

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

CIVIL SERVICE COMMISSION

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

NANCY E. SNYDER,
Appellant

v.

C-08-125

DEPARTMENT OF PUBLIC
HEALTH / EOHHS,
Respondent

Appellant's Representative:

Pro Se
Nancy E. Snyder

[REDACTED]

Respondent's Representative:

Jennifer Foley
Labor Relations Specialist
EOHHS
600 Washington Street: 2nd Floor
Boston, MA 02111

Commissioner:

Christopher C. Bowman

DECISION

Pursuant to the provisions of G.L. c. 30, s. 49, the Appellant, Nancy E. Snyder (hereinafter "Appellant" or "Snyder"), is appealing the March 24, 2008 decision of the Human Resources Division (HRD) denying her request for reclassification from the position of Buyer III to Buyer IV. The appeal was timely filed and a hearing was held on

July 1, 2008 at the offices of the Civil Service Commission (hereinafter “Commission”).

One tape was made of the hearing.

FINDINGS OF FACT:

Nineteen (19) exhibits were entered into evidence at the hearing. Based on the documents submitted into evidence and the testimony of:

For the Appointing Authority:

- Gregory A. Guba, Employment Services Manager;

For the Appellant:

- Appellant Nancy Snyder;

I make the following findings of fact:

1. The Appellant has been employed at the Massachusetts Department of Health (hereinafter “DPH”), which currently falls under the jurisdiction of the Executive Office of Health and Human Services (EOHHS), for 24 years. (Testimony of Appellant)
2. At all times during the pendency of this appeal, the Appellant has been serving in the title of Buyer III at the Lemuel Shattuck Hospital, located on Morton Street in Jamaica Plain. (Testimony of Appellant)
3. In her current position, the Appellant ensures that all of her employees have sufficient medical supplies to distribute to the various floors at Shattuck Hospital and that sufficient replacement supplies are ordered from the appropriate vendor. As a member of the procurement management team, the Appellant occasionally meets with vendors to discuss any problems that have arisen. The Appellant is also responsible for ensuring that medical equipment is properly sterilized. (Testimony of Appellant)

4. For approximately 15 years, the Appellant was classified as an LPN II and ultimately reached the top salary step in that classification. In 1999, the Appellant was advised by her managers to look for another classification that would allow her to receive additional step increases. In response, the Appellant requested to be reclassified as a Buyer IV. (Testimony of Appellant)
5. As a result of her request for reclassification in 1999, the Appellant was reclassified from an LPN II to Buyer III, instead of the Buyer IV classification she is now seeking. She did not appeal that classification at the time. She has been classified as a Buyer III for nine years. (Testimony of Gruba and Exhibit 17)
6. The Appellant is the only employee at DPH to hold the title of Buyer III, no DPH employee holds the title of Buyer IV.
7. Under the “basis of appeal” section of the Appellant’s Interview Guide, she wrote, “I have been a Buyer III since 1998 at which time my immediate supervisor recommended me for the Buyer IV position. The Buyer IV is a second-level job in this series and I feel that after 9 years in the first-level I am qualified and have been doing the Buyer IV job description.” (Exhibit 8)
8. Gregory Guba, the Employment Services Manager who conducted the desk audit in response to the Appellant’s request for reclassification, testified that he was unable to find any significant changes in the Appellant’s job duties and responsibilities since 1999. (Testimony of Gruba)
9. The Appellant testified that it was her understanding that the only reason she was classified as a Buyer III instead of a Buyer IV was due to budgetary constraints.

Further, the Appellant testified that she believes her job duties and responsibilities have changed since 1999. (Testimony of Appellant)

10. On June 5, 2007, the Appellant filed a written request with EOHHS to be reclassified from her current classification to that of Buyer IV. (Exhibit 6)

11. Buyer III is the first-level supervisory job in the Buyer series. A Buyer III “confer[s] with vendors and agency staff in order to exchange information and resolve problems...monitor[s] assigned agency activities in order to coordinate efforts of staff and to ensure compliance with established standards and agency objectives.” (Exhibit 2)

12. A Buyer IV is the second-level supervisory job in the Buyer series, and exercises direct supervision over 1-5 professional and other personnel, and exercise indirect supervision over 5-10 professional and other personnel. (Exhibit 2)

13. The Appellant exercises direct supervision over 6 employees (1 secretary and 5 attendant nurses). The Appellant does not exercise indirect supervision over any employees. (Testimony of Appellant)

14. A Buyer IV “coordinate[s] assigned unit activities to ensure effective operations, compliance with established standards and to recommend changes in procedures to improve the quality of service.” (Exhibit 2)

15. DPH does not dispute that the Appellant coordinates assigned unit activities to ensure effective operations and compliance with effective standards, but, according to DPH, the Appellant does not recommend changes in procedures to improve the quality of service. (Testimony of Guba)

16. During her testimony, the Appellant stated that she has made changes in procedures, including removing the system where employees used to move heavy carts to transport and inventory supplies with a new system, and has also made changes that made employees accountable for their own equipment. (Testimony of Appellant)
17. A Buyer IV “confer[s] with management staff and others in order to provide information concerning assigned unit activities and to determine work requirements and availability of resources to accomplish goals and objectives.” (Exhibit 2)
18. According to DPH, the Appellant does not perform the duties of the Buyer IV as referenced in Paragraph 17. (Testimony of Guba)
19. The Appellant testified that if she ever has a problem, she does communicate with management about the problem and seeks to resolve the problem (i.e. – if a patient needs something, she does research to get it for the patient.) (Testimony of Appellant)
20. A Buyer IV reviews reports and documents for accuracy, completeness and content and takes appropriate action to resolve problems. (Exhibit 2)
21. According to DPH, the Appellant does review documents related to inventory for accuracy, completeness and content, but DPH is unaware if the Appellant takes appropriation action to resolve problems related to these documents. (Testimony of Guba)
22. The Appellant testified that does resolve problems, including reviewing monthly reports and replacing any missing inventory noted in those reports. (Testimony of Appellant)
23. The Appellant received the highest rank of “exceeds” on her most recent performance evaluation. (Exhibit 5)

24. On December 14, 2007, EOHHS issued a decision determining that the Appellant was properly classified as a Buyer III stating in relevant part, “Your request has been denied for the following reasons, you purchase supplies and medical equipment, oversee the sterilization process of supplies and equipment, review requests, and confer with vendors to exchange information and resolve problems. Lastly, the number of years spent in a position is not used to determine the outcome of an appeal.” (Exhibit 12)
25. The Appellant subsequently appealed EOHHS’s decision to HRD. HRD denied the Appellant’s appeal on March 24, 2008. (Exhibit 13)
26. The Appellant then filed an appeal with the Commission on May 29, 2008.

CONCLUSION

After careful review of the testimony and evidence presented in this appeal, the Commission affirms the decision of HRD in denying Ms. Snyder’s request for re-classification.

The Appellant has not met her burden of proof to demonstrate she is improperly classified as a Buyer III. She has not shown that she performs the majority of the duties of a Buyer IV more than 50% of the time.

In fact, the testimony and evidence show that the Appellant’s job duties and responsibilities are consistent with that of a Buyer III. She is a first-level supervisor who confers with vendors and agency staff in order to exchange information and resolve problems. Further, she monitors assigned agency activities in order to coordinate efforts of staff and to ensure compliance with established standards and agency objectives. These are all job duties and responsibilities that are consistent with a Buyer III.

The Appellant has not shown that she is a second-level supervisor that performs a majority of the duties and responsibilities of a Buyer IV more than 50% of the time.

This decision, however, should not be construed to reflect negatively on the Appellant's role in the organization. It is clear from all of the evidence and testimony that Ms. Snyder, in using her medical background, institutional knowledge and strong leadership skills, has been a valuable asset to the Shattuck Hospital during her 24-year tenure there. She regularly receives the highest rating of exceeds on her performance evaluations, and her professionalism and good nature was evident during the hearing before the Commission.

For all of the above reasons, the Appellant's filed appeal under Docket No. C-08-125 is *denied*.

Christopher C. Bowman
Chairman

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

true record. Attest:

Commissioner

Either party may file a motion for reconsideration within ten days of the receipt of a Commission order or decision. Under the pertinent provisions of the Code of Mass. Regulations, 801 CMR 1.01(7)(l), the motion must identify a clerical or mechanical error in the decision or a significant factor the Agency or the Presiding Officer may have overlooked in deciding the case. A motion for reconsideration shall be deemed a motion for rehearing in accordance with G.L. c. 30A, § 14(1) for the purpose of tolling the time for appeal.

Under the provisions of G.L. c. 31, § 44, any party aggrieved by a final decision or order of the Commission may initiate proceedings for judicial review under G.L. c. 30A, § 14 in the superior court within thirty (30) days after receipt of such order or decision. Commencement of such proceeding shall not, unless specifically ordered by the court, operate as a stay of the Commission's order or decision.

Notice:
Nancy Snyder (Appellant)
Jennifer L. Foley (for Appointing Authority)
John Marra, Esq. (HRD)