

COMMONWEALTH OF MASSACHUSETTS

CIVIL SERVICE COMMISSION

100 Cambridge Street – Suite 200

Boston, MA 02114

617-979-1900

BETH ANN BERRY,
Appellant,

v.

**MASSACHUSETTS DEPARTMENT
OF TRANSPORTATION,**
Respondent

Docket Number:

C-23-252

Appearance for Appellant:

Pro Se
Beth A. Berry

Appearance for Respondent:

Erik F. Pike
Patrick Atwell, Esq.
MassDOT
Center for Labor and Employee Relations
10 Park Plaza
Boston, MA 02116

Commissioner:

Shawn C. Dooley¹

SUMMARY OF DECISION

The Commission denied the Appellant's reclassification appeal given that she was unable to show that she regularly performed the level-distinguishing duties of a Customer Service Representative III more than 50% of the time.

DECISION

On January 9, 2023, the Appellant, Beth Berry (Appellant), pursuant to G.L. c. 30, § 49, filed a timely appeal to the Civil Service Commission (Commission), contesting the decision of

¹ The Commission acknowledges the assistance of Law Clerk Camryn Given with the preparation of this decision.

the state's Human Resources Division (HRD) to affirm the decision of the Massachusetts Department of Transportation (MassDOT) denying the Appellant's request for reclassification from Customer Service Representative II (CSR II) to Customer Service Representative III (CSR III).²

On January 30, 2024, a remote pre-hearing conference was held. On March 26, 2024, I held a remote full hearing via Webex. Both parties were provided with a link to the audio / video recording of the hearing.³ The parties subsequently submitted proposed decisions by April 26, 2024.

FINDINGS OF FACT

The Appellant entered four exhibits into evidence (A.Ex. 1-4; Bates Stamp A0001-A0082), and the Respondent entered eleven exhibits (R.Ex. 1-11; Bates Stamp R0001-R0049) into evidence. Based on the documents submitted and the testimony of the following witnesses:

Called by MassDOT:

- Matthew LoSapio, Service Center Manager for the Cape Cod and Islands Registry of Motor Vehicles (RMV);
- Audrey Drinan, Personnel Analyst, Classification and Compensation Department, MassDOT;

² The Standard Adjudicatory Rules of Practice and Procedure, 801 CMR §§ 1.01, et seq., apply to adjudications before the Commission with G.L. c. 31, or any Commission rules, taking precedence.

³ 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.

Called by the Appellant:

- Beth Berry, Appellant

and taking administrative notice of all matters filed in the case and pertinent statutes, regulations, and case law and policies, and reasonable inferences therefrom, a preponderance of the evidence establishes the following findings of fact:

Procedural Background

1. The Appellant has been employed by MassDOT since April 25, 2022. (*Testimony of Appellant; R.Ex. 4*)
2. The Appellant works at the RMV on Nantucket. (*R.Ex. 1-2*)
3. The Appellant has an employment background in customer service. (*R.Ex. 7*)
4. The Appellant's current title is CSR II. (*R.Ex. 1, 4*)
5. On January 9, 2023, the Appellant filed a reclassification request with MassDOT seeking reclassification from CSR II to CSR III. (*R.Ex. 1; Testimony of Drinan*)
6. In her application for reclassification, the Appellant stated: "I would really appreciate any consideration in increasing my pay based on experience, dedication to the RMV, and the cost of living on Nantucket." (*R.Ex. 1; Testimony of Drinan*)
7. Audrey Drinan, a Human Resources Specialist in MassDOT's Classification and Compensation Unit, conducted an audit to determine if the Appellant should be reclassified as a CSR III. (*R.Ex. 9; Testimony of Drinan*)
8. The Appellant filled out an interview guide to be considered in the audit. When asked what specific duties she performs, the Appellant answered: providing customer service, opening and closing the branch, handling the cashiering, and ordering supplies. (*R.Ex. 2*)

9. As part of the audit, Ms. Drinan also conducted an interview with the Appellant. Ms. Drinan determined that the Appellant's only duty that fell outside of her current classification was ordering supplies, a level-distinguishing duty of a CSR IV. Other than ordering supplies, Ms. Drinan found the Appellant's duties were consistent with the CSR II title and concluded that the Appellant was properly classified as such. (*R.Ex. 6; Testimony of Drinan*)
10. On March 16, 2023, the Appellant received the decision that her request for reclassification was denied. (*R.Ex. 9*)
11. The Appellant appealed the decision to HRD, who then denied the reclassification appeal on December 19, 2023. (*Stipulated Facts; R.Ex. 10*)
12. On December 20, 2023, the Appellant filed a timely appeal with the Commission. (*Stipulated Facts; R.Ex. 11*)

Nantucket Branch of the RMV

13. The services at the Nantucket RMV include "all driver's license, vehicle registration and title transactions, registration cancellations, suspension payments, and learner's permit testing..." and "road tests". The branch is open Monday to Friday from 8:00 AM until 4:00 PM and closed for an hour at lunchtime. (*Website for the Nantucket RMV service center*)
14. The Nantucket office of the RMV, where the Appellant works, is staffed with only two employees. Typically, this includes one CSR II and one CSR IV. (*R.Ex. 1, Testimony of Appellant and LoSapio*)
15. Shortly after the Appellant completed training and was appointed to the job in April of 2022, her supervisor, a CSR IV, quit without advance notice. As a result, from April 2022 to September 2022, the Appellant was the only CSR permanently assigned to the Nantucket branch. (*Testimony of Appellant; R.Ex. 2*)

16. Employees from other branches of the RMV came to work at the Nantucket branch for the day during this period. This took place often but not every day. The temporary employee would be at the Nantucket branch from 9:30 AM to 2:30 PM, with an hour for lunch. The employee would commonly be classified as CSR III or CSR IV but occasionally due to unavailability, a CSR I or CSR II would come to assist instead. *(R.Ex. 1; Testimony of Appellant and LoSapio)*
17. When the supervisory position of CSR IV was posted for the Nantucket office, the Appellant applied for the position and was not appointed. Rather, she retained her position as a CSR II. *(R.Ex. 1; Testimony of Appellant)*
18. The Appellant trained the new supervisor at the Nantucket branch on various office tasks. It is common practice for newly hired supervisors to watch lower-level employees at work to better understand the branch's operations. *(R.Ex. 1; A.Ex. 3; Testimony of LoSapio)*
19. The newly appointed CSR IV on Nantucket was out on leave beginning in mid-February of 2024 and was still out at the time of the hearing on March 26, 2024. While out, either a CSR III or IV was sent from other branches to assist the Appellant on Nantucket. *(Testimony of Appellant and LoSapio)*

Classification Specifications

20. The Classification Specifications for the CSR series were approved in December 2015; in an overview, the common responsibilities of all employees classified within the CSR series are summarized as follows:

Employees in this series confer with agency customers and the general public by telephone, in person or in writing; assist agency customers and the public in applying for agency programs, services, licenses or permits; explain agency programs, services, procedures and fees; respond to inquiries; resolve complaints or refer them to appropriate staff; process applications and other documents; may enter application data into computers; establish and maintain

coding and filing systems of case logs; may collect and record receipt of application fees; may prepare licenses or permits and may digitally image customers; provide information on certificates of titles, registrations, rebates, excise tax, sales tax, license and registration suspension, civil motor vehicle infractions, warrants, electronic toll and parking violations and other Registry of Motor Vehicle functions and procedures.

(R.Ex. 5)

21. Duties common to all levels in the CSR series are described as follows:

1. Interacts with customers to respond to inquiries and complaints.
2. Issues licenses, identification cards and motor vehicle registrations.
3. Communicates with internal and external contacts through a variety of means such as telephone, mail, e-mail, fax or in-person.
4. Uses computer terminals, vision instruments, automatic testing devices and other equipment.
5. Administers vision tests in accordance with agency policy.
6. Operate computer equipment to create, retrieve, review, change or update driver/vehicle/business information.
7. Ensure appropriate confidentiality and security of information.
8. Reviews reports for compliance with state and federal guidelines.
9. Collects fees (cash and checks) and performs credit card transactions.
10. Reconciles receipts with revenue control documents.
11. Operates computer terminals and photo imaging software.
12. Schedules road examinations.
13. Prepares forms and other documents related to licenses, registrations, identification cards and receipts for titles.
14. Amends title and registration records.
15. Maintains Registry of Motor Vehicle filing systems.
16. Reviews customer documents in support of transactions for accuracy and veracity.
17. Conducts research for additional information from third parties (other states, state agencies, etc.) to complete transactions.
18. Assists other state and local agencies with Registry of Motor Vehicles information.
19. Assists customers with problem resolution.
20. Provides information to the public regarding Registry of Motor Vehicles guidelines, requirements and procedures in-person and on the phone.
21. Greets customers, determines customer's purpose, assesses readiness, and directs them to the appropriate line.
22. Directs customers to Kiosks and other automated services where appropriate.
23. Assess that customers have the correct forms/applications, supporting documents, and acceptable payment.

24. Returns improper or incomplete forms or documents to the applicant explaining reasons for rejection and steps necessary to complete forms/applications.
25. Provides checklists and assistance in completing forms/applications.
26. Provides information to the public regarding Registry of Motor Vehicles guidelines, requirements and procedures in-person and on the phone.

(R.Ex. 5)

22. The level distinguishing duties of a CSR II, CSR III, and CSR IV are listed as follows:

Customer Service Representative II:

1. Provides technical assistance and guidance on tax exemption issues.
2. Authorizes or denies sales tax exemptions for motor vehicles at the time of registration, based on evaluation of documentation and knowledge of both Registry of Motor Vehicles and Department of Revenue rules.
3. Receives revenue for licenses, registrations, titles, sales tax and other fees and maintains records and accounts of all financial transactions in ALARS/imaging system.
4. Reconciles financial receipts and prepares daily bank deposits and work reports for designated branch office.
5. Makes periodic daily collections of revenue from the clerical personnel at the public counter and reconciles accounts.
6. Opens/closes branch offices, as needed.
7. Reconciles daily branch deposits.

Customer Service Representative III:

1. Assist customers with reporting, eligibility and compliance requirements; appropriate processes to follow, information to process and actions to take in accordance with standard procedures.
2. Inquires with customers, as needed, to determine appropriate service; explains additional information or action required when customer fails to meet license or operating requirements.
3. Performs senior level or lead customer service activities by providing assistance, guidance and instruction to less experienced customer service personnel.
4. Perform research, analysis and judgment to determine an appropriate course of action to provide the public with the full range of services available.
5. Oversees office operations.
6. Provides training and support to employees.
7. Ensures accuracy of cash control.
8. Incumbents at this level perform work that requires considerable independence in the exercise of judgment, in determining approaches and in the interpretation and application of policies, laws, standards and procedures.
9. Creates reports and statistical tables.

Customer Service Representative IV:

1. Interpret, monitor and implement rules, regulations, policies and procedures for carrying out daily activities.
2. Ensure that completed work meets standards of quality and timeliness.
3. Supervises subordinate personnel including delegating assignments, training, monitoring and evaluating performance.
4. Maintains efficient workflow by evaluating production and revising processes and work assignments.
5. Adjusts own activities and priorities according to changes in workload, team member absences, and to enable team members to take appropriate breaks.
6. Provides input regarding work plans, schedules and daily operations.
7. Assists in office support tasks such as tracking inventories, ordering supplies and handling deposits.
8. Oversees operations at satellite branch offices.
9. Assists Branch Manager with operations at major branch offices, filling in when the Branch Manager is not available.
10. At this level, incumbents are expected to be able to perform the duties described for Levels I, II and III; however, the primary focus is to provide program oversight, guidance and review of others' work.
11. Communicate with appropriate MassDOT enterprise service areas to address workplace facility and security issues.
(R.Ex. 5)

Appellant's Role at the Branch

23. In the Appellant's Form 30, signed by both the Appellant and her supervisor, her duties are noted as follows:

1. Authorizes or denies sales tax exemptions for motor vehicles at the time of registration, based on evaluation of documentation and knowledge of both Registry of Motor Vehicles and Department of Revenue rules.
2. Receives revenue for licenses, registrations, titles, sales tax and other fees and maintains records and accounts of all financial transactions in ATLAS.
3. Reconciles financial receipts and prepares daily bank deposits and work reports for designated Service Center Office.
4. Reports all cash discrepancies to Revenue.
5. Reconciles FY end as outlined by Office of the Comptroller.
6. Reconciles daily branch deposits.
7. Performs all Sweeps as prescribed in the Cash Manual.
8. Responsible for document retention as defined by policy.
9. Able to accurately perform overrides and voids either over the shoulder or remotely.
10. Perform certain supervisory/Service Center functions dictated by security levels.
11. Opens/closes service center as needed.

(R.Ex. 4)

24. Primarily, the Appellant handles customer interactions for those with business at the RMV.

This encompasses handling transactions, assisting with licenses and registrations, answering customer's questions, and coordinating with the on-site security guard. (*Testimony of Appellant and LoSapio; R.Ex. 2*)

25. The Appellant's specific tasks include opening and closing the Nantucket branch of the RMV, reconciling the finances at the end of the day, ordering supplies, and occasionally printing schedules and reporting attendance. (*Testimony of Appellant; R.Ex. 1-2*)

26. In her duties, the Appellant does not supervise or assign work to any employees. (*R.Ex. 1; Testimony of LoSapio and Drinan*)

27. The Appellant does not review the performance of any employees. (*Testimony of LoSapio*)

28. The opening and closing of the branch are within the duties of a CSR II. (*R.Ex. 5; Testimony of Losapio*)

29. The cashiering duties of the branch fall within the duties of a CSR II. (*R.Ex. 5; Testimony of LoSapio and Drinan*)

30. Ordering supplies is an office support task that could fall within the duties of a CSR III or IV. (*R.Ex. 5; Testimony of Drinan*)

31. When the Appellant does order office supplies, which Ms. Drinan classified as a CSR IV duty, it takes her less than ten minutes. (*Testimony of Appellant; R.Ex. 6*)

32. When the Appellant does print daily schedules and report attendance, which is a task her supervisor does when present, it takes her only a few minutes. (*Testimony of Appellant*)

33. Printing the schedules and reporting attendance could be considered overseeing operations at the branch which would also fall within the duties of a CSR III or IV. (*R.Ex. 5*)

34. There can be a high volume of customers at the Nantucket branch, with “ten to seventeen people already waiting” when the doors open on Monday morning. On average, there is a customer in front of the Appellant every six to ten minutes. (*Testimony of Appellant*)
35. Based on the evidence presented, I find that the Appellant spends about 75% of her day dealing with customers performing traditional RMV services and 20% of her day opening and closing the RMV and reconciling the finances. That would leave 5% of her day for the tasks of ordering supplies, printing the schedules, and reporting attendance as needed.
36. The Appellant has access to a licensing chat and a registration chat. These are chats on Microsoft Teams in which an RMV branch employee can reach out to higher level employees for assistance. The chats are commonly used for document review and for questions about more complicated matters. (*Testimony of LoSapio*)
37. The chat tool is customarily reserved for CSR IV employees, but it is not listed as a distinguishing duty of any classification in the CSR series. (*R.Ex. 5; Testimony of LoSapio*)
38. The Appellant has access to the chats despite being a CSR II because she was the only employee at the branch trained in registration. Also, since the Appellant has often been alone at the Nantucket branch, she needed access to the chats “out of necessity.” (*Testimony of Appellant and LoSapio*)
39. In the Appellant’s supervisor’s estimation of how much time the Appellant uses the chats, about 33% of the customers need assistance through the chats. (*Testimony of LoSapio*)
40. Based on a full review of the record, I find that the Appellant spends a majority of her time performing duties that either fall into the specific duties of a CSR II or can be performed by any employee in the CSR series, totaling 95% of the time. I did not include the chats in that estimation as I do not find them to be a distinguishing duty of a CSR III.

APPLICABLE CIVIL SERVICE LAW

Section 49 of G.L. c. 30 provides:

A manager or an employee of the commonwealth objecting to any provision of the classification affecting the manager or employee's office or position may appeal in writing to the personnel administrator. Any . . . employee or group of employees further aggrieved after appeal to the personnel administrator may appeal to the civil service commission. Said commission shall hear all appeals as if said appeals were originally entered before it. If said commission finds that the office or position of the person appealing warrants a different position . . . it shall be effective as of the day of the appeal.

The Appellant must prove, by a preponderance of the evidence, that she performs a majority of the level-distinguishing functions of a CSR III and that she performs those functions a majority of the time. See, e.g., Thompson v. Division of Insurance and HRD, 29 MCSR 565 (2016). Stated differently, in order to justify a reclassification, an employee must establish that they are performing duties encompassed within the higher-level position the majority (i.e., at least 50% or more) of the time, on a regular basis. See, e.g., Pellegrino v. Department of State Police, 18 MCSR 261 (2005) (at least 51%); Gaffey v. Dep't of Revenue, 24 MCSR 380, 381 (2011) (“more than 50% of the time, on a regular basis.”) “The bar for proving that one's position is misclassified is set very high.” Shields v. Department of Revenue, 21 MCSR 263, 266 (2008).

Further, “[w]here duties are equally applicable to both the lower and higher titles, although they may be described slightly differently for each title, those types of overlapping duties are not distinguishing duties of the higher title.” Saunders v. Dep't. of Labor Standards, 32 MSCR 413, 415 (2019). That other employees may be misclassified “does not entitle the Appellant to the reclassification requested.” Gaffey v. Dept. of Revenue, *supra*.

PARTIES' ARGUMENTS

The Appellant argued that she is doing essentially the same job as her supervisor at the Nantucket RMV, who is a CSR IV. The Appellant claimed that no one has ever assigned her work and that she had to take the initiative in a manner that has made her feel like a supervisor. Her situation is unique because the branch is comprised of only two employees. As a result, both the Appellant and the other branch employee need to be able to perform the same duties. The Appellant would like to receive the same compensation as her supervisor since their performance, according to her, is fundamentally equal. In addition, her supervisor has been out for several weeks, and she has had to take more initiative as a result. The Appellant does not believe the current arrangement makes sense for the Nantucket branch. Because of the unfairness of the current system and the higher-level tasks that the Appellant has had to take on, her reclassification appeal should be granted.

The Respondent claimed that the Appellant does not meet the standard for reclassification as a CSR III since she does not supervise any employees or assign any employees tasks. The Appellant's duties, according to MassDOT, fall within the CSR II specifications with few exceptions. The exceptions, such as ordering supplies, do not amount to more than 50% of her time. The Respondent maintains that the Appellant's use of the chat is not a level distinguishing duty. Since a CSR III is a supervisory position and the Appellant has no supervisory responsibilities, her reclassification appeal should be denied.

ANALYSIS

The Appellant has not shown, by a preponderance of the evidence, that she performs level-distinguishing duties of a CSR III more than 50% of the time. The Appellant is a hard-working individual who is a strong addition to the Nantucket branch of the RMV. Despite this, the

Appellant has failed to prove by a preponderance of the evidence that she regularly spends a majority of her time performing the level-distinguishing duties of an CSR III and, consequently, has failed to prove that she is improperly classified.

The Appellant's primary duties fall within the duties of a CSR II. Opening and closing the branch is clearly defined as a CSR II duty: "opens/closes branch offices, as needed." The Appellant's cashiering duties would also fall into the responsibility of a CSR II: "reconciles financial receipts and prepares daily bank deposits and work reports for designated branch office" and "reconciles daily branch deposits." Based on my above finding that the Appellant spends 20% of her day opening and closing the branch and reconciling the finances, that means the Appellant spends 20% of her day performing tasks specific to a CSR II. The largest portion of the Appellant's working day is spent attending to customers and performing traditional RMV services. I found this accounts for roughly 75% of her time at work. These services fall into the duties expected of all CSR classifications: "assists customers with problem resolution." Consequently, in total, 95% of the Appellant's time is spent performing duties common to all CSR classifications or to her current classification of CSR II.

The Appellant does perform some tasks that could fall into the CSR III category. Ordering supplies could be considered a CSR III ("Oversees office operations") or IV duty ("assists in office support tasks such as tracking inventories, ordering supplies and handling deposits"). Ordering supplies is not something that needs to be done at the office every day, and the Appellant stated that when she does order supplies, it does not take much of her time. The Appellant also occasionally prints daily schedules and reports attendance. These tasks would fall into the aforementioned categories, dealing with the overseeing of operations. The Nantucket CSR IV would usually do those tasks, but the Appellant takes them over when the CSR IV is not

at the office. The Appellant admitted that the tasks of printing schedules and reporting attendance only take a few minutes to complete. These three tasks (ordering supplies, printing schedules, and reporting attendance) are not completed by the Appellant consistently and when they are performed, they each only take a few minutes. Therefore, it would be fair to say that these tasks comprise 5% of the Appellant's duties.

It might be fair to say that ordering supplies should not count towards that percentage regardless because the Appellant was not actually assigned to do it. However, she took the initiative to order supplies, such as toner, when it was running out. This blurs the line if this task really became the Appellant's duty or not. Although her initiative is commendable, it makes it more difficult to qualify these as CSR III duties since it was intended to be completed by the Appellant's supervisor.

I do have some concern regarding the Appellant having to train her supervisor (a CSR IV) on several office tasks. One of the duties of a CSR III is "Performs senior level or lead customer service activities by providing assistance, guidance and instruction to less experienced customer service personnel." This could describe how the Appellant has had to give guidance to her new supervisor. I find that rather than a regular duty, this was more of a one-time instance because of the nature of the situation. Therefore, I did not include this occurrence in my calculations of the Appellant's duties.

While performing her duties, the Appellant had use of the licensing and registrations chats. The chats are not named anywhere in the list of CSR duties of any level. It may be practice that only supervisors have access to the chats, but it is not necessarily a level distinguishing duty. Therefore, the Appellant's access to and use of these chats would not be counted in the time she spends performing CSR III level duties. Even if it were, her time spent using the chat would not

put her CSR III duties above 50%. The Appellant spends about 70% of her time interacting with customers and 33% (the percentage of customers that need assistance through the chats) of that would be 23%. Counting the chat time as a CSR III duty at 23% plus the other 5% would not be more than 50%, showing the chats do not change the outcome. Regardless, I do not find the use of the chat to be evidence of the Appellant having CSR III duties. The purpose of the chats is to assist customers, which is a duty of all CSR levels. When the Appellant is using the chats she is performing a duty common to all CSR levels.

It is important to note that the Appellant had only been employed as a CSR II for MassDOT for less than nine months when she filed for reclassification. This is an abnormally short time frame for reclassification and weakens the Appellant's argument that she is entitled to a higher ranked position. In her reclassification paperwork, the Appellant did not clearly indicate that her duties or the nature of her job changed in her time at the RMV, bolstering that a CSR II is still the proper classification for the Appellant.

The Appellant has made it clear that she does many of the same tasks as her supervisor at the Nantucket branch; however, that unfortunately does not aid her in meeting her burden. There are many tasks that all CSR employees share, so the fact that the Appellant and her supervisor do many of the same duties does not establish that the Appellant needs to be reclassified. Furthermore, the tasks that overlap are not *supervisory*, such as assigning work, but are tasks for customer service and office support. The fact that several of those duties overlap does not indicate that the Appellant is entitled to reclassification.

The record was primarily undisputed in establishing that the Appellant does not perform any supervisory duties. A CSR III is a supervisory position while a CSR II is not. The Appellant does not assign tasks or supervise any employees, which shows she is not in a supervisory role. The

Appellant's supervisor is distinguished by her duty: "At this level, incumbents are expected to be able to perform the duties described for Levels I, II and III; however, the primary focus is to provide program oversight, guidance and review of others' work." Despite any overlap of duties, the Appellant does not supervise or assign, showing she is properly classified as a CSR II.

The current job and responsibilities that the Appellant has do not qualify her for reclassification to a CSR III. It is clear from the record that the Appellant has a lot of responsibility at the Nantucket branch. However, given that the Appellant spends a large majority of her time performing duties common to all CSR levels and CSR II and the Appellant's lack of performance of CSR III duties, the Appellant's appeal for reclassification cannot be granted.

CONCLUSION

For the above reasons, the Appellant has failed to prove her classification is improper, and her appeal under Docket No. C-23-252 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, McConney and Stein, Commissioners) on June 27, 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)(l), the motion must identify a clerical or mechanical error in the 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:
Beth A. Berry (Appellant)
Erik Pike (for Respondent)
Patrick Atwell, Esq. (for Respondent)