

The Commonwealth of Massachusetts

SUFFOLK, ss.

CIVIL SERVICE COMMISSION
One Ashburton Place – Room 503
Boston, MA 02108
(617) 727 – 2293

CONSTANCE WILSON,
Appellant

v.

C-08-287

UNIVERSITY OF MASSACHUSETTS
AT BOSTON,
Respondent

Attorney for the Appellant:

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Division of Legal Services
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Attorney for the Respondent:

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Commissioner:

John E. Taylor¹

DECISION

Pursuant to the provisions of G.L. c. 30 §49, the Appellant, Constance Wilson (hereinafter “Appellant”) is appealing the September 16, 2008 decision of the Human Resources Division

¹ Commissioner Taylor’s term on the Commission expired before he was able to draft a written decision. The matter was assumed by the Commission’s General Counsel, Angela C. McConney. Pursuant to 801 CMR 1.11 (e), when a Presiding Officer becomes unavailable before completing the preparation of the initial decision, the Agency shall appoint a successor to assume the case and render the initial decision. If the presentation of the evidence has been completed and the record is closed, the successor shall decide the case on the basis of the record. Otherwise, the successor may either proceed with evidence or require presentation of evidence from the beginning.

(hereinafter “HRD”) denying her request for reclassification from the position of EDP Systems Analyst III to the position of EDP Systems Analyst IV in the Registrar’s Office, Enrollment Management Division, at the University of Massachusetts at Boston (hereinafter “University”). A full hearing was held on January 6, 2009 at the offices of the Civil Service Commission (hereinafter “Commission”). The hearing was digitally recorded. Copies of the hearing were forwarded to the parties, and a copy is retained by the Commission.

FINDINGS OF FACT:

Eight (8) exhibits were entered into evidence at the hearing. Based on the documents submitted into evidence and the testimony of:

For the Appellant:

- Michael Pollard, Associate Registrar for Systems Development and Technology, the University of Massachusetts at Boston
- Constance Wilson, Cognos Designer/ Troubleshooter, the Appellant

For the Respondent:

- Victoria Fitzgerald, Compensatory/ Classification Analyst, University of Massachusetts at Boston

I make the following findings of fact:

1. Constance Wilson (“Wilson” or “Appellant”) is employed and classified as an EDP Systems Analyst III in the Registrar’s Office, Enrollment Management Division, at the University of Massachusetts at Boston (“University”).² (Stipulation of Facts - Exhibit 1) She has been a University employee for twenty-eight (28) years, first employed as an Administrative Assistant. (Testimony of Appellant)

² Appellant first filed a previous reclassification appeal in December 2006 when she was an EDP Systems Analyst I, and was reclassified to an EDP Systems Analyst III in 2007. Testimony of Appellant, Exhibit 8.

2. The Appellant's functional title is "Cognos Report Designer/Troubleshooter." When the Appellant began this position, there were two others working with her. One was transferred to the Shrewsbury location, and one was separated from employment. (Testimony of the Appellant)
3. The Appellant reports to Michael Pollard (hereinafter "Pollard"), the Associate Registrar for Systems Development and Technology.
4. Pollard became the Appellant's supervisor six (6) months ago. Before that, he had been running computers for the University's Psychology Department laboratory for thirteen (13) years. (Testimony of Pollard)
5. Pollard testified that Cognos is a database reporting tool, which operates on a user front end to pull data out of a complex database. It is a front end application that allows one to write queries against an existing database, and simplifies the process of pulling disparate data together to create rational statements about the data. It is a difficult program to use and the user requires a lot of expertise. (Testimony of Pollard)
6. Pollard testified that even if he were to train in Cognos, it would take him almost two years to be near proficiency. Even then, he would not be at the Appellant's level of expertise.
7. Cognos is used by the University as the reporting system for the maintenance of student records and student enrollment data. Cognos includes 320 "tables" or categories of information. (Testimony of Appellant)
8. The Appellant works independently. She works with user requests, creating and joining tables in the Cognos program in order to find the data. She translates the requests into the technical jargon in order to produce logical reports. (Testimony of Appellant)

9. The Appellant uses Cognos to keep track of the number of students enrolled for the semesters. This assists the University with its projection of classrooms and professors that would be needed. (Testimony of Appellant)
10. The Appellant represents the University at regional University of Massachusetts IT meetings, working with contemporaries at the Lowell and Dartmouth campuses, working to make Cognos more user friendly. (Testimony of Appellant)
11. The Appellant is responsible for any and all issues relating to the Cognos system. The Appellant is the sole person responsible for student records. (Testimony of Appellant)
12. The Appellant assists other employees in other offices with the Cognos system. She has also been training another employee in the Registrar's office so that the University will have a back up person. (Testimony of the Appellant)
13. On or about March 3, 2008, the Appellant filed an appeal for reclassification to an EDP Systems Analyst IV to the University's Classification Appeal Committee. (Stipulation of Facts - Exhibit 1, Exhibit 2)
14. While there are approximately 6 EDP Systems Analyst IIIs in the University system, there are no EDP Systems Analyst IVs. (Testimony of Appellant)
15. The Classification Specification for the EDP Systems Analyst series as issued in 1987, states that the EDP Systems Analyst I is the entry-level professional job in the series; the EDP Systems Analyst II position is the second-level professional job in the series; the EDP Systems Analyst III position is the third-level supervisory job in the series; and the EDP Systems Analyst IV position is the fourth-level supervisory job in the series.

EXAMPLES OF DUTIES COMMON TO ALL LEVELS IN SERIES:

1. Analyzes requests for new or modified electronic data processing systems by reviewing written materials and consulting with users, technical personnel, vendors, etc., in order to assess user needs and to determine feasibility of converting manual systems into a form

acceptable for electronic data processing; recommends acceptance or rejection of user requests.

2. Designs systems and/or programs to accommodate user needs and existing hardware capabilities by gathering data through observation, consultation and review of written material; by determining objectives of the system or program and the steps needed to achieve those objectives; by preparing system or program specifications; and by encoding programs using applicable computer language.
3. Composes systems or program documentation including flow charts, file layouts, input/output documents, program narratives, etc.
4. Tests systems and/or programs by preparing test plans and data, conducting test runs, reviewing both input and output data for accuracy and validity, determining causes of program/system failure and making necessary changes to ensure the validity of the system or program prior to actual implementation.
5. Participates in the activities required for the operation and maintenance of systems by recommending changes and correction to provide for new needs of users.
6. Implements approved systems and/or programs including run streams, file retention cycles, error recovery procedures, etc.; determines type and number of devices needed for production runs; determines appropriate response to error conditions; verifies data entry and reviews printouts for errors and completeness; and consults with users, technical personnel and vendors to identify and resolve problems or to notify of existing or potential problems.
7. Performs related duties such as operating remote terminals and other data entry equipment and attending seminars, training and professional meetings to keep up to date with developments in the profession.

DIFFERENCES BETWEEN LEVELS IN SERIES:

EDP Systems Analyst II: Incumbents of positions at this level or higher also:

1. Select tapes, card decks and disks according to schedules and requirements.
2. Make changes to systems or programs to improve performance.
3. Prepare reports to clarify or expand upon normal computer output.
4. Research statistical reference materials to determine most suitable method for analysis of data.

EDP Systems Analyst III: Incumbents of positions at this level or higher also:

1. Schedule stages of software systems development including such things as structured walk-throughs, program team assignments and others.
2. Train agency personnel or students on-the-job.
3. Determine flow of data in relation to data sets, input/output devices, spool allocations and time requirements.
4. Determine amount of computer time, core size, and number devices required to process production requests.
5. Evaluate computer programs to ensure compliance with standards.
6. Estimate the time, equipment and staff requirements for current or proposed systems or projects.
7. Research statistical reference materials to determine most suitable method for analysis of data.
8. Apply statistical methods to raw data and interpret results.
9. Confer with staff to determine sources, status of runs, allocation of hardware resources, etc.

EDP Systems Analyst IV: Incumbents of positions at this level or higher also:

1. Prepare EDP unit budget requests and supporting documentation for agency approval and inclusion in final budget.

2. Schedule duty rosters and ensure that all duty stations are properly staffed.
3. Act as consultant to data processing of other agencies or departments, determine suitability of agency programs or systems to meet specific needs and give general advice and direction to agency staff.
4. Act as consultant to users on such matters as computer-augmented or business-oriented instructions, validity of programs, assessing user needs, etc.
5. Approve programs/systems for computer programming.
6. Conduct workshops and/or classroom training sessions for users and agency personnel and students.
7. Determine staffing needs and proper allocation of staff to work functions.
8. Interview, evaluate and recommend applications for employment.
9. Approve rescheduling of interrupted or delayed production runs.
10. Act as liaison between users, operations management, computer center, and agency personnel to establish or adjust production priorities.
11. Schedule daily production runs based on program priorities, input/output requirements, sequence of related jobs, etc.
(Exhibit 6)

16. In her Position Audit Guide, the Appellant describes her job duties as follows:

1. "Responsible for developing reporting solutions that help end users and analyze data from the PeopleSoft Student Administration system and the RDS, (Relational Data Source).
 2. Design and develop analytic and reporting solutions using Cognos Report Net to support requests
 3. Provide subject matter expertise, and enhance Cognos Report Net tables.
 4. Participate in meetings (off campus Shrewsbury) to develop and update the Cognos Report Net tool for business process redesign.
 5. Knowledge and understanding the relational PeopleSoft database and the RDS to deliver the most accurate report.
 6. Provide support to in-house users and work with several departments towards this cause.
 7. Ability to relate with departments on management level in developing adequate procedures to improve existing systems.
 8. Manage in-coming reporting requests and prioritize them accordingly.
 9. Serve as a liaison between the IT Shrewsbury team, UMass Dartmouth, IR Office and PeopleSoft project team to resolve database PeopleSoft problems that arise with Cognos Report Net.
 10. Communicate/coordinate efforts across Cognos development project teams.
 11. Develop/maintain clear and concise documentation on all work I perform.
 12. Develop solutions to complex problems that require a high degree of ingenuity and innovation.
 13. Design and develop on-going projects, as deemed necessary such as future term enrollments.
 14. Responsible for finding several problems in the Cognors Report Net tables and filing CSR's (sic), following up with the developers and working with them to get resolved.
 15. Assume responsibility for ensuring users easy access to data that is useful to them.
 16. Work closely with other members of the organization to analyze user requests and develop, test, debug, and deploy solutions"
- (Exhibit 2)

17. In response to Specific Duties on her Position Audit Guide submitted on March 3, 2008, the Appellant states:

1. Design, create and develop reports using the Cognos Report Net tool – 30%
2. Interpret, research and validate subject matters and send corrections via (sic) Cognos via People soft database – 20%
3. Act as liaison with the development team in Shrewsbury regarding database issues and help troubleshoot them – 20%
4. Maintain, analyze and update the Cognos Report Net application to meet Consumer needs – 10%
5. Review daily/weekly monitoring reports for accuracy and completeness – 10%
6. Responsible for delivering Ad-Hoc reports on time to customers – 5%
7. Production support for Report Net reports by determining root cause and assist in providing a solution, and collaborate with outside team members and management – 5%.

(Exhibit 2)

18. Those are the same Specific Duties that the Appellant listed in her Position Audit Guide in 2006. (Exhibit 6)

19. The Appellant testified that she was advised by the University's Human Resources that she in all probability would have to file more than one reclassification appeal, since it was unheard of for someone to be successful in a reclassification appeal - spanning such a large grade level from an EDP I Systems Analyst to EDP Systems Analyst IV. (Testimony of Appellant)

20. Victoria Fitzgerald (hereinafter "Fitzgerald") is a Compensatory/Classifications Analyst for the University.

21. She testified that the other EDP Systems Analyst IIIs perform the same primary functions as the Appellant. She also testified that while the Appellant's Cognos expertise is unique, the majority of her duties are properly classified as those of an EDP Systems Analyst III.

22. She testified that the Appellant interprets data coming out of the Cognos system, including but not limited to student records and employment records. Fitzgerald testified that although the Appellant represents the Boston campus at meetings with Lowell and Dartmouth, this is part of her EDP Systems Analyst III duties.

23. On or about June 20, 2008, the University's Classification Appeal Committee notified the Appellant that her appeal was denied. (Stipulation of Facts - Exhibit 1, Exhibit 3)

24. On or about August 25, 2008, the Appellant then appealed to the state Human Resources Division ("HRD"). (Exhibit 4)

25. On or about September 16, 2008, HRD denied the appeal. (Exhibit 5)

26. On or about November 21, 2008, the Appellant appealed to the Civil Service Commission. (Stipulation of Facts - Exhibit 1)

CONCLUSION

After careful review of the testimony and evidence presented in this appeal, I affirm the decision of HRD. The Appellant has not met the burden of proving that she performs a majority of the distinguishing duties of an EDP Systems Analyst IV more than 50% of the time. I base my conclusion on the documentary evidence and the testimony of the Appellant and other witnesses.

The Appellant argues that the EDP Systems Analyst Series job specifications, written in 1987, fail to describe *any* contemporary IT or MIS position. She argues that the specifications describe work in a mainframe environment, e.g. "Selects tapes, card decks and disks according to schedules and requirements": none of which may exist in today's technology. While this may be true, the Appellant offers no reliable evidence of the actual current duties for the entire job series.

The Appellant submits her own job description for the position of EDP Systems Analyst III in her Position Audit Guide. (Exhibit 8) But then she turns to the so-called obsolete job specification for EDP Systems Analyst IV to describe what she is already doing and to explain her reasoning to be reclassified as an EDP Systems Analyst IV. Thus her argument in regard to the obsolescence of the job series fails.

There are no EDP Systems Analyst IVs in the University system. According to the Classification Specification, the duties of an EDP Systems Analyst IV are: (1) Prepare EDP unit budget requests and supporting documentation for agency approval and inclusion in final budget; (2) Schedule duty rosters and ensure that all duty stations are properly staffed; (3) Act as consultant to data processing of other agencies or departments, determine suitability of agency programs or systems to meet specific needs and give general advice and direction to agency staff; (4) Act as consultant to users on such matters as computer-augmented or business-oriented instructions, validity of programs, assessing user needs, etc.; (5) Approve programs/systems for computer programming; (6) Conduct workshops and/or classroom training sessions for users and agency personnel and students; (7) Determine staffing needs and proper allocation of staff to work functions; (8) Interview, evaluate and recommend applications for employment; (9) Approve rescheduling of interrupted or delayed production runs; (10) Act as liaison between users, operations management, computer center, and agency personnel to establish or adjust production priorities; and (11) Schedule daily production runs based on program priorities, input/output requirements, sequence of related jobs, etc.

In her testimony, Fitzgerald displayed a broad understanding of the Appellant's duties and her responsibility in the overall job structure. She found that while the Appellant's Cognos knowledge makes her unique among other EDP System Analyst IIIs, her primary duties remain the same. The Appellant's main task is to report output based on research from the Cognos database. Fitzgerald and the University found that substantial work using the Cognos database does not equal performing the majority of the duties of an EDP System Analyst IV for more than 50% of the time.

There is no comparison between the duties actually performed by the Appellant (as stated in her own words in Exhibit 2) and the duties of an EDP Systems Analyst IV. The Appellant herself testified that she has no responsibility for budgets. She also testified that she is the only worker in that particular unit, down from three (3) employees some years ago. She testified that she supervises no one, except for the occasional work-study student. She attends meetings with her contemporaries in Lowell and Dartmouth, but does not conduct trainings. Since she is only worker in her unit, she bears no responsibility for determining staffing needs. She sits on interview panels, but is not responsible for hiring anyone. The reference to production runs in the job descriptions applies to earlier methods of computing and thus is not applicable today.

The Appellant is a highly skilled professional, and is valued by her colleagues and supervisor at the University. She uses her position as the only person in her unit, and by extension her standing as the only person in the campus at Boston with the knowledge of Cognos to buttress her claim for reclassification to the position of EDP Systems Analyst IV. However, even in her description of her Specific Duties in Exhibit 2, she lists her Cognos work as 60% of her duties. Thus her duties are primarily computer work on a commercially available program. A review of EDP Systems Analyst IV position shows that a majority of the duties in the job specification relate to budget and supervisory duties. In her own words, the Appellant has shown that her work is not a majority of those duties more than 50% of the time. *See Kurt v. Massachusetts Highway Dep't*, Docket No. C-09-428 (2010); *Grzybowski v. University of Massachusetts at Amherst*, Docket No. C-09-388 (2010); *Cohen v. Massachusetts Highway Dep't*, Docket No. C-09-268 (2010); *compare Harand v. Soldiers' Home in Holyoke*, 21 MCSR 194 (2008).

Thus the appeal must fail because the Appellant has failed to show by a preponderance of the evidence that she is performing a majority of the duties of an EDP Systems Analyst IV more than 50% of the time.

For these reasons, the appeal filed under Docket No. C-08-287 is hereby *dismissed*.

Angela C. McConney, Esq.
General Counsel

By a vote of the Civil Service Commission (Bowman, Chairman [absent]; Henderson, Marquis, McDowell and Stein Commissioners) on May 20, 2010.

A true record. Attest:

Commissioner

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)(I), 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:
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