

COMMONWEALTH OF MASSACHUSETTS

CIVIL SERVICE COMMISSION

100 Cambridge Street, Suite 200

Boston, MA 02114

(617) 979-1900

LISA G. MAGNO,

Appellant

v.

C-23-093

DEPARTMENT OF REVENUE,

Respondent

Appearance for Appellant:

Pro Se

Lisa G. Magno

Appearance for Respondent:

Amanda Rigal, Esq.

Joshua J. Prada, Esq.

Department of Revenue

P.O. Box 7093

Boston, MA 02204

Commissioner:

Christopher C. Bowman

SUMMARY OF DECISION

The Civil Service Commission denied the Appellant's appeal to be reclassified to Tax Examiner IV (TE IV) as she failed to show that she performed the level- distinguishing duties of a TE IV more than 50% of the time.

DECISION

On July 13, 2023, the Civil Service Commission (Commission) received an appeal from the Appellant, Lisa G. Magno (Appellant), pursuant to G.L. c. 30, § 49, contesting the decision of the state's Human Resources Division (HRD), in which HRD affirmed the denial by the Department of Revenue (DOR) of her request to be reclassified to Tax Examiner IV (TE IV). I

held a remote pre-hearing conference on August 22, 2023, and an in-person full hearing at the offices of the Commission on November 8, 2023.¹ The hearing was recorded via Webex, and both parties were provided with a link to the recording of the hearing.² The Commission also retained a copy of the hearing recording. For the reasons stated herein, the appeal is denied.

FINDINGS OF FACT:

Twenty-three Appellant Exhibits (App. Exs. 1-23) and twenty-five Respondent Exhibits (Resp. Exs. 1 – 25) were proposed by the parties. DOR objected to Appellant Exhibits 7, 18 and 23 based on reliability and hearsay objections. While noting the objections for the record, I entered all of the exhibits into evidence with the exception of Appellant Exhibit 23, which appears to be a partial copy of a TE IV posting with commentary from the Appellant. That exhibit is marked for identification only. To address an issue related to whether the appeal was timely filed, I asked the Appellant to submit a copy of the canceled check that was submitted as a filing fee. That document was received and marked as Appellant Post Hearing Exhibit 1. Based on these exhibits and the testimony of the following witnesses:

Called by DOR:

- Geralyn Page, HR Business Partner, Human Resources Bureau, DOR;
- Samantha Perella, Director, Audit Income Tax Bureau; DOR (Appellant’s former supervisor);
- Patrick Shirley, Bureau Chief, Personal Income Tax Bureau;

¹ 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.

² 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 the substantial evidence, arbitrary and capricious, or an abuse of discretion. In conjunction with the preparation of this decision, the Commission has caused a written transcript of this hearing to be prepared.

Called by the Appellant:

- Lisa Magno, Appellant

and taking administrative notice of all pleadings filed in the case, and pertinent rules, statutes, regulations, case law and policies; and drawing reasonable inferences from the credible evidence; a preponderance of credible evidence establishes the following facts:

Appellant's Background

1. The Appellant has been employed by DOR for 30 years. (Stipulated Fact) She began working for the Commonwealth in 1993 at the Department of Revenue's Child Support Enforcement (DOR/CSE) Division, serving in various administrative roles (typist, administrative assistant, assistant register) through 2000. (Testimony of Appellant and Resp. Ex. 9)
2. In 2000, the Appellant moved to the "tax side" of DOR and was promoted to Management Analyst II (MA II) sometime in 2001. Over the years as an MA II at DOR, the Appellant worked in various units including: Quality Control; Budget; Audit; and Executive Audit. (Resp. Ex. 9 and Testimony of Appellant)
3. Since 2008, the Appellant has worked in the Audit Division / Income Tax and Fraud Review at DOR. (Resp. Ex. 9)
4. The Appellant was a recipient of the prestigious Manuel Carballo Award in 2013. (Resp. Ex. 9) She has taken advantage of many training opportunities over the years, including participation with other colleagues in a leadership program that required attendance one day per week over a period of months. (Testimony of Appellant)

5. The Appellant generally receives a rating of “meets” on her annual performance evaluations.
(Testimony of Perella)

Reclassification Request Procedural Background

6. On February 4, 2022, the Appellant filed a request for reclassification, seeking to be reclassified from the title of Management Analyst II (MA II) to TE IV. (Stipulated Fact; Resp. Ex. 1)
7. On December 8, 2022, DOR notified the Appellant that her request for reclassification to TE IV was denied, but that she was being reclassified to the title of TE III, which is a higher paygrade than MA II. (Stipulated Fact; Resp. Ex. 6)
8. The Appellant subsequently filed an appeal of DOR’s decision with HRD. HRD denied that appeal on May 23, 2023. (Stipulated Fact)

Timeliness Issue

9. The standard rules of practice and procedure, which the Commission operates under, state in part:

Any Person with the right to initiate an Adjudicatory Proceeding may file a notice of claim for an Adjudicatory Proceeding with the Agency within the time prescribed by statute or Agency rule. In the absence of a prescribed time, the notice of claim must be filed within 30 days from the date that the Agency notice of action is sent to a Party.

801 CMR 1.01(6)(b)

10. Since the Appellant received her denial from HRD on May 23, 2023, she had until June 22, 2023 to file a timely appeal with the Commission. (Uncontested Fact)

11. Appeals filed by mail³ with the Commission are "deemed filed on the date contained in the U.S. postal cancellation stamp or U.S. postmark, and not the date contained on a postal meter stamp." 801 CMR 1.01(4)(b)
12. The Commission received the Appellant's appeal via mail on July 13, 2023, beyond the 30-day filing deadline. The envelope containing the form had a postage stamp affixed to it, but no postmark or cancellation stamp. The Appellant input "6/12/23" next to the signature line of the appeal form in the field with the heading "today's date". (Uncontested Facts)
13. The check that the Appellant submitted for her filing fee was also dated June 13, 2023. (Appellant Post Hearing Ex. 1)
14. Prior to commencing the full hearing on the Appellant's appeal, I addressed the issue of timeliness. I took testimony from the Appellant regarding when she placed the envelope with the appeal form in the mail. Based on her credible testimony, the date on the appeal form that she submitted, along with the date on the check used for the filing fee, I find that the Appellant placed the envelope in a postal box outside of her office in Chelsea on June 13, 2023, but the envelope was not received by the Commission for some unknown reason until July 13, 2023. Put another way, but for oversight(s) by the postal service, the envelope should have had a postmark date of June 13, 2023 (the day it was placed in the mail box) or shortly thereafter, which is within the 30-day filing deadline, making this a timely appeal.

Job Specifications

15. Classification Specifications are established, administered and kept current by HRD. In 1987, HRD approved Classification Specifications (the 1987 Specifications) for the Tax

³ Since January 2023, Appellants have had the option of filing their appeal and filing fee with the Commission online. The Appellant opted to send her appeal via mail, which remains an option.

Examiner series, which includes several duties common to all levels in the series. (Resp. Ex. 18)

16. The duties common to all levels in the Tax Examiner series are as follows:

- Review tax returns for accuracy and for proper computation of tax; contacts taxpayers by phone or in writing in order to inform them of discrepancies and obtain payment of delinquent taxes; gathers information necessary to verify accuracy of information reported on tax forms; and recommends action to be taken in unresolved cases.
- Review tax records to insure compliance with applicable laws, rules, and regulations and to determine and recommend the extend of the audit to be completed.
- Audit corporations and business establishments according to agency procedures and accepted accounting practice; determines tax liability; and prepares reports on findings.
- Evaluate applications for abatements of taxes, and determines new assessments based on information provided by applicants and information obtained through on-site visits and review of tax records.
- Provide technical assistance by answering questions and explaining state and federal tax laws, rules, regulations, guidelines and procedures.
- Analyze financial reports, transactions, bank statements, accounts, or ledgers in order to determine the accuracy of audits conducted by state, federal and private auditors [sic].
- Confer with state, federal and private auditors to provide advice on state tax laws and assistance in interpreting financial information during and after their audits.
- Perform related duties such as preparing notices of intent to assess; researching companies for proper registration as corporations; and attending meetings to exchange information. (Resp. Ex. 18)

17. In addition to the common duties, the 1987 Specifications distinguish between the titles within the series by several factors. The Tax Examiner II is distinguishable from the Tax Examiner I because incumbents provide on-the-job training and orientation to employees. Under the 1987 Specifications, the TE III is distinguishable from the TE II because

incumbents review audit activities including audit reports for content, accuracy and completeness. (Resp. Ex. 18)

18. In or around 2001, DOR worked with HRD in an agency-wide reclassification effort known as the “Tax Administration Classification Project,” which included the Tax Examiner series, and resulted in additional level-distinguishing duties (LDDs) for the Tax Examiner series, which vary by division within the Department. (Resp. Exs. 19 & 20.)

19. In 2017, the LDDs were updated again at the request of DOR and with the approval of HRD. (Resp. Ex. 21 & 22)

20. According to the current LDDs, the Tax Examiner III (the title now held by the Appellant) is distinguishable from the Tax Examiner II because TE IIIs perform the following functions:

- Review audit activities including audit reports for content, accuracy and completeness.
- Back-up Supervisor with functional supervision of other employees or personnel during a specific task or review and/or approval of the work of other Tax Examiners.
- Specialized and unique duties, leader of field team assigned to trade shows, and “uncollectable at this time” cases.
- Examiner in charge of conducting Small Business Workshops.
- Develop and provide outreach sessions, lectures and written materials to educate taxpayers, practitioners and community organizations.
- Work with DOR staff and vendors to test and implement Web and IVR applications and interactive worksheets.
- Review the accuracy of scripts and forms, making recommendations for change as needed.
- Complete more complex, large dollar amount problem and review sets.
- Conduct specialized, complex desk audits that involve multiple audit issues. (Resp. Ex. 21)

21. According to the current LDDs, the Tax Examiner IV (the title the Appellant is seeking) is distinguishable from the Tax Examiner III because incumbents perform the following functions:

- Confer with agency personnel, complainants and others to obtain data and/or supportive documentation for use in making recommendations for appropriate action and preparing required reports.
- Review caseloads and monitor progress of audits in order to determine resource requirements and to schedule audits.
- Provide information to subordinates concerning changes in fiscal or auditing policies and procedures, etc.
- Conduct technical reviews of completed cases/divisional operations and conducts quality assurance reviews through case sampling.
- Assess training needs and design curriculum for on-the-job and formal training sessions and presents formal training sessions on tax law and DOR policies/procedures.
- Review new/proposed legislation and regulations and/or Public Written Statements to assess impact on operations and makes recommendations for implementation.
- Participate in agency wide committees to develop forms and new programs.
- First level Supervisor of a work unit, charged with oversight of a single customer service function.
- Perform some field audits by examining books and records, but less than 50% of the time.
- Coordinate the scheduling, execution and disposition of asset seizures. (Resp. Ex. 21)

Testimony regarding the Appellant's job duties and responsibilities

22. The Appellant's job duties are centered around conducting audits and preventing fraud.

23. The Appellant has no formal or functional supervisory responsibilities in her current position.

(Resp. Ex. 3) She provides on-the-job training for new employees. (Testimony of Page, Perella and Shirley)

24. The Appellant does serve as a back-up supervisor. (Testimony of Appellant, Page and Pererra)
25. The two employees in the Income Tax Audit Bureau who are classified as TE IVs provide supervision to “seasonal” employees, who are TE Is that often-become permanent TE IIs. (Testimony of Shirley)
26. These two TE IVs are considered “co-administrators” and have special clearance to various taxpayer data to perform these co-administrator functions. The Appellant is not a co-administrator and does not share the same access as these TE IVs. (Testimony of Appellant)
27. The Appellant was assigned to assist the DOR Advisory Council (DORAC), a group of internal and external stakeholders with a ten-month project to make the senior circuit breaker tax credit program less burdensome for seniors to navigate without comprising the integrity of the program. (Testimony of Shirley)
28. The Appellant was selected for this assignment by senior management as they believed it would be a good opportunity for the Appellant to apply the skills acquired from the leadership training program that she completed. (Testimony of Shirley)
29. The Appellant met with Personal Income Tax Bureau Chief Patrick Shirley and Audit Division Deputy Commissioner Stephen Moffatt for an hour or so each week or every other week regarding this project. (Testimony of Shirley)
30. The Appellant was tasked with obtaining data from various DOR units regarding the program and using that data to make recommendations to DORAC to meet the project’s goals. The Appellant gathered and provided the data requested, but had to be prodded to make data-driven recommendations. Rather, Shirley and Moffatt ultimately made the recommendations

and shared them with the Appellant. Also, she did not submit any formal reports to DORAC.
(Testimony of Shirley)

31. The Appellant did assist with developing a more user-friendly form that seniors use to claim this tax credit. (Testimony of Appellant)

32. The Appellant spent up to 15% of her time each week over a 10-month period working on this project. (Testimony of Shirley and Pererra)⁴

33. The Appellant does not manage the audit case load of other workers. Rather, she manages her own case load. (Testimony of Appellant)

Appellant's Interview Guide and Interview

34. Employees seeking reclassification are required to complete and submit an "Interview Guide" and participate in an interview in order to identify their current job duties along with an estimate breakdown of time spent on each duty. (Resp. Ex. 2)

35. As part of an interview on June 14, 2022 with Ms. Page, the Appellant provided the following breakdown related to her job duties and the time spent on each duty:

- DORAC project manager 50%
- Fraud subject matter expert for GeniSys V.12, E2E and YEC. 5%
- Worked with GeniSys developers to enhance HTML of MassTax Connect 1%
- Re-wrote and designed the PIN letter 1%

⁴ The Appellant argued, both to DOR and the Commission, that she spent 50% of her time working on this 10-month project. I was unable to find anything in the record that would support that estimate. Rather, a year-to-year comparison of work "items" completed by the Appellant, which showed only a modest decrease, tends to support the testimony of her former supervisor and the bureau chief that the time spent on this project was closer to 10-15% each week. While I credit the Appellant's testimony that she worked hard to manage her time to keep up a normal pace of completed work items, I conclude that the 50% estimate is inflated, and a more accurate estimate is up to 15% of time each week.

- Rewrote CBC and Notice of Credit Determination letters 1%
- Provided one on one training 2%
- Audits 20%
- Phones 20%

(Resp. Ex. 3)

Appellant's Rebuttal to DOR's Initial Determination

36. As part of her "rebuttal" to DOR's initial decision denying the Appellant's request for a TE IV classification, she provided the following responses, corresponding to each of the LDDs associated with a TE IV:

- **Confer with agency personnel, complainants and others to obtain data and/or supportive documentation for use in making recommendations for appropriate action and preparing required reports.**

The DORAC CBC project had me conferring with agency staff from Litigation, the letters committee, PRO, the Taxpayer advocate, the GeniSys testing group, and the GeniSys developers on a daily basis[,] working on crunching numbers on case data from prior years, streamlining Pre -Review CBC letters and developing easier ways to extract data from our warehouse and resources in order to develop and streamline new letters (that are now in production) and are more cost effective for the DOR business plan and less demanding on our senior taxpayers. This was a huge undertaking that turned into the development of one of the largest SQRs in Fraud history. I have also attached a document named writing sample explaining this project to my coworkers for your review.

- **Review caseloads and monitor progress of audits in order to determine resource requirements and to schedule audits.**

I work and manage multiple queues on a daily basis and currently I am also working multiple queues from the Customer Service group (who is not Fraud). I have a "My Work" section where I monitor the progress of my caseload and audits to justify if my cases are audit worthy based on deadlines, SOL dates and the information taxpayers provided or failed to provide.

- **Provide information to subordinates concerning changes in fiscal or auditing policies and procedures, etc.**

I don't have subordinates because I don't have a title that allows me to approve another staff members time sheet or sign off on another employees EPRS review. This is more of a technicality. However, I am a great resource to many of my co-workers and do provide them with work related guidance and mentoring on work procedure when dealing with daily caseloads, and extended explanation on procedures concerning credit procedures and updates. Supervisors constantly send

their staff to me for help with specific credits. I am a “Go To” person within my unit. Not having the title to supervise should not disqualify me from being reclassified when I have been making daily contributions of extending my knowledge and explaining/simplifying procedures to this unit over the past 14 years.

- **Conducts technical reviews of completed cases/divisional operations and conducts quality assurance reviews through case sampling.**

This is another instance of a technicality. I am unable to sample another employee’s work because I don’t have a supervisor title and the access isn’t permitted. However, coworkers do come to me quite often requesting I check on some cases that they are having difficulty working on prior to their work being sent for supervisor approval.

- **Assesses training needs and designs curriculum for on-the-job and formal training sessions and presents formal training sessions on tax law and DOR policies/procedures.**

The role currently asked requires me to be a constant resource of training for seasonal, new personnel and existing personnel, some of which carry a TE4 or higher classification.

- **Reviews new/proposed legislation and regulations and/or Public Written Statements to assess impact on operations and makes recommendations for implementation; Participates in agency wide committees to develop forms and new programs.**

There have been many updates to public letters by my direct and indirect action. Updating the Circuit breaker workflow, documentation and letters was a 10-month project. It would be expected for me to update this as part of internal workflow or communications to the constituents in the future. This would be just one example, but I have made suggestions or direct adjustments and updates to the constituents’ letters since 2008.

The 10- month Circuit Breaker Project I am referring to was part of the agency wide DOR Advisory Council project where everyone on this project made a six- figure salary. I was the only underpaid person on this project. There were no other MAII or TE III on this project. How does the DOR justify this and how do they plan to compensate me for this? You may want to review the Excel chart about this project showing project member/titles which I attached in my initial reclassification submission.

- **First level Supervisor of a work unit, charged with oversight of a single customer service function.**

This is yet another technicality I cannot be a supervisor if I do not have that access. I have however called many taxpayers back at the request of co- workers who couldn’t handle certain phone situations regarding specific problems within their cases.

- **Performs some field audits by examining books and records, but less than 50% of time.**

This does not apply as there no TE IV’s or TE Vs within this unit that do field audits.

- **Coordinates the scheduling, execution and disposition of asset seizures**

This does not apply as there no TE IV's or TE Vs within this unit that do field audits.

In closing I would like to add that I am producing more work and answering more phone calls than any of the TE IIIs within the unit. This has been going on for quite some time. In addition to my job, I am also involved in projects like the DORAC project, the Employee Empowerment Project and have completed the Emerging Leadership Program. I am the former Chairperson of the Leadership Alliance Council. I have enrolled in every training possible that allows with my schedule and am always being asked for my expertise and knowledge regarding case work, specific credits and my ideas on combatting fraud by testers, other units (PRO, CSB, TXPR ADV) and co-workers. I have been involved with GeniSys year-end testing, security testing, system upgrade testing and HTML issues for MTC. There is no other TE III that has done this. I have worked on many things within my 14 years in Fraud, more than some of the TE IVs and TE Vs within the unit and I don't feel that a reclassification to a TE-IV should be a far reach for me.

I have been asked to do things that are out of a TE II or TE III job description (projects, testing etc.), and it is presumed I am being asked to perform these functions under the penalty of insubordination if I were to decline. If a clear statement of not having to perform these roles was made, then I would understand not meeting the documented requirements of TE4 but that is not the case. I find it very unfortunate that I have contributed so much of myself and my knowledge to this unit and was passed over for the TE IV opportunity within Fraud 2 times. I was told in the interview that although I do have the experience and I do, do the work, that didn't mean I was going to get the position.

Legal Standard

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 she is improperly classified. To do so, she must show that she performs the duties of the Tax Examiner IV 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).

Appellant's Argument

Relying heavily on the work performed as part of the DORAC-related special project regarding the senior circuit breaker tax credit program, the Appellant argues that she spends more than 50% of her time on four level-distinguishing duties that fall under the TE IV LDDs. Specifically, the Appellant argues that the DORAC project required her to perform the following TE IV LDDs:

- Conferring with agency personnel, complainants, and others to obtain data and/or supportive documentation for use in making recommendations for appropriate action and preparation of required reports.
- Reviewing new/proposed legislation and regulations and/or public written statements to assess impact on operations and make recommendations for implementation; participating in agency-wide committees to develop new forms and programs.

Further, the Appellant argues that by managing her own caseload, she meets the TE IV LDD of:

- Reviewing caseloads and monitoring progress of audits in order to determine resource requirements and to schedule audits.

Finally, the Appellant argues that she effectively helps train up to 80% of all new TE Is, thus meeting the TE IV LDD of:

- Assessing training needs and designing curriculum for the on-the-job and formal training sessions and presenting formal training sessions on tax law and DOR policies / procedures.

DOR's Argument

DOR argues that the Appellant performs none of the TE IV LDDs. While DOR concedes that some of the duties performed as part of the senior circuit breaker tax credit project may fall under the LDD related to data collection, they argue that work performed as part of a temporary, short-term project should not provide justification for a reclassification to a higher grade. Even if it should, DOR argues that the Appellant did not spend any more than 15% of her time on that project over a ten-month period.

According to DOR, they did consider the work performed during that project in reaching their conclusion that the Appellant's job duties are arguably more "complex" than those performed by a TE II (which Bureau Chief Shirley does not concur with, believing that the Appellant's duties are more in line with a TE II).

Analysis

Ms. Magno's service at DOR spans more than 30 years in various positions in both the child support and tax divisions. Her ongoing passion and commitment to her work were palpable at the hearing before the Commission, where she acquitted herself well as a pro se litigant. She has received various commendations, attended numerous training sessions, and participated in a leadership program that is meant to assist with career ladder opportunities.

Ms. Magno candidly acknowledges that she is frustrated with being non-selected for TE IV promotional opportunities, including a recent non-selection that she has appealed through the grievance and arbitration process. Those non-selections are not before the Commission. Rather,

the limited issue before the Commission is whether the Appellant performs the level-distinguishing duties of a TE IV more than 50% of the time. A preponderance of the evidence shows that she does not.

First, while I have concluded that the data collection duties that the Appellant performed on the senior circuit breaker tax credit project do indeed fall under one of the TE IV LDDs, that work was temporary, with a finite start and end date and those duties were not performed more than 50% of the time. The Commission has previously decided that such temporary duties cannot typically be used to justify an upward reclassification. (See Dell'Anno v. DOR / CSE, 33 MCSR 8 (2020) (Work performed by the Appellant outside of grade was temporary and fell short of the time needed to merit an upward reclassification)).

Even if such temporary duties could be considered to justify a reclassification, the record does not support the Appellant's claim that she spent 50% of her time over a ten-month period working on this project. For the reasons cited in the findings, that work likely occupied no more than 15% of the Appellant's work week.

The preponderance of the evidence does not support the Appellant's argument that her duties fall under three other TE IV LDDs. The LDD related to managing caseloads simply does not, as argued by the Appellant, refer to managing your own caseload, but rather, assigning work to other subordinates, something the Appellant does not do. Also, the Appellant's willingness to provide on-the-job training to new employees is not the type of formal training envisioned by the TE IV LDDs and falls squarely under the job duties required of all tax examiners, including those in lower titles such as TE II. Finally, the Appellant, based on her own testimony, did not produce reports and/or make the type of recommendations consistent with a TE IV as part of the circuit breaker project, even if those duties could be considered here.

This is not the outcome the Appellant wanted and will likely add to her frustration regarding what she considers to be a lack of recognition and slights related to her non-selection for promotional appointments. To the extent that it is relevant to this appeal, it is worth noting that DOR, as part of what they considered a “close call” did indeed upgrade the Appellant’s title to TE III and did indeed involve her in a mission-critical project after she completed the leadership certificate program, neither of which suggest that DOR is not appreciative of the Appellant’s dedication and commitment.

Conclusion

For all of the above reasons, the Appellant’s appeal for a reclassification under Docket No. C-23-093 is hereby *denied*.

Civil Service Commission

/s/ Christopher C. Bowman
Christopher C. Bowman
Chair

By a vote of the Civil Service Commission (Bowman, Chair; Dooley, McConney, Stein and Tivnan, Commissioners) on November 16, 2023.

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)(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 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:

Lisa Magno (Appellant)

Amanda Rigal, Esq. (for Respondent)

Joshua Prada, Esq. (for Respondent)