

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

**CIVIL SERVICE COMMISSION**

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

JOANNE GRENNELL,  
*Appellant*

v.

C-20-014

DEPARTMENT OF DEVELOPMENTAL  
SERVICES,  
*Respondent*

Appearance for Appellant:

*Pro Se*  
Joanne Grennell

Appearance for Respondent:

Emily T. Sabo, Esq.  
Patrick Butler, Esq.  
Labor Counsel  
Human Resources Division  
100 Cambridge Street, Suite 600  
Boston, MA 02114

Commissioner:

Cynthia A. Ittleman

DECISION

On January 8, 2020, the Appellant, Joanne Grennell (Appellant), pursuant to G.L. c. 30, § 49, filed an appeal with the Civil Service Commission (Commission) contesting the decision of the state's Human Resources Division (HRD) to affirm the decision of the Department of Developmental Services (DDS) to deny her request for reclassification from an Office Support Specialist (OSS I) position to Program Coordinator I (PC I). A pre-hearing conference was held remotely via WebEx on March 24, 2020 and a full hearing was held remotely via WebEx on

June 1, 2020.<sup>1</sup> The hearing was digitally recorded and both parties were provided with a recording of the hearing.<sup>2</sup> Both parties submitted post-hearing briefs. For the reasons stated herein, the appeal is denied.

**FINDINGS OF FACT:**

The Respondent entered ten exhibits into evidence (Resp. Ex. 1-10) and the Appellant entered eight exhibits (App. Ex. 1-8) into evidence at hearing. Based on these exhibits, the testimony of the following witnesses:

*Called by Respondent:*

- Colleen Mulligan, DDS, South Coastal Area Director
- Kathy Doyle, EOHHS, Personnel Analyst
- Mary Connelly, EOHHS Classification and Compensation Lead

*Called by Appellant:*

- Joanne Grennell, Appellant

and taking administrative notice of all matters filed in the case, and pertinent rules, statutes and caselaw, a preponderance of credible evidence establishes the following facts:

1. The Appellant has worked for DDS for seventeen years. She began her employment with DDS as a Clerk IV and in 2016 became an Office Support Specialist I (OSS I). (Appellant Testimony; Stip. Facts).

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<sup>1</sup> The Standard Adjudicatory Rules of Practice and Procedure, 801 CMR §§ 1.00 (formal rules) apply to adjudications before the Commission with Chapter 31 or any Commission rules taking precedence.

<sup>2</sup> If there is a judicial appeal of this decision, the plaintiff in the judicial appeal would be obligated to supply the court with a transcript of this hearing to the extent that he/she wishes to challenge the decision as unsupported by substantial evidence, arbitrary or capricious, or an abuse of discretion. In such cases, the recording should be used by the plaintiff in the judicial appeal to transcribe the recording into a written transcript.

2. The Appellant's direct supervisor, Ms. Mulligan, the DDS Area Director, noted that the Appellant's attention to detail and organizational skills are critical and ensure that the work of the office was completed accurately and in a timely manner. The Appellant's work is greatly appreciated. (Resp. Ex. 7).
3. On June 18, 2018, the Appellant filed an appeal for a reclassification with the DDS because she believed that her multiple work responsibilities exceeded those of an OSS I and that her job title does not fit the job she has been performing. (Resp. Ex. 9; Appellant Testimony).
4. Ms. Doyle, at EOHHS, processes employee requests for classification. When she received the Appellant's request, she conducted a desk audit, which included interviewing the Appellant and writing up the Interview Guide, using the applicant's language and information. The Appellant reviewed the Interview Guide, requested two edits, which were made, and Ms. Doyle sent the Interview Guide to the regional director and the Classification Unit. (Doyle Testimony).
5. In the Interview Guide, the Appellant listed her primary job function as ensuring that budgets are on track. This includes identifying different authorization sources for outside providers with whom DDS contracts, referred to as agencies, and balancing accounts between the regional office and the area office. The Appellant indicated that the nature and purpose of her work relationships is contracts and budgeting. (Resp. Ex. 5)
6. In response to the question, "What people or groups of people do you come in contact within the performance of your job both within and outside your agency?" on the Interview Guide, the Appellant answered that she contacts CEOs, DDS Contract Staff, Budget Directors, and Human Service Coordinators. She reviews budgets with every provider agency and is in

contact with providers such as Greater Boston, Newton South Norfolk, and Charles River West to confirm and maintain services for individuals attending programs. (Resp. Ex. 5).

7. The majority of the Appellant's time is spent on contracts, with the time percentages as follows:
  - 70% of time is spent working with contract information. The majority of her job is spent on creating, maintaining, and tracking databases for Authorizations for services. She runs contract reports in a database; she files, revises and voids items in the databases... She reconciles the Area Office activity with DDS Contract Unit and the Regional Office activity and transfers funds from one area to another.
  - 20% of her time is spent on Family Support activities: rosters, stipends, and adult foster care. She creates, maintains, reviews and updates databases for these programs and reconciles her tracking sheet with the Regional Offices Contract Units information.
  - 5% of her time is spent working with the Meditech program. She enrolls, removes, and voids items. She researches a lot of Adult Foster Care spreadsheets in Meditech to prevent double dipping.
  - 5% of her time is spent as the "Go To" person in the office. She is responsible for the entrance cards into the building, is the internal troubleshooter for IT issues, printers, emails, calendars, Microsoft programs. She reviews all services. (Resp. Ex. 5; Appellant Testimony).
8. Ms. Mulligan, the Appellant's direct supervisor, agrees with these percentages of work allocation and stated that during some times of the year the Appellant could spend more than 70% of time on the contracts work. (Mulligan Testimony).
9. After receiving the Interview Guide from Ms. Doyle, Ms. Connelly at EOHHS reviewed the Appellant's reclassification materials, including the Appellant's Interview Guide, the Form 30 for the position, the duties on the Appellant's EPRS, and the job specifications for the OSS I and PC I. Ms. Connelly compared the duties and found that the majority of the time, the Appellant was engaged in preparing, processing, and tracking, the type of work that falls within the category of administrative support. She found that the volume of the Appellant's work had increased but that the type of work she performs had not changed. Ms. Connelly recommended denying the Appellant's request. (Connelly Testimony).

10. The Appellant’s request for classification was denied on August 29, 2019. The basis for this decision was that the majority of the work performed by the Appellant was “providing administrative support to assigned personnel and using databases to create spreadsheets and prepare reports,” and not “coordinating, monitoring, implementing, or developing programs that are core functions of a Program Coordinator I.” (Resp. Ex. 8).

11. When the Appellant submitted her request for reclassification in 2018, the Form 30 stated that the primary purpose of a Fiscal/Administrative Coordinator (OSS I) is as follows:

The Fiscal/Administrative Coordinator oversees all of the Area Office’s fiscal tracking and contract activities under the direction of the Area Director.

Acts as a liaison to the Regional Contract Specialist and to each provider’s Contract Office.  
(App. Ex. 2).

The 2019 version of the Form 30 includes those two sentences and also provides, “Is an integral part of the Administrative Support Team, providing administrative support to Area personnel as well as managing operational needs of the office.”<sup>3</sup> (Resp. Ex. 2).

13. The Appellant’s Form 30 includes many duties and responsibilities, the following of which are relevant to this appeal:<sup>4</sup>

- Complete and monitor fiscal activity including preparing, processing and tracking all authorizations and transfers, including ensuring that rosters submitted are accurate in enrollment and funding.
- Prepare and maintain a tracking system for all area expenditures and assets, including holds and projected costs/allocations to ensure the Area Director has updated information for funding decisions.
- Schedule and prepare agency specific reports for the Area Director in preparation for annual contract negotiation meetings and participate in these meetings. Track the

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<sup>3</sup> In her appeal to the Commission, the Appellant compared her duties with those of the 2016 Form 30 duties of a PC I. (App. Ex. 1). The Appellant testified that she had relied on the 2016 Form 30 and that the Form 30 used by EOHHS was written in 2019. (Appellant Testimony). The Appellant submitted her request for classification on June 18, 2018 and her denial letter was sent on August 29, 2019, after the 2019 Form 30 was in effect. (App. Ex. 1-2: Resp. Ex. 2).

<sup>4</sup> The 2016 and 2019 Form 30 differ slightly in terms of duties and responsibilities but most notably the 2019 Form lacks duty #2 of the 2016 Form, “Provide ongoing *fiscal analysis* through the fiscal year – *provide budget status and recommendations* to Area Director based on analysis of the area’s limited resources....”. (emphasis added).

agreements made at those meetings through the next fiscal year roster submissions to ensure accuracy.

- Work with the Regional Contract Office/Contract Specialist in tracking and processing expenditures and overall budget.
- Initiate and track transfer and authorization activity with other area offices. Contact and coordinate fiscal/roster issues with the area's provider staff.
- Arrange for, and monitor, all Meditech enrollment activity for service changes.
- Identify for the Administrative Assistant Site ID requests as needed for the area's contracts.
- Provide education and assistance to area staff (Service Coordinators and Supervisors) regarding client funding and movement, improving staff skills in completing their work with guardians and providers.
- Maintain and update Family Support Rosters.
- Prepare the Assistant Area Director internal authorizations for each expenditure identifying the use of each center's funding/individual recipient.
- Track all Family Support 3779 expenditures to ensure that the appropriate amount of funding is available to meet the needs of each Family Support Center.
- Work with Center personnel to ensure that the Area's tracking matches their tracking and the balances of the 3779 accounts match.
- Work within the Area's Administrative Support Team to ensure that daily operations are completed.
- Assist the Area Director in managing the office's daily operations, scheduling meetings/space, communicating with the property management, IT, phone communications. (App. Ex.1)

14. The minimum entrance requirements for the OSS I position are at least two years of full time or equivalent professional, administrative or managerial experience in business administration, business management, or public administration of which major duties included program management, program administration, program coordination, and program planning and/or program analysis, as detailed in the Form 30. (Resp. Ex. 2).

15. The Appellant's 2019 EPRS lists her duties as follows:

Duty 1: Support the Area Director in managing the fiscal work of the Area Office.

- Compare and monitor all fiscal activity including preparing, processing, and tracking all authorizations and transfers
- Analyze roster submissions from providers to ensure they are accurate based on the authorizations issued and circulation to Area Director, Assistant Area Director, and AA.
- Work with the Area Director to prepare for annual negotiation meetings, scheduling providers and tracking agreements made at those meetings through the start of the next fiscal year to ensure accuracy.

- Work with Regional Contract Office/Contract Specialist in tracking and processing expenditures and overall budget within allocations, using the Drawdown and the POS.
- Initiate and track transfer and authorization activity with other area offices/regions.
- Contact and coordinate fiscal issues with the area's provider staff.
- Process, track and review for accuracy, absence day and residential billing.
- Monitor billing of contract using the Contract Specialist's utilization spreadsheet, to ensure that providers are able to bill out and have sufficient funding to meeting individual needs.

Duty 2: Support the Assistant Area Director in managing the Family Support Center's 3779 budgets and rosters. Regularly audit 3779 activity/expenditures with Assistant Area Director and Family Service Center providers.

- Maintain and update with Children's Team staff and Adult staff the lists of children/adults attached to various family support centers – SSSS, Advocates, Tri-Area BAMSI, Project Able.
- Prepare for the Assistant Area Director internal authorizations for each expenditure, identifying the use of each center's funding/individual recipient.
- Track expenditures ensuring that the appropriate amount of funding is available to meet the needs to the Centers.
- Work with Center personnel/Assistant Area Director to ensure that the Area's tracking matches theirs and the balances on the stipend accounts match.
- Assist the Assistant Area Director in audit activity for each Family Service Center's 3779 contract.

Duty 3: Provide administrative support as part of the Area's Administrative Support Team to the Area Director and the Area staff [seven (7) responsibilities listed]...

Duty 4: Support Area Office fiscal and administrative work through use of MT reporting, Meditech, Excel, and Master file [four (4) responsibilities listed]...  
(Resp. Ex. 7)<sup>5</sup>.

16. The Summary of the OSS series in the Class Specifications (Class Specs) provides that

Employees in this series perform administrative support function such as preparing and analyzing correspondence, reports and other materials as needed; arrange meetings with internal and external contacts; respond to inquiries, assist in various office programs and perform related work as required.  
(Resp. Ex. 13).

17. A PC I performs the following duties: (1) coordinates and monitors assigned program activities in order to ensure effective operations and compliance with established standards;  
  
(2) reviews and analyzes data concerning assigned agency programs in order to determine

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<sup>5</sup> Resp. Ex. 7 does not indicate what the abbreviations AA, POS and MT are for.

progress and effectiveness, to make recommendations for changes in procedures, guidelines, etc. and to devise methods of accomplishing program objectives; (3) provides 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) responds to inquiries from agency staff and others in order to provide information concerning assigned agency programs; (5) maintains liaison with various private, local, state and federal agencies and others in order to exchange information and/or to resolve problems; and (6) performs related duties such as attending meetings and conferences; maintaining records; and preparing reports. (Resp. Ex. 4)

18. The Class Specs for the Program Coordinator Series state that the primary purpose of the position is to coordinate, monitor, develop and implement programs for an assigned agency. The minimum requirements are “two years’ experience professional, administrative, or managerial experience in business administration, business management, or public administration the major duties of which involved program management, program administration, program coordination, program planning and/or program analysis, or equivalent substitutions....” (Resp. Ex. 4). Further, the Class Spec for the PC Series states that the PC 1 position is the “first-level supervisory job in this series”. (Id.).

19. The Appellant works with over 300 providers who support individuals with intellectual and developmental disabilities including Autism Spectrum Disorder. (Mulligan Testimony; Appellant Testimony).

20. The parties agree that the Appellant’s primary responsibilities involve two budgetary areas, both involving authorizations for actions contained within already-negotiated contracts. In these job functions, the Appellant, among other responsibilities, looks to the contract number,



whether the service is annualized or a single experience, and reconciles the hours and payment under the contract in order to create the authorization. She also prepares and creates spreadsheets from the established budget and tracks all spending to ensure programs don't overspend. (Mulligan Testimony; Appellant Testimony).

21. The Appellant initiates the budget amendment process and after she receives approval from her supervisors, sends the money and tracks the funding. (Mulligan Testimony; Appellant Testimony).

22. In the past, an employee at the PC I level performed some of the duties the Appellant now performs. (Appellant Testimony).

23 . Ms. Mulligan negotiates the contracts with providers, and facilitates the annual budgetary meetings with providers, which meetings are arranged by the Appellant. The Appellant prepares reports and materials for these meetings. (App. Ex. 2; Mulligan Testimony; Appellant Testimony).

24. The Appellant does not supervise anyone in her current position. (Appellant Testimony).

25. The Appellant supports office staff and is the internal person for printer issues, initial IT problems, and access cards into the building. (Appellant Testimony; Mulligan Testimony).

#### *Legal Standard*

“Any manager or employee of the commonwealth objecting to any provision of the classification of his office or position may appeal in writing to the personnel administrator and shall be entitled to a hearing upon such appeal . . . . Any manager or employee or group of employees further 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.” G.L. c. 30, § 49.

The Appellant has the burden of proving that she is improperly classified. To do so, she must show that she performs the duties of the title she seeks more than 50% of the time, on a regular basis. Bhandari v. Exec. Office of Admin. and Finance, 28 MCSR 9 (2015) (finding that “in order to justify a reclassification, an employee must establish that he is performing the duties encompassed within the higher level position a majority of the time . . . .”); Gaffey v. Dep’t of Revenue, 24 MCSR 380, 381 (2011).

*Parties’ Arguments*

The Respondent argues that Appellant does not coordinate program activities, a requirement of the PC I position. Rather, DDS maintains that the Appellant tracks and ensures the accuracy of multiple databases, the majority of which are fiscal in nature. Because her supervisors negotiate and oversee the contracting process, the Appellant’s work is necessarily to ensure the contracts are followed and accurately utilized and tracked, but she does not oversee the contracts or total services that are performed. When a contract needs amending, the Appellant brings that request to her supervisors. The Appellant does not supervise other personnel and her work with contracts is administrative in nature.

The Appellant argues that the fiscal work she performs is not merely administrative work and that her interactions with other agencies and providers meet the duties of a PC I. She maintains that the breadth of her responsibilities interacting with multiple significant contracts should qualify her for a PC I position. She ensures accuracy with enrollments for consumers’ services, for contract billing purposes, and for appropriate funding sources. Additionally, she maintains multiple spreadsheets using formulas she has created to effectively track the funding amounts. Some of her current job responsibilities were once performed by a PC I, which she

believes indicates that she is now performing duties that are not merely administrative responsibilities attributable to an OSS I.

*Analysis*

The Appellant has not shown by a preponderance of the evidence that she spends a majority of her time performing the duties and responsibilities of a PC I for the reasons discussed below.

The Appellant has not shown that her job responsibilities involve the first four of a PC I's enumerated duties. A PC I at DDS coordinates and monitors assigned program activities in order to ensure effective operations and compliance with established standards. The Appellant ensures that the fiscal information from multiple funding sources are recorded in accordance with office policy. The Appellant ensures that the services for the many clients in that DDS area are tracked appropriately for fiscal control purposes. These are not activities that coordinate a program, even though the Appellant ensures effective operation of the fiscal databases. As Ms. Connelly found, "preparing, processing, and tracking" is not the same as the PC I responsibility to coordinate and monitor an entire DDS program.

Second, the Appellant does not perform the responsibility of a PC I to 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 [or] make recommendations for changes in procedures and guidelines." The Appellant does analyze fiscal data concerning a Family Support Center's budgets and rosters by preparing for internal authorizations each expenditure and ensuring that the appropriate amount of funding is available to meet the Family Support Center's needs. She also reviews the use of funding to make sure there is enough funding with the existing contract to

provide requested services. However, the Appellant does not use this information to change agency procedures and guidelines or devise methods of accomplishing DDS's program objectives. Further, the Appellant does not review or analyze data about DDS's programs in order to determine progress and effectiveness.

Regarding the third and fourth responsibility of a PC I: "provides 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" and "responds to inquiries from agency staff and others in order to provide information concerning assigned agency programs", the Appellant arguably gives technical assistance and advice to agency personnel. The word "agency" may be a source of disagreement here. DDS uses the word "agency" to refer to each service provider, whereas the OEHHS Specs generally refer to "agency" as a state or federal agency. The Appellant works with many service providers and ensures that services are provided in accordance with existing contracts, all the while recording transfers and changes in established databases. The record does not show, however, that she is giving technical assistance about the fiscal programs with which she works to other DDS staff or a federal agency.<sup>6</sup>

The Appellant performs the fifth and sixth enumerated PC I responsibilities, but not for the majority of her hours on the job. These duties involve interacting with various private, local, state and federal agencies and others in order to exchange information and/or to resolve problems. She also performs "related duties such as attending meetings and conferences; maintaining records; and preparing reports." The Appellant communicates with contract specialists within DDS and others to ensure that the balances on the stipend accounts match the

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<sup>6</sup> Even if the term "providing technical assistance" is liberally construed, the Appellant has not shown that this duty would comprise 51% of all of her duties.

contracts. When an amendment to a contract is needed based on a provider or client request, she informs her supervisor and ensures the process is completed. In addition, she prepares agency-specific reports regarding annual budgets for the Area Director in preparation for annual contract negotiation meetings, and she maintains and updates DDS staff with the lists of children/adults attached to various family support centers. In this way, she exchanges information, maintains records and prepares reports. The record does not show, however, that she performs these duties 51% of the time.

The Appellant's work at the DDS involves discharging important fiscal responsibilities for the purpose of bettering opportunities for clients of DDS. This is work that is valued by her supervisor and agency. The Appellant has not, however, shown that she is performing the job duties of a PC I at least 51% of the time. Therefore, the reclassification to a PC I is not warranted.

For all of the above reasons, the Appellant's appeal under Docket No. C-20-014 is hereby ***denied.***

Civil Service Commission

/s/ Cynthia A. Ittleman  
Cynthia A. Ittleman  
Commissioner

By a vote of the Civil Service Commission (Bowman, Chair; Camuso, Ittleman, Tivnan, and Stein, Commissioners) on July 1, 2021.

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 the 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:

Joanne Grennell (Appellant)

Emily Sabo, Esq. (for Respondent)

Patrick Butler, Esq. (for Respondent)