

**COMMONWEALTH OF MASSACHUSETTS**

SUFFOLK, ss.

**CIVIL SERVICE COMMISSION**

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

BRADLEY S. COLE,  
*Appellant*

v.

C-08-129

DEPARTMENT OF MENTAL  
HEALTH / EOHHS,  
*Respondent*

Appellant's Representative:

*Pro Se*  
Bradley S. Cole

[REDACTED]

Respondent's Representative:

Marianne Dill  
Director of Labor Relations  
EOHHS  
Office of Health  
600 Washington Street: 2<sup>nd</sup> Floor  
Boston, MA 02111

Commissioner:

Christopher C. Bowman

**DECISION**

Pursuant to the provisions of G.L. c. 30, s. 49, the Appellant, Bradley Cole (hereinafter "Appellant" or "Cole"), is appealing the April 23, 2008 decision of the Human Resources Division (HRD) denying his request for reclassification from the position of Human Services Coordinator C to Human Services Coordinator D. The

appeal was timely filed and a hearing was held on July 1, 2008 at the offices of the Civil Service Commission (hereinafter “Commission.” One tape was made of the hearing.

**FINDINGS OF FACT:**

Seventeen (17) exhibits were entered into evidence at the hearing. Based on the documents submitted into evidence and the testimony of:

*For the Appointing Authority:*

- Lauren Catalogna, Human Resource Specialist;
- Marcia Fowler, Assistant Commissioner, Mental Health Services;

*For the Appellant:*

- Appellant Bradley Cole;

I make the following findings of fact:

1. The Appellant commenced employment with the Massachusetts Department of Health, which currently falls under the jurisdiction of the Executive Office of Health and Human Services (EOHHS) in 1989. (Stipulated Fact)
2. At all times during the pendency of this appeal, the Appellant has been serving in the title of Human Services Coordinator C. (Stipulated Fact)
3. On March 6, 2007, the Appellant filed a written request with EOHHS to be reclassified from his position as Human Services Coordinator C to Human Services Coordinator D. (Stipulated Fact)
4. The Classification Specification for the Human Services Coordinator series issued in July of 2001 states that Human Services Coordinator C title is used for Human Services Coordinators “who are first-level supervisors and/or non-supervisory employees performing the most complex assignments...first level supervisory

employees typically supervise Human Services Coordinators at the (B) level.”

(Exhibit 10)

5. The above-referenced Classification Specification for the Human Services Coordinator series states that the title of Human Resources Coordinator D is used for Human Services Coordinators who are “second-level supervisors and/or who supervise expert employees...their reporting staff typically includes Human Services Coordinator at the (C) Level.” (Exhibit 10)
6. There is no dispute that the Appellant is not a second-level supervisor. (Testimony of the Appellant and Catalogna) Rather, the Appellant argues that some of the Human Services Coordinator A’s that he supervises are expert employees. (Testimony of Appellant)
7. Marcia Fowler is the Assistant Commissioner for Mental Health Services at EOHHS. She has been with EOHHS or its predecessor offices for approximately 20 years and oversees 1200 – 1500 employees. (Testimony of Fowler)
8. Ms. Fowler testified that of the over one hundred (100) Human Services Coordinator A’s employed at EOHHS, including those supervised by the Appellant, not one is considered an “expert employee” - a term which refers to employees such as forensic specialists. (Testimony of Fowler)
9. The Appellant testified that some of the employees he supervises are eligibility specialists who he believes could be considered “expert employees.” (Testimony of Appellant)
10. Ms. Fowler testified that none of the case managers, including the Appellant, who is assigned to a particular facility is classified as a Human Services Coordinator D at

EOHHS. That classification is reserved for area-wide forensic specialists or employees who perform state-wide functions that are not affiliated with one of the site offices and/or case management staff. (Testimony of Fowler)

11. The Appellant testified that he has many of the competencies that are required of a Human Services Coordinator D contained in the class specifications. (Testimony of Appellant and Exhibit 10)
12. The Appellant testified that, after the layoff of “Case Management Directors” in FY03 for budgetary reasons, he and all the other Human Services Coordinator C’s assumed additional administrative and clinical responsibilities, including more eligibility work, the management of client contingency funds and serving as the point-person for problems at the site (i.e. – a water leak). (Testimony of Appellant)
13. The Appointing Authority does not dispute that the layoffs referenced above resulted in more work being assigned to all employees holding the title of Human Services Coordinator C. (Testimony of Fowler)
14. On February 11, 2008, EOHHS issued a decision determining that the Appellant was properly classified as a Human Services Coordinator C. (Exhibit 6)
15. The Appellant subsequently appealed EOHHS’s decision to HRD. HRD denied the Appellant’s appeal on April 23, 2008. (Exhibit 8)
16. The Appellant then filed an appeal with the Commission on June 5, 2008.

## **CONCLUSION**

After careful review of the testimony and evidence presented in this appeal, the Commission concludes that HRD’s decision denying Mr. Cole’s request for re-classification should be affirmed.

The Appellant has not met his burden of proof to demonstrate that he is improperly classified as a Human Services Coordinator C: he has not shown that he performs the duties of a Human Services Coordinator C more than 50% of the time.

The Classification Specification for the Human Services Coordinator series states that the title of Human Resources Coordinator D is used for Human Services Coordinators who are “second-level supervisors and/or who supervise expert employees...their reporting staff typically includes Human Services Coordinator at the (C) Level.”

There is no dispute that the Appellant is not a second-level supervisor and that he does not supervise Human Services Coordinators at the (C) level. Further, the Appellant has failed to show that he supervises expert employees. While the Appellant may indeed have some of the core competencies required of a Human Services Coordinator D, he has failed to show that he performs the duties of that position.

For all of the above reasons, the Appellant’s appeal under Docket No. C-08-129 is hereby *dismissed*.

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Christopher C. Bowman, Commissioner

By a vote of the Civil Service Commission (Bowman, Henderson, Stein and Taylor, Commissioners [Marquis – Absent]) on July 24, 2008.

A true record. Attest:

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Commissioner

Either party may file a motion for reconsideration within ten days of the receipt of a Commission order or decision. Under the pertinent provisions of the Code of Mass. Regulations, 801 CMR 1.01(7)(I), 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 shall be deemed a motion for rehearing in accordance with G.L. c. 30A, § 14(1) for the purpose of tolling the time for appeal.

Under the provisions of G.L. c. 31, § 44, any party aggrieved by a final decision or order of the Commission may initiate proceedings for judicial review under G.L. c. 30A, § 14 in the superior court within thirty (30) days after receipt of such order or decision. Commencement of such proceeding shall not, unless specifically ordered by the court, operate as a stay of the Commission's order or decision.

Notice:

Bradley S. Cole (Appellant)

Marianne Dill (for Appointing Authority)

John Marra, Esq. (HRD)