

**COMMONWEALTH OF MASSACHUSETTS  
CIVIL SERVICE COMMISSION**

**SUFFOLK, ss.**

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

**GERARDINE M. LEFEBVRE,**  
Appellant

v.

**CASE NO: C-08-240**

**DEPARTMENT OF EARLY  
EDUCATION AND CARE,**  
Respondent

Appellant:

Gerardine M. Lefebvre, Pro Se  
[REDACTED]

Department of Early Education  
And Care Attorney:

Carmel C. Sullivan, Esq.  
Department of Early Education  
and Care  
51 Sleeper Street – 4<sup>th</sup> Floor  
Boston, MA 02110

Commissioner:

Paul M. Stein

**DECISION**

The Appellant, Gerardine M. Lefebvre, brought this appeal pursuant to G.L.c.30,§49, from denial by the Massachusetts Human Resources Division (HRD) of her request for reclassification of her position at the Department of Early Education and Care (EEC) from Administrative Assistant II to Program Coordinator II . At hearing before the Civil Service Commission (Commission) on November 4, 2008, the EEC presented three witnesses and the Appellant testified on her own behalf. Twenty two (22) Exhibits were received in evidence. In addition, the Commission takes administrative notice of two additional documents submitted (the Administrative Assistant Series Classification Specification (Exhibit 2A); and a EEC website page showing the Staff Directory for the Western Region office (Exhibit 23). The hearing was recorded on two (2) audiocassettes.

## **FINDINGS OF FACT**

Based upon the Stipulation, the Exhibits and the testimony of the Appellant; Sarah Harding, EEC HR Director; Frank Corsino, EEC HR Specialist; and Tiffany Ampofo, Staffing Analysis Manager for the Office of Children, Youth and Families (CYF); and the inferences reasonably drawn from that evidence, I make the finding of fact below.

### **Procedural History**

1. The Appellant, Gerardine M. Lefebvre, works in the EEC Western Regional Office and holds the civil service title of Administrative Assistant II in the Administrative Assistant Classification Services. (*Stipulation of Facts; Exhibits 2A, 5, 16*)

2. EEC was created in 2005 by consolidating the former Office of Childcare Services and the Early Learning Services Unit of the Department of Education, with a mission to reorient state resources to improve the quality, affordability and accessibility of early education and care in the Commonwealth. EEC spearheads the Universal Pre-Kindergarten (UPK) pilot program; administers financial assistance to children from low income families; licenses early education and care, after school programs, adoption and foster placement agencies statewide; and provides and coordinates a range of other services, information resources, development opportunities for early education and after-school professionals, and programs to engage families in strategies to promote children's learning and development. (*Exhibit 1; Administrative Notice of EEC website, [www.eec.state.ma.us/doc/EEC\\_FactSheet](http://www.eec.state.ma.us/doc/EEC_FactSheet) (visited 01/15/2008)*)

3. EEC operates a Central Office with approximately 90 staff in Boston and five regional offices throughout the Commonwealth, each headed by an Associate Commissioner and staffed by 15-20 FTEs each. (*Exhibits 17, 18 & 21; Administrative Notice of EEC website, [www.eec.state.ma.us/oo\\_eecStaffList](http://www.eec.state.ma.us/oo_eecStaffList) (visited 1/15/2008)*)

4. Ms. Lefebvre is a career employee of EEC and its predecessor agencies, with more than 23 years of service. Incident to the creation of EEC in August 2005, Ms. Lefebvre's current position was reclassified from Administrative Assistant I to her current title of Administrative Assistant II. (*Testimony of Lefebvre; Exhibit 22*)

5. On or about April 20, 2008, Ms. Lefebvre requested that EEC reclassify her position to the title of Program Coordinator II, in the Program Coordinator Series. On or about July 23, 2008, CYF, on behalf of EEC, issued a "preliminary" denial of the reclassification request on July 23, 2008 and, after receipt of a rebuttal statement from Ms. Lefebvre, CYF issue a final denial of the request. (*Stipulation of Facts*)

6. On August 14, 2008, Ms. Lefebvre appealed denial of her reclassification request to the Human Resources Division (HRD), which denied her appeal on September 3, 2008. This appeal to the Commission duly ensued. (*Stipulation of Facts; Exhibit 21*)

#### The Positions Involved

7. The Classification Specifications for the two occupational series share much in common. All titles in both series are supervisory level. As indicated by the matrix below, the basic distinction seems to be that an Administrative Assistant supervises "unit" administrative support activities and a Program Coordinator supervises assigned "program" activities. (*Exhibits 2 & 2A*)

ADMINISTRATIVE ASSISTANT SERIES	PROGRAM COORDINATOR SERIES
Administrative Assistant I Administrative Assistant II	Program Coordinator I Program Coordinator II Program Coordinator III
<p>II. <u>Summary of Series</u>: Incumbents of positions in this series <u>monitor assigned unit activities</u>; confer with agency staff; maintain liaison with others; review and analyze data concerning assigned unit activities; prepare reports; respond to inquiries; compile data; and perform related work as required</p> <p>The basis purpose of this work is to <u>provide administrative support</u> in connection with assigned unit activities such as office services, records control, agency personnel services, etc.</p>	<p>II. <u>Summary of Series</u>: Incumbents of positions in this series <u>coordinate and monitor assigned program activities</u>; review and analyze data concerning agency programs; provide technical assistance and advice to agency personnel and others; respond to inquiries; maintain liaison with various agencies; and perform related work as required</p> <p>The basis purpose of this work is to <u>coordinate, monitor, develop and implement programs</u> for an assigned agency.</p>

<p>III. <u>Organizational Levels:</u> Administrative Assistant I is the first-level supervisory job in this series. <b><u>Administrative Assistant II is the second-level supervisory job in this series</u></b></p>	<p>III. <u>Organizational Levels:</u> Program Coordinator I is the first-level supervisory job in this series. <b><u>Program Coordinator II is the second--level supervisory job in this series</u></b> Program Coordinator III is the third-level supervisory job in this series</p>
<p>IV. <u>Examples of Duties Common to all Levels:</u></p> <ol style="list-style-type: none"> <li>1. <b><i>Monitors assigned unit activities</i></b> to ensure effective operations and compliance with established standards.</li> <li>2. <b><i>Confers with agency staff</i></b> in order to exchange information, <b><i>to coordinate efforts and to obtain information concerning agency programs and activities.</i></b></li> <li>3. <b><i>Maintains liaison</i></b> with various local, state, and federal agencies and others to exchange information, <b><i>to resolve problems and to coordinate activities.</i></b></li> <li>4. <b><i>Reviews and analyzes data</i></b> concerning assigned unit activities <b><i>in order to improve work methods, determine progress, revise established procedures</i></b> and/or to provide information to superiors.</li> <li>5. <b><i>Prepares reports</i></b> concerning assigned unit activities in order to furnish required information and <b><i>to make recommendations concerning procedures, programs and activities.</i></b></li> <li>6. <b><i>Responds to inquiries</i></b> in order to provide information concerning assigned unit activities.</li> <li>7. Performs related duties such as compiling data for use in reporting assigned unit activities.</li> </ol>	<p>IV. <u>Examples of Duties Common to all Levels:</u></p> <ol style="list-style-type: none"> <li>1. <b><i>Coordinates and monitors assigned program activities</i></b> to ensure effective operations and compliance with established standards.</li> <li>2. <b><i>Reviews and analyzes data</i></b> concerning assigned agency programs <b><i>to determine progress and effectiveness.</i></b></li> <li>3. <b><i>Provides technical assistance and advice to agency personnel</i></b> and others concerning assigned programs to exchange information, <b><i>resolve problems</i></b> and to <b><i>ensure compliance with established policies and procedures.</i></b></li> <li>4. <b><i>Responds to inquiries</i></b> from agency staff and others to provide information concerning assigned agency programs</li> <li>5. <b><i>Maintains liaison</i></b> with various private, local, state and federal agencies and others <b><i>to exchange information and/or to resolve problems.</i></b></li> <li>6. Performs related duties such as <b><i>attending meetings and conferences; maintaining records; and preparing reports.</i></b></li> </ol>
<p>V. <u>Differences Between Levels in Series:</u> <b><u>Administrative Assistant II: Incumbents of this position at this level also:</u></b></p> <ol style="list-style-type: none"> <li>1. <b><i>Provide on-the-job training</i></b> and orientation for employees.</li> <li>2. <b><i>Review, analyze and prepare reports</i></b> concerning assigned unit activities.</li> <li>3. <b><i>Oversee and coordinate</i></b> the activities of subordinates in connection with the <b><i>preparation and maintenance of reports, records and documents.</i></b></li> </ol>	<p>V. <u>Differences Between Levels in Series:</u> <b><u>Program Coordinator II: Incumbents of this position at this level and higher also:</u></b></p> <ol style="list-style-type: none"> <li>1. <b><i>Provide on-the-job training</i></b> and orientation for employees.</li> <li>2. <b><i>Develop and implement procedures and guidelines</i></b> to accomplish assigned agency program objectives and goals.</li> <li>3. <b><i>Review reports, memoranda, etc</i></b> for completeness and accuracy and content.</li> <li>4. <b><i>Confer with management staff and other agency personnel in order to determine program requirements and availability of resources and to develop the criteria and standards for program evaluation.</i></b></li> <li>5. <b><i>Evaluate program activities in order to determine progress and effectiveness</i></b> and to make recommendations concerning changes as needed.</li> </ol>
<p>X. <u>Qualifications Required at Hire for All Levels:</u></p> <ol style="list-style-type: none"> <li>1. <b><i>Knowledge of the principles and practices of office management.</i></b></li> <li>2. <b><i>Knowledge of the methods of general report writing.</i></b></li> <li>3. <b><i>Knowledge of the methods used in the preparation of charts, graphs and tables.</i></b></li> <li>4. <b><i>Knowledge of the types and uses of general office equipment.</i></b></li> <li>5. <b><i>Ability</i></b> to understand, explain and apply the laws, rules, regulations, policies, procedures, specifications, standards and guidelines governing assigned unit activities.</li> <li>6. <b><i>Ability</i></b> to analyze and determine the applicability of data, to draw conclusions and to make appropriate recommendations.</li> <li>7. <b><i>Ability</i></b> to follow written and oral instruction.</li> <li>8. <b><i>Ability</i></b> to gather information through questioning individuals and by examining records and documents.</li> </ol>	<p>X. <u>Qualifications Required at Hire for All Levels:</u></p> <ol style="list-style-type: none"> <li>1. <b><i>Knowledge of the principles and practices of human resource management including behavioral techniques, planning, forecasting, organizational development, etc.</i></b></li> <li>2. <b><i>Knowledge of work simplification methods.</i></b></li> <li>3. <b><i>Knowledge of the methods of general report writing.</i></b></li> <li>4. <b><i>Knowledge of the methods used in the preparation of charts, graphs and tables.</i></b></li> <li>5. <b><i>Ability</i></b> to understand, explain and apply the laws, rules, regulations, policies, procedures, specifications, standards and guidelines governing assigned unit activities.</li> <li>6. <b><i>Ability</i></b> to analyze and determine the applicability of data, to draw conclusions and to make appropriate recommendations.</li> <li>14. <b><i>Ability</i></b> to follow written and oral instruction.</li> <li>7. <b><i>Ability</i></b> to gather information by examining records and documents and by questioning individuals.</li> </ol>

<p>9. <b>Ability</b> to write concisely, to express thoughts clearly and to develop ideas in logical sequence.</p> <p>10. <b>Ability</b> to assemble items of information in accordance with established procedures.</p> <p>11. <b>Ability</b> to determine proper format and procedure for assembling items of information.</p> <p>12. <b>Ability</b> to prepare general reports</p> <p>13. <b>Ability</b> to maintain accurate records.</p> <p>14. <b>Ability</b> to prepare and use charts, graphs and tables.</p> <p>15. <b>Ability</b> to communicate effectively in oral expression</p> <p>16. <b>Ability</b> to give written and oral instructions in a precise, understandable manner.</p> <p>17. <b>Ability</b> to deal tactfully with others.</p> <p>18. <b>Ability</b> to establish rapport and maintain harmonious working relationships with persons from varied ethnic, cultural and/or economic backgrounds.</p> <p>19. <b>Ability</b> to supervise, including planning and assigning work according to the nature of the job to be accomplished, the capabilities of subordinates and available resources; controlling work through periodic reviews and/or evaluations; determining subordinates' training needs and providing or arranging for such training; motivating subordinates to work effectively; determining the need for disciplinary action and either recommending or initiating disciplinary action.</p> <p>20. <b>Ability</b> to exercise sound judgment.</p> <p>21. <b>Ability</b> to exercise discretion in handling confidential information.</p>	<p>13. <b>Ability</b> to write concisely, to express thoughts clearly and to develop ideas in logical sequence.</p> <p>8. <b>Ability</b> to assemble items of information in accordance with established procedures.</p> <p>9. <b>Ability</b> to determine proper format and procedure for assembling items of information.</p> <p>12. <b>Ability</b> to prepare general reports</p> <p>10. <b>Ability</b> to maintain accurate records.</p> <p>11. <b>Ability</b> to prepare and use charts, graphs and tables.</p> <p>16. <b>Ability</b> to communicate effectively in oral expression.</p> <p>15. <b>Ability</b> to give written and oral instructions in a precise, understandable manner.</p> <p>20. <b>Ability</b> to deal tactfully with others.</p> <p>18. <b>Ability</b> to establish rapport with others.</p> <p>19. <b>Ability</b> to establish and maintain harmonious working relationships with others.</p> <p>17. <b>Ability</b> to supervise, including planning and assigning work according to the nature of the job to be accomplished, the capabilities of subordinates and available resources; controlling work through periodic reviews and/or evaluations; determining subordinates' training needs and providing or arranging for such training; motivating subordinates to work effectively; determining the need for disciplinary action and either recommending or initiating disciplinary action.</p> <p>22. <b>Ability</b> to exercise sound judgment.</p> <p>23. <b>Ability</b> to exercise discretion in handling confidential information.</p> <p>21. <b>Ability to adjust to varying or changing situations to meet emergency or changing program requirements</b></p>
<p>XI. <b>Qualifications Acquired on Job at all Levels:</b></p> <p>1. Knowledge of the laws, rules, regulations, policies, procedures, specifications, standards and guidelines governing assigned unit activities.</p> <p>2. Knowledge of the proper telephone procedures for making and receiving agency calls.</p> <p>3. Knowledge of the types and uses of agency forms.</p> <p><u>Based on assignment the following additional qualifications may be acquired on the job:</u></p> <p>1. Knowledge of the laws, rules and regulations governing the state personnel systems.</p> <p>2. Knowledge of state budgetary procedures relating to positions, salaries, and personnel services.</p> <p>3. <b>Knowledge of the laws, rules, policies and procedures governing Federal Grant Administration.</b></p> <p>4. Knowledge of state procedures governing the purchasing and requisitioning of supplies and equipment.</p> <p>5. Knowledge of state accounting and budgetary procedures including terminology.</p>	<p>XI. <b>Qualifications Acquired on Job at all Levels:</b></p> <p>1. Knowledge of the laws, rules, regulations, policies, procedures, specifications, standards and guidelines governing assigned unit activities.</p> <p>2. <b>Knowledge of the organizational structure and functions of the assigned agency.</b></p> <p>3. Knowledge of the proper telephone procedures for making and receiving agency calls.</p> <p>4. Knowledge of the types and uses of agency forms.</p> <p><u>Based on assignment the following additional qualifications may be acquired on the job:</u></p> <p>1. Knowledge of the laws, rules and regulations governing the state personnel systems.</p> <p>2. Knowledge of state budgetary procedures relating to positions, salaries, and personnel services.</p> <p>3. <b>Knowledge of the laws, rules, policies and procedures governing Federal Grant Administration.</b></p> <p>4. Knowledge of state procedures governing the purchasing and requisitioning of supplies and equipment.</p> <p>5. Knowledge of state accounting and budgetary procedures including terminology.</p>
<p>XII. <b>Minimum Entrance Requirements: Administrative Assistant II:</b> Applicants must have at least (A) three years . . . experience in office management, office administration, business administration or business management, the major duties of which included one or more of the following functions: purchasing, personnel management, budgeting, accounting, records management, work simplification, grants management, contract administration or program management, or (B) . . . An Associate's or higher degree with a major in business administration, business management or public administration . . .</p>	<p>XII. <b>Minimum Entrance Requirements: Program Coordinator II:</b> Applicants must have at least . . . (A) three years of . . . professional, administrative or managerial experience in business administration, business management or public administration the major duties of which involved program management, program administration, program coordination, program planning and/or program analysis, or (B). . . A Bachelor's degree with a major in business administration, business management or public administration . . .</p>

8. Ms. Lefebvre compares her position to a position in the Central Office, having a functional title of "Office Manager" and an official service title of "Program Coordinator II, a position that EEC posted and filled in the fall of 2007. The job posting and the Position Description (Form 30) dated August 17, 2007 contain the following specific information about the Central Office Manager job (*Exhibits 1 & 15*):

**3. GENERAL STATEMENT OF DUTIES AND RESPONSIBILITIES.** Incumbents of this position manage and oversee the administrative functions of central office. Through coordination and monitoring, ensures the effective operations and logistic of providing support to managers. Is liaison to various units within the agency and external vendors. Provides technical assistance to agency personnel and preformed [sic] related work as required.

**5. DIRECT REPORTING STAFF:** Clerk IV      **5B. THEIR STAFF:** None

**6. DETAILED STATEMENT OF DUTIES AND RESPONSIBILITIES**

1. Manage, oversee, organize and supervise all of the day-to-day administrative activities that facilitate the smooth running of the EEC central office including overseeing and assigning of work for clerical and temporary staff.
2. Coordinate and provide administrative support and technical assistant [sic] to EEC professional staff across all divisions.
3. Coordinate the planning of statewide or regional meetings and EEC sponsored conferences including invitation/agenda development, coordinating and compiling of materials, developing and implementing registration processes and other logistical arrangements.
4. Develop, implements and oversees a system to track and manage grants including organizing and maintenance of files, logging-in of new grant applications, distribution of applications to appropriate staff, assisting with grant review functions and coordinating with fiscal staff to ensure timely and accurate payments to grantees.
5. Oversee the preparation of Early Education and Care new hire welcome packets and the orientation to the agency's policy and procedures. Make recommendations and participate [sic] in the office policies that support professional work conduct.
6. Coordinate and assign administrative support staff and all work requests from Central Office professional and managerial staff such as Xeroxing, mailings, data entry. Oversee [that] external customer service functions such as visitors and phone calls to Central Office are and visitors and phone calls to Central Office are handled in a professional and courteous manner.
7. Oversee the coordinating the shipping of the Early Childhood Standards and Guidelines and other EEC correspondence.
8. Oversee that the common office space is neat, clean and items in good repair. Work in conjunction with building management to resolve outstanding issues.
9. Responsible for time keeping duties including weekly time and attendance reporting. Ensures that time is reported to Payroll on a weekly basis and ensure that accurate time reporting codes are utilized and adjustment are reported to payroll as needed.
10. Manage and oversee the maintenance of records and documents that agency must maintain.
11. Ensure a high-quality of customer service is offered across EEC divisions.
12. Provides supervision to clerical staff assigned to the facilities unit including EPRS are completed.
13. Performs related duties as assigned.

9. The foregoing Program Coordinator/Office Manager Position Description compares to the following Position Description (Form 30) dated October 15, 2007, for the Administrative Assistant II position currently held by Ms. Lefebvre (*Exhibit 16*):

**3. GENERAL STATEMENT OF DUTIES AND RESPONSIBILITIES.** Provides technical support to Regional Offices and serves as the regional office liaison to the Central Office systems unit. The basis purpose of this work is to provide administrative support in the areas of office services, timekeeping records management, clerical support and phone coverage. Provide supervision and on the job training of clerical support and temporary staff assigned to the regional office.

**5. DIRECT REPORTING STAFF:** Administrative Assistant I  
Temporary Clerical Staff  
Contracted Support Staff

**5B. THEIR STAFF:** None

**6. DETAILED STATEMENT OF DUTIES AND RESPONSIBILITIES**

1. Oversees and coordinates the day-to-day activities of general clerical support staff. Completes EPRS evaluations for assigned staff. Provides on-the-job training for new clerical support staff. Provides new hire orientation to regional office.
2. Oversees phone coverage schedule and phone coverage which includes ensuring that phone coverage schedules are planned in advance, the phone is answered in a timely and professional manner, refers phone calls to agency staff that can properly and accurately provide information, understands agency referral systems to direct caller to accurate resources, trouble shoots voicemail problems, acts as liaison to vendors, intakes complaints and incident calls when no licensing staff are available.
3. Oversees, coordinates and assists in the completion of all general clerical functions to support the regional office including word processing assignments such as typing, mail merge, and labels for mailings. Formats, proof reads and produces correspondence with prescribe time frames. Maintains inventory and submits orders for office supplies, forms and equipment,. Handles all incoming and outgoing mail including weighing and posting outgoing mail. Distributes incoming mail and faxes to appropriate personnel, prepares coversheet and sends outgoing faxes. Arranges archiving of records in accordance with state policy. Maintains familiarity with office equipment including fax, copiers, printers, postage meter, computer server, voicemail system, etc.
4. Supports the field operations in the Regional Office by performing specific, complex clerical tasks related to the agency's mission including maintain specific data base information on statistics gather[ed] by the department, answers basic licensing and subsidy questions from the public, completes special projects as assigned, prints and distributes CORI information to licensing staff and flags CORI problems to supervisors for follow-up.
5. Oversees the process for revenue management in the regional office including all checks are handled per the policy, logged in daily and deposited. Maintains accurate record. [Contacts] providers who have submitted insufficient funds checks, maintains a log of all correspondence with the Central Office and the Regional Office regarding collections.
6. Acts a Regional Liaison to the IT systems unit by [notifying] help desk immediately of any computer issues and offers assistance to Regional staff for IT as needed.
7. Prepares regional employees time and attendance records. Accurate records attendance on spreadsheets and submits records to appropriate personnel. Follows up with payroll regarding any time issues. Keeps regional staff weekly time records schedules and itineraries in an organized filing system.
8. Attend monthly staffing meetings.

9. *Coordinates the use of regional space for trainings and meetings.*

10. Acts *as liaison to building management* regarding maintenance issues, snow removal, etc.

11. Completes assigned special projects as needed for the Associate Commissioner for Field Operations.

10. The most recent Employee Performance Review Forms (EPRS) for the two positions contain, respectively, the Primary Job Duties below. I note that, as of the hearing, the EPRS for Ms. Lefebvre’s position was updated by her supervisor, Associate Commissioner for Field Operations Erin-Murphy Craft, but not officially approved by EEC’s HR Director Sarah Harding. I find nothing in the evidence to indicate that the form is not a reasonable statement of the position duties. I also note that Ms. Lefebvre testified that, subsequent to the preparation of that EPRS, her job duties were further enhanced as will be described later. (*Testimony of Lefebvre, Harding; Exhibits 5 & 19*)

<b>EPRS -Western Regional Office Administrative Assistant (AA-II)</b>	<b>EPRS -Central Office Office Manager (PC-II)</b>
Duty 1: <i>Responsible for operation/ functioning of Regional Western Department</i> (e.g., “maintain. . . supplies, “ <i>scheduling of department meeting space – internal and external</i> ” “ <i>assist in locating larger meeting space . . . to attract larger attendance on important licensing topics</i> ”, “ <i>building issues</i> ”	Duty 1: <i>Manage, oversee, organize and facilitate the smooth running of the EEC central</i> (e.g., “ <i>provide administrative support</i> ” “ <i>supervision of clerical staff</i> ” “ <i>assisting in reception responsibilities and answering phones</i> ”, “ <i>supervision to the clerical staff</i> ”)
	Duty 2: <i>Provide Manage, Support Activities of the Program Division:</i> (e.g., “ <i>coordinate the planning of statewide, regional meetings</i> ”, “ <i>logistical arrangements</i> ”, “ <i>conferences, meetings and training preparation in Central Office</i> ”, “ <i>invitation/agenda development</i> ”, “ <i>registration process</i> ”, “ <i>coordinating and compiling of materials</i> ”
Duty 2: <i>Maintain accurate records</i> (e.g., “ <i>time and attendance</i> ”, “ <i>deposit/revenue</i> ”, “ <i>EPRS</i> ”, “ <i>process BRC [background record check]</i> ”	Duty 3: <i>Manage and oversees the maintenance of records</i> and documents that agency must maintain in accordance to state policy (e.g., “ <i>boxing</i> ”, “ <i>shipping</i> ” and “ <i>disposal</i> ” of records”)
Duty 3: <i>Data Processing-Research</i> (e.g., “ <i>maintain spreadsheet of . . . expenditures</i> ”, “ <i>create and prepare booklets, pamphlets</i> ”, “ <i>help staff with on-line [personnel] services</i> ”,	
Duty 4: <i>Equipment Maintenance/Training</i> (e.g., “ <i>train/help staff on software programs and equipment and administer technical help</i> ”,	
	Duty 4: <i>Actively Participate in the Management of Central Office</i> (e.g., <i>oversee “common office space</i> ”, “ <i>building issues</i> ”, “ <i>timekeeping duties</i> ”, “ <i>staffing meetings</i> ”



11. At the present time, Ms. Lefebvre is employed within the “Field Operations” unit. She directly supervises one clerical and one administrative staff and reports to the Associate Commissioner for Field Operations who heads the Western Regional Office and who, in turn, reports to the Deputy Commissioner for Field Operations. (*Testimony of Lefebvre, Harding; Exhibits 4, 17 & 18*)

12. The incumbent Office Manager of the Central Office is employed within the “Administration & Finance” unit, headed by the Deputy Commissioner for Administration. The Central Office Manager reports to the EEC HR Director, and the position is assigned one clerical position (currently vacant) reporting to the Office Manager. (*Testimony of Harding; Exhibits 4, 17 & 18*)

13. According to the EEC organizational charts, neither Ms. Lefebvre’s position nor the Central Office Manager has a direct or indirect line of reporting to the “Programs” Unit of EEC, which is a separate unit, headed by the Deputy Commissioner for Programs. Neither Mr. Lefebvre nor the Central Office Manager have second-level, indirect, supervisory responsibility. (*Testimony of Lefebvre, Harding; Exhibits 4, 17 & 18*)

14. The staff supervised by Ms. Lefebvre, in addition to data entry and other clerical duties, perform the following: “provides the ‘general public’ with licensing information, and/or referral to required trainings, workshops, etc”, “distributes licensing materials as requested to interested applicants”, “provides assistance to callers regarding Teacher Certification”, “prepares informational packets for “GCC/SACC renewal meetings and for “New GCC/SACC Provider” meetings”, “assists in reviewing printed licensing forms”, “processing of public records request”. (*Testimony of Lefebvre; Exhibit 4*)

15. In addition to the Office Manager, the Central Office employs the following Program Coordinators in other units, only one of whom has any assigned direct or indirect supervisory duties:

- a. General Counsel – 1 Program Coordinator III (Legal Counsel); 1 Program Coordinator II (Background Specialist Supervisor) [supervising 1 AA-I, Background Specialist]
- b. Office of Purchase Services – 3 Program Coordinator IIIs (2 Fiscal Monitors and 1 Grant/Fiscal Monitor); 2 Program Coordinator IIs (Contract Specialist); 2 Grant Management Specialist IIIs (Grant Specialists)
- c. Accounting – 5 Program Coordinator IIs (Accounts Specialists)
- d. Human Resources – 1 Program Coordinator II (Facilities Manager)
- e. Information Technology – 1 Program Coordinator III (Data Analyst)
- f. Programs – 5 Program Coordinator IIIs (3 Financial Assistance Specialists; 1 Quality Specialist; 1 Head Start Assistant Collaboration Director)

*(Testimony of Harding; Exhibits 18)*

#### Ms. Lefebvre's Actual Job Duties and Performance

16. Ms. Lefebvre has performed her duties for EEC with distinction. She has been awarded the highest EPRS rating of "Exceeds/Excels" in her past three evaluations, including the current year. *(Exhibits 5 & 6)*

17. The evidence established that Ms. Lefebvre, and the staff she supervises, provide all essential administrative support services for the Western Regional Office. This includes a variety of personnel functions, information technology support, fiscal tracking duties, purchasing, phone and reception coverage, and oversight of the day-to-day clerical needs of all of the regional office staff. *(Testimony of Lefebvre, Harding, Corsino;*

*Exhibits 3 [Interview Guide and Attachments 1, 2, 4, 7, 8, 9, 10, 11, 12, 14, 16, 17, 18]; Exhibits 9 thru 11, 20)*

18. In addition, Ms. Lefebvre's regular duties include certain functions that can fairly be described as "program" related. These duties include the planning and coordinating of EEC staff and provider conferences and meetings in the region, including bi-monthly GCC/SACC Renewal Meetings, the Pilot FCC Potential Provider Meetings, and "eCCIMS" Training and Billing Workshops in Springfield for Contract Providers. These duties entail identifying and notifying prospective participants, preparing handouts and other materials; securing suitable locations, equipment and services, such as catering; and handling registrations, setup and other logistics. (*Testimony of Lefebvre; Exhibits 3 [Interview Guide and Attachments 3, 5, 6; Exhibits 8, 14)*

19. Ms. Lefebvre also regularly assists the professional licensing staff in the Western Regional Office with the licensing of providers, a core "program" function, including communications with licensees and prospective licensees, assisting the professional staff with background checks and interview. While much of this work can be considered administrative support, the degree to which Ms. Lefebvre has responsibility for regular and frequent direct contact with the provider base leads me to conclude that the work she does can fairly be described as assisting with the "program" function of licensing, which is one of the core missions of EEC. (*Testimony of Lefebvre; Exhibits 3 [Interview Guide and Attachments 3, 5, 6, 13, 15]; Exhibits 8, 14)*

#### Central Office Manager

20. The EEC Central Office Manager has responsibility for all of the essential administrative support and basis clerical requirements of the Central Office, from covering the phones and reception of visitors to filling in for the Commissioner's

executive assistant, and supporting personnel and other administrative staff. These clerical and administrative functions are essentially the “same” kind of duties performed by Ms. Lefebvre for the Western Regional Office but on a higher “level of activity” due to the difference in the number of staff in each location. (*Testimony of Harding, Amprofi; Exhibits 15, 19, 21*)

21. In addition, the Central Office Manager performs certain “program” functions, primarily in the area of managing approximately 1000 “scholarship grants” and in supporting the logistics of approximately 25 meetings arranged through the Programs Unit at the Central Office. According to EEC HR Director Sarah Harding, the Office Manager has primary and independent responsibility to review and approve the scholarship grants. The specific details of the scholarship grant program, and its relationship, if any, to the programs administered by the Program Coordinator II “Financial Assistance Specialists” in the Programs unit was not explained; presumably, the scholarship program function assigned to the Central Office Manager is independent of the work handled by the program coordinators in the Programs unit. (*Testimony of Harding, Amprofi; Exhibits 15, 18, 19, 21*)

## **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. If said commission finds that the office or position of the person appealing warrants a different position reallocation . . . it shall be effective as of the date of appeal . . .

As a general rule: “The determining factor of a reclassification is the distribution of time that an individual spends performing the function of a job classification.” Roscoe v. Department of Environmental Protection, 15 MCSR 47 (2002). In order to justify a reclassification, an employee must establish that she is performing duties encompassed within the higher level position the majority (i.e., at least 50% or more) of the time. See, e.g., Pellegrino v. Department of State Police, 18 MCSR 261 (2005) (at least 51%); Morawski v. Department of Revenue, 14 MCSR 188 (2001) (more than 50%); Madison v. Department of Public Health, 12 MCSR 49 (1999) (at least 50%); Kennedy v. Holyoke Community College, 11 MCSR 302 (1998) (at least 50%).

As often true in most classification appeals, Ms. Lefebvre is, by all accounts, an outstanding public servant who works hard and is respected by her peers and supervisors at EEC. Ms. Lefebvre 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. Accordingly, the issue before the Commission is limited to that specific question.

The evidence fairly establishes that Ms. Lefebvre’s job duties do not seem to fit the classification specification for a Program Coordinator II, since she is clearly not a second-level supervisor as required by the specification; yet, most, if not all of the Program Coordinator IIs (and even Program Coordinator IIIs) at EEC appear to be individual contributors with even less management and supervisory responsibility than assigned to and actually performed by Ms. Lefebvre. Similarly, EEC’s most recent job posting last year for Program Coordinator II (for Central Office Manager) contains

striking similarity to the job duties of a first-level supervisor Administrative Assistant I in the Administrative Assistant Series, and less resemblance to a Program Coordinator II, a second-level supervisor in the Program Coordinator Series. Although there can be no doubt that all professional staff at EEC are performing important work that is certainly critical to the agency's mission, the fact remains that the job duties of many Program Coordinator Is, IIs and IIIs on staff do not appear to correlate to the level distinguishing responsibilities prescribed for the titles that are assigned to those staff members.

That said, this appeal becomes a case that requires the Commission to look behind the classification specifications in order to decide the matter. The Commission need not apply the classification specifications literally in every case. "When analyzing a reclassification appeal, it is within the Commission's discretion to weigh all of the facts and to make a determination based on the evidence presented." Noyes v. North Shore Community College, 12 MCSR 55 (1999); Kennedy v. Holyoke Community College, 11 MCSR 302 (1998); See also Hodge v. Department of Correction, 18 MCSR 165 (2005) (reclassification ordered based on the petitioner's testimony, documents and her own work notes); Wyche v. Division of Insurance, 11 MCSR 132 (1998) (direct supervision discounted since no employees at any level in series actually performed that responsibility); Saulenas v. Framingham State College, 10 MCSR 237 (1997) (classification specifications are not rigid requirements but flexible guidelines when determining the proper classification); Seger v. Westfield State College, 10 MCSR 109 (1997) (appellant's minimal supervisory role did not prevent reclassification when other like position in the department failed to meet the supervisory criteria)

Here, the Commission finds it would be inequitable to rely on the classification specifications, alone, in order to determine whether Ms. Lefebvre performs the duties of

what EEC calls a Program Coordinator II/Office Manager as the major part of her job. Accordingly, in addition to the specifications, the Commission has compared the evidence of the actual duties that are currently performed by Ms. Lefebvre with the duties of the Central Office Manager. Since the Central Office Manager position was recently posted by EEC as a Program Coordinator II, it seems that position represents the fairest and most equitable basis for comparison and the one that deserves the greatest weight.<sup>1</sup>

The evidence is undisputed, as EEC's HR director put it, that the two positions have "lots of similarities", but there are also some crucial differences. On balance, however, the Commission concludes that the majority of Ms. Lefebvre's working hours are devoted to duties that are consistent with both jobs and that her duties include a degree of "program" coordination responsibility that is unique to the Program Coordinator series.

Specifically, the overwhelming majority of the duties of both jobs entail providing administrative, clerical and facilities support to the staff of the Western Regional Office and the Central Office respectively. It is clear that the mere difference in the size of the office, the number of staff impacted, or just because one job has a heavier workload, do not represent significant level distinguishing duties that would warrant different classifications for the two positions. See Pellegrino v. Department of State Police, 18 MCSR 261, 268 (2005); Noyes v. North Shore Community College, 12 MCSR 55, 56 (1999); Cousineau v. Westfield State College, 12 MCSR 25 (1999).

In addition, both Ms. Lefebvre and the Central Office Manager do perform some degree of "program" level work that represents a material distinguishing characteristic

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<sup>1</sup> After the hearing closed, Ms. Lefebvre submitted additional documentation in support of her reclassification by way of rebuttal to evidence presented by EEC at the hearing, to which EEC objected as untimely filed and beyond the scope of a proper post-hearing submissions pursuant to 801 CMR 1.00(10)(j)... As a pro se appellant, the Commission appreciates that Ms. Lefebvre may not be knowledgeable of the Commission's rules. The Commission has reviewed the material submitted and finds that the new information is largely cumulative and does not raise .

from the duties prescribed by the Administrative Assistant Series. Both jobs require significant time to plan, prepare and execute meetings with agency personnel, providers and licensees. The Central Office Manager certainly has more such events to handle, but Ms. Lefebvre duties include similar functions on a sufficiently regular and continuing basis to be comparable in kind. Ms. Lefebvre also is required to monitor the status of provider licensees, which requires familiarity with the program requirements associated with the license approval and renewal process.

The Central Office Manager is assigned some degree of responsibility to monitor and coordinate scholarship grants as to which Ms. Lefebvre has no direct counterpart. The actual “program” functions performed by the Central Office Manager were described in a general way by EEC’s witnesses. There is no evidence that this function is a principal component of the Central Office Manager’s work load. Indeed, the preponderance of the evidence is to the contrary. The duties associated with processing grants are not mentioned as a “Primary Job Duty” or as a “Performance Criteria” in the Central Office Manager’s EPRS, except as to the administrative support functions (such as managing “systems for tracking” grants and “organizing and maintaining of files”). Similarly, the Office Manager’s Form 30 describes grant-related duties as principally administrative, save only for “assisting [presumably others] in grant review functions”. In addition, the Administrative Assistant series and the Program Coordinator series call for the incumbents in each position to be equally knowledgeable about federal grant laws, rules, policies and procedures. On the preponderance of evidence, the grant review functions of the Central Office Manager are not a sufficiently significant distinguishing duty to disqualify Ms. Lefebvre who is performing comparable duties to the Central Office Manager in all other respects for the substantial majority of her time.



In sum, the Commission finds that Ms. Lefebvre devotes at least a majority of her time to duties that are performed by the Program Coordinator II/Office Manager in the Central Office. The Commission also finds that, in her current job, Ms. Lefebvre is regularly performing, as a significant part of her job, each of the six duties common to all Program Coordinator series titles (*Exhibit 2, IV.1 thru 6*), and does perform at least two level distinguishing duties of the Program Coordinator II position (*Exhibit 2, V.1, 3*). Although Ms. Lefebvre does not appear to perform all of the other level distinguishing duties of a Program Coordinator II, and is not in a second-level supervisory role, neither does it appear that the Central Office Manager does so to any significant degree or, in particular, as a majority of her work duties.

The Commission cannot address what appears to be a substantial disconnect between EEC's personnel requirements for an appropriate and effective agency structure and the classification specifications approved for the titles that EEC has chosen to assign to the positions it needs to fulfill its mission. That broader question is more appropriately directed elsewhere.

However, the Commission has concluded that it would be inequitable to maintain Ms. Lefebvre in the Administrative Assistant series when her actual job duties appear more appropriate to the Program Coordinator series as EEC recently has defined them within that agency. The Commission recognizes that the EEC requires some degree of latitude in how choose to structure its agency and that a requested reclassification ought to be implemented in a way that mitigates any unintended or disruptive consequences for the agency as a whole. Therefore, the Commission finds that reclassification of Ms. Lefebvre from the Administrative Assistant series to the Program Coordinator series is warranted but that, in the exercise of its discretion and the evidence in the present record, the

Commission determines that the most appropriate title for Ms. Lefebvre's position is Program Coordinator I, rather than Program Coordinator II, which is the closer match to the actual duties she has proved she is performing the majority of the time. Cf. Horton v. Department of Environmental Management, 12 MCSR 78 (1999) (Forrest Park Supervisor I requested reclassification to Park Foreman II; request allowed to Forest Park Supervisor II); McDonald v. Massachusetts Department of Mental Health, 12 MCSR 64 (1999) (Mental Health Worker IV sought reclassification to Mental Health Case Manager II; reclassification allowed to Mental Health Case Manager I); Hamm v. Department of Correction, 11 MCSR 116 (1998) (Word Processing Operator II sought reclassification to Clerk IV; reclassification allowed to Clerk IV); Saulenas v. Framingham State College, 10 MCSR 237 (1997) (Accountant III requested reclassification to Accountant V; reclassification allowed to Accountant IV); Seeger v. Westfield State College, 10 MCSR 109 (1997) (Clerk III requested reclassification to Administrative Assistant I; reclassification allowed to Clerk IV)

Accordingly, as stated above, the appeal of the Appellant, Gerardine M. Lefebvre, is *allowed, in part.*

Civil Service Commission

Paul M. Stein  
Commissioner

By vote of the Civil Service Commission (Bowman, Chairman; Henderson, Marquis, Stein and Taylor, Commissioners on February 5, 2009.

A True Record. Attest:

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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 to: Gerardine M. Lefebvre (Appellant)  
Carmel C. Sullivan, Esq. (EEC)  
John Marra, Esq. (HRD)