

**COMMONWEALTH OF MASSACHUSETTS  
CIVIL SERVICE COMMISSION**

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

**ELIZABETH SANTIAGO**

*Appellant*

v.

**Case No.: C-12-275**

**DEPARTMENT OF  
TRANSITIONAL  
ASSISTANCE,**

*Respondent*

**DECISION**

The Civil Service Commission (Commission) voted at an executive session on March 7, 2013 to acknowledge receipt of: 1) the Recommended Decision of the Administrative Law Magistrate dated January 14, 2013; 2) the Appellant's written objections to the Recommended Decision; and 3) the Respondent's Response to the Appellant's objections.

After careful review and consideration, the Commission voted to: 1) *adopt* the findings of fact; and 2) *not adopt* the Recommended Decision of the Magistrate for the following reasons.

Here, the Magistrate's thorough and articulate findings clearly establish that the Appellant regularly performs a majority of the level-distinguishing duties of a Program Coordinator III more than 50% of the time – with the exception of directly supervising the performance of "professional" personnel.

Consistent with years of Commission decisions regarding the need to meet the supervisory requirements of a position in order to justify a reclassification, the Magistrate recommends that the Appellant's appeal be denied.

Here, however, we conclude that the strict application of that well-established Commission standard, as applied to the particular facts of this appeal, would produce an illogical result that is inconsistent both with the intent of the standard and basic merit principles.

As stated in Exhibit 5, the Appellant, who is responsible for overseeing the DTA Works Program, supervised 57 clerical interns from July 2011 to June 2012, traveling to the 22 DTA locations where these individuals work at least once per month. Further, from October 2011 to June 2012, the Appellant indirectly supervised an *additional* 29 newly hired Clerk IIIs. Since none of the 57 clerical interns can be deemed "professional", the Appellant fails to meet the supervisory requirements of a Program Coordinator III.


In contrast, if the Appellant supervised just 1 professional employee and, for example, 6 clerical staff, she would meet the supervisory requirements of a Program Coordinator III and her appeal would be allowed. As stated above, this result is illogical, inconsistent with the Commission's intent, and inconsistent with basic merit principles.

For these reasons, the Appellant's appeal is *allowed* and she is to be reclassified to the position of Program Coordinator III, effective as of the date that she filed her initial appeal with the Appointing Authority.

While the Commission does not anticipate that it will often be presented with such a stark example, we recognize that a changed workplace, dramatically effected by years of budget reductions and staff layoffs, may warrant a broader look, in the context of classification appeals, at the supervisory requirements contained in job specifications that were, in many cases drafted many years ago.

By vote of the Civil Service Commission (Bowman, Chairman; Ittleman and McDowell, Commissioners [Marquis, Stein – Absent]) on March 7, 2013.

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)(l), 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:

Elizabeth Santiago (Appellant)

Patrick G. Butler, Esq. (for Respondent)

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



THE COMMONWEALTH OF MASSACHUSETTS

DIVISION OF ADMINISTRATIVE LAW APPEALS

ONE CONGRESS STREET, 11<sup>TH</sup> FLOOR

BOSTON, MA 02114

RICHARD C. HEIDLAGE  
CHIEF ADMINISTRATIVE MAGISTRATE

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January 14, 2013

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

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CIVIL SERVICE COMMISSION

**Re: Elizabeth Santiago v. Department of Transitional Assistance**  
**DALA Docket No. CS-12-623**  
**CSC Docket No. C-12-275**

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.

Sincerely,

  
Richard C. Heidlage  
Chief Administrative Magistrate

RCH/mbf

Enclosure

cc: Elizabeth Santiago  
Patrick G. Butler, Esq.

**COMMONWEALTH OF MASSACHUSETTS**

Suffolk, ss.

**Division of Administrative Law Appeals**

**Elizabeth Santiago,**  
Appellant

v.

Docket No. C-12-275  
DALA No. CS-12-623

**Department of  
Transitional Assistance,**  
Respondent

**Appearance for Appellant:**

Elizabeth Santiago, *pro se*  
Department of Transitional Assistance  
600 Washington Street  
Boston, MA 02111

**Appearance for Respondent:**

Patrick G. Butler, Esq.  
Executive Office of Health  
And Human Services  
600 Washington Street  
Boston, MA 02111

**Administrative Magistrate:**

**Maria A. Imparato, Esq.**

**SUMMARY OF RECOMMENDED DECISION**

The Appellant's request for reclassification from PC II to PC III must be denied, because although the Appellant performs the level distinguishing duties of a PC III, she does not directly supervise "professional" personnel. She directly supervises DTA interns who perform clerical work during a six month internship. The interns are "administrative" personnel who are directly supervised by PC IIs.

**RECOMMENDED DECISION**

Elizabeth Santiago is appealing under the provisions of M.G.L. c. 30, s. 49 the August 23, 2012 decision of the Personnel Administrator to deny her request to be reclassified from the

position of Program Coordinator II (PC II) to Program Coordinator III (PC III) at the Department of Transitional Assistance (DTA).

I held a hearing on November 19, 2012 at the office of the Division of Administrative Law Appeals, One Congress Street, 11<sup>th</sup> floor, Boston, MA.

I heard the testimony of Ms. Santiago as well as that of two witnesses who testified on her behalf: April Myers, Director of Project Management and Ms. Santiago's direct supervisor; and Paul Sutliff, Director of the DTA office in Chelsea. The Respondent did not present any witnesses.

### **FINDINGS OF FACT**

1. Elizabeth Santiago has worked for the DTA since June 2, 2008 in the position of PC II. Her functional title is Intern Supervisor/Employment Service Coordinator. (Ex. 1; Testimony, Santiago.)
2. As Intern Supervisor, Ms. Santiago oversees the DTA Works Program. The program provides a six-month clerical internship to welfare clients to work in the 22 DTA offices throughout the Commonwealth. Ms. Santiago travels to every DTA office once a month to document the progress of the interns, monitor their attendance and address any issues that arise, such as the completion of weekly paperwork. Ms. Santiago assists with the initial placement of each intern, and provides the interns with one-on-one supervision. Ms. Santiago has the power to fire interns for non-compliance. (Testimony, Santiago; Ex. 3; Ex. 7, pp. 1, 10.)
3. In August 2008, Ms. Santiago was given the additional job of Employment Service Coordinator. In this capacity she provides services to all the newly hired Clerk IIIs in the

DTA offices in the Commonwealth. She assists in mediating issues that arise in the office, such as attendance and hygiene. (Testimony, Santiago; Ex. 3.)

4. In the position of Intern Supervisor/Employment Service Coordinator, Ms. Santiago's 2012 EPRS requires her to provide oversight, direction, and on the job training for each intern; provide case management services to both interns and Clerk IIIs; provide accurate and timely oral and written communications; work collaboratively with local office management and Central Office staff; and provide assistance to the DTA Central Office around the identification, maintenance, and promotion of special initiatives focused on the Department's TAFDC population.<sup>1</sup> (Ex. 5.)
5. Under the classification specifications for the Program Coordinator Series, both PC IIs and PC IIIs: 1) provide on-the-job training and orientation for employees; 2) develop and implement procedures and guidelines to accomplish assigned agency program objective and goals; 3) review reports, memoranda, etc. for completeness, accuracy and content; 4) 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; and 5) evaluate program activities in order to determine progress and effectiveness and to make recommendations concerning changes as needed. (Ex. 4, p. 2.)
6. The level distinguishing duties of PC IIIs indicates that PC IIIs also: 1) develop and implement standards to be used in program monitoring and/or evaluation; 2) oversee and monitor activities of the assigned unit; and 3) 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. (Ex. 4, p. 2.)

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<sup>1</sup> Transitional Aid to Families with Dependent Children.

7. PC IIs exercise direction supervision (i.e., not through an intermediate level supervisor) over, assign work to and review the performance of 1-5 professional, technical, or administrative personnel; and indirect supervision (i.e., through an intermediate level supervisor) over 1-5 profession, technical, administrative and/or other personnel. (Ex. 4, p. 3.)
8. PC IIIs 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. (Ex. 4, p. 3.)
9. With respect to the first level distinguishing duty of PC IIIs, Ms. Santiago develops and implements "standards to be used in program monitoring and/or evaluation." Ms. Santiago conferred with the legal department regarding the policies that interns are required to comply with. She developed the job descriptions for interns and their mentors. She created the orientation packet for new interns, and within their first week of work, Ms. Santiago meets with each intern to review the entire packet. Ms. Santiago also makes the final decision on the hiring of each intern. (Testimony, Santiago; Ex. 8.)
10. With respect to the second level distinguishing duty of PC IIIs, Ms. Santiago "oversees and monitors activities of the assigned unit." Each intern must submit time sheets and job search information to Ms. Santiago each week. The interns must contact Ms. Santiago if they will be out, are sick, need to leave early or require any other schedule deviation. If an intern is non-compliant, Ms. Santiago may issue a warning, continue to monitor the intern, and/or fire the intern. Every DTA office assigns a mentor to its intern.

Ms. Santiago reviews the responsibilities of the mentor with the intern. She does this during her regular DTA office visits. (Testimony, Santiago.)

11. With respect to the third level distinguishing duty of PC IIIs, Ms. Santiago “confers with management staff and others.” Ms. Santiago addresses performance issues of the interns by first conferring with office staff to see how the interns are doing. A DTA office will contact Ms. Santiago with problems, and Ms. Santiago goes to the office to discuss the problems. She will meet with an intern, using a member of the office staff as a witness to the conversation. (Testimony, Santiago.)

12. With respect to supervision, Ms. Santiago directly supervises the 20 interns, performs their evaluations (not EPRS because the interns are not state employees), and reviews their monthly evaluations by their mentors. (Testimony, Santiago.)

13. Ms. Santiago indirectly supervises the Clerk IIIs by visiting each one once a month. She makes sure the Clerk IIIs complete their mandatory training through PACE, and assists if necessary. She also assists DTA office staff in coping with any challenging issues regarding the Clerk IIIs, such as whether a Clerk III is the victim of domestic violence. (Testimony, Santiago.)

### CONCLUSION AND RECOMMENDATION

I recommend that the decision of the Personnel Administrator denying Elizabeth Santiago’s request to be reclassified from a PC II to a PC III be affirmed. Ms. Santiago has not demonstrated that she is directly supervising the performance of “professional” personnel.

Ms. Santiago supervises interns who perform clerical work for a six month term in a DTA office. I conclude that the interns are “administrative” personnel, not “professional” personnel.



Ms. Santiago falls squarely into the classification specifications for PC II, who provide direct supervision to "professional, technical or administrative personnel."

Although Ms. Santiago performs the level distinguishing duties of a PC III, she does not provide the supervision required by that classification, so her request for reclassification must fail. I recognize that this is a harsh result because Ms. Santiago is clearly a talented, dedicated and much-appreciated employee. I recommend that her request for reclassification to a PC III be denied.

DIVISION OF ADMINISTRATIVE LAW APPEALS

Maria A. Imperato

Maria A. Imperato  
Administrative Magistrate

Dated: **JAN 14 2013**