

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

CIVIL SERVICE COMMISSION

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

JOSEPH F. GAFFEY,
Appellant

v.

C-07-137

DEPARTMENT OF REVENUE,
Respondent

Appellant's Attorney:

Pro Se
Joseph Gaffey
25 Clarks Road, Unit 301
Amesbury, MA 01913

Respondent's Attorney:

Suzanne Quersher, Atty.
Department of Revenue
100 Cambridge Street
Boston, MA 02114

Commissioner:

Daniel M. Henderson

DECISION

Pursuant to the provisions of G.L. c. 30, s. 49, the Appellant, Joseph Gaffey (hereafter "Appellant" or "Gaffey"), is appealing the January 25, 2007 decision of the Human Resources Division (HRD) denying his request for reclassification from the position of a Child Support Enforcement Specialist (CSES) A/B to the position of a Child Support Enforcement Specialist C. The appeal was timely filed and a hearing was held on August 7, 2007 at the offices of the Civil Service Commission. One tape was made of the hearing.

FINDINGS OF FACT:

Ten Department of Revenue exhibits (1-10), seven Appellant's exhibits (A-G), a stipulation of facts and an HRD memorandum, dated June 19, 2007 were entered into evidence at the hearing. Based on the documents submitted into evidence and the testimony of:

For the Appointing Authority:

- Paul Cronin, Associate Deputy Commissioner, CSES Division;
- Geralyn Page, Personnel Analyst III

For the Appellant:

- Appellant Joseph Gaffey;

I make the following findings of fact:

1. Appellant commenced employment with the Department of Revenue (the Department) on February 5, 1995. He began performing as a Child Support Enforcement Specialist A/B (CSES A/B) in July 1998. At the time of his appeal, he was employed as a CSES A/B in the Northern Region Field Operations group of the Child Support Enforcement Division. Appellant worked on a team as one of seven employees: three CSES A/B, two CSES Cs and two MA IIs. (Testimony of Appellant)
2. Classification specifications prepared for the CSES in 2001 state that employees in this series evaluate and monitor child support cases to establish paternity and to establish, modify, and enforce child support orders. The organizational levels within

the series include CSES A/B, CSES C and CSES D. CSES A/B is the title used for non-supervisory CSES. The specifications for CSES C state that the title is used for CSES' who are first level supervisors and/or non-supervisory employees performing the most complex assignments. Employees in this title typically supervise CSES A/B and non-supervisory expert employees have exceptional mastery of technical job content beyond the usual competency level and perform functions considered complex for the series, such as Child Support Training Specialist. (Exhibit 1)

3. In February 2005, the Child Support Enforcement Division underwent a business process redesign ("BPR") that brought the child support cases into the regional offices and created case owners. Case owners perform the duties under Child Support Case Manager, one of the two specialty tracks under CSES A/B. The other assignment is customer service representative. Subsequent to the BPR, case owners have been expected to perform the duties contained on the 2001 classification specifications under Child Support Case Manager. (Exhibit 1 and testimony of Cronin and Page)
4. In February or March of 2005, Appellant filed a written request for reallocation of his position from a CSES A/B to a CSES C with the Department's Human Resources Bureau (HRB"). (Testimony, Exhibit 2 and Stipulation)
5. In conjunction with Appellant's request for reclassification to the position of CSES C, the Department sent Appellant an Interview Guide that included detailed questions concerning his current position as CSES A/B. Appellant completed this form and submitted it to HRB. (Exhibit 3)

6. In the Interview Guide, Gaffey lists as his basis for appeal his belief that his position and responsibilities have changed and now he has full responsibility for all aspects of a caseload including processing all financial aspects of a case. (Exhibit 3)
7. In the section of the Interview Guide entitled Specific Duties, Appellant wrote that 95% of his time is spent “reviewing caseload to determine what action is necessary to enforce order.” He detailed this work: “Complete all appeals, license suspension, custody changes, modification and contempt requests, opt-outs, fix all computer or data entry errors and any other aspect of managing and enforcing court orders Complete all financial necessary.” Appellant stated that he spent 5% of the time contacting parties by phone to verify their requests for enforcement. (Exhibit 3)
8. The Position Description -Form 30, list the same general duties and responsibilities for the CSES A/B and CSES C positions, stating that a CSES A/B and C provide direction and training as assigned; obtain, verify, and evaluate information in connection with assigned child support cases; confer with customers and legal representatives; review, audit, and resolve issues raised concerning the provisions of child support agreements and court orders; maintain liaison with various public and private agencies; and perform related work as required. (Exhibit 5)
9. GERALYN PAGE, Personnel Analyst III, reviewed Appellant’s request for reclassification. She testified credibly that based upon her review of Appellant’s Interview Guide, Form 30 and other documentation, she concluded that Appellant was properly classified as a CSES A/B. Page stated that Appellant did not supervise or train employees, explaining that mentoring responsibilities are not considered

supervising or training, did not participate in a work group and did not provide technical consultation on complex issues. (Testimony of Page)

10. On November 22, 2006 the Department HRB issued a preliminary decision denying Appellant's appeal. It stated that he does not perform, on a regular basis, the level-distinguishing duties required for reclassification to the title requested. Such duties are first level supervision of a CSES A/B, or responsibilities as a non-supervisory expert employee who has exceptional mastery of technical job content, training specialist, participate in workgroups formulating policy and procedural changes, or providing technical consultation on complex case processing issues. (Exhibit 4)
11. On November 28, 2006, Appellant submitted a written rebuttal to HRB's preliminary decision, reiterating that since February 7, 2005, he has been doing the same work as the CSES C and a Special Investigator A/B. (Exhibit 5)
12. On December 11, 2006, the Department denied Gaffey's appeal and informed him that he could appeal to HRD. He did so on December 14, 2006. (Exhibit 6 and Stipulation)
13. On January 25, 2007, HRD issued a final decision denying the Appellant's reclassification request and ruling that CSES A/B is the most appropriate job classification for his position. (Exhibit 7)
14. On March 30, 2007, Appellant filed his appeal with the Commission.
15. At hearing, Appellant testified that the case manager function has changed since 2001 and since the BPR in February 2005. He stated that since February 2005, his job has become more difficult and complex. Specifically, Appellant testified that with the implementation of BPR, he was assigned over 1000 cases and began performing the

exact daily job duties as a CSES C and Special Investigator I, duties that include enforcement, audits, research, obtaining death certificates, dealing with customers, other agencies and courts/court personnel. Appellant stated that he has supervised his unit in the absence of his team leader. He submitted a letter from his supervisor stating that since she began supervising Gaffey in February 2005, he has had the same duties and responsibilities as of CSES C staff on the team. (Appellant's Exhibits A, D, E and F and testimony of Appellant)

16. Page testified credibly that titles of other employees are not important as reclassification is not a comparison of one employee to another and does not entitle Appellant to reclassification. Some positions are "grandfathered" in pursuant to union collective bargaining agreement and therefore can not be changed. (Testimony of Page)

17. Paul Cronin, Associate Deputy Commissioner, CSES Division, testified that he had a role in developing the 2001 Child Support Enforcement specifications. He stated that differences between a CSES A/B and CSES C include a CSES C's duties as a first level supervisor, a preliminary function as a trainer, and doing expert level work beyond the general competencies of the job. Cronin stated that at the time of his appeal, Appellant did not supervise anyone and that he has never had supervisory authority as he has no direct reports, and did not act as a Training Specialist. Cronin further testified that Appellant did not conduct statewide training, formulate policy, provide technical consultations on complex assignments, or perform work at an expert level. Agreeing that the CSES job has changed since the implementation of the specifications in 2001 and the BPR in 2005, Cronin stated that, nonetheless,

Appellant's job duties are properly classified at the CSES A/B level. His testimony was credible. (Testimony of Cronin)

18. Appellant's employee performance reviews ("EPRS") for evaluation in the years 2005-2007 indicate that he performs his job competently. (Exhibits D, 9 and 10)

CONCLUSION

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

Based on testimony and documentary evidence, Appellant has not met his burden of proof to demonstrate that he was improperly classified as a CSES A/B in that he has not shown that he performed the duties of a CSES C more than 50% of the time. Specifically, Appellant did not show that he performs supervisory duties or the most complex assignments. Although Appellant stated that he has supervised his unit in the absence of his team leader, evidence showed this occurred on an extremely limited basis. Further, Appellant did not demonstrate that he either participated in a workgroup formulating policy and procedural changes, provided technical consultation on complex case processing issues, performed training on Child Support Enforcement, or provided technical consultation on complex cases processing issues. Finally, although Appellant argued that co-workers who perform the same duties as he does hold the higher classification of CSES C, Page stated and the Commission agrees, that the fact that

Gaffey's co-workers may be working below grade or misclassified does not entitle Appellant to the reclassification requested.

For the above reasons, the appeal under Docket No. C-07-137 is hereby *dismissed*.

Daniel M. Henderson, Commissioner

By a vote of the Civil Service Commission (Bowman, Chairman, Guerin, Henderson, Taylor and Marquis Commissioners) on January 10, 2008.

A true record. Attest:

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)(1), 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:
Joseph Gaffey
Suzanne Quersher, Atty.
John Marra, Atty. - HRD