

COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION

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

Decision mailed: 7/2/10
Civil Service Commission JB

DENISE SNYDER,
Appellant

v.

**DEPARTMENT OF
REVENUE,**
Respondent

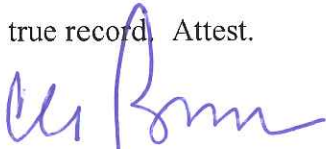
Case No.: C-10-37

DECISION

After careful review and consideration, the Civil Service Commission voted at an executive session on July 1, 2010 to acknowledge receipt of the report of the Administrative Law Magistrate dated May 26, 2010. 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 a 4-0 vote of the Civil Service Commission (Bowman, Chairman; Henderson, Marquis and Stein, Commissioners [McDowell – not participating]) on July 1, 2010.

A true record. Attest.



Christopher C. Bowman
Chairman

Either party may file a motion for reconsideration within ten days of the receipt of this 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:

Denise Snyder (*pro se*)

Julyane L. Kosmas, Esq. (for Appointing Authority)

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



THE COMMONWEALTH OF MASSACHUSETTS

DIVISION OF ADMINISTRATIVE LAW APPEALS

98 NORTH WASHINGTON STREET, 4TH FLOOR

BOSTON, MA 02114

RICHARD C. HEIDLAGE
CHIEF ADMINISTRATIVE MAGISTRATE

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

May 26, 2010

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

**Re: Denise Snyder v. Dept. of Revenue,
DALA Docket No. CS-10-~~376~~⁴⁶**

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: Denise Snyder
Julyane L. Kosmas, Esquire

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COMMONWEALTH OF MASS
CIVIL SERVICE COMMISSION

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

Division of Administrative Law Appeals

Denise Snyder,
Appellant

v.

Docket Nos. CS-10-147; C-10-37 (CSC)

Department of Revenue,
Appointing Authority

Dated: May 26, 2010

Appearance for Appellant:

Denise Snyder, pro se
[REDACTED]
[REDACTED]

Appearance for Respondent:

Julyane L. Kosmas, Esq.
Director, Office of Labor Relations
Department of Revenue
100 Cambridge Street
Boston, MA 02114

Administrative Magistrate:

Sarah H. Luick, Esq.

SUMMARY OF RECOMMENDED DECISION

Appellant is not entitled to be reclassified to the next higher classification in her job series within a regional support team office of the Department of Revenue's Child Support Enforcement Division. Her current work with a new imaging system including expertise in the use and maintenance of the new scanner, and her work in guiding others in her office in the use of the scanner including workers in higher job classifications, does not satisfy the job specifications of the next higher category in her job series.

RECOMMENDED DECISION

Pursuant to the provisions of G.L.c. 30, § 49, Appellant, Denise Snyder, is appealing the February 5, 2010 decision of the Commonwealth's Human

Resources Division denying her request for reclassification from the position of Child Support Enforcement Specialist A/B (CSES A/B) to the position of Child Support Enforcement Specialist C (CSES C) within the Department of Revenue's (DOR) Child Support Enforcement Division. (Ex. 2.) The appeal was timely filed. (Ex. 1.) A hearing was held March 12, 2010 for the Civil Service Commission at the offices of the Division of Administrative Law Appeals, 98 North Washington Street, 4th Floor, Boston, MA 02114. Three tapes were made of the hearing. The Appointing Authority presented the testimony of: Mary Kate McDonald, Director within DOR's Central Region with general oversight responsibility for Appellant's Regional Support Team; Stephen Black, Deputy Director of the Worcester Office of DOR who also has oversight of Appellant's Regional Support Team; and, Sandra Antonucci, Title Program Coordinator III within DOR's Human Resources Bureau who reviewed Appellant's request for reclassification. Appellant testified on her own behalf and presented the testimony of: Susan Hokanson, Appellant's co-worker on the imaging system work who holds a CSES C position; Saralee Ramanath, a trainer on the imaging system in the DOR's Systems Management Bureau; and, Elizabeth Sheldon, a CSES D who is the team leader for Appellant's Regional Support Team and Appellant's direct supervisor.

Findings of Fact

Based on the evidence presented and the reasonable inferences drawn therefrom, I make the following findings of fact:

1. Denise Snyder has worked for DOR for about twenty-nine years.

She has been in her current job of CSES A/B from September 2000, and has worked in DOR's Child Support Enforcement Services Division for about thirteen years. (Exs. 1 & 3. Testimony.)

2. DOR's Child Support Enforcement Division "is responsible for establishing paternity ... collecting and enforcing child support and medical support obligations ... [including] current and past-due support by use of administrative remedies ... fully automated." DOR issues notices of child support delinquency to parents, and the notice "describes all the enforcement remedies DOR may use to collect the debt." The remedies can include income withholding orders, income levies, administrative increases in support obligations, liens, bank levies, federal administrative offset, tax refund intercepts, passport denials, state tax refund intercepts, unemployment compensation intercepts, workers' compensation benefit liens, license suspension and motor vehicle registration revocations, credit reporting, insurance claim intercepts, public pension intercepts, lottery intercepts, and abandoned property intercepts. (Ex. 12.)

3. The employees within DOR's Child Support Enforcement Division engage in a number of areas including customer service, case management, and child support training for employees. The job titles in the Division in Ms. Snyder's job series are CSES A/B, CSES C, and CSES D. All these employees need a general knowledge and understanding of the core work of the DOR Child Support Enforcement Division and of the available remedies to secure child support. (Ex. 9. Testimony.)

4. Employees working as customer service representatives deal with parents, legal representatives, employers, other agencies, other states' child support programs, and with private organizations. They make telephone calls, meet in person with customers, send and receive written and email correspondence, and give out verbal and written information to customers. They gather information "to determine the central issue for inquiry, review pertinent case information, determine appropriate action, and document interactions and appropriate action in agency records. They "ensure compliance with state and federal laws and regulations and agency policy and procedures." They maintain correct and updated case information. (Ex. 9.)

5. Employees working as child support case managers, determine eligibility for services; conduct case and administrative reviews; maintain case records; review and enforce court orders through automated and manual methods; locate and interview custodial and noncustodial parents ...; collect, review, and analyze financial case information; prepare court documents for review by attorneys; provide agency representation at court; coordinate genetic marker testing; coordinate service of process ...; prepare, review, and submit financial transaction documents recommending adjustments to case account balances; provide verbal and written information to customers; ... assess information to determine the central issue for the inquiry, review pertinent case information, determine appropriate action, and document interactions and appropriate action in agency records; review, enter, verify, correct, and update computer case information; may testify at agency or court hearings; and provide services to assist customers and ensure compliance with state and federal laws and regulations and agency policy and procedures.

(Ex. 9.)

6. Employees working as child support training specialists, Develop and deliver statewide training on Child Support Enforcement ... participate in workgroups formulating policy or

procedural changes and provide technical consultation on complex case processing issues, complex financial audits, or complex customer inquiries requiring an in-depth understanding of the entire case processing workflow.

(Ex. 9.)

7. The CSES A/B employee works in a nonsupervisory position. Those in CSES A/B jobs “typically receive detailed instructions and review of intermediate steps in their work assignments and receive on-the-job training.” Once trained in the procedures, they often work “without detailed instructions or review of intermediate steps.” Once they have the necessary competency level, they “may provide on-the-job training to new employees.” (Ex. 9.)

8. The CSES C employee works as a first-level supervisor, or works in a nonsupervisory job on “the most complex assignments.” If they do supervisory work, they “typically supervise” CSES A/B employees, and if they do nonsupervisory work they are “expert” with “exceptional mastery of technical job content beyond the usual competency level and perform functions considered complex for the series.” They also “provide consultation and guidance to colleagues.” A Child Support Training Specialist can be a CSES C. (Ex. 9.)

9. The CSES D is a second-level supervisor and may supervise expert employees. The supervision these employees give can include “assigning and directing the activities of reporting staff and appraising their performance.” (Ex. 9.)

10. Employees who supervise in the CSES job series “monitor

the work activities of their units according to agency goals; interpret complex law, regulations, policy, and procedures for staff; and assist staff in communicating information to customers; and provide on-the-job training to employees of a lower grade.” Employees in nonsupervisory jobs “may receive input from supervisors,” and “prioritize tasks according to time standards set by law or regulation.” (Ex. 9.)

11. When interpreting laws, regulations, policies and procedures, employees in the CSES job series,

assess information of varying complexity from multiple sources to ascertain the next necessary steps to provide child support services; analyze financial data, review information provided in writing and verbally and compare this information to data obtained from other sources such as employers, financial and asset records, and court documents to decide the best course of action in the establishment of paternity and in establishing, modifying and enforcement of child support court orders; and determine eligibility for services.

(Ex. 9.)

12. The employees in the CSES job series interact primarily with other employees, supervisors, and managers to exchange, receive, and review information, instructions, and assignments; with court personnel ... with genetic marker testing contractors ... and, with the Departments of Transitional Assistance, Social Services, and Medical Assistance staff to review eligibility.

(Ex. 9.) The employees also have,

frequent contact with custodial and noncustodial parents ... with employers ... with other states to arrange for reciprocal services; with attorneys or others professionals who are representing customers; with financial institutions and other holders of customer assets; with law enforcement personnel to coordinate activities; with federal government entities providing financial support to customers; and with other private or public agencies.

(Ex. 9.) Meetings are held for staff by supervisors or managers to “exchange information, conduct training, and clarify regulations, policy, or procedures.” Meetings are also held with “other state agencies; [with] personnel to discuss cases with multiple agency involvement; with court personnel to discuss case processing; [and] with customers to review their cases.” (Ex. 9.)

13. The employees in the CSES job series, effective July 1, 2001, work with office equipment that includes,

personal computers, ... printers; ... copiers, telephones, and fax machines, and keyboard equipment such as calculators.

(Ex. 9.) The employees need to be skilled in the use of “word processing software, spreadsheets, databases, presentation graphics software, and mainframe or client/server systems.” In terms of more complex skills involving documents, the employees need skills to enter, transcribe, record, store, and maintain information in writing or in electronic-magnetic recording. They need to be able to evaluate “information against a set of standards,” and identify problems. They need “constructive and cooperative working relationships.” In 2001, the equipment staff would be expected to be able to use did not include complex scanners or other sophisticated office equipment. (Ex. 9. Testimony.)

14. In terms of abilities, the CSES C has to engage in critical thinking such as employing “logic and analysis to identify the strengths and weaknesses of different approaches.” Deductive reasoning is used “to come up with logical answers” that make sense. Inductive reasoning

is used "to form general rules or conclusions" to arrive at a "logical explanation for why a series of seemingly unrelated events occurs together." They teach "others how to do something," address complaints, and resolve disputes and grievances. The CSES A/B in contrast, has to be able to communicate "information and ideas in writing so others will understand," employ "knowledge of agency policies, procedures, and practices acquired through successful completion of required agency training," secure needed "information from all relevant sources," and have "plans to accomplish work." They have to be organized and able to prioritize work. (Ex. 9.)

15. Both Ms. Snyder's Form 30 job description for her CSES A/B position as of August 2009 and the Form 30 for a CSES C in her office, call for knowledge on how to organize, prioritize, and gather and employ substantive data or information to carry out the general work of DOR's Child Support Enforcement Division. The key difference in the two Form 30 job descriptions is that the CSES C may engage in supervisory work and needs to possess basic skills to perform such tasks, or possess expert knowledge in child support enforcement law, regulations, procedures or policies. (Exs. 10 & 11. Testimony.) Both Form 30 job descriptions contain the same general statement of duties and responsibilities:

Responds to requests from custodial and noncustodial parents for general case management assistance and provides new customers and the general public information about CSE [child support enforcement] services. Requests appropriate account transactions

from RCB and payment processing vendor. Manages calls from custodial and noncustodial parents relative to enforcement of child support cases and identifies appealable issues. Identifies, confers with and recommends to agency staff case actions or problematic cases which Customer Service does not have the resources to resolve.

(Exs. 10 & 11.)

16. As of June 2009, a CSES D is the primary supervisor for everyone in Ms. Snyder's office. The CSES D reports to the Director and Deputy Director, both of whom can issue work orders to all staff on this regional support team. The CSES D implements these orders among all the staff in the office. In addition to the CSES D employee there are two CSES C employees, two CSES A/B employees, and one Administrative Assistant II. (Ex. 13. Testimony.)

17. It is not uncommon to have persons working below their job grade level. This is happening in Ms. Snyder's office where there are CSES Cs who are not supervising anyone and are performing duties at a CSES A/B level. Performing in jobs below grade level can occur when the CSES C transfers to an office where there is no CSES C exclusive work to do, including no supervision to exercise over any CSES A/Bs. Upon transfer into the office the CSES C does not get demoted to CSES A/B due to protections in the collective bargaining agreement. There are no Child Support Training Specialists with a CSES C job classification in Ms. Snyder's regional support team office. (Testimony.)

18. Ms. Snyder has often volunteered to work on various projects in her office. She has been consistently found to be a skilled and

effective worker. In preparation for a change in how the cases would be maintained within all the offices of the Child Support Enforcement Division, Ms. Snyder worked on the "backfile" project as well as doing manifests of the cases in her office in preparation for the implementation of an imaging system to handle all the input and categorizing of cases. The hard copy documents in particular case files that had been stored in a file room were now going to be scanned and stored electronically using a complex scanner machine. Once the manifest work was done, Ms. Snyder volunteered to be the point person in her office for use of the scanning machine. Starting around May 2009, she had training on the imaging system and scanner equipment covering a five week time period of full day sessions, three to five days a week. She worked in a group that included a DOR lead trainer. She learned how to operate and maintain the new scanner machine. This training was comprehensive. Those taking Ms. Snyder's high level of training were also going to be the point persons in their offices on the operation and maintenance of the scanner machine. Not all the persons who were going to be responsible for the scanner machine in their office were like Ms. Snyder, CSES A/B employees, and some were CSES C employees. These point persons, like Ms. Snyder, were expected to become trainers of other workers in their offices in the basic use of the scanner machine. A CSES C in Ms. Snyder's office took a limited course covering about four days in the use of the scanner. (Exs. 3, 7, 8, 14, 15 & 16. Testimony.)

19. Ms. Snyder began using the scanner machine in her office July 1, 2009. The CSES C employee who had taken the limited four day training worked with Ms. Snyder and under her direct supervision. The CSES C employee is not highly skilled in the full use and maintenance of the scanner. During the first month the DOR lead trainer worked with them in the office because Ms. Snyder's office was going to be the first regional support team to go on-line. For Ms. Snyder and the CSES C worker, this has been and will continue to be full time work. The scanner is located in the building's basement, away from the rest of the office. Lots of concentration is needed to ensure the scanner is used properly. Over time, the lead trainer was present less often. Once Ms. Snyder was fully competent and confident in the use of the scanner, the lead trainer would come to the office only as needed. There are periodic group meetings of the extensively trained employees like Ms. Snyder within the DOR Child Support Enforcement Division. They discuss imaging system issues and problems any of them are facing to ensure ongoing expertise in the operation and maintenance of the imaging equipment. Ms. Snyder is alone responsible for all the quality assurance steps involving the imaging system in her office. (Exs. 3, 7, 8, 14, 15 & 16.

Testimony.)

20. Ms. Snyder has been giving on-the-job training in the basic use of the scanner to others in her office so that they can serve as backup for the basic scanning work. They are not given the same training that the

already trained CSES C employee received. Only Ms. Snyder has expertise with the scanner on how to delete documents and move documents misfiled according to the imaging system's procedures and policies. Ms. Snyder is not directly supervised by her office's CSES D employee in regard to implementing and satisfying the imaging system's procedures and policies. If there is an issue that arises that Ms. Snyder is unable to resolve, she seeks guidance from the DOR Systems Management Bureau employees in charge of the imaging system. Nevertheless, at this point only the CSES D would do Ms. Snyder's job performance evaluations. This is also true as to the CSES C employee working full time on the imaging system work under the direct supervision of Ms. Snyder. Ms. Snyder sets up the scanner and ensures that the documents to be scanned are lined up according to the imaging system's procedures and policies so that the CSES C employee can effectively use the scanner. (Testimony.)

21. Ms. Snyder's expertise in her job involves only expertise in the use and maintenance of the complex scanner equipment. She only needs to utilize her CSES A/B knowledge of the child support enforcement laws, regulations, policies and procedures as the necessary background to ensure proper batching, indexing, categorizing documents, transferring documents, and deleting documents using the scanner. The imaging system is more than a project. It is an ongoing important component of the work done by the Child Support Enforcement Division as it is the way

the case records are entered into the Division's recordkeeping system and maintained within it. It is a new area of work, and DOR has not produced a specific Form 30 job description to cover the permanent full time general duties and responsibilities of the employees like Ms. Snyder whose job only involves using her imaging system expertise. (Exs. 3, 7, 8, 9 & 16. Testimony.)

22. Ms. Snyder sought a reclassification to the next higher job in her job series of CSES C based on her full time permanent duties with the imaging system equipment and her expertise with it, based on the on-the-job training she provides to others on the basics of using the equipment, and based on her direct supervision of a CSES C employee working full time with her who does not possess her level of expertise. (Exs. 3 & 7. Testimony.)

23. Ms. Snyder completed the required interview guide document. She described herself in regard to the imaging system as a scanner, indexer and trainer. She noted how this new work represents a job change from her prior work done as a CSES A/B. She noted how she received specialized training to perform her new full time duties. (Ex. 7. Testimony.)

24. Ms. Snyder's request was examined and evaluated by DOR's Human Resources Bureau. No issues were found to refute her description of the kind of work she is doing with the complex scanner for the DOR Child Support Enforcement Division imaging system. No issues

were found to refute that she had received expert level training in how to operate and maintain the scanner equipment. No issue was found to refute that she trains co-workers in her office in the basics of the use of the scanner equipment, whether or not they are in a higher job classification than herself. (Ex. 8. Testimony.)

25. After the review and evaluation by DOR's Human Resources Bureau, Ms. Snyder provided further information to support her claim. She emphasized that "100% of my day is scanning, indexing, batching, and researching problems and as a consequence, determining the best way to correct an error or work around a problem." She noted the specific training she has exclusively been providing to a CSES C she works with. Ms. Snyder noted that only she fixes problems, corrects mistakes, moves documents from one case to another, and is the key person to check that all the proper scanning documents are in place for imaging to start. She emphasized the "5 weeks" of training on the use of the scanner and the imaging system. She noted that she gives "consultation and guidance to colleagues" about the imaging system work, and that she addresses "the problems that we have encountered" in implementing the imaging system. She noted that if she cannot handle an issue, it is likely "a state-wide programming problem." She made clear that no one in her office directly supervises her in how to work with the imaging system and its complex scanner. (Ex. 3. Testimony.)

26. DOR's Human Resources Bureau denied Ms. Snyder's

request for reclassification, and found she was appropriately classified as a CSES A/B employee within her office. Ms. Snyder appealed to the Commonwealth's Human Resources Division. By decision of November 20, 2009, the Human Resources Division denied her appeal, relying on the opinion of the DOR's Human Resources Bureau. (Exs. 2, 3, 4, 5 & 6.) DOR's Human Resources Bureau concluded that Ms. Snyder,

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

- Function as a Child Support Training Specialist. Child Support Training Specialists develop and deliver statewide training on Child Support Enforcement. They also participate in workgroups formulating policy or procedural changes and provide expert technical consultation to teams of Customer Service Representatives or Case Managers requiring an in-depth understanding of the entire case processing workflow more than 50 percent of the time.
- First-level supervisors of SCES A/Bs.

(Ex. 5.)

27. Ms. Snyder filed a timely appeal with the Civil Service Commission on her classification request. (Ex. 1.)

Conclusion and Recommendation

Ms. Snyder has shown that her current job classification of CSES A/B and her current Form 30 job description do not cover the essential duties she has been performing since July 2009 of working 100% of her time as an expert in the Child Support Enforcement Division's new imaging system. The new duties she performs that are not listed in her Form 30 job description include: the use and maintenance of the complex

scanning equipment; providing direct supervision to a less skilled co-worker in the classification she is seeking of CSES C; and, training others in her office on the basics in the use of the scanner. Nevertheless, Ms. Snyder has not proven that her current duties fit within the job duties of the next higher job in her job series of CSES C. Although she has shown that the imaging work is not just a project but is a permanent new vital system within the Child Support Enforcement Division, she had not shown that her expertise in the use of the scanner and in the knowledge of the imaging system's procedures and policies involves primarily expertise in the substantive knowledge of child support enforcement laws, regulations and related procedures and policies. This latter expertise is the kind set forth in the CSES job series, including for those in a nonsupervisory CSES C job.

Although workers in the CSES job series as of the 2001 classification descriptions have to be able to use certain office tools effectively to carry out their duties, i.e., computers, telephones, etc., there is no requirement regarding the use of any imaging system equipment or use of a complex scanner. Such a system and equipment were not in use in 2001. The Form 30 job descriptions in Ms. Snyder's office have not been updated to reflect the role of the imaging system and scanner. No Form 30 job description reflects the actual current duties and responsibilities of persons like Ms. Snyder who work 100% of their time with the imaging system and scanner to a degree of proficiency not

needing to be matched by any other coworkers.

Although Ms. Snyder provides training to her coworkers in the basic use of the scanner and in the basic procedures and policies of the imaging system, she is utilizing her expertise on technical equipment issues and on the related policies and procedures to accomplish the desired recordkeeping and on-line case or file organization. That is not the kind of expertise that is set forth by the example given in the 2001 job classification of Child Support Enforcement Specialist who gives trainings. Child Support Enforcement Specialists do not train workers on how to use complex machinery. Also, the CSES C 2001 job specifications and the Form 30, when discussing supervision duties, contemplate that the CSES C would be supervising CSES A/B level employees about the substantive aspects of the child support enforcement laws, regulations, procedures and policies, and not about the use of equipment.

In *John Shields v. Department of Revenue & Civil Service Commission*, Suffolk Superior Court Civil Action No. SUCV2008-3288, Connors, J., 10/29/09, the Court addressed Mr. Shields' argument that DOR was not following its own guidelines on determining whether to reclassify an employee. The Court acknowledged what the Civil Service Commission Hearing Officer had concluded:

[T]here were inconsistent classifications of individual employees' jobs, and that "job responsibilities may overlap, and employees performing the same or similar obligations may work in different divisions. In some cases, an employee's title may not correlate precisely with the work he performs."

Id. at 7. This same acknowledgement was discussed in *Christine Poland v. DOR*, C-08-10 (7/24/08) in a decision written by Civil Service Commissioner Paul M. Stein. Ms. Poland was seeking to be reclassified from EDP Systems Analyst II to EDP Systems Analyst III. She was found not to have met her burden of proof to show that her current duties fit within this higher job in her job series. Nevertheless, Commissioner Stein observed:

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 series does seem clearly focused elsewhere. It might behoove DOR, in collaboration with HRD, to examine further whether a different classification series, rather than system programming series, would more appropriately describe the job functions in the interest of better clarity for all parties involved.

Id. at 8.

These observations also fit Ms. Snyder's circumstances. I do not find I am able to stretch the notion of the nonsupervisory CSES C who has a specialized substantive expertise to encompass Ms. Snyder's expertise in the use of the scanner equipment and imaging system procedures and policies. Her level of competence as to the underlying substantive knowledge of the child support enforcement laws, regulations, procedures and policies only has to reach the CSES A/B level to exercise her expertise with the scanner and imaging system procedures and policies.


I also cannot stretch Ms. Snyder's role in supervising the CSES C who works full time alongside her and who she directly supervises in her

work with the imaging system and scanner, within the job description of a CSES C who is a first-level supervisor. This same reasoning prevents finding Ms. Snyder is entitled to a CSES C reclassification because she trains her office co-workers in the basics of the imaging system and use of the scanner, because she is not training them about the child support enforcement laws, regulations, procedures and policies. Accordingly, Ms. Snyder has not shown on the record presented, that she performs as a CSES C more than 50% of the time as is required to prevail in her appeal. *See, Goodridge v. DOR, C-07-186 (CSC, 1/3/08); Morawski v. DOR, C-01-145 (CSC, 12/18/01); Wiedemann v. DOR, C-07-84 (CSC, 1/10/07).*

In addition, the fact that the CSES C employee working under her supervision holds a higher classification and may be doing work below her grade, is not support for giving Ms. Snyder the CSES C classification. DOR Employees working below grade cannot be demoted pursuant to provisions in DOR collective bargaining agreements. *See, Gaffey v. DOR, C-07-137 (CSC, 1/10/08); Costa v. DOR, C-07-285 (CSC, 1/3/08); Parent v. DOR, C-05-302 (CSC, 3/22/07).*

For all these reasons, I recommend that the Civil Service Commission dismiss Ms. Snyder's appeal for reclassification to a CSES C position.

DIVISION OF ADMINISTRATIVE LAW APPEALS


Sarah H. Luick, Esq.
Administrative Magistrate
Dated: May 26, 2010