

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

CIVIL SERVICE COMMISSION

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

BONNIE L. PAGE &
LOUANNE SOOS,
Appellants

v.

C-09-301 (PAGE)
C-09-302 (SOOS)

UNIVERSITY OF MASSACHUSETTS
AT AMHERST,
Respondent

Appellant's Attorney:

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Respondent's Representative:

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Commissioner:

Christopher C. Bowman

DECISION

Pursuant to the provisions of G.L. c. 30, s. 49, the Appellants, Bonnie Page and Louanne Soos (hereinafter "Appellants" or "Page" and "Soos"), are appealing the June

12, 2009 decision of the state's Human Resources Division (hereinafter "HRD") denying their request for reclassification from the position of Clerk III to the position of Clerk V. (UMASS Amherst had already determined that the Appellants should be reclassified from Clerk III to Clerk IV.) The appeals were timely filed with the Civil Service Commission (hereinafter "Commission") on July 2, 2009. A full hearing was held regarding both appeals on September 23, 2009 at the Springfield State Building in Springfield, MA. The hearing was digitally recorded and one CD was made of the hearing.

FINDINGS OF FACT:

Fifteen (15) exhibits were entered into evidence at the hearing. Based on the documents submitted into evidence and the testimony of:

For the Appointing Authority:

- Tetna, Classification Analyst, UMASS Amherst;
- Margaret A. March, Classification Coordinator; UMASS Amherst;

For the Appellant:

- Bonnie Page, Appellant;
- Louanne Soos, Appellant;

I make the following findings of fact:

1. The Appellants are employed and classified as Clerk IVs in Records and Gift Processing in the Development Office at UMASS Amherst. (Stipulated Fact)
2. Page has been employed in her position full-time since 1996 and Soos has been employed full-time in her position since 2007. (Stipulated Fact)

3. On July 18, 2008, the Appellants appealed their classification as Clerk III (Grade 11) to the University's Division of Human Resources, requesting that they be reclassified as Clerk Vs (Grade 15). (Stipulated Fact)
4. The request for reclassification to Clerk V was preliminary denied, but reclassification to Clerk IV (Grade 13) was preliminary allowed by the University on January 27, 2009. (Stipulated Fact)
5. The Appellants appealed the denial of reclassification to Clerk V to the University's Division of Human Resources and that appeal was denied on February 5, 2009. (Stipulated Fact)
6. As part of the above-referenced denial, the Appellants received a "Non-Management Appeal Audit Report Form," finding that the Appellants:

"...maintain and update information regarding alumni and donors, utilize computerized systems to input and access alumni information, perform research to obtain and confirm accuracy of information, and resolve related problems and discrepancies. Although these job duties are not specifically delineated within the ... Classification Specification for the Clerk IV job title they are of a similar level and tenor." (Exhibit 7)
7. On May 15, 2009, the Appellants timely appealed the University's denial of the Clerk V classification to the state's Human Resources Division (HRD). (Stipulated Fact)
8. On June 12, 2009, HRD denied the Appellants' appeals. (Stipulated Fact)
9. On July 2, 2009, the Appellants timely appealed HRD's denial of reclassification to the Clerk V title to the Commission. (Stipulated Fact)
10. The Classification Specification issued in 1987 states that a Clerk IV is "the first-level supervisory job in this series or, based on assignment, may be the second-level supervisory job in this series". (Exhibit 2)

11. According to the above-referenced Classification Specification, employees classified as a Clerk IV are expected to:

- 1) Explain provisions and contents of various documents or programs including effective rates, options, eligibility, benefits, etc. to employees and others;
- 2) Interview applicants for clerical positions and make recommendations to superiors; and
- 3) Prepare and/or process personnel actions such as promotions, appointments, demotions, terminations, transfers and leaves of absence by recording such actions and completing forms for forwarding approval.

(Exhibit 1)

12. A Clerk V is the second-level supervisory job in this series or, based on assignment, may be the third-level supervisory job in this series. (Exhibit 1)

13. According to the Classification Specification, Clerk Vs are expected to:

“Develop, revise and, with approval of supervisor, carry out work procedures, in cooperation with other units of the department to ensure the efficient and effective flow of work.” (Exhibit 1)

14. As part of the joint review of the Appellants’ job duties and responsibilities, Tetna, a Classification Specialist, found that the Appellants access a large number of databases and websites and obtain information about students and parents. They gather and verify information (i.e. - names, addresses and email addresses) that assist UMASS Amherst in fundraising campaigns. (Testimony of Tetna)

15. Based on a review of nine (9) other “Form 30 – Job Descriptions”, the Appellants’ duties and responsibilities are consistent with the duties and responsibilities of other Clerk IVs employed by UMASS Amherst and, in once, case, a Clerk III. (Testimony of Tetna and Exhibit 15)

16. The Appellants are first-level supervisors who have functional supervision over seven (7) part-time student employees during the academic year who assist with accessing databases. (Testimony of Tetna)
17. According to Tetna, the Appellants do not *develop* or *revise* work procedures, even though they may suggest changes to their supervisor. Rather, as referenced above, the Appellants' duties and responsibilities are primarily limited to obtaining and verifying information. (Testimony of Tetna)
18. Individuals employed as Clerk Vs at UMASS Amherst report to a member of the executive leadership such as Vice Chancellors or Assistant Provosts. The Appellants do not report to a Vice Chancellor or Assistant Provost. (Testimony of Tetna)
19. During their testimony, the Appellants confirmed that more than 50% of their job duties consist of reviewing various databases to verify biographical and other information that ultimately assists other UMASS Amherst employees with development efforts. Sometimes this verification process is labor intensive, including verifying information regarding individuals who may have graduated from UMASS Amherst many decades ago. Some of the information is used by "researchers" who actually look for donor prospects. (Testimony of Appellants)
20. Although the Appellants have occasionally been "testers" to make sure that new software programs do not have any "glitches", nothing in their testimony showed that they develop or revise work procedures themselves. (Testimony of Appellants)

CONCLUSION

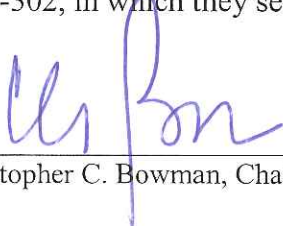
After a careful review of the testimony and evidence presented in this appeal, the Commission concludes that the decision of the Human Resources Division denying the request of the Appellants to be reclassified as Clerk Vs should be affirmed.

The basic purpose of the work of a Clerk V is to develop, revise and, with approval of a supervisor, carry out work procedures. Although the Appellants carry out work procedures, they do not develop or revise them. I base this on the credible and informed testimony of Tetna, a Classification Specialist at UMASS Amherst as well as the candid and informative testimony of the Appellants.

Based on the Appellants' own testimony, more than 50% of their time is spent obtaining and verifying information that is used by other individuals to solicit potential donors as part of the University's overall development efforts. These duties are not consistent with the title of Clerk V. They are, however, consistent with the job duties performed by other Clerk IVs. Further, the Appellants are not second-level supervisors. Rather, they are first-level supervisors, which is consistent with the job specifications of a Clerk IV.

Although the Appellants do not perform a majority of the duties of a Clerk V more than 50% of the time, it is clear from their testimony that they perform an invaluable service for UMASS Amherst in an exemplary manner.

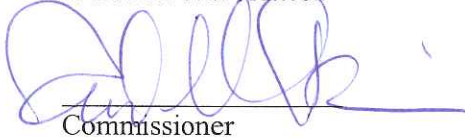
For all of the above reasons, the Appellants' appeals under Docket Nos. C-09-301 and C-09-302, in which they seek to be re-classified as Clerk Vs, are hereby *dismissed*.



Christopher C. Bowman, Chairman

By a vote of the Civil Service Commission (Bowman, Chairman, Henderson, Stein and Taylor, Commissioners [Marquis – Absent]) on January 7, 2010.

A true record. Attest:


Commissioner

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

Matthew D. Jones, Esq. (for Appellant)

Margaret A. March (for Appointing Authority)

John Marra, Esq. (HRD)