

**COMMONWEALTH OF MASSACHUSETTS  
CIVIL SERVICE COMMISSION**

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

**SARA CRAVEN,**  
*Appellant*

v.

**DEPARTMENT OF  
TRANSITIONAL  
ASSISTANCE,**  
*Respondent*

**Case No.: C-13-98**

**DECISION**

Pursuant to G.L. c. 31, § 2(b) and/or G.L. c. 7, § 4H, a Magistrate from the Division of Administrative Law Appeals (DALA), was assigned to conduct a full evidentiary hearing regarding this matter on behalf of the Civil Service Commission (Commission).

Pursuant to 801 CMR 1.01 (11) (c), the Magistrate issued the attached Tentative Decision to the Commission. The parties had thirty (30) days to provide written objections to the Commission.

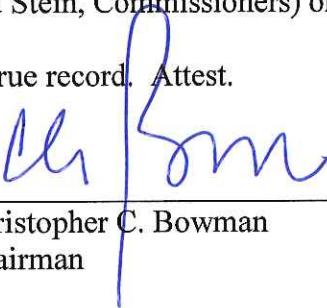
The Commission received and reviewed: 1) the Tentative Decision of the Magistrate dated October 8, 2013; and 2) the Appellant's Objections to the Recommended Decision. The Respondent did not file any response to the Appellant's objections.

After careful review and consideration, the Commission voted to affirm and adopt the Tentative Decision of the Magistrate in whole, thus making this the Final Decision of the Commission.

The decision of the Human Resources Division and the Department of Transitional Assistance to deny the Appellant's reclassification appeal is affirmed and the Appellant's appeal is ***denied.***

By vote of the Civil Service Commission (Bowman, Chairman; Ittleman, Marquis, McDowell and Stein, Commissioners) on December 19, 2013.

A true record. Attest.

  
\_\_\_\_\_  
Christopher C. Bowman  
Chairman

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)(I), 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.

Notice to:

Sara Craven (Appellant)

Sheila Anderson, Esq. (for Respondent)

Richard C. Heidlage, Esq. (Chief Administrative Magistrate, DALA)

**COMMONWEALTH OF MASSACHUSETTS**

Suffolk, ss.

**Division of Administrative Law Appeals**

**Sara Craven,**  
Appellant

v.

Docket No. C-13-98  
DALA No. CS-13-398

**Department of  
Transitional Assistance,**  
Respondent

**Appearance for Appellant:**

Sara Craven, *pro se*  
[REDACTED]  
[REDACTED]

**Appearance for Respondent:**

Sheila Anderson, Esq.  
EOHHS/CYF  
600 Washington Street  
Boston, MA 02111

**Administrative Magistrate:**

**Maria A. Imparato, Esq.**

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CIVIL SERVICE COMMISSION

**SUMMARY OF TENTATIVE DECISION**

The Appellant's request for reclassification from PC II to PC III should be denied because although the Appellant performs the level-distinguishing duties of a PC III, she does not directly supervise any staff. She provides functional supervision only to those in her unit with respect to solving complaints.

**TENTATIVE DECISION**

Sara Craven is appealing under the provisions of M.G.L. c. 30, s. 49, the March 4, 2013 decision of Commonwealth Human Resources Division (HRD) to deny her request to be reclassified from the position of Program Coordinator II (PC II) to Program Coordinator III (PC III) at the Department of Transitional Assistance (DTA).

I held a hearing on August 2, 2013 at the office of the Division of Administrative Law Appeals, One Congress Street, 11<sup>th</sup> floor, Boston, Massachusetts.

I admitted documents into evidence. (Exs. 1- 30.) I heard the testimony of Ms. Craven, as well as that of four witnesses who testified on her behalf: Amy West, former Deputy Chief of Staff of the Central Office; Birgitta Damon, Deputy Commissioner of Policy and Programs and External Relations and Field Operations; Brian Mulholland, Director of the Lawrence DTA office; and Yasmin Otero, Regional Director of DTA. Joan Bishop Fallon, Employment and Staffing Manager of the Executive Office of Health and Human Services/Children Youth and Families/Office of Human Resources testified on behalf of the DTA. The witnesses were sequestered. The hearing was digitally recorded.

#### **FINDINGS OF FACT**

1. Sara Craven has worked for the DTA for 19 years. She holds the position of PC II. Her functional title has been DTA Ombudsman since June 14, 2010, when the position was created. Ms. Craven is the only person who has held this position. (Testimony, Craven.)
2. Ms. Craven is a 30-hour per week, .8 employee. She telecommutes on Monday and Friday, and works in the office on Tuesday, Wednesday and Thursday. (Testimony, Craven.)
3. In her capacity as Ombudsman, Ms. Craven is part of the Central Office Executive Team. She is a representative of the Commissioner's office and the Chief of Staff. The Chief of Staff is Ms. Craven's direct supervisor. (Testimony, Craven; Ex. 6.)
4. Ms. Craven's unit comprises 22 local DTA offices, four Regional Directors and four or five Central Office managers. (Testimony, Craven.) Ms. Craven provides functional

supervision to those in her unit by assigning work and deadlines, reviewing progress and approving results. (Testimony, Craven; Ex. 10, p. 3.)

5. The Ombudsman is the “primary point of contact for complaints related to DTA.”<sup>1</sup>

Complaints come through telephone, written correspondence, and email through EOHHS, the Governor’s office, the state Legislature, U.S. Congressional and Senate offices, agencies working in collaboration with DTA, and individuals who contact the DTA Commissioner’s office directly. (Ex. 2, #1.)

6. Ms. Craven responds to a client’s complaint by acknowledging the complaint within 24 hours. Average final resolution of the complaint is approximately 72 hours. Ms. Craven is responsible for resolving all complaints in accordance with DTA policy and procedure. Ms. Craven manages a database that tracks clients’ complaints. “The trends identified through the database are used to implement and develop best practices to meet agency goals with a focus on customer service.” (Exs. 2, #5, 7.)

7. Ms. Craven informs local office directors of complaints received for their offices. The local office director is responsible to resolve the client complaint. (Ex. 2, #6.) Ms. Craven has created a template to send to local office directors regarding inquiries that she assigns to them through email. (Testimony, Craven; Ex. 3.)

8. Ms. Craven gives the local office directors recommendations for solving the problem, and instructs the local office directors to report back to her. Deputy Commissioner Birgitta Damon has ordered the local office directors to give priority to Ms. Craven’s inquiries. If the local office staff does not respond to Ms. Craven’s inquiry, Ms. Damon sends an email to the appropriate Regional Director. (Testimony, Craven, West, Damon.)

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<sup>1</sup> Exhibit 2 is the Questionnaire that DTA was required to complete as part of the Program Access Review conducted by the Food and Nutrition Service of the United States Department of Agriculture to determine compliance with federal Supplemental Nutrition Assistance Program.

9. Ms. Craven logs and tracks complaints received in the Commissioner's office on an Excel spreadsheet. On a quarterly basis, the information is summarized and provided to DTA's Executive Staff and Regional Directors. (Exs. 2, #10; 4, #1.)
10. Ms. Craven's 2011 EPRS requires her to: 1) research, resolve, and respond to client inquiries received by the Commissioner's Office from the Executive Office of Health and Human Services, the Governor's office, the Legislature, advocates, concerned citizens, and clients; 2) track correspondence and provide evaluation regarding patterns of issues, TAOs<sup>2</sup>, and staff members; 3) interview data processing personnel and evaluate their completed work while performing informal guidance and training relative to new and modified systems-based procedures; 4) and log and coordinate requests for external training and outreach for the Supplemental Nutrition Assistance Program (SNAP). (Ex. 10.)
11. Under the classification specifications for the Program Coordinator Series, both PC IIs and PC IIIs: 1) provide on-the-job training and orientation for employees; 2) develop and implement procedures and guidelines to accomplish assigned agency program objectives and goals; 3) review reports, memoranda, etc. for completeness, accuracy and content; 4) confer with management staff and other agency personnel in order to determine program requirements and availability of resources and to develop the criteria and standards for program evaluation; and 5) evaluate program activities in order to determine progress and effectiveness and to make recommendations concerning changes as needed. (Ex. 7.)
12. The level-distinguishing duties of PC IIIs require PC IIIs to: 1) develop and implement standards to be used in program monitoring and/or evaluation; 2) oversee and monitor

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<sup>2</sup> Transitional Assistance Offices.

activities of the assigned unit; and 3) confer with management staff and others in order to provide information concerning program implementation, evaluation and monitoring and to define the purpose and scope of proposed programs. (Ex. 7.)

13. PC IIs exercise direct supervision (i.e., not through an intermediate level supervisor) over, assign work to and review the performance of 1-5 professional, technical, or administrative personnel; and indirect supervision (i.e., through an intermediate level supervisor) over 1-5 professional, technical, administrative and/or other personnel. (Ex. 7.)

14. PC IIIs exercise direct supervision (i.e., not through an intermediate level supervisor) over, assign work to and review the performance of 1-5 professional personnel; and indirect supervision (i.e., through an intermediate level supervisor) over 6-15 professional, administrative, technical and/or other personnel. (Ex. 7.)

15. With respect to the first level-distinguishing duty of PC IIIs, Ms. Craven develops and implements "standards to be used in program monitoring and/or evaluation." Ms. Craven developed a template to be used by local office directors when responding to Ms. Craven's inquiries. (Ex. 3.) Ms. Craven developed a protocol to be used for incoming calls to the Commissioner's office, and for calls from the Hotlines to the Ombudsman. (Ex. 15.)

16. With respect to the second level-distinguishing duty of PC IIIs, Ms. Craven "oversees and monitors activities of the assigned unit." Ms. Craven's assigned unit comprises, in part, the 22 local DTA office directors. She assigns them work by forwarding complaints to them, recommends how to handle the complaint, oversees the handling of the complaint, and approves the result. (Testimony, Craven.)

17. With respect to the third distinguishing duty of PC IIIs, Ms. Craven “confers with management staff and others.” The trends in complaints Ms. Craven identifies through the database she manages are reported quarterly to the DTA Executive Staff and Regional Directors and are used to develop practices to meet the agency’s customer service goals. (Exs. 2, 4.) Ms. Craven confers with local office directors in order to solve client complaints. (Ex. 16, p. 2.)
18. With respect to supervision, Ms. Craven provides functional supervision to the 22 local office directors by assigning work and deadlines, reviewing progress and approving results. Ms. Craven does not directly supervise anyone, and no one reports directly to her. (Ex. 6.)

### CONCLUSION AND RECOMMENDATION

I recommend that the decision of HRD denying Sara Craven’s request to be reclassified from a PC II to a PC III be affirmed. Ms. Craven has not demonstrated that she is directly supervising the performance of 1-5 professional personnel.

Ms. Craven does not directly supervise anyone. She provides functional supervision, that is, supervision over only one discrete aspect of an employee’s duties, to the local office directors when she assigns complaints to them to solve. Ms. Craven does not supervise the local office directors, or anyone else in her unit, in any other way. She does not approve time off and she does not conduct EPRS evaluations.

Ms. Craven’s request for reclassification is based on the Civil Service Commission’s decision in the recent case of *Elizabeth Santiago v. Department of Transitional Assistance*, C-12-275, March 7, 2013. In that case, the Commission approved the reclassification of the Appellant from a PC II to a PC III, despite the fact that she does not directly supervise any professional



staff. The Commission reasoned that because the Appellant supervises 57 clerical interns and indirectly supervises 29 Clerk IIIs, denial of her request would “produce an illogical result that is inconsistent both with the intent of the standard and basic merit principles.”

The instant case is distinguishable from the *Santiago* case. Ms. Santiago directly supervises 57 clerical interns. Ms. Craven does not directly supervise any staff. I therefore recommend that Ms. Craven’s request for reclassification from a PC II to a PC III be denied.<sup>3</sup>

## DIVISION OF ADMINISTRATIVE LAW APPEALS

Maria A. Imperato  
Maria A. Imperato  
Administrative Magistrate

Dated: **OCT - 8 2013**

<sup>3</sup> Ms. Craven originally applied for reclassification to EDP Systems Analyst IV. (Ex. 8.) Ms. Craven subsequently learned that EDP Systems Analyst IV positions were reserved exclusively for employees of Management Information System (MIS), so she changed her request for reclassification to the position of PC III. (Ex. 10, p. 2.)

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)(I), 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.

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