

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

CIVIL SERVICE COMMISSION

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

FLORENCE MALLOY,
JUVENALIA CADOICO,
LEONARD GOLLIS,
Appellants

v.

C-06-23
C-06-24
C-06-25

EXECUTIVE OFFICE OF HEALTH
AND HUMAN SERVICES,
Respondent

Appellants' Attorney:

Pro Se
Florence Malloy

[REDACTED]

Pro Se
Leonard Gollis

[REDACTED]

Pro Se
Juvenalia Cadoico

[REDACTED]

Respondent's Attorney:

Rhett Cavicchi
Labor Relations Specialist
EOHHS-Children, Youth & Families
600 Washington Street
Boston, MA 02111

Commissioner:

Christopher C. Bowman

DECISION

Pursuant to the provisions of G.L. c. 30, s. 49, the Appellants, Florence Malloy, Leonard Gollis and Juvenalia Cadoico (hereafter “Appellants”), are appealing the decision of the Human Resources Division (“HRD”) denying their request for reclassification from the position of Benefits Eligibility and Referral Social Worker C (“BERS C”) to the position of Benefits Eligibility and Referral Social Worker D (“BERS D”) (Exhibits 7A, 7B and 7C). The appeal was timely filed and a hearing was held on February 27, 2007 at the offices of the Civil Service Commission. One tape was made of the hearing.

FINDINGS OF FACT:

Sixteen (16) exhibits were entered into evidence at the hearing. Based on the documents submitted into evidence and the testimony of:

For the Appointing Authority:

- Paul Meringolo, Director, Taunton MassHealth Enrollment Center;
- Joan Bishop-Fallon, Director, Employment and Staffing, EOHHS-Children, Youth and Families;

For the Appellants:

- Appellant Florence Malloy;
- Appellant Leonard Gollis;
- Appellant Juvenalia Cadoico (did not testify but submitted an affidavit in lieu of testimony);

I make the following findings of fact:

1. The Appellants are employed in the functional title of Mixed Function Supervisors by Mass Health at the Taunton MassHealth Enrollment Center (“MEC”). The Appellants

have been employed in their current capacities since December 2001 and are at pay Grade 20. (Exhibit 1)

2. For civil service purposes, the Appellants are classified in the title of Benefits Eligibility and Referral Social Workers at the C level (“BERS Cs”). A “General Statement of Duties and Responsibilities” for this position includes: assisting Team Managers in the supervision of Central Processing Unit (“CPU”) teams including but not limited to: training and mentoring team members; preparing schedules; monitoring and distributing work; and providing back-up to Team Managers when appropriate. The Mixed Function Unit oversees both the Health Care Reform and the traditional ongoing populations. (Exhibits 2 and 10)
3. The Organizational Chart (Taunton MEC, effective 7-19-04 (revised), in relevant part, includes four Team Managers, one heading the Traditional Intake Unit and three heading the Mixed Function Unit. Beneath the Team Managers are four supervisors: the three Appellants for Mixed Function, at Grade 20, and one supervisor for Traditional Intake, at Grade 22. All four supervisors supervise staff at Grade 18 or 20. (Exhibit 1)
4. In 2004, the Appellants filed written requests to be reclassified from their position as BERS-C to BERS-D.
5. The Classification Specification for the BERS series states that the BERS C title is used for first level supervisors and/or non-supervisory employees performing complex assignments and that the BERS D title is used for second level supervisors who supervise expert employees. (Exhibit 10)

6. The “General Statement of Duties and Responsibilities” for the BERS-D position includes: determining initial eligibility for long-term and other medical services for the elderly and for people with disabilities; reviewing and analyzing complex financial documents such as taxes, trusts, income levels, properties, assets, annuities, securities, insurance information and medical records; appraising the value of assets and income; performing complex calculations to determine income and asset allowances; communicating and responding to customers, applicants and external agencies; and representing the agency at hearings. (Exhibit 3)
7. In conjunction with their request for reclassification to the position of BERS-D, EOHHS sent the Appellants an Interview Guide that included detailed questions concerning their current position as BERS-Cs. On or about October 6, 2004, the Appellants completed this form and submitted it to EOHHS. (Exhibits 4A, 4B, and 4C)
8. In the Interview Guide, the Appellants list as their basis for appeal the following: “...BERS D appropriately describes the level and scope of our duties and responsibilities, which we provide on a daily basis to our supervisees and team managers.” The Appellants maintain that several of the workers they supervise are at the same pay grade as they are and that they are responsible for interpreting and implementing approximately twice as much policy material as supervisors in the other MassHealth Enrollment Centers. (Exhibits 4A, 4B, and 4C)
9. In the section of the Interview Guide entitled Specific Duties, the Appellants indicated that 50% of their time is spent assisting the Team Manager in implementing MEC and Central Office initiatives by assigning, reviewing and monitoring work;

collecting and reporting statistics; staff scheduling; monitoring time and attendance; assisting the Team Manager in developing team members skills; providing backup to the Team Manager; representing the Team Manager where appropriate; completing special projects in accordance with agency directives and representing the agency at hearings. The Appellants stated that 30% of their time is spent determining initial and ongoing eligibility for certain MassHealth populations and communicating with customers or their representatives to explain programmatic requirements for all MassHealth programs involving income and assets. The Appellants also stated that 20% of their time is spent providing requested service and making appropriate referrals to internal and external programs for which customers may qualify, as well as providing quality customer service. (Exhibits 4A, 4B and 4C)

10. In the section of the Interview Guide entitled Supervisory Responsibility, the Appellants stated that they supervise BERS-Cs, BERS-A/Bs and Program Coordinators IIs. (Exhibits 4A, 4B and 4C)
11. Taunton MEC Director Paul Meringolo testified that although some employees in the Appellants' Mixed Function Units, for whom the Appellants supervise, may have the title of BERS C or Program Coordinator II, these employees were grandfathered into their civil service titles following a reorganization, but actually function as BERS A/Bs. (Testimony of Meringolo)
12. The Mixed Function Unit has responsibility for continuous eligibility determinations for the Traditional Ongoing and Health Care Reform populations but has limited involvement in initial long-term care applications as they are almost entirely administered by the Traditional Intake Unit. The Taunton MEC receives between 550

and 600 long-term care applications per month and the vast majority of these are handled by the Traditional Intake Unit. The Mixed Functions Unit's responsibility for a long-term care application covers only sixty (60) days following the closing of a MassHealth member's long-term care case. If the case has been closed for more than sixty (60) days, any subsequent applications are handled by the Traditional Intake Unit. (Testimony of Meringolo)

13. BERS D employees in the Taunton MEC Intake Unit exclusively supervise BERS C employees who perform the duties of Traditional Intake Specialists. At the Taunton MEC, a BERS D is responsible for supervising BERS C employees who are responsible for the most complex issues surrounding the initial eligibility for long-term care and other medical services for the elderly and persons with disabilities. (Testimony of Meringolo)

14. On January 12, 2005, EOHHS denied the Appellants' reclassification requests. EOHHS stated that a review of the duties and responsibilities of the Appellants demonstrated that they were not performing the duties of a BERS D more than 50% of their time, finding that the Appellants do not perform the more complex duties associated with the initial intake and determination of long-term care applications and do not supervise workers functioning as BERS Cs. (Exhibits 6A, 6B, and 6C)

15. On February 23, 2005, the Appellants appealed the EOHHS decision to HRD. On or about March 8, 2005, HRD issued a final decision denying the Appellants reclassification requests. (Exhibits 7A, 7B, and 7C)

16. The Appellants filed an appeal of HRD's decision with the Commission on January 23, January 24 and February 1, 2006. (Exhibits 8A, 8B, and 8C)

CONCLUSION

After careful review of the testimony and evidence presented in this appeal, the Commission concludes that the decision of the HRD denying the Appellants' requests should be affirmed.

The Appellants have not met their burden of proof to demonstrate that they were improperly classified as BERS Cs in that they have not shown that they performed the duties of a BERS D more than 50% of the time.

The Appellants assert that they supervise a staff of workers, several of whom are the same pay grade as they are, that they are essentially assistant managers as they perform most of their job functions in their absence, and that they are responsible for mentoring, reviewing and resolving issues regarding the health care reform population as well as the traditional MassHealth population. The Appellants maintain that they perform all the functions of a BERS D with the exception of the completion of Long-Term Care applications. While the evidence indicates that the Appellants carry a high case load and are responsible for managing a large amount of policy material, their duties and responsibilities do not support their being reclassified as BERS Ds. Specifically, although the Appellants' Mixed Function Units had some involvement with long-term care applications, their involvement is limited and primarily deals with "ongoing applications" as opposed to the Traditional Intake Unit, which deals almost exclusively with the more complex initial applications. Put simply, the BERS D supervises employees who perform more complex duties than those supervised by the BERS C.

For all of the above reasons, the appeals under Docket Nos. C-06-23, C-06-24, and C-06-25 are hereby *dismissed*.

Christopher C. Bowman, Commissioner

By a vote of the Civil Service Commission (Bowman, Guerin, Marquis, Taylor, Commissioners) on May 3, 2007.

A true record. Attest:

Commissioner

A motion for reconsideration may be filed by either Party within ten days of the receipt of a Commission order or decision. A motion for reconsideration shall be deemed a motion for rehearing in accordance with M.G.L. c. 30A § 14(1) for the purpose of tolling the time for appeal.

Any party aggrieved by a final decision or order of the Commission may initiate proceedings for judicial review under section 14 of chapter 30A 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:
Rhett Cavicchi
Florence Malloy
Leonard Gollis
Juvenalia Cadoico