

COMMONWEALTH OF MASSACHUSETTS

CIVIL SERVICE COMMISSION
One Ashburton Place: Room 503
Boston, MA 02108
(617) 979-1900

KAREN EDGAR,
Appellant

v.

C-20-070

**MASSACHUSETTS DEPARTMENT
OF CORRECTION,**
Respondent

Appearance for Appellant:

Karen Edgar
Pro se

Union Representative:

Bobbi Kaplan
Executive Vice President
SEIU/NAGE, Local 207

Appearance for Respondent:

Joseph S. Santoro
Labor Relations Advisor
Department of Correction
50 Maple Street, 1st Floor
Milford, MA 01757

Commissioner:

Cynthia Ittleman¹
Paul M. Stein

Summary of Decision

The Commission denied the Appellant’s request for reclassification as she failed to show that she performed the level distinguishing duties of a Program Coordinator I a majority of her time.

DECISION²

On April 21, 2020, the Appellant, Karen Edgar (Appellant), timely filed an appeal with the Civil Service Commission (Commission) pursuant to G.L. c. 30, § 49. The Appellant challenges the decision of the Massachusetts Human Resources Division (HRD), which upheld the

¹ Commissioner Cynthia Ittleman originally assigned to this appeal, retired in March of 2022. The appeal was reassigned for decision to Commissioner Paul Stein upon review of the transcript and exhibits.

² The Commission acknowledges the assistance of Law Clerk Jeff Hernandez in the drafting of this decision.

Department of Correction's (DOC) decision to deny the Appellant's request to be reclassified from her current title of Research Analyst I (RA-I) to the title of Program Coordinator I (PC-I). On May 26, 2020, the Commission held a remote pre-hearing conference and, on July 15, 2020, the Commission held a full remote hearing.³ Following the hearing, the Commission issued a Procedural Order requiring submission of post-hearing exhibits. The parties submitted post-hearing proposed decisions on August 21, 2020. For the reasons stated herein, the appeal is denied.

FINDINGS OF FACT

Two (2) Appellant exhibits (Exhibits A-B) and fourteen (14) DOC exhibits (Exhibits 1-14) were entered into evidence at the full remote hearing. Following the hearing, Appellant was permitted to submit ten (10) post-hearing exhibits (Exhibits 1A-B; 2A; 3A-C; 4A-D) and the DOC was permitted to submit an additional nine (9) (numbered Exhibits 1-9 but designated herein as Exhibits PH1-PH9). Based on these exhibits, and the testimony of the two following witnesses:

For the Appellant:

- Karen Edgar, Appellant

For DOC:

- Sara Parmenter, Director of Payroll/Personnel, DOC

and taking administrative notice of all pleadings filed in this case, pertinent law, statutes, regulations, case law, and reasonable inferences drawn from the credible evidence, a preponderance of evidence establishes the following facts set forth below.

³ The Standard Adjudicatory Rules of Practice and Procedure, 801 CMR §§ 1.00, *et seq.*, apply to adjudications before the Commission, with any Commission rules taking precedence. The hearing was recorded via Webex, and both parties were provided with a link to the recording of the hearing. The Commission also retained a copy of the hearing and caused the hearing to be transcribed.

1. The Appellant is employed with the DOC as a Research Analyst I within the Department Disciplinary Unit (DDU) of MCI-Cedar Junction, a maximum-security prison in Walpole. (Testimony of Appellant; Exhibits 1-2)
2. The Appellant began her employment at the DOC in 1988 as a Clerk within the superintendent's office. Shortly thereafter, she was moved to a position as a Word Processor Operator and, in 2005, became an Administrative Assistant I (AA-I). (Stipulation of Facts; Testimony of Appellant)
3. In January 2020, during the review of the Appellant's request to be reclassified from her then-title of AA-I to the title of PC-I, DOC's Division of Human Resources (DHR) reclassified her as an RA-I. (Stipulation of Facts; Testimony of Appellant)
4. The Appellant's duties include assisting two managers, the DDU Administrator and the Secure Adjustment Unit (SAU) Manager. She meets with them to prepare a daily schedule in compliance with the Criminal Justice Reform Act of 2018 (CJRA), under which the DOC requires all Severely Mentally Ill (SMI) inmates in the DDU to be provided, on a daily basis, with three hours of out-of-cell activities. The Appellant schedules times for vendors from educational, mental health, and other programs to meet with SMI inmates outside their cells. She also assigns locations for the vendors to provide their services, taking into account the need to make efficient use of the limited space available. (Exhibits 4, 5, A, 1B, PH4; Testimony of Appellant)
5. The Appellant attends unit meetings and prepares minutes; she also prepares drafts of reports and directives for the signature of the DDU Administrator and the SAU manager. Since enactment of the CJRA, many changes to post orders have been needed to ensure correctional officers are posted where needed during the increased out-of-cell time, and the

Appellant assists the DDU Administrator and the Director of Security by preparing drafts of certain post order changes. In early 2019, when the DDU was transitioning into a more specialized unit under the CJRA, the Appellant attended meetings and participated in discussions concerning the changes needed to house new populations of mentally ill inmates. (Exhibits A, 1A-B, 2A, CA-C, 4A-D, PH7, PH9; Testimony of Appellant)

6. The Appellant enters scheduling information into the Inmate Management System (IMS), a computer database used by DOC staff, including correctional officers, to track inmate data. She reviews the schedules to ensure the SMI inmates are receiving their three hours of out-of-cell time and checks to ensure that good time credit is provided to inmates when required. She also documents when an inmate has completed a program segment and is eligible for the following segment. When a discrepancy occurs in inmate records, the Appellant conducts a search within the IMS to identify and correct the issue. Additionally, the Appellant responds to inquiries about inmates from family members, attorneys, and other correctional institutions. (Exhibits 4, 5, A, PH4; Testimony of Appellant)
7. The Appellant has no direct reports. She neither directly supervises any employees, nor does she exercise functional supervision over them. No programs at MCI-Cedar Junction are assigned to her. She does not evaluate the programs provided by the vendors to inmates, although she does attend meetings where the programs are discussed. She understands the types of factors that would indicate success, such as participation and completion rates. (Exhibit 5; Testimony of Appellant)
8. The Appellant is viewed by her supervisors as an excellent employee who would be capable of a management position. She has valuable institutional knowledge from her long tenure at MCI-Cedar Junction. Her Employee Performance Review System report (EPRS) for the

fiscal year FY2017 is positive, and rates her as exceeding expectations. (Exhibits 7, A; Testimony of Appellant)

9. The Appellant's EPRS for FY2020 also describes her as exceeding expectations. However, that EPRS form incorrectly lists the Appellant's functional title as "Program Coordinator I." The DDU Administrator, Tobie Fortes, later explained that she inserted the functional title because she agreed with the Appellant that she was performing the duties of a PC-I. Ms. Fortes later realized that she did not have authority to make that change, and explained that the correct functional title should have been "Administrative Assistant I."⁴ The FY2020 EPRS was never submitted to the DHR. (Testimony of Appellant; Exhibits A, PH2)
10. The Appellant also filed a document that appears to be a proposal or draft of a Form 30 that lists the Appellant as a Program Coordinator I. This document contains no duties; it leaves blank both the General Statement of Duties and Responsibilities and the Detailed Statement of Duties and Responsibilities. This document also was not forwarded to or approved by the DHR. (Exhibits B, PH2; Testimony of Appellant)
11. No current Form 30 for the Appellant was filed in connection with this appeal.
12. The record also includes a blank EPRS form purportedly for the Appellant for the fiscal year 2018-2019 that lists "Program Coordinator I" as both the official job title and the functional title. This form is not filled in, nor signed. No explanation for this document has been provided. I do not provide it any weight other than as being consistent with the opinions of the Appellant and Ms. Fortes in support of the Appellant's request for reclassification. (Exhibit 8)

⁴ I note that the Appellant was upgraded from an Administrative Assistant I to a Research Analyst I in January 2020, during this evaluation period.

13. The March 24, 2020 Organizational Chart for the MCI-Cedar Junction operations department lists Appellant as a Research Analyst I and not a Program Coordinator I. (Exhibit 9)
14. On September 26, 2019, the Appellant submitted a request to be reclassified from an Administrative Assistant I to a Program Coordinator I, arguing that the implementation of the CJRA caused a significant change in her daily and overall job responsibilities which were no longer commensurate with the title of Administrative Assistant I. (Exhibit 6; Stipulation of Facts)
15. At the request of DOC, the Appellant submitted an interview guide in support of her request for reclassification. The Interview Guide, in part, provides a detailed list of duties she regularly performs. (Exhibit 12)
16. Sara Parmenter, Director of Payroll and Personnel at MCI-Cedar Junction, conducted the requisite desk audit on October 8, 2019. (Stipulation of Facts; Testimony of Parmenter)
17. Ms. Parmenter evaluated the request for reclassification by reviewing the Appellant's Interview Guide; the class specifications for the AA-I, RA-I, and the PC-I series; as well as the desk audit. On January 13, 2020, Ms. Parmenter wrote to Kelley Correia, Executive Director of Human Resources, issuing a preliminary recommendation that Appellant be reclassified as a RA-I while acknowledging that the CJRA gave rise to "significant changes in the nature, variety, and complexity of the [Appellant's] job duties." (Exhibit 4; Testimony of Parmenter)
18. By letter dated January 29, 2020, Ms. Parmenter informed the Appellant that, although DOC decided to deny her request to be reclassified to a Program Coordinator I, she would be reclassified as a Research Analyst I, a higher-grade position than her existing title of AA-I. (Exhibit 3; Stipulation of Facts)

19. On February 14, 2020, the Appellant duly appealed to HRD. (Exhibit 2; Stipulation of Facts)

20. On March 30, 2020, Alexandra McInnis, Senior Personnel Analyst in HRD's Classification and Compensation Unit, wrote to the Appellant to notify her that her appeal had been denied on the grounds that the duties being performed by the Appellant did not warrant the reclassification to PC-I. The letter also informed the Appellant of her right to further appeal to the Commission. (Exhibit 2)

21. On April 18, 2020, Appellant appealed HRD's decision to the Commission, requesting to be reclassified as a PC-I. (Exhibit 1; Stipulation of Facts)

22. The duties of a Research Analyst I are set out in in the Classification Specification for the Research Analyst Series, which became effective on January 19, 2016. (Exhibit 10)

23. The Classification Specification for the Research Analyst Series provides:

Incumbents of classifications in this series field requests and information pertaining to agency programs, functions, and services, conduct records searches for data relative to information requests, and prepare documentation and correspondence to present research outcomes and comply with statutory requirements, applicable laws, rules, regulations, and policies governing records handling and the release of information.

The basic purpose of this work is to perform research, data analysis and/or administrative duties in order to meet the departmental responsibility for production of documents, reports and related materials in response to requests.

(Exhibit 10)

24. The Classification Specification for the Research Analyst Series lists the following under "Functions Performed" for a RA-I:

1. Receive and process requests for records and information by monitoring regular and electronic mail, mail correspondence, data transmission and telephone calls for incoming inquiries.
2. Research and retrieve records and information by conducting searches in open-source and secure electronic databases, hard files and existing paper and electronic document collections to locate or access and available data.

3. Perform basic analysis, prepare reports and related documentation to present research outcomes and to respond formally to records and information requests.
4. Review reports, manifests, registers, and similar publications to determine if standard agency notices or correspondence must be generated and mailed to appropriate parties for matters such as tax, financial or legal obligations, actions, and transactions.
5. Submit reports, documents and/or spreadsheets for internal dissemination to comply with agency policy and programmatic requirements, to provide necessary updates to colleagues and stakeholders; and to facilitate administrative processes as needed.
6. Provide customer service and act as a liaison between the agency, the public and other stakeholders by offering direction, clarification, instruction and supplemental information to telephone callers, site visitors and other inquiries about the processes, procedures, and protocols for obtaining records and data from the agency.
7. Create and maintain case or electronic files by merging, purging, updating, and moving documents, data and/or records under supervisory review for conformance with applicable laws, rules, and regulations.
8. Compile and triage data from source documents and follow technical protocols, including data entry and data cleaning, according to established processes.
9. Perform administrative support duties related to work unit programs and services.

(Exhibit 10)

25. Under “Supervision Exercised” the classification specification for RA-I provides: “None.”

(Exhibit 10)

26. The duties of a Program Coordinator I are set out in the Classification Specification for the Program Coordinator Series, which became effective in July 1987. (Exhibit 12)

27. The Classification Specification for the Program Coordinator Series provides:

Incumbents in this series coordinate and monitor assigned program activities; review and analyze data concerning agency programs; provide technical assistance and advice to agency personnel and others; respond to inquiries; maintain liaison with various agencies; and perform related work as required.

The basic purpose of this work is to coordinate, monitor, develop and implement programs for an assigned agency.

(Exhibit 11)

28. The Classification Specification for the Program Coordinator Series lists the following under

“Examples of Duties Common to all Levels in Series:”

1. Coordinate and monitor assigned program activities in order to ensure effective operations and compliance with established standards.
2. Review and analyze data concerning assigned agency programs in order to determine progress and effectiveness, to make recommendations for changes in procedures, guidelines, etc., and to devise methods of accomplishing program objectives.
3. Provide technical assistance and advice to agency personnel and others concerning assigned programs in order to exchange information, resolve problems and to ensure compliance with established policies, procedures, and standards.
4. Respond to inquiries from agency staff and others in order to provide information concerning assigned agency programs.
5. Maintain liaison with various private, local, state, and federal agencies and others in order to exchange information and/or to resolve problems.
6. Perform related duties such as attending meeting and conferences; maintain records; and preparing reports.

(Exhibit 11)

29. As to supervision exercised, the PC Series provides as to PC-I:

Incumbents of positions at this level exercise direct supervision (i.e., not through an intermediate level supervisor) over, assign work to and review the performance of 1-5 professional, technical, administrative and/or other personnel; and may exercise functional supervision (i.e., over certain but not all work activities, or over some or all work activities on a temporary basis) over 1-5 professional, technical, administrative and/or other personnel.⁵

LEGAL STANDARD

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

Any manager or employee of the Commonwealth objecting to any provision of the classification affecting his office or position may appeal in writing to the personnel administrator Any manager or employee or group of employees further

⁵ I note that the copy of the Program Coordinator classification specification filed with this appeal contains an apparent printing error that places this provision under the heading “Supervision Received,” rather than “Supervision Exercised.” The error has no effect on the substance of this provision.

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.

“The determining factor in a reclassification is the distribution of time that an individual spends performing the function of a job classification.” Roscoe v. Dep’t of Env’t Prot., 15 MCSR 47 (2002). In order to justify a reclassification, an employee must establish that they are performing distinguishing duties encompassed within the higher-level position most of the time. Pellegrino v. Dep’t of State Police, 18 MCSR 261 (2005); see also Morawski v. Dep’t of Revenue, 14 MCSR 188 (2001) (expressing that more than 50% is required); Guarente v. Univ. of Mass., 27 MCSR 102 (2014) (stating that the dispositive issue is whether employee performs higher-level duties more than 50% of the time); Kurker v. Dep’t of Conserv. and Recreation, 22 MCSR 357 (2009) (reiterating that appellant is required to demonstrate the duties relevant to the appeal must be performed more than 50% of the time); Skinner v. Dep’t of Revenue, 21 MCSR 379 (2008) (holding that appellant has not met their burden of proving performance over 50%). 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 Lab. Standards, 32 MCSR 413 (2019).

ANALYSIS

Reclassification of a position by the Commission requires proof, via a preponderance of the evidence, that distinguishing duties of the title to which reclassification is requested are, in fact, being performed by the appellant more than 50% of the time. Accordingly, the issue before the Commission is limited to that narrow question. After careful review of the evidence, I conclude that the Appellant has not met her burden in proving that she performs the distinguishing duties of a Program Coordinator I more than 50% of the time; therefore, I affirm the decision of the

Human Resources Division, which affirmed DOC's determination denying the Appellant's request for reclassification.

First, I note that the Program Coordinator I classification is utilized for those positions responsible for coordinating, monitoring, developing, and implementing programs for an assigned agency; when determining whether an appellant is performing the distinguishing duties of a Program Coordinator more than 50% of the time, the above-mentioned duties take on particular significance. See Lloyd v. Dep't of Conserv. & Recreation, 34 MCSR 45 (2021). Here, the record indicates that the majority of Appellant's duties involve conducting research in order to ensure the DDU's compliance with the CJRA, while also working alongside management in recommending schedules and post orders. While it appears the Appellant works with a great deal of autonomy and initiative, these duties are consistent with those expected from a Research Analyst I, which, in part, are to "[p]erform basic analysis, prepare reports and related documentation to present research outcomes and to respond formally to . . . information requests."

Additionally, while the Appellant performs a tremendous amount of work in ensuring outside vendors are able to provide their programs to DDU inmates by assigning locations for vendors to provide their services; ensuring the vendors have the availability of the staff; and tracking inmate participation in program segments, no programs are assigned to her. The Appellant admittedly tracks inmate participation, but tracking is not an activity that "coordinate[s] a program, even though the Appellant ensures [its] effective operation" Grennell v. Dep't of Dev. Servs., 34 MCSR 298 (2021). Further, the Appellant has stated that the vendors administer several aspects of these programs, such as education, collecting and evaluating their own data in order to determine which programs are effective to the inmates, which programs to eliminate, and what

types of programs should be added. Therefore, it is the vendors, rather than the Appellant, who oversee, review, evaluate, and develop criteria for evaluation as to the programs being provided by the vendors.

Second, DOC argues that the Program Coordinator I title contemplates a level of supervisory authority over the work of 1-5 professional, technical, administrative and/or other personnel. Coordinators at this level are also authorized to exercise functional supervision over the above-mentioned employees. Here, the Appellant acknowledged that she has no direct reports and exercises neither directional nor functional supervision over any DOC employees because “there are no additional staff at this time in the DDU.” Appellant, through her union representative, argues that the supervisory requirements for first-level positions in classifications published in the 1980’s are no longer being enforced in many agencies because the increased use of technology in today’s workplace has obviated the need for large numbers of clerical workers. There is some support for Appellant’s position. See, e.g., Pope v. Dep’t of Revenue, C-21-048 (June 15, 2022) (stating that the regular practice of the Human Resources Bureau is to apply the supervisory requirement at the top level only).

Nevertheless, even if the Commission were to disregard the Program Coordinator I’s supervisory requirement, the Appellant has not met her burden of showing she has performed the distinguishing duties of a PC-I more than 50% of the time. No programs are assigned to her. She does help implement the requirements of the CJRA by ensuring that SMI inmates receive their three hours of out-of-cell time daily and by scheduling vendors to provide programs. Her duties, however, do not extend to determining the progress and effectiveness of those programs, which are evaluated by the vendors’ own personnel. Thus, most of her duties do not fall within the level-distinguishing duties of a PC-I.

Accordingly, for the reasons stated above, the appeal of the Appellant, Karen Edgar, under Docket No. C-20-070 is *denied*.

Civil Service Commission
/s/ Paul M. Stein
Paul M. Stein
Commissioner

By a vote of the Civil Service Commission (Bowman, Chair; Stein and Tivnan, Commissioners on July 14, 2022)

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)(1), 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. 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:
Karen Edgar (for Appellant)
Bobbi Kaplan (NAGE Representative)
Joseph S. Santoro (for Respondent)