

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION**

Decision mailed: 1/24/14
Civil Service Commission

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

JESSICA PERRIN,
Appellant

v.

**DEPARTMENT OF
STATE POLICE,**
Respondent

Case No.: C-13-197

DECISION

Pursuant to G.L. c. 31, § 2(b) and/or G.L. c. 7, § 4H, a Magistrate from the Division of Administrative Law Appeals (DALA), was assigned to conduct a full evidentiary hearing regarding this matter on behalf of the Civil Service Commission (Commission).

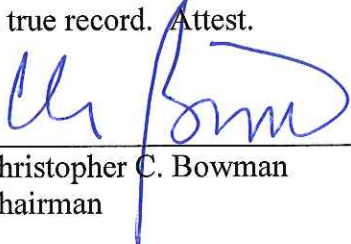
Pursuant to 801 CMR 1.01 (11) (c), the Magistrate issued the attached Tentative Decision to the Commission. The parties had thirty (30) days to provide written objections to the Commission. No written objections were received.

After careful review and consideration, the Commission voted to affirm and adopt the Tentative Decision of the Magistrate in whole, thus making this the Final Decision of the Commission.

The decision of the Department of State Police and the Human Resources Division (HRD) to deny the Appellant's request for reclassification is affirmed and the Appellant's appeal is **denied**.

By vote of the Civil Service Commission (Bowman, Chairman; Ittleman, Marquis and Stein, Commissioners [McDowell- Absent]) on January 23, 2014.

A true record. Attest.



Christopher C. Bowman
Chairman

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)(1), the motion must identify a clerical or mechanical error in this order or decision or a significant factor the Agency or the Presiding Officer may have overlooked in deciding the case. A motion for reconsideration does not toll the statutorily prescribed thirty-day time limit for seeking judicial review of this Commission order or decision.

Under the provisions of G.L. c. 31, § 44, any party aggrieved by this Commission order or decision may initiate proceedings for judicial review under G.L. c. 30A, § 14 in the superior court within thirty (30) days after receipt of this order or decision. Commencement of such proceeding shall not, unless specifically ordered by the court, operate as a stay of this Commission order or decision.

Notice to:

Jessica Perrin (Appellant)

Shawn Givhan (for Respondent)

Richard C. Heidlage, Esq. (Chief Administrative Magistrate, DALA)

COMMONWEALTH OF MASSACHUSETTS

Suffolk ss.

Division of Administrative Law Appeals

Jessica Perrin,
Appellant

v.

Docket No. C-13-197
DALA No. CS-13-507

Department of State Police,
Respondent

Appearance for Appellant:

Jessica A. Perrin, *pro se*

Shawn T. Givhan
Human Resources Director
Department of State Police
470 Worcester Road
Framingham, MA 01702

Administrative Magistrate:

Maria A. Imparato

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CIVIL SERVICE COMMISSION

SUMMARY OF TENTATIVE DECISION

The request of the Appellant to be reclassified from the position of Administrative Secretary II (AS II) to Program Coordinator II (PC II) should be denied because her job duties fall squarely into the AS II job description. She provides supervision to clerical employees, which is consistent with the AS II job description. She does not perform one of the level-distinguishing duties of a PC II, and her duties are not consistent with the basic purpose of the PC Classification Series.

TENTATIVE DECISION

Jessica A. Perrin is appealing under the provisions of M.G.L. c. 30, s. 49 the July 5, 2013 decision of the Human Resources Division (HRD) to deny her request to be reclassified from the

position of Administrative Secretary II (AS II) to Program Coordinator II (PC II) in the Department of State Police.

I held a hearing on October 11, 2013 at the office of the Division of Administrative Law Appeals, One Congress Street, 11th floor, Boston, Massachusetts. I admitted seventeen exhibits into evidence. (Exs. 1 – 17.) The hearing was digitally recorded.

Ms. Perrin testified in her own behalf. The Respondent did not offer any witnesses. Ms. Givhan, the Human Resources Director of the State Police, offered argument.

FINDINGS OF FACT

1. Jessica A. Perrin has worked as an Administrative Secretary II (AS II) at the Department of State Police headquarters in Framingham since December 14, 2003. (Testimony.)
2. Ms. Perrin has three main functions: she supervises three employees; she oversees the Administration/Reception area at the State Police headquarters; and she acts as the department's firearms licensing liaison. (Testimony; Exs. 9, 13, 15.)
3. With respect to her supervision of one AS I and two Telephone Operator IIs, Ms. Perrin applies progressive discipline when appropriate; completes the daily attendance calendars and schedules of vacation and personal time on the main calendar in the office computer; reviews and approves pay; performs the duties of the AS I in her absence; hires and trains new employees in the front office staff; and completes the EPRSs of her three supervisees. (Testimony; Exs. 2, 9.)
4. With respect to overseeing and monitoring the Administration/Reception area, Ms. Perrin makes sure there is switchboard coverage in the front lobby from 8 a.m. to 5 p.m. on business days and fills in when necessary. The lobby staff: greets visitors; sorts, stamps

and distributes mail; logs in priority mail deliveries; faxes; photocopies and has equipment repaired when necessary. (Testimony; Ex. 9.)

5. With respect to acting as the firearms licensing liaison, Ms. Perrin: sends out letters monthly to remind State Police Officers to renew their licenses to carry; sits with applicants to review personal information and take a new photo; puts the new license number into the database; performs a Board of Probation and interstate identification index check on the applicant; requests sealed records; does a Department of Mental Health check on applicants; does a fingerprint check with the identification unit at the State Police crime lab; assigns a security PIN number; collects fees for license renewals; renews private detective photo IDs; performs honorable discharge checks on retired officers; takes photos for IDs for new civilian personnel; changes the status of a license to "deceased" when necessary; replaces lost or stolen licenses; changes addresses in the database when necessary; meets with her direct supervisor regarding staffing and purchasing; prepares statistical reports on the number and type of licenses issued; stamps firearm instructor certificates and newly approved firearms courses; verifies if an instructor is certified; mails out public listings of certified instructors; travels to New Braintree to process firearms licenses and photo IDs for new State Police recruits; schedules conference rooms; establishes an encumbrance for the ordering of supplies; maintains confidentiality; performs a yearly inventory; distributes paystubs bi-weekly; and serves as a door greeter for functions at headquarters. (Ex. 9.)
6. The Classification Specification Series for Administrative Secretary indicates that the basic purpose of the work is to provide secretarial support to an agency executive or manager. AS II is the second-level clerical job in the series. Its level-distinguishing duty

is to perform and/or coordinate secretarial and clerical activities for the head of a major division of a large state agency. The major work contacts of an AS II are with agency staff, personnel from other agencies and the general public. The AS II may exercise functional supervision over 1-5 clerical personnel. The AS II receives general supervision from an employee of higher grade who provides policy guidance, assigns work and reviews performance. (Ex. 16.)

7. Ms. Perrin works in the Office of the Chief Administrative Officer, Division of Administrative Services. She reports directly to John F. Flynn, Chief Administrative Officer and Commander of the Division of Administrative Services, and Lieutenant Colonel Sharon Costine, Commander of the Division of Standards and Training. Detective Lieutenant Robert Nugent is the Program Coordinator for the Department of State Police. (Exs. 10, 11)
8. The Classification Specification Series for Program Coordinator indicates that the basic purpose of the work is to "coordinate, monitor, develop and implement programs for an assigned agency." The PC II is the second-level supervisory job in the series. (Ex. 8.)
9. The examples of duties common to all levels in the PC Series include: 1) coordinate and monitor assigned program activities; 2) review and analyze data concerning assigned agency program in order to determine progress and effectiveness, to make recommendations for changes in procedures, guidelines, etc. and to devise methods of accomplishing program activities; 3) provide technical assistance and advice to agency personnel and others concerning assigned programs in order to exchange information, resolve problems and to ensure compliance with established policies, procedures and standards; 4) respond to inquiries from agency staff and others in order to provide

- information concerning assigned agency programs; 5) maintain liaison with various private, local, state and federal agencies and others in order to exchange information and/or to resolve problems; and 6) perform related duties such as attending meetings and conferences, maintaining records and preparing reports. (Ex. 8.)
10. The level-distinguishing duties of a PC II include: 1) providing on-the-job training and orientation for employees; 2) developing and implementing procedures and guidelines to accomplish assigned agency program objectives and goals; 3) reviewing reports and memoranda for completeness, accuracy and content; 4) conferring with management staff and other agency personnel in order to determine program requirements and availability of resources and to develop the criteria and standards for program evaluation; and 5) evaluating program activities in order to determine progress and effectiveness and to make recommendations concerning changes as needed. (Ex. 8.)
11. Ms. Perrin does not “develop and implement procedures and guidelines to accomplish assigned agency program objectives and goals.” (Testimony.)
12. The PC II exercises direct supervision over, assigns work to and reviews the performance of 1-5 professional, technical or administrative personnel, and indirect supervision through an intermediate level supervisor over 1-5 professional, technical, administrative and/or other personnel. (Ex. 8.)
13. HRD conducted a desk audit on August 30, 2012 regarding Ms. Perrin’s request for reclassification. The auditor noted that she had performed a desk audit in 2007 at Ms. Perrin’s request. The auditor noted, “Ms. Perrin stated during these desk audit proceedings that her main duties have remained the same; however, the work volume has increased.” (Ex. 10.)

14. The HRD Auditor had conversation with Detective Lieutenant Nugent who indicated that Ms. Perrin supplies clerical support by answering telephone calls, collecting applications and fees, taking photos and mailing packages to the Firearms Record Bureau at the Department of Criminal Justice Information Services (DCJIS). The Auditor noted, "Although Ms. Perrin has clearance to run Board of Probation (BOP) records when needed, she has never been needed to do so and only places requests for sealed records and whatever other information is needed. D[et] Lt. Nugent affirmed Ms. Perrin is not tasked with unsealing, reviewing or subjecting the sealed records to any kind of administrative review as a Program Coordinator would be required to do. I would also like to add that DLt. Nugent stated that he holds Ms. Perrin in the highest regard and she is a much valued employee." (Ex. 10.)
15. The HRD Auditor opined, "Ms. Perrin provides secretarial and clerical support to Firearms Licensing but does not have Program Coordinator responsibilities for the program. Accordingly I was unable to find a comparison between her job duties and that of a Program Coordinator." (Ex. 10.)
16. The HRD Auditor compared Ms. Perrin's job duties to the Classification Specifications for the Clerk Series. (Exs. 10, 17.) The Director of Human Resources for the Department of State Police concluded, "All of the appellant's job duties and responsibilities can be located in the [Classification Specification Series for Administrative Secretary and for Clerk]. She has been classified in the highest title in either series (i.e. Administrative Secretary II – grade 18, Unit 1) because her overall job responsibilities are best captured by the duty statement for Administrative Secretary II in the aforementioned classification specification. ... The appellant's job duties and

responsibilities do not match the duties outlined for a Program Coordinator II in Section V. Differences Between Levels in Series of the *Classification Specification –Program Coordinator Series* ... The appellant has not presented the department of State Police Human Resources Section or the state Human Resources Division with any evidence to show that she has performed work in a Program Coordinator context as opposed to an Administrative Secretary or Clerk context.” (Ex. 14.)

17. In an undated letter, retired State Police Colonel Marian McGovern opined, “Jessie is more than a team player, she is someone who sees something that needs to get done and does it with little or no fanfare. She is the employee that everyone wants working with them.” (Ex. 1.)

TENTATIVE CONCLUSION

I recommend that the decision of HRD to deny the request of Jessica Perrin to be reclassified from an AS II to a PC II be affirmed. Ms. Perrin’s job duties fall squarely into the AS II job description, the purpose of which is to “provide secretarial support to an agency executive or manager.” She supervises clerical employees, consistent with the supervision exercised by an AS II. She does not supervise professional, technical or administrative personnel, nor does she provide indirect supervision to professional, technical or administrative personnel as a PC II does. Ms. Perrin does not perform the level-distinguishing duty of a PC II of “developing and implementing procedures and guidelines to accomplish assigned agency program objectives and goals.” Ms. Perrin’s job is not consistent with the basic purpose of the PC classification series which is to “coordinate, monitor, develop and implement programs for an assigned agency.”

The purpose of the Administrative Secretary classification is to “provide secretarial support to an agency executive or manager.” Ms. Perrin reports directly to the Chief Administrative Officer and Commander of the Division of Administrative Services, and to the Commander of the Division of Standards and Training. The Program Coordinator for the State Police, Det. Sgt. Nugent, described Ms. Perrin’s job duties as supplying clerical support by answering telephone calls, collecting applications and fees, taking photos and mailing packages to the Firearms Record Bureau. This is consistent with the purpose of the Administrative Secretary classification, and consistent with the level-distinguishing duty of an AS II, which is to “perform and/or coordinate secretarial and clerical activities for the head of a major division of a large state agency.”

Ms. Perrin supervises three clerical employees. This is consistent with the supervision exercised by an AS II, that is, providing “functional supervision over 1-5 clerical personnel.” Her supervisory duties are inconsistent with that performed by a PC II, that is, to provide both “direct supervision” and “indirect supervision” over professional, technical or administrative personnel. Ms. Perrin does not supervise professional, technical or administrative personnel, and she does not indirectly supervise anyone.

Ms. Perrin, by her own admission, does not perform the second level-distinguishing duty of a PC II. She does not develop and implement procedures and guidelines to accomplish assigned agency program objectives and goals.

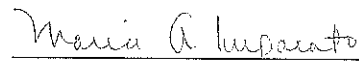
Ms. Perrin’s job duties are not consistent with the basic purpose of the PC Specification Series. She did not “develop and implement” the firearms licensing program. I therefore conclude that Ms. Perrin is properly classified as an AS II.

Jessica A. Perrin

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Ms. Perrin is held in high regard and is deemed to be a valued employee of the Department of State Police, evidenced by the remarks of Det. Sgt. Nugent, and by a letter of recommendation from retired Colonel Marian J. McGovern. Unfortunately, her job duties are not consistent with those of a PC II.

DIVISION OF ADMINISTRATIVE LAW APPEALS



Maria A. Imperato
Administrative Magistrate

Dated: **DEC - 4 2013**