

**COMMONWEALTH OF MASSACHUSETTS  
CIVIL SERVICE COMMISSION**

**SUFFOLK, SS.**

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

**DEBORAH A. SKINNER,**  
Appellant

v.

**CASE NO: C-08-128**

**DEPARTMENT OF REVENUE,**  
Respondent

Appellant:

Deborah A. Skinner, 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, Deborah A. Skinner, 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. Fifteen Exhibits and a written Stipulation were received in evidence. One audiocassette recording was made of the hearing. The record was left open to permit HRD an opportunity to comment concerning the Appellant's argument that HRD unlawfully denied her a "hearing", but HRD did not chose to do so.

## FINDINGS OF FACT

Based upon the Stipulation, the Exhibits and the testimony of Ms. Skinner, 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, Deborah A. Skinner, 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. 2, 8, 8A, 9)
2. Ms. Skinner's current classification and pay grade is EDP SA II, Grade 12. (Stipulation; Exh. 2)
3. Ms. Skinner has been employed at DOR for approximately 9 years. (Stipulation; Skinner)
4. On or about August 31, 2007, by inter-office e-mail, Ms. Skinner requested that DOR reclassify her position to EDP SA III, Grade 14. (Stipulation; Exhs. 2)
5. Ms. Skinner'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 31, 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.
- Determine the amount of computer time, core size and number of devices required to process production requests.

- 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.
  - Lead project teams at least 51 percent of the time.
7. On February 5, 2008, Ms. Skinner submitted her rebuttal to DOR's preliminary denial. (Exh. 5)
  8. On or about March 18, 2008, DOR issued a final denial of the classification request. (Stipulation; Exh. 6)
  9. On April 10, 2008, Ms. Skinner 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. Skinner's appeal. (Exh. 7)
  11. Prior to issuing the denial, HRB did not contact Ms. Skinner. (Skinner)
  12. On June 3, 2008, Ms. Skinner duly appealed to the Commission.

#### Ms. Skinner's Work Unit

13. 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); there is 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)
14. The organizational charts in evidence indicate the following additional facts:
  - a. Mr. LaVerde's immediate supervisor is Anthony DelGrosso, Deputy Bureau Chief of the Application Development Bureau. Mr. DelGrosso has worked 30 years in management, the last six years in ISO (Exhs. 8, 8A)

- b. Mr. DelGrosso reports to Richard Gallagher, Chief of the Application Development Bureau (Exhs. 8, 8A)
  - c. Mr. Gallagher reports to Vincent A. Piccinni, Deputy Commissioner, ISO. (Exh. 8A)
  - d. Also reporting to Mr. Piccinni, on the same level as Mr. Gallagher, is Dennis McEvoy, Chief, Technical Services Bureau
  - e. Within the Technical Services Bureau are six work teams, each of which include from five to eight personnel. (Exh. 8A)
15. Accounts Management Team is a “user support” group that provides Information Technology (IT) customer service to DOR users and other agencies. (Exhs. 3, 9; DelGrosso; Skinner).
16. Ms. Skinner’s job duties in her current position involve providing customer service and systems security administration to DOR users, and principally include creating, deleting, modifying and maintaining accounts, both basic and secure, for DOR users 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. Skinner provides one-on-one training to other staff, works on quarterly reports, and has handled special projects such as preparing SOPs for the Accounts Management Team. (Exhs. 3, 5, 6A, 9, 11; DelGrosso; Skinner)

#### Evaluation of Reclassification

17. Ms. Skinner’s reclassification request was assigned to Shelly John, a Program Coordinator III in DOR’s Human Resources Bureau. (John)

18. Ms. John reviewed the EDP Systems Analysis Series Classification Specification (Exh. 1), Ms. Skinner's Interview Guide (Exh. 3), Ms. Skinner's Form 30 and most recent EPRS (Exh. 9) and reviewed the Forms 30 for various other job titles classified as EDP SA-III, including some in other ISO units such as the Technical Services Bureau.. (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. Skinner. (Exhs. 1, 9; John; DelGrosso; Skinner)
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. Skinner, in fact, does perform these duties, although "sporadically" and not "steadily." (Exhs. 1, 3, 9; DelGrosso; Skinner)
21. In addition, Ms. Skinner 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, 3, 9; DelGrosso; Skinner)
22. Ms. Skinner also provides "on-the job" orientation-type training as needed, which I find would fall with within EDP SA-III level distinguishing duty Item #2 of the Classification Specification. (Exh. 1; DelGrosso; Skinner). I do not credit the DOR's evidence that the EDP SA-III training calls for seminar or other group

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

23. I do find that the credible testimony of the DOR's witnesses and Ms. Skinner established that Ms. Skinner's current job lacks the following level distinguishing functions between an EDP SA-II and an EDP SA-III: (a) Ms. Skinner does not 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 EDP SA-III level distinguishing functions in the Classification Specification, especially Items #1, #3, #4 & #6. (Exhs. 1; 3; DelGrosso; John; Skinner)

24. In sum, while Ms. Skinner occasionally performs some 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, 2, 9; 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. Skinner 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 also 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 (c) her job duties have

evolved and are not primarily “programmer” oriented as the EDP Series assumes. (Exhs. 1, 2, 3, 5, 6A, 10, 11, 12; Skinner) 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. Skinner 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. Skinner 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.<sup>1</sup>


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<sup>1</sup> As to Ms. Skinner’s point that the EDP SA series classification is written primarily to cover “programmers” and not the type of “user support” position she 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. Skinner 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.

Ms. Skinner also argues that HRD failed to provide her with the "hearing" on her appeal to which she is entitled by G.L.c. 30, §49. The Commission agrees that the law requires HRD to grant a "hearing" on a reclassification appeal. However, since the Commission is required to hear classification appeals from HRD *de novo*, and the Commission has done so here, a remand to HRD in this case would be a futile exercise. Accordingly, no purpose would be served to consider whether HRD's internal review of the written submissions of the parties is deemed sufficient to pass statutory muster as a Section 49 "hearing" under the law.

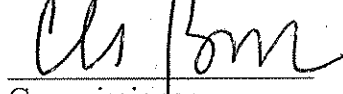
The Commission notes that, as often true in most classification appeals, Ms. Skinner is, by all accounts, an outstanding public servant who works hard and is respected by her peers and supervisors at DOR and by the IT users she supports. Ms. Skinner presented herself at the hearing as a skilled professional 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. Skinner's appeal is hereby *dismissed*.

Civil Service Commission  
  
Paul M. Stein  
Commissioner

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



