

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION**

Decision mailed: 4/8/11
Civil Service Commission 03

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

LINDA LEIGHTON,
Appellant

v.

MassDOT,
Respondent

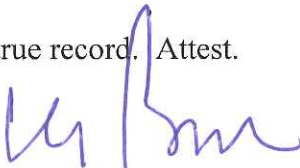
Case No.: C-10-253

DECISION

After careful review and consideration, the Civil Service Commission voted at an executive session on April 7, 2011 to acknowledge receipt of the report of the Administrative Law Magistrate dated February 23, 2011. Neither party submitted written objections. The Commission voted to adopt the findings of fact and the recommended decision of the Magistrate therein. A copy of the Magistrate's report is enclosed herewith. The Appellant's appeal is hereby *dismissed*.

By vote of the Civil Service Commission (Bowman, Chairman; Henderson, Marquis and Stein, Commissioners [McDowell – Absent]) on April 7, 2011.

A true record. Attest.



Christopher C. Bowman
Chairman

**Commissioner Marquis was
absent on April 7, 2011**

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

Linda Leighton (Appellant)
John L. Casey, Esq. (for Appointing Authority)
Richard C. Heidlage, Esq. (Chief Administrative Magistrate, DALA)



THE COMMONWEALTH OF MASSACHUSETTS

DIVISION OF ADMINISTRATIVE LAW APPEALS

98 NORTH WASHINGTON STREET, 4TH FLOOR

BOSTON, MA 02114

RICHARD C. HEIDLAGE
CHIEF ADMINISTRATIVE MAGISTRATE

4/7/11
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February 23, 2011

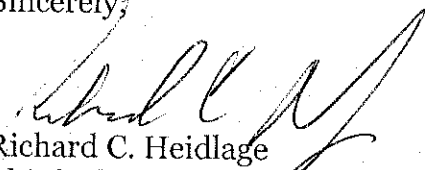
Christopher C. Bowman, Chairman
Civil Service Commission
One Ashburton Place, Room 503
Boston, MA 02108

Re: Linda Leighton v. MassDOT (Mass. Highway)
DALA Docket No. CS-10-754
CSC Docket No. C-10-253

Dear Chairman Bowman:

Enclosed please find the Recommended Decision that is being issued today. The parties are advised that, pursuant to 801 CMR 1.01(11)(c)(1), they have thirty days to file written objections to the decision with the Civil Service Commission. The written objections may be accompanied by supporting briefs.

Sincerely,



Richard C. Heidlage
Chief Administrative Magistrate

RCH/mbf

Enclosure

cc: Linda Leighton
John L. Casey, Esq.

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

Division of Administrative Law Appeals

Linda Leighton,
Appellant

Docket Nos. CS-10-754; C-10-253 (CSC)
Dated:

MassDOT (Mass. Highway),
Appointing Authority

Appearance for Appellant:

Linda Leighton, pro se
[REDACTED]
[REDACTED]

Appearance for Respondent:

John L. Casey, Esq.
MassDOT Labor Relations
10 Park Plaza
Boston, MA 02116

Administrative Magistrate:

Sarah H. Luick, Esq.

SUMMARY OF RECOMMENDED DECISION

The Appellant is not entitled to be reclassified from Administrative Assistant II to Program Coordinator III in her work within District 3 of MassDOT-Highway Department. She has failed to prove she is working 51% of the time as a Program Coordinator III.

RECOMMENDED DECISION

Pursuant to the provisions of M.G.L.c. 30, § 49, the Appellant, Linda Leighton, is appealing the August 26, 2010 decision of the Commonwealth's Human Resources Division affirming the denial of MassDOT-Highway Dept. of her request for reclassification from Administrative Assistant II to Program Coordinator III. (Ex. 2.) The

appeal was timely filed with the Civil Service Commission. (Ex. 1.) A hearing was held October 25, 2010 for the Civil Service Commission at the offices of the Division of Administrative Law Appeals, 98 North Washington Street, 4th Floor, Boston, MA 02114. Two tapes were used. Exhibits 1 – 16 are in evidence. The Appointing Authority presented the testimony of Evelyn Smith, a Personnel Analyst with the MassDOT's Human Resources office who had addressed the Appellant's request. The Appellant testified and presented the testimony of E. Bernard Plante, her direct supervisor and the head of District 3 where she worked. Both parties made arguments on the record.

FINDINGS OF FACT

Based on the evidence presented and the reasonable inferences drawn therefrom, I make the following findings of fact:

1. Linda Leighton has worked for MassDOT-Highway Dept. from 1987. She has been an Administrative Assistant II in the Division 3 office from March 20, 2005. (Exs. 1, 9 & 14. Testimony.)

2. In October 2005, her office added an Administrative Assistant I, Jacqueline Ventriglia, who works under the direct supervision of Ms. Leighton. (Exs. 8 & 14. Testimony.)

3. Ms. Leighton is directly supervised by E. Bernard Plante, Administrative Manager and head of District 3. (Ex. 14. Testimony.)

4. Mr. Plante has worked for 15 years with District 3 and 7 years in his current job. He is in charge of all state roadways in District 3 which includes doing bridge work and snow plowing of the roadways. District 3 includes 57 cities and towns. There are numerous Highway Dept. depots in District 3 each of which can have

anywhere from 10-15 to 3-4 workers at any particular time. In maintaining the roads and bridges, District 3 requires the services of laborers and engineers, construction workers and maintenance workers. Some workers are hired under contracts to work on specific projects. Utility company vendors are involved in District 3 work. (Testimony.)

5. The main areas of Ms. Leighton's work encompass payroll (a third of the 240 total Division 3 employees), administrative office matters, utilities billings, supervising the Administrative Assistant I in her work with the utilities billings, and performing as the health care coordinator for the District 3 employees. She has taken trainings and has kept up with current issues for the District 3 employees' health insurance benefits to be able to effectively counsel new hires. Over the years, Ms. Leighton has taken on more responsibilities as she developed a good working knowledge of the work done in District 3, particularly since the merger of the Highway Dept. into MassDOT. (Exs. 8 & 13. Testimony.)

6. The Form 30 job description for Ms. Leighton within District 3 contains the following general statement of duties and responsibilities:

[M]onitor assigned unit activities; confer with agency staff; maintain liaison with others; review and analyze data concerning assigned unit activities; prepare reports; respond to inquiries; compile data; and perform related work as required. The basic purpose of this work is to provide administrative support in connection with assigned unit activities such as office services, records control, agency personnel services, etc.

(Exs. 11 & 12.) The Form 30 sets forth the following specific duties:

Prepare District financial statements and reports ... Coordinate and monitor District accounting records for all utility accounts ... Assist and train personnel on personnel and budget programs ... Review, monitor, reconcile, prepare and enter documents ... Implement timesheet class for ... employees to ensure accurate timesheets for monitoring ABP and AARA programs ... Monitor all District utility invoices and related documents to insure that they are complying with DOT accounting

procedures ... Payroll – HRCS responsible for processing and reviewing time sheets ... Insurance Coordinator ... monitor and implement the different programs ... including all new hires and Open Enrollment ... Assist DAM when needed in a timely manner.

(Exs. 11 & 12.) The Form 30 describes skills required for the job:

Knowledge of the principles and practices of human resource management including behavioral techniques, planning, forecasting, organizational development, etc. ... Knowledge of the work simplification methods ... Knowledge of the methods used in the preparation of charts, graphs and tables ... Knowledge of the methods of general report writing ... Ability to understand, explain and apply the laws, rules, regulations, policies, procedures, etc., governing assigned unit activities ... Ability to analyze and determine the applicability of data, to draw conclusions and make appropriate recommendations ... Ability to gather information by examining records and documents and by questioning individuals ... Ability to assemble items of information in accordance with established procedures ... Ability to determine proper format and procedure for assembling items of information ... Ability to maintain accurate records ... Ability to prepare and use charts, graphs and tables .. Ability to prepare general reports ... Ability to write concisely, to express thoughts clearly and to develop ideas in logical sequence ... Ability to follow written and oral instructions ... Ability to communicate effectively in oral expression ... Knowledge of the principles, practices and techniques of supervision ... Ability to coordinate the efforts of others in accomplishing assigned work objectives.

(Exs. 11 & 12.)

7. The more general Administrative Assistant classification

specifications from the Commonwealth's Human Resources Division, developed in 1987, cover Administrative Assistant I and II, and set forth the following summary of general responsibilities covering both levels:

[M]onitor assigned unit activities; confer with agency staff; maintain liaison with others; review and analyze data concerning assigned unit activities; prepare reports; respond to inquiries; compile data; and perform related work as required.

(Ex. 10.) Duties common to both levels include:

Monitors assigned unit activities to ensure effective operations and

compliance with established standards ... Confers with agency staff in order to exchange information to coordinate efforts and to obtain information concerning agency programs and activities ... Maintains liaison with various local, state and federal agencies and others to exchange information, to resolve problems and to coordinate activities ... Reviews and analyzes data concerning assigned unit activities in order to improve work methods, determine progress, revise established procedures and/or to provide information to superiors ... Prepares reports concerning assigned unit activities in order to furnish required information and to make recommendations concerning procedures, programs and activities ... Responds to inquiries in order to provide information concerning procedures, programs and activities ... Performs related duties such as compiling data for use in reporting assigned unit activities ... Compose letters and review documents for completeness, content and compliance with regulatory and legal standards.

(Ex. 10.) The Administrative Assistant II is expected to:

Provide on-the-job training and orientation for employees ... Review, analyze and prepare reports concerning assigned unit activities ... Oversee and coordinate the activities of subordinates in connection with the preparation and maintenance of reports, records and documents.

(Ex. 10.) The work done by the Administrative Assistant II is reviewed,

by other employees of higher grade who provide instructions as required and procedural and policy guidance, assign work and review performance through conferences and reports for effectiveness and compliance with laws, rules and regulations.

(Ex. 10.) The knowledge and abilities of the Administrative Assistant II in the general classification series are the same as those set forth in Ms. Leighton's Form 30 job description. (Exs. 10, 11 & 12.)

8. Ms. Leighton has taken the time to become knowledgeable about her areas of work and the requirements imposed for her work by policies and procedures of MassDot-Highway Dept. The merger of Mass. Highway Dept. into MassDOT added complications to the payroll and utilities billings work. She took the initiative, particularly within the last few years, to improve the quality and effectiveness of the

work she performs. (Ex. 8. Testimony.) She classifies the specific work she has performed and new procedures she has developed as follows:

Supervise and train Administrative Assistant I ... manage and monitor payroll using HRCMS/PeopleSoft ... Developed and implemented an expenditure program and trained personnel ... Assist D.A.M. with encumbrances ... Manage and monitor payments through the MMARS system ... Monitor budget for utility accounts for over ten years ... Manage over 500+ utility accounts ... Developed and implemented training course for new timesheets ... Insurance coordinator ... for past 23 years ... Initiated coordinated and implemented a Health Plan outreach 12-week program for employees ... Maintain a great working relationship with employees creating an open door policy to assist all district employees.

(Ex. 9.)

9. In carrying out her daily work, Ms. Leighton comes in contact within District 3 and MassDOT with; Mr. Plante, all Division section heads, the Group Insurance Commission, MassDOT Human Resources office, and payroll persons in MassDOT. She also addresses issues with vendors including Verizon and various utility companies in order to reconcile different issues Division 3 has with the various cities and towns utilities billings matters. She breaks down the various areas in which she works with the following percentages: payroll at 20%; administrative-office work at 15%; utility budget matters at 30%; supervising Ms. Ventriglia at 25%; and the open enrollment-health insurance and benefits work at 10%. (Exs. 8 & 9. Testimony.)

10. In terms of the work Ms. Leighton does with payroll matters, on her own initiative, she created a timesheet for employees to fill in containing MassDOT codes to show what project the employee was working on to attribute the labor costs to the pertinent project's funding. She presented her new system to both Mr. Plante and to the Payroll Office at the Boston Headquarters of MassDOT for approval to use it, which she

received. She also produced a PowerPoint presentation for instructing how to address this new coding system and how to complete the new timesheets. Her PowerPoint presentation training for employees lasts about an hour, and she provides one or two of these trainings per year. She has already trained approximately 300 workers. (Exs. 3 & 8. Testimony.)

11. In terms of the utilities work, Ms. Leighton developed on her own initiative, an excel spreadsheet to attribute which billings were pertinent to which depots within District 3 to better monitor and track utilities expenses. This system allows for allocating funds into appropriate accounts of all the towns and municipalities when paying for utilities within District 3. It helps ensure accuracy of payments. (Ex. 8. Testimony.)

12. For both her payroll and utilities work, after Ms. Leighton has done her monitoring and tracking work, she does data entry work. She does this input using programs developed and put in place by the Boston Headquarters of MassDOT. (Testimony.)

13. In terms of the health insurance benefits coordinator work Ms. Leighton performs, the amount of time she gives to this work varies. When there are many new hires, sometimes as many as ten, she can be very busy with this work. Other times when there are no new hires, she does not spend all that much time on this work. She uses the package of information that is sent out by MassDOT, and she helps to ensure all forms are completed and properly answered. To understand what the forms and the package of information are presenting, she attends seminars, and keeps up to date on Group Insurance Commission and health care provider requirements and coverages.

(Testimony.)

14. When performing her work, Ms. Leighton routinely engages in troubleshooting or problem solving in each area of work. This can include making telephone calls and/or emailing. If she cannot resolve a matter she presents it to Mr. Plante. (Testimony.)

15. Mr. Plante is directly supervised by the head of the MassDOT-Highway Dept. He is helped in his work by a Program Coordinator III who works only for him and who does not supervise other employees. She posts new jobs, sets up District 3 trainings, and is the main person to deal with human resources matters and with MassDOT's Human Resources office. Another Administrator II in District 3 who is directly supervised by Mr. Plante addresses general office operations. She supervises a Storekeeper III who addresses inventory matters. There is an Accountant II position who directly supervises an Administrative I position, and covers accounting and budget matters. There is a Program Coordinator I who deals with payroll involving maintenance workers and does not have work that overlaps with Ms. Leighton's payroll work. (Ex. 14. Testimony.)

16. In November 2009 and in February and July 2010, Ms. Leighton's job performance as an Administrative Assistant II in District 3 was evaluated by Mr. Plante who gave her high ratings of "exceeds". She received the same high rating in her annual review. She was found to be overseeing the utilities billings portion of the budget with help from her assistant, an Administrative Assistant I, and was found to be addressing most of the inquiries received regarding payroll and health insurance matters. She was noted to be a dedicated employee who had exceeded her required work goals. (Ex. 13.)

17. During fiscal year 2010, District 3 had over \$500,000 in utility funds which had to be allocated into proper monitoring resources pursuant to MassDOT policies and procedures. Ms. Leighton had to work closely with Mr. Plante and with the Accountant II in District 3. In fiscal year 2011, all the funds became transferred to a particular account, and Ms. Leighton had to spend much time in conferences to understand and then implement new procedures. (Ex. 3.)

18. In December 2009, Ms. Leighton sought to re-classify her job from Administrative Assistant II to Program Coordinator III. At the time, she had two more steps to be able to reach in her job be at the maximum pay level of \$52,000. At the time, the maximum pay level for Program Coordinator III was \$70,000. She decided that the Program Coordinator III was the appropriate job classification for the work she was doing after discussing this matter with co-workers and others. She completed an Interview Guide to set forth her work information. (Exs. 7 & 8. Testimony.)

19. Ms. Leighton signed the Interview Guide on January 29, 2010. She asserted on the form that she was "working out of title." She claimed that she is now learning new jobs and taking on more responsibilities. She asserted that the overall purpose of her job with payroll, utilities billings and health insurance coordination "is to get answers and make things run smoothly." She noted that within the payroll area, that she solves issues involving "hour discrepancies, accumulated time issues, and deduction discrepancies." In the administrative office work she does she noted that she works daily with Mr. Plante "to discuss personnel, payroll and budget matters." In the utilities area, she noted that she has to "adhere to DOT's policies and procedures to stay within the budgetary guidelines," that she reconciles payments and balances in the utilities accounts

on accounting systems that include MMARS, Excel, and Project Info, and that she is an authorized user of these systems. She noted that she processes requests for payments on a monthly basis and allocates funds into the appropriate accounts, and that this is the area where she supervises the Administrative Assistant I. Examples of work with the Administrative Assistant I include helping "her on how to deal with discrepancies in regards to utility payments to towns and municipalities." Regarding the health insurance work she does, Ms. Leighton noted that each spring she works with open enrollment issues and has to be "up to date on changes through GIC and Health Providers." Within the Interview Guide form Ms. Leighton also set forth major issues she faces in carrying out her job and what she does to resolve the issues. She set forth the kind of equipment she uses: "P.C., telephone console, fax machine, typewriter, calculator, Xerox machine." She noted the current "shortage in Administration staff for the last four years," and that as a result she has "taken on many added responsibilities." She noted she has "constant interruptions throughout the day from employees in regards to payroll, insurance, timesheets, phone numbers, and garage pass." (Exs. 6 & 8. Testimony.)

20. The Form 30 job description for Program Coordinator III within MassDOT-Highway Dept. contains the following general statement of duties and responsibilities:

Incumbents of positions in this series 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.

(Ex. 16.) The qualifications for the position as listed in the Form 30 include:

Knowledge of the principles and practices of human resource management

including behavioral techniques, planning, forecasting, organizational development, etc. ... Knowledge of work simplification methods ... Knowledge of the methods used in the preparation of charts, graphs and tables ... Knowledge of the methods of general report writing ... Ability to understand, explain and apply the laws, rules, regulations, policies, procedures, etc. governing assigned unit activities ... Ability to analyze and determine the applicability of data, to draw conclusions and make appropriate recommendations ... Ability to gather information by examining records and documents and by questioning individuals ... Ability to assemble items of information in accordance with established procedures ... Ability to determine proper format and procedure for assembling items of information ... Ability to maintain accurate records ... Ability to write concisely, to express thoughts clearly and to develop ideas in logical sequence ... Knowledge of the principles, practices and techniques of supervision ... Ability to coordinate the efforts of others in accomplishing assigned work objectives.

(Ex. 16.) Skills acquired on the job include in the Form 30:

Knowledge of the laws, rules and regulations governing the state personnel system ... Knowledge of the state budgetary procedures relating to positions, salaries and personnel services ... Knowledge of the laws, rules, policies and procedures governing Federal Grant Administration.

(Ex. 16.)

21. The general statement of duties in the Form 30 for Program Coordinator III within MassDOT-Highway Dept. is the same as the summary of duties found in the 1987 state-wide classification specification for the Program Coordinator series from level I through III. Although the examples of duties common to all Program Coordinators is very similar to the examples of duties common to all Administrative Assistants in the state classification specification series, the Program Coordinators add the duty of coordinating unit activities, make recommendations to change procedures in place, devise new methods to accomplish program objectives, provide technical assistance and advise to agency personnel, attend meetings and conferences, maintain records and prepare reports regarding unit activities. (Exs. 10, 12, 15 & 16.) The Program Coordinator III

also performs duties not found in the Administrative Assistant series:

Develop and implement standards to be used in program monitoring and/or evaluation ... Oversee and monitor activities of the assigned unit ... Confer with management staff and others in order to provide information concerning program implementation, evaluation and monitoring , and to define the purpose and scope of proposed programs.

(Ex. 15.) The qualifications for all Program Coordinators mirrors the qualifications in the Form 30 Program Coordinator III job description. The qualifications for Program Coordinators are similar to the qualifications for Administrative Assistants although they encompass more human resources information and encompass: "Knowledge of state accounting and budgetary procedures including terminology." (Exs. 10, 12, 15 & 16.)

22. As a result of a review of Ms. Leighton's request, the MassDOT Human Resources Director provided a recommendation to Ms. Leighton by correspondence of March 5, 2010. Her classification request for Program Coordinator III was denied. Ms. Smith reviewed not only the statewide Program Coordinator classification specifications, but also the Accountant and Business Management Specialist classification specifications. Ms. Leighton was provided with her rights to appeal the denial. (Ex. 5. Testimony.) The following reasons were given:

Based on the review of all information submitted by you, a review of your most recent EPRS Form and Form 30, management notes, job specification for the ...[Program Coordinator III] title, the title of Administrative Assistant II duties and responsibilities appropriately describe what you perform on a daily basis. Duties common to this level include: Monitors assigned unit activities to ensure effective operations and compliance with established standards; Confers with agency staff in order to exchange information to coordinate efforts and to obtain information concerning agency programs and activities; Reviews and analyzes data concerning assigned unit activities, provide information to supervisors; Prepares reports concerning assigned unit activities in order to furnish required information; Respond to inquiries in order to provide

information concerning unit activities; Provide on-the-job training and orientation for employees; Review analyze and prepare reports concerning assigned unit activities; Oversee and coordinate the activities of subordinates in connection with the preparation and maintenance of reports, records and documents; and performs related work as required.

(Ex. 5.)

23. Ms. Leighton provided a rebuttal to the reasons given for denying her request. On April 20, 2010, the decision was affirmed by the MassDOT Human Resources Director. She was given her rights to a further appeal to the Commonwealth's Human Resources Division. (Ex. 4.)

24. By letter of June 11, 2010, Ms. Leighton provided a statement in support of her claim to the Commonwealth's Human Resources Division. For the first time, Ms. Leighton raised the job of Accountant V as a classification for her current work. She did not mention Program Coordinator III. She stated that part of her daily work is to "assist" Mr. Plante "in all aspects of the day-to-day operations of District 3 Administration," and that he "relies heavily on my efficient abilities, effective problem solving skills, and my willingness to assist with any task." She noted her "numerous trainings on payroll, budget, health insurance and administrative issues," and that with this knowledge she "was able to educate and train other staff ... and become an effective liaison between our district and Boston." Ms. Leighton did not address how her work fits the job description information for an Accountant V. (Ex. 3.)

25. By letter of August 26, 2010, the Commonwealth's Human Resources Division denied Ms. Leighton's request for being changed from Administrative Assistant II to Program Coordinator III. The reason given was: "After reviewing the appeal documentation, we find the classification of Administrative Assistant II covers the duties

being performed.” The letter contained Ms. Leighton’s rights to appeal to the Civil Service Commission. (Ex. 2.)

26. Ms. Leighton timely appealed to the Civil Service Commission by letter and completed form of September 20, 2010. (Ex. 1.)

Conclusion and Recommendation

Ms. Leighton has shown that she is an outstanding worker and that her superiors recognize her important contributions to the work of District 3. She presented herself at the hearing as a committed and effective professional who is proud of her accomplishments. However, being capable of working in a higher classified position, or being worthy of a promotion are not the standards to employ in a M.G.L. c. 30, § 49 appeal that determines whether you are working the duties of a position other than the one you are in. What has to be proven is that the specific duties of a Program Coordinator III are being routinely performed by Ms. Leighton 51% of the time so that she is improperly classified as an Administrative Assistant II. *See, Kurt v. Massachusetts Highway Dept.*, C-09-428 (CSC, 2010); *Wilson v. University of Massachusetts at Amherst*, C-08-287 (CSC, 2010); *Costa v. Dept. of Revenue*, C-07-285 (CSC, 2008); *Goodridge v. Dept. of Revenue*, C-07-186 (CSC, 2008); and, *Gaffey v. Dept. of Revenue*, C-07-137 (CSC, 2008).

Ms. Leighton has shown that her current job classification of Administrative Assistant II and her current Form 30 job description do not show she was required to engage in the level of initiative in all her duties that she has undertaken over the last few years. The work in question involves tasks she undertook on her own initiative that resulted in improvements that her direct supervisor and employer were very pleased to

implement. She implemented use of a coding system for the timesheets to allow for attributing an employee's work to particular projects and funding sources. She formatted an excel spreadsheet to monitor and track effectively the various vendor utilities billings so funding to pay each invoice could be attributed to the pertinent town or municipality. To do these improvements in monitoring and tracking of costs, Ms. Leighton relied on her well-honed knowledge of the work of District 3. She also had to consult with District 3 budget personnel and with Boston headquarters personnel in addition to Mr. Plante. She had to receive permission to accomplish these projects. The end result is that she has improved her work product covering accurate timesheets for her payroll work, and she has ensured that utilities billings are addressed and tracked with less troubleshooting required to make the data entries for utilities billings more efficient. She was not directed as part of her Administrative Assistant II work to devise and coordinate with established data systems either of these new methods of monitoring and tracking.

Ms. Leighton's job performance review shows that she was exceeding job expectations. This rating is consistent with her successes in developing and implementing these payroll and utilities billings projects, and with her willingness to help out with troubleshooting to resolve various matters as needed by Mr. Plante. Payroll and utilities billings encompass the bulk of her work. Volunteering to help as needed even beyond her required duties is within her administration work which overall is about 15% of her routine work. She also exceeded job expectations in carrying out her work as health insurance benefits coordinator for District 3 workers through her ongoing review of new materials, attending meetings on new procedures, and keeping current with Group Insurance Commission and various health care provider developments. She received

high ratings in her performance evaluation for her work as health care coordinator, which is about 10% of her routine work.

The Form 30's and statewide classification specifications for Administrative Assistant II and for Program Coordinator III contain much overlapping information. This was recognized in the case of *LeFabvre v. Dept. Early Education and Care*, C-08-240 (Stein, Commissioner) (2009).¹ The key difference appears to be that the Program Coordinator III engages in devising, coordinating and implementing new systems as well as offering technical support to agency personnel, whereas the Administrative Assistant II performs an administrative function and monitors, compiles, reviews and analyzes data involving her assigned work. What Ms. Leighton devised, coordinated with MassDOT data collection systems, and implemented for her payroll work and for her utilities billings work reflects work that went beyond what was required by an Administrative Assistant II. This work more closely resembles Program Coordinator III work. It was done well and was accepted by her superiors even if it was not work she was required to do. Ms. Leighton would seem highly qualified to undertake the work of a Program Coordinator III at MassDOT-Highway Dept. The problem is that doing this extra and not required work is what she relies upon to support her claim, and the record does not show Ms. Leighton has been assigned as a regular and major duty to do ongoing Program Coordinator III work. Instead, she has largely returned to engaging in Administrative

¹ Ms. LeFabvre sought reclassification from Administrative Assistant II to Program Coordinator II. She worked in a regional office with about 15-20 FTEs, and her direct supervisor was the head of the regional office. She supervised one clerical worker and one administrative staff person. An analysis of her work contrasted against the work of Program Coordinator positions in her office showed she was entitled to the classification of Program Coordinator I. Commissioner Stein noted that the two statewide classification specifications for Program Coordinator and for Administrative Assistant share many common work features.

Assistant II work as to her major work areas, albeit using the improved monitoring and tracking systems.

The job descriptions found in the Program Coordinator statewide classification specifications and in the Program Coordinator III Form 30 include duties involving human resources knowledge and abilities. Some of the same information regarding knowledge of human resources is not found in the Form 30 and statewide classification specification for Administrative Assistant II, although not to the same extent. Mr. Plante's testimony bolstered this point when he described the Program Coordinator III who works directly for him as engaging in much human resources work for District 3, including as a liaison with the MassDOT's Human Resources office. As health care coordinator, Ms. Leighton is performing a human resources function as she counsels new hires and troubleshoots their questions to secure answers. But, it is only 10% of her routine work by her own admission within the Interview Guide, even if it is Program Coordinator human resources work. To give on-the-job training is part of Ms. Leighton's expected duties, but if she had not devised and implemented the new payroll timesheets, she would not be the person providing the District wide training on use of the revised form using a PowerPoint presentation and giving trainings to so many employees. The evidence shows that she provides this training once or twice a year. The ongoing training sessions may best be viewed as Program Coordinator III work as it is not really on-the-job training an Administrative Assistant II provides, but it is provided only once or twice a year for one hour at a time. Even combining all the current tasks that involve Program Coordinator functions, Ms. Leighton is still not primarily or 51% of her time, performing the work of a Program Coordinator III.

Mr. Plante explained the breakdown of work areas within District 3. Ms. Leighton's work areas primarily involve doing the work of payroll and utilities billings. Another Administrative Assistant II in District 3 does overall office management duties, including supervising a Storekeeper position that involves inventory work. There is an Accountant II responsible for budget matters. A Program Coordinator III works directly and only for Mr. Plante, and has no support staff to supervise directly. She engages in much human resources work, including the postings of new jobs and coordinating with MassDOT's Human Resources office on human resources issues. There is one other worker, a Program Coordinator I, who addresses District 3's payroll work involving maintenance expenses; work that does not overlap with Ms. Leighton's payroll work. This Program Coordinator I does not supervise anyone directly and reports to Mr. Plante.

The record shows that Ms. Leighton's monitoring and tracking work became more complicated when the Mass. Highway Dept. merged into MassDOT. As a result she developed new methods for timesheets with accompanying trainings of employees in its use, set up excel spreadsheets to better monitor and track utilities billings across towns and municipalities, and undertook extra work and trainings to keep up to date in the latest information regarding health insurance benefits. Perhaps if she had not taken on this extra work on her own initiative, Mr. Plante might have had to accomplish what she did through some other worker such as the Program Coordinator III who works for him. If, on the other hand, Mr. Plante and his superiors had ordered Ms. Leighton to devise and implement these improvements then her case of working out of her job classification might be stronger, at least as to the time period she focused on the new systems she developed. Agreeing to let Ms. Leighton pursue her proposal for

improvements is not the same as her superiors finding such work to be required Administrative Assistant II work. But, even if she had been ordered to do the improvements projects, that work is now over and the new systems are implemented. To carry out the work using them remains Administrative Assistant II work and not Program Coordinator III work. The record shows the work she undertakes now on a daily basis for a majority of her time is Administrative Assistant II work.

I conclude, Ms. Leighton is not entitled to a Program Coordinator III classification for her ongoing work. And, her use of these new systems has not been proven to have altered her work into that of an Accountant V as she argued after she raised her initial request for reclassification. No evidence was presented by Ms. Leighton as to why that job classification is pertinent to her ongoing work. Nevertheless, Ms. Smith did review the Accountant and Business Management Specialist statewide classification specifications in connection with her review of Ms. Leighton's claim, and did not conclude her work fit within these classifications. Therefore, I recommend that the Civil Service Commission dismiss Ms. Leighton's request for reclassification.

**DIVISION OF ADMINISTRATIVE
LAW APPEALS**

Sarah H. Luick

Sarah H. Luick, Esq.
Administrative Magistrate

Dated:

FEB 23 2011