

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

CIVIL SERVICE COMMISSION

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

TERESA GRZYBOWSKI,
Appellant

v.

C-09-388

UNIVERSITY OF MASSACHUSETTS
AT AMHERST,
Respondent

Appellant's Attorney:

Matthew D. Jones, Esq.
Massachusetts Teachers Association
20 Ashburton Place
Boston, MA 02108

Respondent's Representative:

Margaret March
University of Massachusetts at Amherst
330 Whitmore Administration Building
181 Presidents Drive
Amherst, MA 01003

Commissioner:

Christopher C. Bowman

DECISION

Pursuant to the provisions of G.L. c. 30, s. 49, the Appellant, Teresa Grzybowski (hereinafter "Appellant" or "Grzybowski"), is appealing the September 16, 2009 decision of the state's Human Resources Division (hereinafter "HRD") denying her request for reclassification from the position of Clerk IV to the position of Program Coordinator I.

The appeal was timely filed with the Civil Service Commission (hereinafter “Commission”) on October 20, 2009. A full hearing was held on December 22, 2009 at the Springfield State Building in Springfield, MA. The hearing was digitally recorded and one CD was made of the hearing.

FINDINGS OF FACT:

Fourteen (14) exhibits were entered into evidence at the hearing. Based on the documents submitted into evidence and the testimony of:

For the Appointing Authority:

- Tetna, Classification Analyst, UMASS Amherst;
- Margaret A. March, Classification Coordinator; UMASS Amherst;

For the Appellant:

- Teresa Grzybowski, Appellant;
- Linda Hildebrandt; UMASS Amherst;

I make the following findings of fact:

1. The Appellant is employed and classified as a Clerk IV in the Astronomy Department at UMASS Amherst (hereinafter “University” or “UMASS Amherst”). (Stipulated Fact)
2. The Appellant has been employed by UMASS Amherst since 1971. (Stipulated Fact)
3. Approximately ten (10) years ago, the Appellant filed a prior appeal with the Commission, which resulted in her being reclassified from the title of Clerk III to her current title of Clerk IV. (See Grzybowski v. UMASS Amherst, 12 MCSR 65, 66 (1999))

4. The findings of the above-referenced 1999 Commission decision state in relevant part:

“The Appellant performs all the administrative functions necessary for the operation of the Astronomy branch of the [Physics and Astronomy] Department while the Clerk IV, with the clerical support, performs the administrative functions for the physics branch of the department.

The Appellant autonomously: prepares reports, catalogs and course proposals; coordinates teaching and course schedules; oversees the registration of students and class size; maintains the admission’s procedure to the program; develops and updates the program’s web site; and orders course text books.

The Appellant coordinates all aspects of the undergraduate class schedule, which involves coordination with a five-member college association.

The Appellant maintains the astronomy graduate program booklet

The Appellant works with students in coordinating their schedules to meet the graduation requirements of the program.

The Appellant is responsible for securing professors and coordinating summer classes with other colleges.

The Appellant’s duties are consistent with Clerk IV’s located in other departments.” (Grzybowski (1999) at Page 2)

5. Sometime after the Appellant’s 1999 appeal, the Physics and Astronomy Department split into two separate departments. (Stipulated Fact)
6. On September 20, 2007, the Appellant appealed her classification as Clerk IV to the University’s Division of Human Resources, requesting that she be reclassified as a Program Coordinator I. (Stipulated Fact)
7. The request for reclassification to Program Coordinator I was preliminarily denied on February 18, 2009. (Stipulated Fact)

8. The request for reclassification was preliminarily denied for the following reasons:

“The Appellant provides assistance to the Head of the Department of Astronomy. The Appellant also provides support and assistance to the departmental graduate studies program, the undergraduate studies program and the Graduation Program Director. She makes changes and improvements to the content of the departmental website. Although not all of the Appellant’s job duties are specifically delineated within the Commonwealth’s Classification Specification for the Clerk IV job title, they are of similar level and tenor. No change of job title is recommended at this time.” (Stipulated Fact)

9. The Appellant appealed the denial of reclassification to Program Coordinator I to the University’s Division of Human Resources and that appeal was denied on May 26, 2009. (Stipulated Fact)

10. On August 12, 2009, the Appellant timely appealed the University’s denial of the Program Coordinator I classification to the state’s Human Resources Division (HRD). (Stipulated Fact)

11. On September 16, 2009, HRD denied the Appellant’s appeal. (Stipulated Fact)

12. On October 20, 2009, the Appellant timely appealed HRD’s denial of reclassification to the Program Coordinator I title to the Commission. (Stipulated Fact)

13. The Classification Specification issued in 1987 states that a Clerk IV is “the first-level supervisory job in this series or, based on assignment, may be the second-level supervisory job in this series”. (Exhibit 1)

14. According to the above-referenced Classification Specification, employees classified as a Clerk IV are expected to:

- 1) Explain provisions and contents of various documents or programs including effective rates, options, eligibility, benefits, etc. to employees and others;
- 2) Interview applicants for clerical positions and make recommendations to superiors; and

- 3) Prepare and/or process personnel actions such as promotions, appointments, demotions, terminations, transfers and leaves of absence by recording such actions and completing forms for forwarding approval.

(Exhibit 1)

15. A Program Coordinator I is the first-level supervisory job in this series. (Exhibit 2)

16. According to the Classification Specification, Program Coordinators are expected to:

“...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 2)

17. As part of the review of the Appellant’s job duties and responsibilities, Tetna, a Classification Specialist, found that the Appellant: provides administrative support for programs in the Astronomy Department, sets up meetings, responds to inquiries, interacts with students about guidelines, assists students with registration and pre-registration; checks course requirements; and performs other clerical duties such as maintenance of office equipment. (Testimony of Tetna)

18. According to Tetna, approximately fifty-one (51) University Chairs or Department Heads have a Clerk IV reporting to them, similar to the Astronomy Department, where the Appellant, a Clerk IV, reports to the department head. (Testimony of Tetna)

19. The only exception to the above-referenced Department Head – Clerk IV reporting relationship is in the Chemistry Department. According to Peggy March, Classification Coordinator, the University created two (2) Program Coordinator I

positions in that department in 2005. Ms. March stated that this was the result of a federal Department of Labor audit regarding exempt and non-exempt positions. At the time these Program Coordinator I jobs were posted, there were no program directors in the Chemistry Department and the Program Coordinator Is were going to perform some of these duties including program design. (Testimony of March)

20. When these two Program Coordinator I jobs become vacant, the University will audit the current job duties and responsibilities and determine if the incumbents are still performing some of the duties of a program director including program design. If not, the positions will be reclassified to the title of Clerk IV or another appropriate title. (Testimony of March)

21. The Appellant is a first-level supervisor and supervises three (3) student employees in the Astronomy Department. (Testimony of Appellant)

22. During her testimony, the Appellant testified that she is the “scheduling representative” for the Astronomy Department. In this role, she is responsible for ensuring that all courses in the Astronomy Department for the upcoming semester are properly scheduled at the appropriate time and location. If the course description is not accurate, the Appellant works with the appropriate faculty member to correct it. As an example, the Appellant testified that a course recently didn’t make it into the “5-college” course catalog because of a problem with numbering and course titles, so she was responsible for correcting this. The Appellant testified that she can not quantify exactly what percentage of her time is spent on this task, but it requires a “significant” amount of her time. In her interview guide, the Appellant indicated that

scheduling and other related duties comprise approximately 30% of her duties.

(Testimony of Appellant)

23. In her interview guide, the Appellant stated that she spends another 30% of her time regarding human resources issues in the Department. She elaborated on this during her testimony before the Commission. For example, if a staff member is seeking a sabbatical, the Appellant provides the individual with the appropriate forms, including recent examples of successful requests. In the case of staff vacancies or promotional opportunities, the Appellant provides the hiring manager with a list of “referees” that serve as reviewers, sends out appropriate correspondence and performs other duties related to filling the vacancy. (Testimony of Appellant and Exhibit 3)

24. The Appellant is also responsible for updating the Department’s website. In her interview guide, she indicated that she spends 20% of her time performing this task. (Testimony of Appellant and Exhibit 3)

25. In regard to the other 30% of her time, the Appellant’s interview guide indicates that she spends approximately 20% of her time providing administrative support to the departmental graduate and undergraduate studies program; 5% compiling, preparing and submitting reports to various departments; and the remaining 5% performing other miscellaneous jobs. (Testimony of Appellant and Exhibit 3)

26. The Appellant’s supervisor, Astronomy Department Head Ronald Snell, wrote a letter to the University’s Division of Human Resources in support of the Appellant’s request for reclassification. (Exhibit 4)

CONCLUSION

After a careful review of the testimony and evidence presented in this appeal, the Commission concludes that the decision of the Human Resources Division denying the request of the Appellant to be reclassified as a Program Coordinator I should be affirmed.

The basic purpose of the work of a Program Coordinator I is to coordinate and monitor assigned program activities. The basic purpose of this work is to coordinate, monitor, develop and implement programs for an assigned agency.

The Appellant has failed to show, either through her testimony, or any of the evidence submitted, that she performs a majority of the duties of a Program Coordinator I more than 50% of the time. Further, she has failed to show that her job duties are distinguishable from the vast majority of other Clerk IVs that report to a University Chair or Department Head, with the exception of two (2) Program Coordinator Is in the Chemistry Department. In regard to these two (2) positions, Ms. March offered credible testimony that, at the time they were created, the incumbents were performing duties of a program director. When these positions become vacant, the University will conduct an audit to determine whether they should be classified as Clerk IVs or another appropriate title.

Moreover, with the exception of the Appellant's Human Resource-related duties, which are consistent with a Clerk IV, all of the duties listed by the Appellant are strikingly similar to the findings of the Commission's 1999 decision, in which it was determined that these duties are consistent with that of a Clerk IV.

Although the Appellant does not perform a majority of the duties of Program Coordinator I more than 50% of the time, she appears to be a well-respected veteran

employee whose institutional knowledge and expertise are invaluable to the Department and her colleagues.

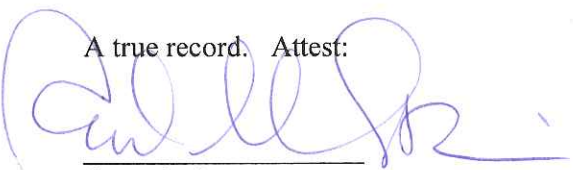
For all of the above reasons, the Appellant's appeal filed under Docket Nos. C-09-388, in which she seeks to be reclassified as a Program Coordinator I, is hereby *dismissed*.



Christopher C. Bowman, Chairman

By a vote of the Civil Service Commission (Bowman, Chairman, Henderson, Stein and Taylor, Commissioners [Marquis – Absent]) on January 7, 2010.

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)(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:

Matthew D. Jones, Esq. (for Appellant)
Margaret A. March (for Appointing Authority)
John Marra, Esq. (HRD)