

**COMMONWEALTH OF MASSACHUSETTS  
CIVIL SERVICE COMMISSION**

SUFFOLK, ss.

CHRISTOPHER COSTA,  
Appellant

v.

C-07-285

DEPARTMENT OF REVENUE,  
Respondent

Appellant's Attorney:

Pro Se  
Christopher Costa

Respondent's Attorney:

Suzanne Quersher, Esq.  
100 Cambridge Street  
P.O. Box 9557  
Boston, MA 02114

Commissioner:

John J. Guerin, Jr.

**DECISION**

Pursuant to the provisions of G.L. c. 30, § 49, the Appellant, Christopher Costa (hereinafter "Mr. Costa" or "Appellant"), is appealing the February 9, 2007 decision of the Human Resources Division (HRD) denying his request for reclassification from the position of Child Support Enforcement Specialist (CSES) A/B to the position of CSES C. The appeal was timely filed and a hearing was held on November 6, 2007 at the offices of the Civil Service Commission (hereinafter "Commission"). One tape was made of the hearing. Proposed Decisions were submitted thereafter by the parties as instructed.

## **FINDINGS OF FACT:**

Based on the documents entered into evidence (Joint Exhibits 1 – 16) and the testimony of Sandra Antonucci, Personnel Analyst II; Robert Crist, Northern Regional Director, Child Support Enforcement Division (“CSE”) and the Appellant, I make the following findings of fact:

1. Mr. Costa began working for the Department of Revenue (hereinafter “Department” or “DOR”) as a CSES A/B in October 2002. (Administrative Notice of Appellant’s Appeal Form)
2. Mr. Costa transferred from the CSE Customer Service Bureau to the Northern Region Field Operations unit of the Child Support Enforcement Division in Salem as a CSES A/B effective January 23, 2005. (Stipulated Fact)
3. New class specifications for the CSES series were approved by the Personnel Administrator in 2001. The classification specifications provide that a CSES A/B “title is used for nonsupervisory Child Support Enforcement Specialists...” A CSES C “title is used for Child Support Enforcement Specialists who are first-level supervisors and/or non-supervisory employees performing the most complex assignments” (Exhibit 1)
4. The class specifications further provide for a CSES C:

“Non-supervisory expert employees have exceptional mastery of technical job content beyond the usual competency level and perform functions considered complex for the series. They provide consultation and guidance to colleagues. Examples of non-supervisory expert assignments are: Child Support Training Specialist”. (Id.)
5. In February 2005, the Child Support Enforcement Division underwent a business process redesign, which brought the child support cases into the regional offices and created what is known as “case owners”. (Testimony of Crist)

6. Case owners perform the duties and responsibilities contained on the 2001 CSES classification specifications under Child Support Case Manager. (Testimony of Antonucci)
7. A person in the position of CSES A/B may be assigned to be either a Case Manager or a Customer Service Representative. (Testimony of Antonucci and Exhibit 1)
8. Case Managers do not complete expert level work in the normal course of business. (Testimony of Crist)
9. At the time of his appeal, Mr. Costa had worked in the Northern Regional office for just over one month; he was a case owner on a team of six employees: three CSES Cs, and three CSES A/Bs. (Exhibit 8)
10. Because Mr. Costa had only worked in a regional office for two weeks at the time of the business process redesign, he could not have been an expert level case owner, and would not have been expected to perform at the expert level (Testimony of Crist)
11. At the time of his appeal, Mr. Costa was performing typical Case Manager duties, including the administration of child support cases from creation to closing. (Testimony of Antonucci, Crist and Costa)
12. Mr. Costa receives his assignments via a process called an 'alpha-split' whereby cases are distributed alphabetically, by last name, in a 3-letter to 3-letter split (e.g. AAA – BAC, BAD – CAE, etc.) Therefore, his cases are assigned to him and all other case owners randomly. (Testimony of Crist and Costa)
13. Mr. Costa does not directly supervise any employee (Testimony of Antonucci and Exhibit 3)

14. Mr. Costa does not conduct statewide training or formulate policy. (Testimony of Antonucci)
15. Sandra Antonucci testified that, although it is true that CSES C's do the same work as CSES A/B's since the business process redesign, the DOR does not and cannot demote the CSES C's to A/B's because there is no "just cause" to do so as required by civil service laws and rules, as well as the Collective Bargaining Agreement with these employees. This situation led to an abundance of reclassification requests. (Id.)
16. Mr. Costa testified that his reclassification request was primarily based on the fact that 50% of his team are CSES C's and they do the same work as he does as a CSES A/B. (Testimony of Costa)
17. On February 28, 2005, Mr. Costa filed a request for reallocation of his position from a CSES A/B to a CSES C with the DOR's Human Resources Bureau ("HRB"). (Testimony of Antonucci and Exhibit 2)
18. Ms. Antonucci conducted an interview, reviewed the applicable paperwork and determined that Mr. Costa was properly classified as a CSES A/B. (Testimony of Antonucci and Exhibit 4)
19. On November 22, 2006, the HRB issued a preliminary denial of Mr. Costa's request to be reclassified to a CSES C. (Exhibit 4)
20. On November 25, 2006 Mr. Costa issued a rebuttal to the HRB's preliminary decision. (Exhibit 5)
21. On December 8, 2006, the DOR's HRB issued its final decision, denying Mr. Costa's appeal. Mr. Costa opted to appeal this decision to the HRD. (Exhibit 6).

22. On February 9, 2007, the HRD concurred with DOR's finding that Mr. Costa was appropriately classified as a Child Support Enforcement Specialist A/B. (Exhibit 7)

**CONCLUSION:**

After careful review of the testimony and evidence presented in this appeal, the Commission concludes that the decision of the HRD denying Mr. Costa's request for reclassification should be affirmed.

Mr. Costa has not met his burden of showing that he was improperly classified as a Child Support Enforcement Specialist A/B. He seeks reclassification to a CSES C. Mr. Costa, however, does not directly supervise anyone nor has he shown that he performs "the most complex assignments." Non-supervisory expert employees must perform beyond the usual competency level in order to qualify as a CSES C. Mr. Costa did not demonstrate, nor was he required to perform, exceptional mastery of technical job content during his tenure in the Northern Region. Therefore, he has not shown that he performed the duties of a CSES C more than 50% of the time as required for consideration to be reclassified into a higher position. Further, the fact that CSES C's are performing similar duties as CSES A/B's does not entitle the Appellant to reclassification of his position.

For all of the above stated findings of fact and conclusion, the appeal on Docket No. C-07-285 is hereby *dismissed*.

Civil Service Commission

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John J. Guerin, Jr.  
Commissioner

By vote of the Civil Service Commission (Bowman, Chairman; Taylor, Henderson, Marquis and Guerin, Commissioners) on January 3, 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)(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 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 to:  
Christopher Costa  
Suzanne Quersher, Esq.