

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

CIVIL SERVICE COMMISSION

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

MARIA PARENT,
Appellant

v.

C-05-302

DEPARTMENT OF REVENUE,
Respondent

Appellant's Attorney:

Pro Se
Maria Parent

Respondent's Attorney:

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

Commissioner:

Christopher C. Bowman

DECISION

Pursuant to the provisions of G.L. c. 30, s. 49, the Appellant, Maria Parent (hereafter "Appellant" or "Parent"), is appealing the June 13, 2005 decision of the Human Resources Division (HRD) denying her request for reclassification from the position of Management Analyst I to the position of Management Analyst II. (Exhibit 6) The appeal

was timely filed and a hearing was held on February 13, 2007 at the offices of the Civil Service Commission. One tape was made of the hearing.

FINDINGS OF FACT:

Fifteen (15) joint exhibits were entered into evidence at the hearing. Based on the documents submitted into evidence and the testimony of:

For the Appointing Authority:

- Sandra Antonucci, Personnel Analyst II, Department of Revenue;

For the Appellant:

- Appellant Maria Parent;

I make the following findings of fact:

1. The Appellant commenced employment with the Massachusetts Department of Revenue on or about June 1969. (Testimony of Appellant)
2. In 1990, the Appellant was appointed to the position of Management Analyst I, at which time she served in the functional title of Administrative Assistant for the Office of Facilities Management. (Testimony of Appellant; Exhibit 1)
3. In February 2001, the Appellant was approached by Dennis McEvoy (ISO Manager at the time) and asked if she would be interested in working side-by-side with an employee in the ISO Communications Group in Chelsea. (Testimony of Appellant; Exhibit 1)
4. There is no dispute regarding the duties performed by the Appellant in her current position. She reviews invoices received by the ISO Communications Group related to such things as monthly bills for telephones, cell phones and blackberries used by state employees and state offices. After reviewing the invoices, which total

approximately 250 per month, she ensures that the charges are accurate and notes any discrepancies on an Excel spreadsheet. The Appellant resolves any discrepancies, including erroneous charges, by calling or emailing the appropriate vendor.

(Testimony of Appellant)

5. There is also no dispute that the Appellant's co-worker performs the exact same duties as the Appellant. (Stipulated at hearing)
6. The Appellant serves in the position of Management Analyst I while the Appellant's co-worker, who performs the same duties, serves in the higher position of Senior Programmer / Analyst. (Exhibits 11 and 13)
7. Personnel Analyst Sandra Antonucci testified before the Commission that it is possible for some employees with different job titles to perform the same duties given that some employees may have their current titles as a result of previous jobs they held with the agency. (Testimony of Antonucci)
8. The Employee Performance Review Form for evaluation years 2004 and 2005 lists the Appellant's duties as a Management Analyst I as follows: "Communications E08 and E09 Procurements; processing communication invoices: move coordinator: telephone exception report and other duties as required." (Exhibits 11 and 12)
9. On October 15, 2004, the Appellant filed a written request with DOR to be reclassified from her position as Management Analyst I to Management Analyst III or Program Coordinator II. (Exhibit 2)
10. It is not disputed that at some point the Appellant sought to modify her request to seek the classification of Management Analyst II, as opposed to Management Analyst III.

11. The Classification Specification for the position of Management Analyst II issued by DOR in July of 1987 states that a Management Analyst I is, “the entry-level professional job in the series” and a Management Analyst II is, “the first-level supervisory job in this series.” (Exhibit 8)
12. The Level Distinguishing Duties for the position of Management Analyst II states that a Management Analyst II, “monitor[s] activities in order to ensure proper implementation of changes in administrative methods and procedures; and evaluate[s] or compare[s] data in order to provide information to management for making sound conclusions to solve problems, to plan a course of action and/or to formulate and define policies and procedures.” (Exhibit 8)
13. In conjunction with her request for reclassification to the position of Management Analyst II, DOR sent the Appellant an Interview Guide that included detailed questions concerning her current position as a Management Analyst I. The Appellant completed this form and submitted it to DOR’s Human Resource Bureau. The form was signed on October 29, 2004 by the Appellant and her supervisor, Dennis McEvoy, Communication and Networks Manager. (Exhibit 10)
14. In this Interview Guide, Ms. Parent lists as her basis for appeal the following: “I have been a full-time employee of MDOR since June of 1969. I was appointed to a Management Analyst I position in November 1990 as the administrative assistant to the Director of OFM. In February of 2001 I accepted a position with the Communications Group of ISO. During my interview with the Deputy Chief, Robert Pettingell, I was promised that the paperwork for a reclassification would begin

immediately. Since then, I have continually followed up with my immediate supervisor and feel that this has been long overdue.” (Exhibit 10)

15. In the section of the Interview Guide entitled Specific Duties, the Appellant responded that she spends 75% of her time reviewing communication invoices and identifying any issues; 20% of her time resolving billing issues; and 5% of her time setting up corporate conference calls. (Exhibit 10)
16. On April 15, 2005, DOR issued a preliminary decision determining that the Appellant was properly classified as a Management Analyst I. (Exhibit 3)
17. On April 19, 2005, the Appellant provided additional information to DOR seeking to justify the reclassification. As part of this submission, the Appellant stated in part, “Although at the present time I do not exercise direct supervision over, assign work or review performance of professional, administrative or clerical personnel, I had served as Supervisor of Administrative Support within the Office of Facilities Management for several years during my positions as both Clerk V and Management Analyst I.” (Exhibit 4)
18. On May 2, 2005, DOR issued a final decision denying the Appellant’s reclassification request. (Exhibit 5)
19. Sandra Antonucci, a Personnel Analyst II for DOR, testified before the Commission and summarized the reasons for the denial. (Testimony of Antonucci)
20. Ms. Antonucci testified that the Appellant is a dedicated, long-term employee of DOR. However, according to Ms. Antonucci, the Appellant is not a supervisor; she does not monitor activities to ensure changes; she does not evaluate or compare data;

and/or formulate policies and procedures, all duties that would be consistent with the classification of Management Analyst II. (Testimony of Antonucci)

21. According to Antonucci, the Appellant may actually be more appropriately classified as an Administrative Assistant I (which is a lower grade than an MA I) or possibly an Administrative Assistant II (which is the same grade as an MA I). (Testimony of Antonucci)

CONCLUSION

After careful review of the testimony and evidence presented in this appeal, the Commission concludes that the decision of the Human Resources Division denying Ms. Parent's request should be affirmed.

The Appellant has not met her burden of proof to demonstrate she was improperly classified as a Management Analyst I in that she has not shown that she performed the duties of a Management Analyst II more than 50% of the time.

The Classification Specification for the position of Management Analyst II issued by DOR in July of 1987 states that a Management Analyst I is, "the entry-level professional job in the series" and a Management Analyst II is, "the first-level supervisory job in this series".

The Level Distinguishing Duties for the position of Management Analyst II states that a Management Analyst II, "monitor[s] activities in order to ensure proper implementation of changes in administrative methods and procedures; and evaluate[s] or compare[s] data in order to provide information to management for making sound conclusions to solve problems, to plan a course of action and/or to formulate and define policies and procedures."

At the hearing, the Appellant testified that she is not a supervisor and her duties are primarily limited to reviewing invoices, creating exception reports and ensuring that any discrepancies are resolved with the vendor. In her Interview Guide, the Appellant stated that she spends 75% of her time reviewing communication invoices and identifying any issues; 20% of her time resolving billing issues; and 5% of her time setting up corporate conference calls. (Exhibit 10)

DOR Personnel Analyst Sandra Antonucci was unable to find any duties performed by the Appellant that are consistent with that of Management Analyst II. Rather, Ms. Antonucci concluded that the Appellant would be more properly classified as an Administrative Assistant I, which is lower than a Management Analyst I, or an Administrative Assistant II, which is the same grade as a Management Analyst I.

Arguing on her own behalf, the Appellant stated that, upon accepting the lateral transfer into her current position, she was assured that a request for reclassification would be processed. Further, the Appellant argued that her co-worker, who performs the same duties, holds the higher classification of Senior Programmer / Analyst. While the Appellant's current supervisor may indeed have assured her that a request for reclassification would be submitted, he can not assure its approval, particularly if the Appellant does not perform any of the duties of a Management Analyst II. Similarly, the fact that the Appellant's co-worker may be mis-classified in her current position does not entitle the Appellant to the reclassification requested.

For all of the above reasons, the appeal under Docket No. C-05-302 is hereby *dismissed*.

Christopher C. Bowman, Commissioner

By a vote of the Civil Service Commission (Bowman, Guerin, Marquis, Commissioners [Taylor – Absent]) on March 22, 2007.

A true record. Attest:

Commissioner

A motion for reconsideration may be filed by either Party within ten days of the receipt of a Commission order or decision. A motion for reconsideration shall be deemed a motion for rehearing in accordance with M.G.L. c. 30A § 14(1) for the purpose of tolling the time for appeal.

Any party aggrieved by a final decision or order of the Commission may initiate proceedings for judicial review under section 14 of chapter 30A 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:
Maria Parent
Suzanne Quersher, Esq. (DOR)