives, indicating each question we intended our audit to answer and the conclusion we reached regarding each objective.

Objective	Conclusion
1. Did CSC have case flow management time standards <sup>1</sup> for all types of appeals?	Yes
2. Did CSC meet the time standards it had established for the processing of appeals?	Yes

To achieve our objectives, we gained an understanding of CSC's internal control environment related to our audit objectives by reviewing applicable laws, regulations, and agency policies and procedures, as well as conducting inquiries with CSC's staff and management.

Additionally, we performed the procedures described below.

- We obtained case data for all appeal types and their related case event activity by date for 100% of the 594 appeals that were either opened or closed during our audit period, or still pending as of December 31, 2018, directly from CSC's Time Matters Case Management System and performed the following procedures:
  - We reviewed the life cycle time standards established for each type of appeal, as noted in the "Learn about the Civil Service Commission Appeals Process" section of the CSC website and the "Case Management" section of CSC's *Internal Procedures* document, and calculated the time standards for the appeal cases.

---

1. Case flow management time standards represent the expected time from the opening to the closing of a case (i.e., case life cycle) or the expected time for segments or portions of the case life cycle.

- Using the life cycle time standards established for each type of appeal, we calculated the number and percentage of appeal cases that met or exceeded established phase and case life cycle time standards.

To determine the reliability of the information obtained from CSC's Time Matters Case Management System, we conducted information security testing by using questionnaires, conducting interviews, reviewing supporting documentation, and performing observations. Additionally, we performed validity and integrity tests of the data, which included (1) testing for missing data elements (e.g., case creation date), (2) scanning for duplicate records, (3) tracing a sample of cases to published decisions on the CSC website, and (4) comparing summarized case data to case opening and closing statistics in CSC's annual report of case statistics. We determined that the information was sufficiently reliable for audit testing.