

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION**

SUFFOLK, SS.

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

CHRISTINE M. POLAND,
Appellant

v.

CASE NO: C-08-110

DEPARTMENT OF REVENUE,
Respondent

Appellant:

Christine M. Poland, Pro Se

Department of Revenue
Attorney/Representative:

Suzanne Quersher, Esq.
Department of Revenue
100 Cambridge Street
Boston, MA 02114

Commissioner:

Paul M. Stein

DECISION

The Appellant, Christine M. Poland, brought this appeal pursuant to G.L.c.30,§49, seeking reclassification of her position at the Department of Revenue (DOR) from EDP Systems Analyst II (EDP SA-II) to EDP Systems Analyst III (EDP SA-III). At hearing on July 1, 2008, the DOR presented evidence through two witnesses, Shelly John and Anthony DelGrosso, and the Appellant testified on her own behalf. Eleven Exhibits and a written Stipulation were received in evidence. One audiocassette recording was made of the hearing.

FINDINGS OF FACT

Based upon the Stipulation, the Exhibits and the testimony of Ms. Poland, Ms. John and Mr. DelGrosso, and the inferences reasonably drawn from that evidence, I make the finding of fact set forth below.

Procedural History

1. The Appellant, Christine M. Poland, is employed by DOR as an "Accounts Analyst" in the Information Services Office (ISO), assigned to the Accounts Management Team within the Application Development Bureau of ISO. (Exhs. 3, 8, 9)
2. Ms. Poland's current classification and pay grade is EDP SA II, Grade 12. (Stipulation; (Exhs. 3, 8, 9)
3. Ms. Poland has been employed at DOR for approximately 29 years, of which more than six have been in her current job. (Stipulation; Exhs. 2, 10)
4. On or about August 14, 2007, by inter-office e-mail, Ms. Poland requested that DOR reclassify her position to EDP SA III, Grade 14. (Stipulation; Exhs. 2)
5. Ms. Poland's reclassification request was supported by a summary description in her e-mail request and a six page Interview Guide form. (Exhs. 2, 3).
6. On or about January 18, 2008, DOR issued a "preliminary" denial of the reclassification request (Exh. 4), which set forth the following Justification:

The incumbent does not perform on a regular basis, the level-distinguishing duties required for reclassification to the title requested. The duties are:

- Schedule stages of software development including things such as structured walk-thoroughs, program team assignments and others.
- Trains agency staff or students on -the-job.
- Determines flow of data in relation to data sets, input-output devices, spool allocations, and time requirements.
- Determine the amount of computer time, core size and number of devices required to process production requests.
- Evaluates computer programs to ensure compliance with standards.
- Estimate the time, equipment and staff requirements for current or proposed systems or projects.
- Research statistical reference materials to determine the most suitable method of analysis of data.
- Applies statistical methods to raw data and interpret results.

- Confers with staff to determine sources, status of runs, allocation of hardware resources, etc
 - Lead project teams at least 51 percent of the time.
 - Direct supervision over one to ten programmers, systems analysts, or other professional, technical, or administrative personnel and indirect supervision over one to ten programmers, systems analysts, or other professional, technical or administrative staff.
 - Develops and writes programs.
7. On January 23, 2008, Ms. Poland submitted her rebuttal to DOR's preliminary denial. (Exh. 5)
 8. On or about February 6, 2008, DOR issued a final denial of the classification request. (Stipulation; Exh. 6)
 9. On February 25, 2008, Ms. Poland appealed the denial of her classification request to the Human Resources Division of the Commonwealth (HRD). (Exh.6A)
 10. On April 28, 2008, HRD denied Ms. Poland's appeal. (Exh. 7)
 11. On May 7, 2008, Ms. Poland duly appealed to the Commission.

Ms. Poland's Work Unit

12. The Accounts Management Team comprises seven personnel: The team supervisor, Sr. Project Leader John LaVerde, classified EDP SA-IV, Grade 16, three classified EDP SA-II, Grade 12 (Mr. LaQue, Ms. Poland and Ms. Skinner); one EDP SA-I, Grade 10 (Mr. Green); one EDP SA-III, Grade 14 (Ms. Martin); and one EDP Computer Ops Supv, Grade 13 (Ms. Maniscaico). (Exhs. 8, 8A)
13. The organizational charts in evidence indicate the following additional facts: Mr. LaVerde's immediate supervisor is Anthony DelGrosso, Deputy Bureau Chief of the Application Development Bureau, who has worked 30 years in management,

the last six years in ISO. Mr. DelGrosso reports to Richard Gallagher, Chief of the Application Development Bureau (Exh. 8)

14. The Accounts Management Team is a "user support" group that provides Information Technology (IT) customer service to DOR users and other agencies. (Exhs. 3, 5, 9, 10; DelGrosso).

15. Ms. Poland's principal job duties in her current position involve providing customer service and systems security administration to DOR users, and principally include creating, modifying, deleting and maintaining users accounts and responding of "trouble tickets" and phone calls from users who have encountered problems accessing their accounts on a regular basis. In addition, as required, Ms. Poland provides one-on-one training to other staff, assists the Help Desk employees, works on quarterly reports, and has handled special projects such as the Windows XP rollout. (Exhs. 3, 5, 9, 10; DelGrosso)

16. Ms. Poland's self-assessment of her current job includes: "Creating new accounts 30%, modifying accounts 30%, troubleshooting problems 15%, resetting passwords 10%, assisting co-workers with problems 15%". (Exh. 3)

Evaluation of Reclassification

17. Ms. Poland's reclassification request was assigned to Sandra Antonucci. Shelly John, a Program Coordinator III in DOR's Human Resources Bureau reviewed Ms. Antonucci's file and presented her conclusions at the hearing. (John)

18. Ms. John reviewed the EDP Systems Analysis Series Classification Specification (Exh. 1), Ms. Poland's Interview Guide (Exh. 3), Ms. Poland's Form 30 and most

recent EPRS (Exh. 9) and reviewed the Forms 30 for various other job titles classified as EDP SA-III. (John)

19. Both Ms. John and Mr. DelGrosso testified about the “level distinguishing” differences between an EDP SA-II and EDP SA-III. Based on this testimony, I am persuaded that some of the differences initially ascribed by DOR in its preliminary decision (Exh. 4) are, in fact, part of the job performed by Ms. Poland (Exhs. 1, 3, 5, 9, 10; John; DelGrosso; Poland)
20. In particular, it does appear that both EDP SA-IIs and EDP SA-IIIs are equally required to “research statistical reference materials to determine most suitable method for analysis of data”, and Ms. Poland, in fact, does perform these duties, although “sporadically” and not “steadily.” (Exhs. 1, 9, 10; DelGrosso; Poland)
21. In addition, Ms. Poland does perform one of the level distinguishing tasks of as EDP SA-III, namely to “apply statistical methods to raw data and interpret results”, generally four times a year, in connection with Quarterly Reports. (Exhs. 1, 9, 10; DelGrosso; Poland)
22. While Ms. Poland previously provided direct and indirect supervision of 1 to 10 programmers and other staff, in her current position, which she has performed for more than six years, she currently does not have supervisory duties. (Exhs. 1, 3, 10; John; DelGrosso)
23. Ms. Poland also provides “on-the job” orientation-type training as needed, which I find would fall within EDP SA III level distinguishing duty Item #2 of the Classification Specification. (Exhs. 1, 10; DelGrosso; Poland). I do not credit the DOR’s evidence that the EDP SA-III training duty calls for seminar or other

group training work; but rather that higher level of distinguishing duty is found only in the Classification Specification (Item #6) for an EDP SA-IV. (Exh. 1)

24. I do find that the credible testimony of the DOR's witnesses and Ms. Poland established that Ms. Poland's current job lacks the following level distinguishing functions between an EDP SA-II and an EDP SA-III: Ms. Poland does not currently perform indirect, i.e., second level supervisory duties, and she does not regularly engage in the planning and scheduling functions associated with that level of supervisory authority encompassed by the level distinguishing functions in the Classification Specification, especially Item #1, #3, #4 & #6. (Exhs. 1; 3, 9, 10; DelGrosso; John; Poland)

25. Mr. DelGrosso distinguished the level of responsibility that would be consistent with an EDP SA-I or EDP SA-II, and the level of "advanced" responsibility consistent with an EDP SA-III. For example, in handling responsibility as a security administrator, an EDP SA-I would be assigned "basis level" responsibility, such as e-mail accounts; an EDP SA-II would handle "second level" systems that required more security, such as tax and child support, and an EDP SA-III would be assigned the most advanced level of security, in which only one administrator is authorized access. Mr. DelGrosso testified credibly that the EDP SA-III in the Application Support Team fit the "advanced" category and Ms. Poland fit the "intermediate to advanced" category. (DelGrosso)

26. In sum, while Ms. Poland occasionally performs some of the duties of an EDP SA-III, she does not perform duties at the level of an EDP SA-III on a regular

basis and certainly not at least 51% of the time. (Exhs. 1, 3, 9, 10; DelGrosso; John; Skinner)

CONCLUSION

G..L.c. 30, §49 provides:

Any manager or employee of the commonwealth objecting to any provision of the classification affecting 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.


Ms. Poland asserts several reasons that she should be properly classified as an EDP SA-III: (a) her job does not differ from the EDP SA-III who works in the Application Support Group or others EDP SA-IIIs in other ISO units; (b) her work load has increased in degree and complexity over her tenure and she has taken on added responsibilities and special projects; and (c) her job duties have evolved from being "programmer" oriented as the EDP Series assumes. (Exhs. 1, 3, 5, 6A; Poland) Unfortunately, these reasons do not establish a case for reclassification within the EDP SA series.

The basic issue is whether, in her current position, Ms. Poland is performing the duties of an EDP SA-III as that position is currently specified in the EDP Series Classification Specification. A comparison with other employees within her work group or in other units who hold the title of EDP SA-III, although somewhat relevant to provide a practical understanding of what the level distinguishing duties of a position are, cannot, alone, establish the basis for reclassification if it is not otherwise warranted. Similarly, an increase in the complexity or volume of the work does not warrant reclassification to a higher title. HRD is "warranted" to reclassify a position only when the job an appellant currently performs matches the Classification Specification for such a higher title.

In this case, due to lack of supervisory duties and absence of sufficient evidence that Ms. Poland performed the level distinguishing duties of an EDP SA-III more than 50% of the time, and the evidence that her job remained closer to the duties of an EDP SA-II, she has not met her burden to establish that reclassification of her job is warranted.¹

The Commission notes that, as often true in most classification appeals, Ms. Poland is, by all accounts, an outstanding public servant who works hard and is respected by her peers and supervisors at DOR and by the IT users she supports. Ms. Poland presented herself at the hearing as a skilled professional and person with much pride of service who is, more likely than not, quite capable of aspiring to a higher title. However, reclassification of a position requires proof that the specified duties of the higher title are, in fact, actually being performed as the major part of her current position. That simply cannot be said from the evidence here.

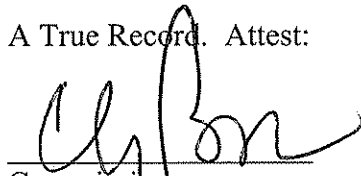
Therefore, for the reasons stated herein, Ms. Poland's appeal is hereby *dismissed*.

Civil Service Commission

Paul M. Stein
Commissioner

¹ As to Ms. Poland's point that the EDP SA series classification is "outdated" and does not cover the type of "user support" position she now occupies, it does not justify reclassification to a higher supervisory title in the EDP SA series, but she may be on to something else. The EDP SA Classification Specification states: "Incumbents of positions in this series analyze procedures and problems to refine data and convert it to programmable form for electronic data processing; confer with users to ascertain specific output requirements, such as types of breakouts, degree of data summarization, and format for management reports; and perform related work as required. The basis purpose of this work is to develop computer applications by which subject-matter processes can be organized." (Summary of Series, Exh. 1) (*emphasis added*). While this description may be broad enough to encompass the type of "Account Analyst" positions occupied by Ms. Poland and her peers in the Application Support Team, the EDP series does seem clearly focused elsewhere. It might behoove DOR, in collaboration with HRD, to examine further whether a different classification series, rather than systems programming series, would more appropriately describe the job functions in the interest of better clarity for all parties involved.

By vote of the Civil Service Commission (Bowman, Chairman; Henderson, Stein and Taylor, Commissioners; Marquis [absent]) on July 24, 2008.

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 to: Christine M. Poland
Suzanne Quersher, Esq. (DOR)
John Marra, Esq. (HRD)