

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

CIVIL SERVICE COMMISSION

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

JANICE WIEDEMANN,
Appellant

v.

C-07-84

DEPARTMENT OF REVENUE,
Respondent

Appellant's Attorney:

Pro Se
Janice Wiedemann
13 Essex Street
Amesbury, MA 01913

Respondent's Attorney:

Suzanne Quersher, Atty.
Department of Revenue
100 Cambridge Street
Boston, MA 02114

Commissioner:

Daniel M. Henderson

DECISION

Pursuant to the provisions of G.L. c. 30, s. 49, the Appellant, Janice Wiedemann (hereafter "Appellant" or "Wiedemann"), is appealing the January 25, 2007 decision of the Human Resources Division (HRD) denying her request for reclassification from the position of a Child Support Enforcement Specialist A/B (CSES) to the position of a Child Support Enforcement Specialist C. The appeal was timely filed and a hearing was held on August 7, 2007 at the offices of the Civil Service Commission. One tape was made of the hearing. Proposed decisions were subsequently submitted by the parties

FINDINGS OF FACT:

Eleven (11) Department exhibits marked 1-11 and Appellant's exhibits marked A-H (Exhibit E having sub-parts) and HRD Memorandum dated June 19, 2007 were entered into evidence at the hearing. Based on the documents submitted into evidence and the testimony of:

For the Appointing Authority:

- Paul Cronin, Associate Deputy Commissioner, CSES Division;
- Geralyn Page, Personnel Analyst III

For the Appellant:

- Appellant Janice Wiedemann;

I make the following findings of fact:

1. Appellant commenced employment with the Department on or about January 17, 1999. She was appointed to a Child Support Enforcement Specialist A/B (hereafter "CSES" CSES A/B) position in January 2005. At the time of her appeal, Appellant was employed in the Northern Regional Field Operations Group of the Child Support Enforcement Division. (Testimony of Appellant)
2. Classification specifications prepared for the CSES in 2001 state that employees in this series evaluate and monitor child support cases to establish paternity and to establish, modify, and enforce child support orders. The organizational levels within the series include CSES A/B, CSES C and CSES D. CSES A/B is the title used for non- supervisory CSES. The specifications for CSES C state that the title is used for

CSES' who are first level supervisors and/or non-supervisory employees performing the most complex assignments. Employees in this title typically supervise CSES A/B and non-supervisory expert employees have exceptional mastery of technical job content beyond the usual competency level and perform functions considered complex for the series, such as Child Support Training Specialist. (Exhibit 2)

3. In February 2005, the Child Support Enforcement Division underwent a business process redesign ("BPR") that brought the child support cases into the regional offices and created case owners. Case owners perform the duties under Child Support Case Manager, one of the two specialty tracks under CSES A/B. The other assignment is customer service representative. Subsequent to the BPR, case owners have been expected to perform the duties contained on the 2001 classification specifications under Child Support Case Manager. (Testimony of Cronin and Page)
4. On March 18, 2005, Appellant filed a written request with the Department to be reclassified from her position as CSES A/B to CSES C. (Exhibit 3)
5. In conjunction with Appellant's request for reclassification to the position of CSES C, the Department sent Appellant an Interview Guide that included detailed questions concerning her current position as CSES A/B. Appellant completed this form and submitted it to the Department Human Resources Bureau ("HRB"). (Exhibit 3)
6. In the Interview Guide, Wiedemann lists as her basis for appeal the fact that she is currently in a role that does not comply with what is outlined in the Position Description Form 30 of her position. (Exhibit 4)
7. In the section of the Interview Guide entitled Specific Duties, Appellant writes that 35% of her time is spent contacting clients, 25% reviewing and acting upon CREF

requests, 20% conducting review requests from clients, 15% on reviewing the validity of incoming correspondence, and 5% on walk in services. (Exhibit 4)

8. The Position Description-Form 30 list the same general duties and responsibilities for the CSES A/B and CSES C positions, stating that a CSES A/B and C provide direction and training as assigned; obtain, verify, and evaluate information in connection with assigned child support cases; confer with customers and legal representatives; review, audit, and resolve issues raised concerning the provisions of child support agreements and court orders; maintain liaison with various public and private agencies; and perform related work as required. (Exhibit 6)
9. Geralyn Page, Personnel Analyst III, reviewed Appellant's request for reclassification. She testified credibly that based upon her review of Appellant's Interview Guide, Form 30 and other documentation, she concluded that Appellant was properly classified as a CSES A/B. Page stated that Appellant did not supervise or train employees, did not participate in a work group and did not provide technical consultation on complex issues. (Testimony of Page)
10. On November 22, 2006, HRB issued a preliminary denial of Appellant's request to be reclassified. It stated that she does not perform, on a regular basis, the level-distinguishing duties required for reclassification to the title requested. Such duties are first level supervision of a CSES A/B, or responsibilities as a non-supervisory expert employee who has exceptional mastery of technical job content, training specialist, participate in workgroups formulating policy and procedural changes, or providing technical consultation on complex case processing issues. (Exhibit 5)

11. On November 29, 2006, Appellant submitted a written rebuttal to HRB's preliminary decision, stating that she and other CSES A/B workers possess expertise in different areas and consult with each other, and that in the Northern Region, employees in the CSES C position do not supervise personnel, do not formulate policy and do not perform training. (Exhibit 6)
12. Page testified credibly that titles of other employees are not important as reclassification is not a comparison of one employee to another and does not entitle Appellant to reclassification. (Testimony of Page)
13. On December 11, 2006, the Department issued its final decision denying Appellant's appeal, stating that the duties performed by her do not warrant the reallocation of her position. (Exhibit 7)¹
14. Wiedemann did not appeal this decision to HRD. On January 25, 2007, HRD concurred with the Department's finding that Appellant was appropriately classified as a CSES A/B. (Exhibit 8)
15. On February 18, 2007, Appellant filed her appeal with the Commission. (Exhibit 1)
16. At hearing, Appellant testified that her duties as a case owner at the time of her appeal included general enforcement activities, license suspension actions, entering account balance information, early intervention reviews, confirming employment of non-custodial parents, reviewing and closing cases, docket checks, contacting other agencies and serving members of the public. She stated that she has been assigned complex cases involving audits. (Testimony of Appellant)
17. Paul Cronin, Associate Deputy Commissioner, CSES Division, testified that he had a role in developing the 2001 Child Support Enforcement specifications. He stated that

the differences between a CSES A/B and CSES C include a CSES C's duties as a first level supervisor, a preliminary function as a trainer, and doing expert level work beyond the general competencies of the job. Cronin stated that at the time of this appeal, Appellant did not have supervisory authority as she had no direct subordinates' reports, did not act as a Training Specialist, formulate policy, provide technical consultations on complex assignments, or perform work at an expert level. Agreeing that the CSES job has changed since the implementation of the specifications in 2001 and the BPR in 2005, Cronin stated that, nonetheless, Appellant's job duties are properly classified at the CSES A/B level. His testimony was credible. (Testimony of Cronin)

18. Appellant's employee performance reviews ("EPRS") for evaluation in the years 2005 and 2006 indicate that she performs her job competently. (Exhibits 10 and 11)

CONCLUSION

After careful review of the testimony and evidence presented in this appeal, the Commission concludes that the decision of HRD denying Appellant's request for reclassification should be affirmed.

Based on testimony and documentary evidence, Appellant has not met her burden of proof to demonstrate she was improperly classified as a CSES A/B in that she has not shown that she performed the duties of a CSES C more than 50% of the time. Specifically, Appellant did not show that she supervises anyone, participates in a

workgroup formulating policy and procedural changes, provides technical consultation on complex case processing issues, performs training on Child Support Enforcement, or provides technical consultation on complex cases processing issues. Finally, although Appellant maintains that co-workers who perform the same duties as she does hold the higher classification of CSES C, Page stated and the Commission agrees that the fact that Wiedemann's co-workers may be working below grade or misclassified does not entitle Appellant to the reclassification requested.

For the above reasons, the appeal under Docket No. C-07-84 is hereby *dismissed*.

Daniel M. Henderson, Commissioner

By a vote of the Civil Service Commission (Bowman, Chairman, Guerin, Henderson, Taylor Marquis) Commissioners on January 10, 2007.

A 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:
Janice Wiedemann
Suzanne Quersher, Atty
John Marra, Atty.