

COMMONWEALTH OF MASSACHUSETTS

CIVIL SERVICE COMMISSION

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

RICHARD KNESZEWSKI,
Appellant

v.

C-25-113

UMASS AMHERST,
Respondent

Appearance for Appellant:

Pro Se
Richard Kneszewski

Appearance for Respondent:

Rachel Siano
Lead Compensation Analyst
400 Venture Way
Hadley, MA 01035

Commissioner:

Christopher C. Bowman

SUMMARY OF ORDER

The Commission dismissed the appeal of a UMASS Amherst employee seeking reclassification to the position of Technical Specialist II (TS II) where the undisputed facts show that he does not perform the level distinguishing duties of a TS II, and the request is more closely related to a change in *pay grade* (which falls outside the Commission's jurisdiction) as opposed to a position reclassification.

ORDER OF DISMISSAL

On April 12, 2025, the Appellant, Richard Kneszewski (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 UMASS Amherst (UMASS) denying his request for reclassification to the position of Technical Specialist

II (TS II). On June 3, 2025, I held a remote pre-hearing conference, which was attended by the Appellant, his supervisor and a UMASS representative.

UNDISPUTED FACTS

Based on the written submissions of the parties and the statements made at the pre-hearing conference, the following is undisputed unless otherwise noted:

1. The Appellant has been employed at the Physical Plant at UMASS for approximately 11 years.
2. At the time that he sought reclassification, the Appellant's position was classified as a Maintenance Technician II (MT II).
3. On July 27, 2022, the Appellant filed a request with UMASS to be reclassified from MT II to Technical Specialist II (TS II).
4. On October 17, 2024, UMASS first issued a decision to the Appellant, denying his request to be reclassified to TS II. After review, UMASS reclassified the Appellant to TS I, a position with the same pay grade as his then-current position of MT II.
5. The Appellant filed a timely appeal with the state's Human Resources Division (HRD), which affirmed UMASS's decision on March 21, 2025.
6. The Appellant then filed this timely appeal with the Commission on April 12, 2025.
7. The level distinguishing duties of a Technical Specialist II, the classification sought by the Appellant, include:
 - A. Supervising and coordinating activities relative to ensuring the availability and proper operation of equipment, instruments and operations.
 - B. Inspecting completed work for subordinates and other technical personnel to ensure compliance with established standards.
 - C. Making recommendations to supervisors and managers concerning the acquisition and installation of equipment and devices.

- D. Conferring with professional staff and others concerning assigned activities to exchange information, resolve problems and coordinate efforts.
 - E. Providing on-the-job training to technical staff.
8. Per the relevant classification specification, incumbents of the TS II position “exercise direct supervision over, assign work to and review the performance of 1-5 technical personnel.
9. Nothing in the Appellant’s written submissions to the Commission or his statements at the pre-hearing conference show that the Appellant performs the level-distinguishing duties of a TS II more than 50% of the time. The Appellant’s supervisor acknowledges that the Appellant’s current duties do not involve supervision and coordination.
10. Although the Appellant at times provides functional supervision to others, including apprentices, he does not exercise direct supervision over any other employees.

Summary Disposition Standard

When there is no genuine issue of fact relating to all or part of a claim or defense and a party to prevail as a matter of law, the party may move, with or without supporting affidavits, for summary decision on the claim or defense. 801 CMR 1.01(7)(h). These motions are decided under the well-recognized standards for summary disposition as a matter of law—i.e., “viewing the evidence in the light most favorable to the non-moving party”, the substantial and credible evidence established that the non-moving party has “no reasonable expectation” of prevailing on at least one “essential element of the case”, and has not rebutted this evidence by “plausibly suggesting” the existence of “specific facts” to raise “above the speculative level” the existence of a material factual dispute requiring an evidentiary hearing. See e.g., Lydon v. Massachusetts Parole Bd., 18 MCSR 216 (2005). Accord Milliken & Co., v. Duro Textiles LLC, 451 Mass. 547, 550 n.6 (2008); Maimonides School v. Coles, 71 Mass. App. Ct. 240, 249 (2008). See also Iannacchino v. Ford Motor Company, 451 Mass. 623, 635-36 (2008) (discussing standard for

deciding motions to dismiss); cf. R.J.A. v. K.A.V., 406 Mass. 698 (1990) (factual issues bearing on plaintiff's standing required denial of motion to dismiss).

Applicable Law Regarding Reclassification Appeals

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

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.

The Appellant has the burden of proving that he is improperly classified as a MT II and should be classified as a TS II. To do so, he must show that he performs the duties of the TS II title more than 50% of the time, on a regular basis. E.g., Gaffey v. Dep't of Revenue, 24 MCSR 380, 381 (2011); 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 . . ."). In making this calculation, duties which fall within both the higher and lower title do not count as "distinguishing duties." See Lannigan v. Dep't of Developmental Services, 30 MCSR 494 (2017).

Analysis

Through his written submissions and oral presentation, the Appellant showed a strong understanding of the HVAC-related duties he performs for UMASS, including, for example, installing 600-pound coils and replacing a 2000-pound compressor. It is obvious that the Appellant and his colleagues ably provide mission-critical services for UMASS.

The Commission's jurisdiction in reclassification appeals, however, is limited to determining whether the Appellant, as of the date the reclassification appeal was filed, and going forward, performs the level-distinguishing duties of the higher classification a majority of the time. Here, even when viewing the facts most favorably to the Appellant, he has not shown, and is not expected to be able to show with further proceedings, that he performs the level distinguishing duties of a Technical Specialist II a majority of the time. Most importantly, both the Appellant and his supervisor acknowledge that the Appellant does not perform a supervisory or coordination role, a key component of the TS II level distinguishing duties. Further, although the Appellant provides functional supervision at times, he does not exercise traditional, direct supervision of any employees. Finally, even the Appellant acknowledges that the crux of his appeal involves his contention that he should be compensated at a higher pay grade for the duties that he (and others) performs, as opposed to contesting the correct classification, which is currently the sole issue before the Commission.

CONCLUSION

For all the above reasons, the Appellant's appeal under Docket Number C-25-113 is hereby *dismissed*.

Civil Service Commission

/s/ Christopher Bowman
Christopher C. Bowman
Chair

By a vote of the Civil Service Commission (Bowman, Chair; Dooley, Markey, McConney and Stein, Commissioners) on June 12, 2025.

Either party may file a motion for reconsideration within ten days of receipt of this 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 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:

Richard Kneszewski (Appellant)

Rachel Siano (for Respondent)