

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

CIVIL SERVICE COMMISSION
One Ashburton Place: Room 503
Boston, MA 02108
(617) 979-1900

NORMA QUIMBY,
Appellant

v.

C-20-141

MassDOT,
Respondent

Appearance for Appellant:

Pro Se
Norma Quimby

Appearance for Respondent:

Matthias P. Kriegel, Esq.
Erik F. Pike, Esq.
MassDOT
10 Park Plaza
Boston, MA 02116

Commissioner:

Christopher C. Bowman

DECISION

On September 30, 2020, the Appellant, Norma Quimby (Appellant), pursuant to G.L. c. 30, § 49, filed an appeal with the Civil Service Commission (Commission), contesting the decision of the state's Human Resources Division (HRD), in which HRD affirmed MassDOT's denial of her request to be reclassified from Customer Service Representative II (CSR II) to either Program Coordinator II (PC II) or Customer Service Representative IV (CSR IV). On October 20, 2020, I held a remote pre-hearing conference through Webex Video Conferencing. I held a

full hearing, also through Webex Video Conferencing, on January 13, 2021.¹ The hearing was recorded via Webex, and both parties were provided with a link to the video recording of the hearing. The Commission also retained a copy of the hearing recording.

FINDINGS OF FACT:

Twenty-nine (29) Appellant Exhibits (Exhibits 1-29) and twelve (12) MassDOT Exhibits (Exhibits 30-41) were entered into evidence at the hearing. Based on these exhibits, the testimony of the following witnesses:

For the Appellant:

- Norma Quimby, Appellant
- Gretchen Daley, Program Coordinator, Commercial Driver’s License Program, Registry of Motor Vehicles
- Colleen Ogilvie, Senior Deputy Registrar of Operations, Registry of Motor Vehicles
- Phyllis Burke, Supervisor, Special Plates, Registry of Motor Vehicles

For MassDOT:

- Evelyn Smith, Personnel Analyst, Classification and Compensation Department, MassDOT
- Phyllis Burke, Supervisor, Special Plates, Registry of Motor Vehicles
- Amy Lynch, Manager, Classification and Compensation Department, MassDOT

and taking administrative notice of all matters filed in the case, and pertinent rules, statutes, regulations, case law, policies, and reasonable inferences from the credible evidence; a preponderance of credible evidence establishes the following facts:

¹ The Standard Adjudicatory Rules of Practice and Procedure, 801 CMR §§ 1.00 (formal rules) apply to adjudications before the Commission with Chapter 31 or any Commission rules taking precedence.

Appointed as CSR I

1. The Appellant received her high school diploma from Attleboro High School in 1995. While in high school, the Appellant took courses in business management. She is trilingual in English, Spanish, and Portuguese. (Exhibit 36, Testimony of Appellant)
2. Prior to commencing work at MassDOT, the Appellant spent two years, from 2013 to 2015, at the South Carolina Department of Motor Vehicles (SCDMV), where she worked as a Customer Service Representative at one of the SCDMV's branch offices in Charleston, SC. She also previously held positions as program assistant for the Women Infants and Children (WIC) program in Taunton, fast-food cook, and receptionist and clerk at chiropractic offices. (Exhibit 36; Testimony of Appellant)
3. The Appellant was hired by MassDOT on February 28, 2016. She was assigned to the RMV's Milford Service Center as a Customer Service Representative I (CSR I). (Exhibits 33, 36; Testimony of Appellant)

Promoted to CSR II Position

4. On June 3, 2018, the Appellant was promoted to Customer Service Representative II (CSR II) in the RMV's Special Plates Department, located at RMV headquarters in Quincy. The Supervisor of the Special Plates Department was Phyllis Burke, who was a Program Coordinator III (PC III). The CSR II position had been created and posted so that a CSR II employee, rather than Ms. Burke, could handle cash transactions. (Exhibits 33, 36; Testimony of Appellant, Burke, Daley).

First 30 days as CSR II

5. As a CSR II, the Appellant spent about half her day issuing license plates. After the order and payment were received by the Special Plates Department, the order would be entered into the computer system, and plates would be created at the prisons through MassCor, which delivered plates weekly to the Quincy RMV headquarters. New plates were also issued in connection with vehicle registrations, and specialized plates were issued for different types of vehicles and in connection with charitable organizations. Although some service centers were able to handle license plate orders, the Special Plates Department handled special cases, as well as some direct orders. After the plates were delivered, the unit then mailed them out to customers. (Testimony of Appellant, Exhibits 16-29)
6. The Appellant also performed her cashier, or receiving teller, duties. She collected fees received for plates, collected cash received by other staff members, scanned checks to be deposited, dealt with any issues arising from the cash drawer, and reconciled the cash drawer. She needed to be trained on cash handling procedures, but was ultimately spending about half an hour per day on cashier duties. (Testimony of Appellant)
7. The Appellant also spent a large part of a typical day handling telephone calls and emails that came to her or that were forwarded to her by Ms. Burke. (Testimony of Appellant and Burke, Exhibits 16-29)

Designated Acting Program Coordinator III

8. On or about July 1, 2018, after the Appellant had been working in Special Plates for approximately 30 days, she was designated as Acting Program Coordinator III when her supervisor, Ms. Burke, was temporarily transferred to work with the implementation team

for the new ATLAS software program that was being phased in to replace the old ALARS system at the RMV. The ATLAS program team was also located at RMV headquarters in Quincy. (Testimony of Appellant and Burke; Exhibits 5, 33-36)

9. During her time as an acting PC III, the Appellant did not handle personnel issues relating to the staff. Those issues were handled by Erin Sheehan, the Assistant Director of Title and Registration, or Ms. Burke. The Appellant did not approve requests for vacation leave or disciplinary issues, which she escalated to Ms. Sheehan. The Appellant also did not approve time and attendance reports on the HRCMS system and did not complete any EPRS (Employee Performance Review System) forms for the staff. (Testimony of Appellant)

10. Ms. Burke was “full-time in Atlas” and “full-time in Special Plates” while she was working on the Atlas program. The Appellant “took the phone calls” and “questions from the CSR Is.” The Appellant “did everything she could do” but would often contact Ms. Burke when a decision needed to be made. According to Ms. Burke, she “guided Norma”. Ms. Burke “did not want something to change in [her] department that [she] created.” The Appellant “did not perform [Burke]’s duties while she [Burke] was working in Atlas.” (Testimony of Burke)

Resumed CSR II duties

11. In November 2019, around the same time, Ms. Burke formally returned to her position as PC III in the Special Plates Department, although she had continued to perform many supervisory duties while on special assignment. On December 8, 2019, the Appellant’s temporary title of Acting PC III was terminated, and she resumed her original title of

CSR II, with its accompanying lower pay. (Exhibits 33-35; Testimony of Appellant, Burke)

Request to be reclassified as a PC III

12. On February 23, 2020, the Appellant filed a classification appeal with the MassDOT Human Resources Department, Classification and Compensation Unit, seeking the title of Program Coordinator II (PC II). She filed an Appeal Form and an Employee Questionnaire (Exhibits 4, 5, 7)
13. An audit interview was conducted on May 1, 2020 by Evelyn Smith, MassDOT Personnel Analyst. The interview was conducted by telephone due to the COVID-19 pandemic. Prior to the audit interview, the Appellant provided Ms. Smith with written answers to questions contained in an Interview Guide, and her supervisor Phyllis Burke provided written answers to a Manager's Questionnaire. (Exhibits 5, 6, 7)
14. In her Interview Guide, the Appellant listed her duties and percentage of time spent on each as follows: (a) Point of contact for information from upper management and when Phyllis is unreachable I am responsible for the Special Plate Department. (25%); (b) Assisting in proper operation of the department by delegating work to staff to support their specific functions (12%); (c) Assisting in overseeing employees in daily operation and coordinating that duties are being met within a specific time frame. (11%); (d) Manage coverage for the front desk. (2%); (e) Advises staff in answers to questions also answering clerks' issues for the customers. (10%); (f) Point of contact for other Departments and Branches inside and outside of the agency. (10%); (g) Balances cash drawer on a daily basis, locate over/short discrepancies, closeout customer service representatives at the end of the day, and scan check to BOA. (5%) (Exhibit 7).

15. On her Appeal Forms, the Appellant stated that her job duties include “Assist[ing] customers by responding to all emails and voice messages within a 24 hour period and provide information to the general public and service centers via telephone or email concerning department registrations” She also stated that “[She] Accurately balances cash drawer on a daily basis; locate over/short discrepancies, closeout customer service representatives at the end of the day, prepare Special Plates office deposits, consolidates office for daily closing in a timely manner and scan checks to BOA”. (Exhibit 7).
16. On July 9, 2020, Amy Lynch, Manager of Classification and Compensation for MassDOT Human Resources, wrote to the Appellant that a preliminary recommendation had been made to deny her appeal. Ms. Lynch explained that the Appellant’s existing title of CSR II appropriately described the duties she performed on a daily basis. Ms. Lynch enclosed copies of the documents on which the recommendation was based, including the Appellant’s Form 30, her EPRS (Employee Performance Review System) form, and Classification Specifications. The letter provided the Appellant with the right to submit a written rebuttal. MassDOT Personnel Analyst Evelyn Smith emailed the letter to the Appellant on July 13, 2020. (Exhibits 8, 9)

Request to be reclassified to CSR IV

17. On July 22, 2020, the Appellant emailed her rebuttal to Ms. Smith. Referencing the attachments to the preliminary recommendation, which included the Classification Specification for the Customer Service Representative series, the Appellant amended her appeal to include a request to be considered for the position of Customer Service Representative IV (CSR IV), as well as Program Coordinator II (PC II). She listed duties in support of her request to be reclassified to CSR IV. (Exhibits 8, 9)

18. Ms. Smith considered the Appellant's request to broaden her classification appeal to request reclassification to a CSR IV. Although the correct procedure would be to begin a new appeal, Ms. Smith decided not to require that, and she also reviewed the Appellant's appeal seeking a CSR IV classification. (Testimony of Smith)
19. On August 5, 2020, the Appellant emailed additional job duties to Ms. Smith and Ms. Lynch in support of her rebuttal. (Exhibit 9)
20. The Appellant also provided MassDOT human resources with several letters and emails in support of her rebuttal, from Erin Sheehan, RMV Assistant Director of Title and Registration (August 3, 2020); Phyllis Burke (August 6, 2020); Gretchen Daley, RMV Director of Title and Registration (August 13, 2020). (Exhibit 3)

Duties and Responsibilities after return of Phyllis Burke as PC III

21. Ms. Burke is the Appellant's direct supervisor and, other than the Appellant, she is the witness most familiar with the Appellant's duties.
22. Ms. Burke is also familiar with the level distinguishing duties of a CSR IV and was well prepared to address whether the Appellant performs those duties a majority of her time. (Testimony of Burke)
23. According to Ms. Burke, "if I am too busy to go out to the floor and tell my staff something, I'll call Norma and say, 'Norma, could you please just reiterate this for me to the staff' and she'll do it." Ms. Burke does not, however, consider that to be "interpreting, monitoring and implementing rules, regulations, policies and procedures for carrying out daily activities"; nor did she cite any other duties performed by the Appellant that fall into the first level distinguishing duty of a CSR IV. (Testimony of Burke)

24. According to Ms. Burke, after distributing the mail, the Appellant does check to see if the work gets done and any work that does not get done, she puts in the file cabinet for the next day. The Appellant does not, however, have any role in evaluating the quality of the work performed by the employees, which is the second level distinguishing duty of a CSR IV. (Testimony of Burke)
25. Although the Appellant will assist someone in getting online to perform training and help them get through the training, she does not perform a key part of the third level-distinguishing duty of a CSR IV: “monitoring and evaluating performance”. (Testimony of Burke)
26. Based on Ms. Burke’s observations, the Appellant also does not perform the 5th level-distinguishing duty of “adjusting her own activities and priorities according to changes in workload ...” (Testimony of Burke)
27. The Appellant does not provide Ms. Burke with input regarding work plans, schedules and daily operations, the 6th level-distinguishing duty. (Testimony of Ms. Burke)
28. The only level-distinguishing duty that Ms. Burke could identify as one being performed by the Appellant was duty 7: Assisting in office support tasks such as tracking inventories, ordering supplies and handling deposits. (Testimony of Ms. Burke)
- After Ms. Burke returned as PC III of the unit, the Appellant assisted Ms. Burke with helping research and resolve issues that arose related to the inventory of plates. (Testimony of Ogilvie) At Ms. Burke’s request, the Appellant assists with the plate inventory under the new Atlas system. The Appellant helped organize the plate storage room, so that plates that had not yet been inventoried were separated from inventoried plates. (Testimony of Appellant, Burke, Exhibit 9)

29. At Ms. Burke's request, the Appellant also handles a large number of emails and phone calls, solves problems such as delayed receipt of plates, inventory transfers, transfer of plates to a family member, renewals, reactivation of formerly issued vanity plates, changes in residency, and errors in ATLAS records. (Testimony of Appellant, Burke; Exhibits 5, 6, 7, 9, 16-29, 37)
30. The Appellant opens, sorts, logs and distributes the mail. (Testimony of Appellant, Burke; Exhibits 6, 15)
31. Ms. Burke does occasionally forward emails or voice mails to the Appellant for follow-up or ask her to "test" some items and the Appellant "does more than CSR Is."
(Testimony of Burke)
32. When there is a problem with the copy machine or the phones, the Appellant puts in the request on behalf of Ms. Burke. (Testimony of Appellant)
33. The Appellant works extra hours for which she receives compensatory time. (Testimony of Appellant)
34. The record and the Appellant's EPRS review form for 2020 show she is a highly valued and hard-working employee. Of the nine areas of review, the Appellant was rated "exceeds" expectations in three: communication with outside agencies and RMV branches, adherence to the telephone schedule, and "promot[ing] the mission of MassDOT and deliver[ing] extraordinary customer service that both anticipates and responds to customers' needs." (Exhibits 3, 37)
35. On August 24, 2020 Ms. Lynch wrote to the Appellant to notify her that MassDOT had denied her appeal to be reclassified from CSR II to CSR IV or PC II. She informed the

Appellant of her right to appeal to the Commonwealth's Human Resources Division (HRD). (Exhibit 10)

36. By email dated August 24, 2020, the Appellant appealed MassDOT's denial of her classification appeal to HRD. (Exhibit 11)

37. On September 16, 2020, HRD denied the Appellant's appeal. (Exhibit 12)

38. The duties of a Program Coordinator II are set out in Exhibit 31, the Classification Specification for the Program Coordinator series.

39. The series Summary describes the function of a Program Coordinator as follows:

Incumbents of positions in this series coordinate and monitor assigned program activities; review and analyze data concerning agency programs; provide technical assistance and advice to agency personnel and others; respond to inquiries; maintain liaison with various agencies; and perform related work as required.

The basic purpose of this work is to coordinate, monitor, develop and implement programs for an assigned agency.

(Exhibit 31)

40. The PC Classification Specification lists the following under "Examples of duties common to all levels of the Program Coordinator series":

- Coordinates and monitors assigned program activities to ensure effective operations and compliance with established standards.
- Reviews and analyzes data concerning assigned agency programs to determine progress and effectiveness, to make recommendations for changes in procedures, guidelines, etc. and to devise methods of accomplishing program objectives.
- Provides technical assistance and advice to agency personnel and others concerning assigned programs to exchange information, resolve problems and to ensure compliance with established policies, procedures and standards.
- Responds to inquiries from agency staff and others to provide information concerning assigned agency programs.
- Maintains liaison with various private, local, state and federal agencies and others to exchange information and/or to resolve problems.

- Performs related duties such as attending meetings and conferences; maintaining records; and preparing reports.

(Exhibit 31)

41. Under “Differences in Levels in Series” the PC Classification Specification states that those in the following levels, and those in higher levels, perform the following duties:

Program Coordinator II:

- Provide on-the-job training and orientation for employees.
- Develop and implement procedures and guidelines to accomplish assigned agency program objectives and goals.
- Review reports, memoranda, etc. for completeness, accuracy and content.
- Confer 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.
- Evaluate program activities in order to determine progress and effectiveness and to make recommendations concerning changes as needed.

Program Coordinator III:

- Develop and implement standards to be used in program monitoring and/or evaluation.
- Oversee and monitor activities of the assigned unit.
- Confer with management staff and others in order to provide information concerning program implementation, evaluation and monitoring and to define the purpose and scope of proposed programs.

(Exhibit 31)

42. Under “Supervision Received” the PC Classification Specification provides for those at each level, including PC III:

Incumbents of positions at this level receive general supervision from employees of higher grade who provide guidance on policy and procedure, assign work and review performance for effectiveness and conformance to laws, rules, regulations, policy and procedures.

(Exhibit 31)

43. The PC Classification Specification provides under “Supervision Exercised” as to those at the PC III level:

Program Coordinator 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 professional personnel; and indirect supervision (i.e., through an intermediate level supervisor) over 6-15 professional, administrative, technical and/or other personnel.

(Exhibit 31)

44. Under “Minimum Entrance Requirements,” the PC Classification Specification provides for the PC II level:

Applicants must have at least (A) three years of full-time, or equivalent part-time, professional, administrative or managerial experience in business administration, business management or public administration the major duties of which involved program management, program administration, program coordination, program planning and/or program analysis, or (B) any equivalent combination of the required experience and the substitutions below:

Substitutions:

- I. A Bachelor’s degree with a major in business administration, business management or public administration may be substituted for a maximum of two years of the required experience.*
- II. A Graduate degree with a major in business administration, business management or public administration may be substituted for the required experience.*
- III. A Bachelor’s or higher degree with a major other than in business administration, business management or public administration may be substituted for a maximum of one year of the required experience.*

*Education toward such a degree will be prorated on the basis of the proportion of the requirements actually completed.

(Exhibit 31).

45. The Classification Specification for the Customer Service Representative Series provides under “Summary of Series”:

Employees in this series confer with agency customers and the general public by telephone, in person or in writing; assist agency customers and the public in applying for agency programs, services, licenses or permits; explain agency programs, services, procedures and fees; respond to inquiries; resolve

complaints or refer them to appropriate staff; process applications and other documents; may enter application data into computers; establish and maintain coding and filing systems of case logs; may collect and record receipt of application fees; may prepare licenses or permits and may digitally image customers; provide information on certificates of titles, registrations, rebates, excise tax, sales tax, license and registration suspension, civil motor vehicle infractions, warrants, electronic toll and parking violations and other Registry of Motor Vehicle functions and procedures.

(Exhibit 30)

46. Under “Examples of Duties Common to All Levels in Series” the CSR Classification

Specification provides:

- Interacts with customers to respond to inquiries and complaints.
- Issues licenses, identification cards and motor vehicle registrations.
- Communicates with internal and external contacts through a variety of means such as telephone, mail, e-mail, fax or in-person.
- Uses computer terminals, vision instruments, automatic testing devices and other equipment.
- Administers vision tests in accordance with agency policy.
- Operate computer equipment to create, retrieve, review, change or update driver/vehicle/business information.
- Ensure appropriate confidentiality and security of information.
- Reviews reports for compliance with state and federal guidelines.
- Collects fees (cash and checks) and performs credit card transactions.
- Reconciles receipts with revenue control documents.
- Operates computer terminals and photo imaging software.
- Schedules road examinations.
- Prepares forms and other documents related to licenses, registrations, identification cards and receipts for titles.
- Amends title and registration records.
- Maintains Registry of Motor Vehicle filing systems.
- Reviews customer documents in support of transactions for accuracy and veracity.
- Conducts research for additional information from third parties (other states, state agencies, etc.) to complete transactions.
- Assists other state and local agencies with Registry of Motor Vehicle information.

- Assists customers with problem resolution.
- Provides information to the public regarding Registry of Motor Vehicles guidelines, requirements and procedures in-person and on the phone.
- Greets customers, determines customer's purpose, assesses readiness, and directs them to the appropriate line.
- Directs customers to Kiosks and other automated services where appropriate.
- Assesses that customers have the correct forms/applications, supporting documents, and acceptable payment.
- Returns improper or incomplete forms or documents to the applicant explaining reasons for rejection and steps necessary to complete forms/applications.
- Provides checklists and assistance in completing forms/applications.
- Provides information to the public regarding Registry of Motor Vehicles guidelines, requirements and procedures in-person and on the phone.

(Exhibit 30)

47. Under “Differences Between Levels in Series” the CSR Classification Specification provides:

Customer Service Representative II:

- Provides technical assistance and guidance on tax exemption issues.
- Authorizes or denies sales tax exemptions for motor vehicles at the time of registration, based on evaluation of documentation and knowledge of both Registry of Motor Vehicles and Department of Revenue rules.
- Receives revenue for licenses, registrations, titles, sales tax and other fees and maintains records and accounts of all financial transactions in ALARS/Imaging system.
- Reconciles financial receipts and prepares daily bank deposits and work reports for designated branch office.
- Makes periodic daily collections of revenue from the clerical personnel at the public counter and reconciles accounts.
- Opens/closes branch offices, as needed.
- Reconciles daily branch deposits.

Customer Service Representative III:

- Assist customers with reporting, eligibility and compliance requirements; appropriate processes to follow, information to process and actions to take in accordance with standard procedures.

- Inquires with customers, as needed, to determine appropriate service; explains additional information or action required when customer fails to meet license or operating requirements.
- Performs senior level or lead customer service activities by providing assistance, guidance and instruction to less experienced customer service personnel.
- Perform research, analysis and judgment to determine an appropriate course of action to provide the public with the full range of services available.
- Oversees office operations.
- Provides training and support to employees.
- Ensures accuracy of cash control.
- Incumbents at this level perform work that requires considerable independence in the exercise of judgment, in determining approaches and in the interpretation and application of policies, laws, standards and procedures.
- Creates reports and statistical tables.

Customer Service Representative IV:

- Interpret, monitor and implement rules, regulations, policies and procedures for carrying out daily activities.
- Ensure that completed work meets standards of quality and timeliness.
- Supervises subordinate personnel including delegating assignments, training, monitoring and evaluating performance.
- Maintains efficient workflow by evaluating production and revising processes and work assignments.
- Adjusts own activities and priorities according to changes in workload, team member absences, and to enable team members to take appropriate breaks.
- Provides input regarding work plans, schedules and daily operations.
- Assists in office support tasks such as tracking inventories, ordering supplies and handling deposits.
- Oversees operations at satellite branch offices.
- Assists Branch Manager with operations at major branch offices, filling in when the Branch Manager is not available.
- At this level, incumbents are expected to perform or be able to perform the duties described for Levels I, II and III; however, the primary focus is to provide program oversight, guidance and review of others' work.
- Communicate with appropriate MassDOT enterprise service areas to address workplace facility and security issues.

(Exhibit 30)

48. Supervision received by a CSR IV is described in the Classification Specification as:

Customer Service Representative IV

Incumbents of positions at this level receive general supervision from Branch Managers and other employees of a higher grade who provide procedural and policy guidance, assign work and review for effectiveness and compliance with laws, rules and regulations.

(Exhibit 30)

49. Supervision exercised by a CSR IV is described in the Classification Specification as:

Incumbents exercise direct supervision over, assign work to, provide training for and review the performance of Customer Service Representatives and provide indirect supervision to employees of a lower grade. Incumbents may also participate in the interviewing process or make recommendations for new hires.

(Exhibit 30)

50. Under “Minimum Entrance Requirements,” the CSR Classification Specification provides for the CSR IV level:

Applicant must have at least (A) four years of full-time or equivalent part-time, experience in a position which included public contact/customer service experience dealing with the public in-person or by phone providing information about services/programs, explaining laws, rules, regulations/procedures or resolving problems. At this level, incumbents are expected to perform or be able to perform the duties described for Levels I, II and III; however, the primary focus is to provide program oversight, guidance and review of others’ work. (B) One year of this experience must have involved cash handling and collecting money/making change. (C) Of which at least one year must have been in a supervisory capacity. (D) Any equivalent combination of the required experience and the substitutions below:

Substitutions:

A Bachelor’s or higher degree may be substituted for one (1) year of the required experience.

NOTE: No Substitutions will be permitted for the required (C) experience.

(Exhibit 30).

Legal Standard

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

G.L. c. 30, § 49.

The Appellant has the burden of proving that she is improperly classified. To do so, she must show that she performs the duties of the Project Coordinator II or the Customer Service Representative IV title more than 50 percent of the time, on a regular basis. Gaffey v. Dep't of Revenue, 24 MCSR 380, 381 (2011); Bhandari v. Exec. Office of Admin. and Finance, 28 MCSR 9 (2015) (finding that “in order to justify a reclassification, an employee must establish that [s]he is performing the duties encompassed within the higher level position a majority of the time”)

That other employees may be misclassified “does not entitle the Appellant to the reclassification requested.” Gaffey v. Dept. of Revenue, supra.

Analysis

The Appellant is a hardworking employee who began working for the RMV as a CSR I in 2016. She takes pride in her work and is highly regarded by her supervisors. That hard work and initiative was recognized by the RMV when the Appellant was promoted to CSR II in 2018 after approximately two years of being hired. Approximately 30 days into that new position, while she was still being trained to perform cash handling duties which are part of the CSR II position, she was designated as an acting PC III because the PC III who served as the Supervisor of Special Plates began working on the ATLAS project.

As stated in the findings, the Appellant did not assume a supervisory role during this time period. She had no role in employee evaluations or discipline and, according to Ms. Burke, the Appellant would always touch base with her regarding any substantive decision that needed to be made. In short, the Appellant, during this time period, did not perform the one-year of supervisory responsibilities that are part of the minimum entrance requirements for the CSR IV position.

Even if the Appellant met the minimum entrance requirements, which she does not, the Appellant does not perform the vast majority of the CSR IV level-distinguishing duties. Ms. Burke, who highly values the Appellant's hard work and is supportive of the Appellant's reclassification request, offered informed and objective testimony showing that the Appellant's duties, at best, fall under only one of the level distinguishing duties of a CSR IV. Generally, the Appellant does not: *interpret*, monitor and implement rules, regulations, policies and procedures; ensure that completed work meets *standards of quality and timeliness*; supervise subordinate personnel including delegating assignments, training, monitoring and evaluating performance.

The Appellant also does not, now, nor has she ever, exercised direct supervision over, assigned work to, provided training for and reviewed the performance of Customer Service Representatives and provide indirect supervision to employees of a lower grade.

She does, however, assist in office support tasks such as tracking inventories, ordering supplies and handling deposits in her role related to the inventorying of plates under the new

ATLAS system. Performing this duty, however, standing alone, does not meet the requirement that she spend a majority of her time performing the duties of a CSR IV, nor does it change the fact that the Appellant does not meet the MERs or supervisory responsibilities required to be a CSR IV.

Conclusion

For these reasons, the Appellant's appeal under Docket No. C-20-141 is hereby *denied*.²

Civil Service Commission

/s/ Christopher C. Bowman
Christopher C. Bowman
Commissioner

By a vote of the Civil Service Commission (Bowman, Chairman; Camuso, Ittleman, Tivnan, and Stein, Commissioners) on May 6, 2021.

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)(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 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. After initiating proceedings for judicial review in Superior Court, the plaintiff, or his/her attorney, is required to serve a copy of the summons and complaint upon the Boston office of the attorney General of the Commonwealth, with a copy to the Civil Service Commission, in the time and in the manner prescribed by Mass. R. Civ. P. 4(d).

Notice to:

Norma Quimby (Appellant)
Matthias P. Kriegel, Esq. (for Respondent)
Erik F. Pike, Esq.(for Respondent)

² The Appellant, mid-way through this process, already abandoned her request for PC II and sought a different classification: CSR IV. I did not find it appropriate to conduct a separate analysis to determine whether she performed the level distinguishing duties of a CSR III, a classification not being sought by the Appellant. Nothing in this decision, however, prevents the Appellant from filing such a request and/or MassDOT, on its own initiative, determining whether such a classification is appropriate.