

COMMONWEALTH OF MASSACHUSETTS

CIVIL SERVICE COMMISSION

100 Cambridge Street: Suite 200
Boston, MA 02114
(617) 979-1900

Re: Request by Yong Hua He to conduct an investigation related to her classification.

I-23-149

Commissioner:

Christopher C. Bowman

SUMMARY OF RESPONSE

The Commission denied the Petitioner's request for investigation as it appears that she is seeking a reclassification and has failed to file a formal request for a reclassification with her appointing authority.

RESPONSE

On August 12, 2023, the Petitioner, Yong Hua He (Petitioner), an EDP System Analyst IV at the Executive Office of Health and Human Services (EOHHS), filed a request for investigation with the Civil Service Commission (Commission), stating in part:

I would like [the Commission] to investigate whether EHS is capricious arbitrarily, or [discriminating by] promoting staff without adherence to the civil service guidelines; as I am rejected from any title change opportunities I would otherwise be qualified for.

On September 19, 2023, I held a remote show cause conference which was attended by the Petitioner and counsel for EOHHS. Based on the submission of the Petitioner and her statements at the Show Cause Conference, it appears that the Petitioner believes that: a) she is being forced to work outside of her existing classification of EDP System Analyst IV; and b) she seeks to be reclassified to a different System Analyst title.

I carefully reviewed all the documents that the Petitioner submitted to the Commission. Although she has filed at least one grievance request arguing that she is being forced to work outside of her title, the Petitioner has not filed a request for reclassification. Had she done so, and had EOHHS rejected her request, that denial would trigger appeal rights to the state's Human Resources Division (HRD) and ultimately the Commission, under [G.L. c. 30, § 49](#).

Counsel for EOHHS offered to refer the Petitioner to the Director of Compensation and Classification at EOHHS, but the Petitioner argued that this individual is predisposed to deny any request for reclassification submitted by the Petitioner. Despite the speculative nature of that argument, counsel offered to refer the Petitioner to another individual to facilitate her request for reclassification.

In short, unless and until the Petitioner files a proper request for reclassification and, if denied, pursues her appellate rights, the Commission lacks any jurisdiction regarding her efforts to be reclassified. For these reasons, I recommend that the Commission deny the Petitioner's request for investigation.

Civil Service Commission

/s/ Christopher Bowman
Christopher C. Bowman
Chair

The Civil Service Commission (Bowman, Chair; Dooley, McConney, Stein and Tivnan, Commissioners) voted on October 5, 2023 to accept the recommendation of the Chair and deny the Petitioner's request for investigation.

Notice to:
Yong Hua He (Petitioner)
Joel Posner, Esq. (for EOHHS)