

**COMMONWEALTH OF MASSACHUSETTS  
CIVIL SERVICE COMMISSION**

Decision mailed: 9/24/10  
Civil Service Commission 03

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

**RICHARD F. PETRINI,**  
*Appellant*

v.

**DEPARTMENT of  
CONSERVATION and  
RECREATION,**  
*Respondent*

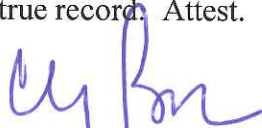
**Case No.: C-10-58**

**DECISION**

After careful review and consideration, the Civil Service Commission voted at an executive session on September 23, 2010 to acknowledge receipt of the report of the Administrative Law Magistrate dated July 29, 2010. Neither party submitted comments to the Commission. 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 *denied*.

By vote of the Civil Service Commission (Bowman, Chairman; Henderson, Marquis, McDowell and Stein, Commissioners) on September 23, 2010.

A true record. Attest.

  
\_\_\_\_\_  
Christopher C. Bowman  
Chairman

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 to:**

Frank Hartig, Esq. (for Appellant)  
Richard F. Petrini, Esq. (for Appointing Authority)  
Richard C. Heidlage, Esq. (DALA)



THE COMMONWEALTH OF MASSACHUSETTS

DIVISION OF ADMINISTRATIVE LAW APPEALS

98 NORTH WASHINGTON STREET, 4<sup>TH</sup> FLOOR

BOSTON, MA 02114

RICHARD C. HEIDLAGE  
CHIEF ADMINISTRATIVE MAGISTRATE

TEL: 617-727-7060  
FAX: 617-727-7248

July 29, 2010

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

**Re: Richard F. Petrini v. Department of Conservation and Recreation**  
**DALA Docket No. CS-10-240**

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CIVIL SERVICE COMMISSION

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.

If either party files written objections to the recommended decision, the opposing party may file a response to the objections within 20 days of receipt of a copy of the objections

Sincerely,

  
Richard C. Heidlage, Esq.

Chief Administrative Magistrate

Enclosure

cc: Frank Hartig, Esquire  
Richard F. Petrini

**THE COMMONWEALTH OF MASSACHUSETTS**

Suffolk, ss.

**Division of Administrative Law Appeals**

Richard F. Petrini,  
Petitioner

v.

Docket Nos. C-10-58  
CS-10-240

Dated: July 29, 2010

Massachusetts Department of  
Conservation and Recreation,  
Appointing Authority

**Appearance for Petitioner:**

Pro se

[REDACTED]  
[REDACTED]

**Appearance for Appointing Authority:**

Frank Hartig, Esquire  
Massachusetts Department of Conservation and Recreation  
251 Causeway Street  
Boston, MA 02114

**Administrative Magistrate:**

Judithann Burke

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**RECOMMENDED DECISION**

The Petitioner, Richard F. Petrini, is appealing from the February 3, 2010 decision of the Human Resources Division (HRD) that Recreation Facilities Supervisor I is the most appropriate job classification for his position. The Petitioner sought classification as a Recreation Supervisor III. (Exhibits 1 and 6) He filed his appeal pursuant to M.G.L. c. 30 § 49.

A hearing was held on April 20, 2010 at the offices of the Division of Administrative Law Appeals, 98 North Washington Street, Boston, MA.

At the hearing, thirteen (13) exhibits were marked. The Appointing Authority presented the testimony of the following witnesses: Robert Samuels, Classification Coordinator for the Department of Conservation and Recreation (C & R); and, Peter Church, C & R South Regional Director. The Petitioner testified and argued in his own behalf. The Appointing Authority stated its argument for the record. One (1) audiocassette was made of the proceedings.

### **FINDINGS OF FACT**

Based upon the testimony and documents submitted at the hearing in the above-entitled matter, I hereby render the following findings of fact:

1. The Petitioner, Richard F. Petrini, is employed in the Massachusetts Department of C & R as a Recreation Facilities Supervisor I (RFS I). He has worked in Canton, MA at the Ponkapoag Golf Course for approximately ten (10) years. He spends eight (8) months a year at the golf course and four (4) months a year at the Shea Skating Rink in Quincy, MA. His job title is the same at both locations. (Testimony and Exhibits 1, 2 and 13)

2. The Department of Personnel Administration (now HRD) Classification Specifications for the Recreation Facilities Supervisor (RFS) Series, as approved on June 10, 1988, provide in pertinent part:

### **III. ORGANIZATIONAL LEVELS:**

Recreation Facilities Supervisor I is the entry-level supervisory job in this series...

Recreation Facilities Supervisor III is the third-level professional job in this series.

VI. EXAMPLES OF DUTIES COMMON TO ALL LEVELS IN SERIES:

1. Operates and maintains recreational facilities such as swimming pools, playgrounds and bathhouses.
2. Monitors events and patrols facilities during events to prevent theft and vandalism and to enforce rules and regulations.
3. Inspects buildings and equipment; performs routine maintenance and repairs of equipment and facilities such as swimming pools, playgrounds, and athletic fields.
4. Operates such equipment as lawn mowers, snow removal equipment, hand and power tools, pumps and generators, and chlorinators.
5. Ensures the proper upkeep and cleanliness of the facilities, including the cleaning of showers and restrooms, trash removal and grounds maintenance.
6. Enforces safety rules and regulations.
7. Performs related duties such as selling tickets, collecting and depositing receipts and maintaining routine records.

DIFFERENCES BETWEEN LEVELS IN SERIES:

Recreation Facilities Supervisor III:

Incumbents of positions at this level also:

1. Supervise the operation and maintenance of a cluster of recreation facilities including a swimming pool, an ice skating rink, playgrounds, athletic fields, etc.
2. Supervise the off-season refurbishing of skating rinks.

3. Prepare estimates and specifications for maintenance projects; recommend equipment, materials and supplies for purchase; and inspect equipment, materials and supplies purchased.
4. Promote the use of facilities by contacting individuals or groups and describing available equipment and services.
5. Maintain inventory and bookkeeping records; prepare work schedules; and order supplies and equipment.
6. Develop and monitor facility budgets.

VIII. SUPERVISION EXERCISED:

Recreation Facilities Supervisor I:

Incumbents at this level exercise direct supervision (i.e., not through an intermediate level supervisor) over, assign work to and review the performance of 6-15 maintenance and/or labor personnel.

Recreation Facilities Supervisor III:

Incumbents of positions at this level exercise direct supervision (i.e., not through an intermediate level supervisor) over, assign work to and review the performance of 1-5 supervisory personnel; and indirect supervision (i.e. through an intermediate level supervisor) over 16-50 maintenance and/or labor personnel (number varies due to seasonal help).

(Exhibit 8)

3. The actual job duties performed by incumbents of all positions in the RFS series have all gradually changed since 1988 and differ from the functions specified in the Class Specifications. Several of the job duties now overlap. (Stipulation)

4. The Petitioner does not directly supervise any regular C & R employees. He has functional supervision over seasonal employees who are not considered full-time C & R employees. (Testimony)

5. The Petitioner does not supervise the operation of any C & R equipment or plumbing and heating systems. (*Id.*)

6. An Audit conducted by the Human Resources Division of C & R revealed that the Petitioner does not meet any of the criteria set forth for the RFS III series. (*Id.* and Exhibit 8)

7. There are presently two supervisors assigned to the Ponkapoag Golf Course who are more senior than the Petitioner. The organizational chart for the C & R South Region reflects that D. Gianferante, a Program Manager V, is the District Manager of Golf Courses. J. Roche, a Forest and Park Supervisor III, is responsible for Golf Course Administration. Mr. Roche is the Petitioner's direct supervisor. (Testimony and Exhibit 12)

8. The only supervisory duty mentioned on the Petitioner's 2007 and 2008 EPRS Forms is Duty #2:

Through Subordinates, Directs Daily Collection of Golf Fees and Makes Nightly Deposit. Reports Revenue in a timely manner. Coordinates Scheduling of League Play and Tournaments

(Exhibits 10 and 11)

9. The Petitioner appealed his classification as a RFS I on September 29, 2009. He indicated that he believed he was doing more work than his counterpart and that the Form 30 for his position more accurately reflected the duties of an RFS III. The Petitioner did not refer to any direct supervisory duties over full time C & R employees in the application or in the Audit Interview. (Exhibits 1 and 2)

10. In a letter dated January 5, 2010, Patricia N. Vantine, C & R Director of Administration and Finance, informed the Petitioner that his appeal was denied. (Exhibit 3)

11. The Petitioner appealed to the Human Resource Division on January 12, 2010. (Exhibit 5)

12. On February 3, 2010, HRD Senior Personnel Analyst Lisa Pollack denied the Petitioner's appeal. (Exhibit 6)

13. On March 6, 2010, the Petitioner wrote to Ms. Pollack and indicated that he felt he would like a reallocation to RFS II. (Exhibit 13)

13. The Petitioner filed his appeal with the Civil Service Commission on March 7, 2010. (Exhibit 7)

### **CONCLUSION AND RECOMMENDATION**

After a careful review of all of the testimony and documents in this case, I have concluded that the Petitioner is not entitled to prevail in this appeal. He has not met his burden of proving that, by virtue of his performing all of the evolved functions of a RFS I, he is entitled to be classified as a RFS III.

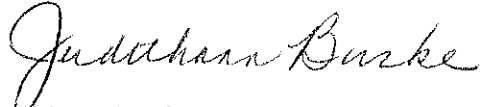
The Petitioner does not exercise direct supervision over C & R staff nor does he perform duties with the complexity or responsibility associated with the level of RFS III. The Appointing Authority concluded that there have been no significant changes in the scope of the RFS I position and that it more comprehensively described the nature of the Petitioner's assigned duties and responsibilities. The Petitioner's direct supervisor is an



RFS III. As for the Petitioner's late request to be considered for classification as an RFS II, that matter was not researched by the Appointing Authority and is not within the scope of this appeal.

Accordingly, I recommend that the decision of the HRD be affirmed.

DIVISION OF ADMINISTRATIVE LAW APPEALS:

A handwritten signature in cursive script, reading "Judithann Burke".

Judithann Burke  
Administrative Magistrate

DATED: July 29, 2010