

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

CIVIL SERVICE COMMISSION

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

ALICE B. DZICZEK,
Appellant

v.

C-06-143

DEPARTMENT OF CONSERVATION
AND RECREATION,
Respondent

Appellant's Attorney:

Pro Se
Alice B. Dziczek

Respondent's Attorney:

Francis Hartig, Esq.
Assistant General Counsel
251 Causeway Street
Boston, MA 02114

Commissioner:

Christopher C. Bowman

DECISION

Pursuant to the provisions of G.L. c. 30, s. 49, the Appellant, Alice Dziczek (hereafter "Appellant" or "Dziczek"), is appealing the June 5, 2006 decision of the Human Resources Division (HRD) denying her request for reclassification from the position of Administrative Assistant I to the position of Administrative Assistant II. (Exhibit 15)

The appeal was timely filed and a hearing was held on March 16, 2007 at the offices of the Civil Service Commission. One tape was made of the hearing.

FINDINGS OF FACT:

Nineteen (19) exhibits (Joint: 1-18; Appellant: 19) were entered into evidence at the hearing. Based on the documents submitted into evidence and the testimony of:

For the Appointing Authority:

- Robert Samuels, Personnel Analyst III; Department of Conservation and Recreation;

For the Appellant:

- Appellant Alice Dziczek;

I make the following findings of fact:

1. The Appellant commenced employment with what is now the Massachusetts Department of Conservation and Recreation (DCR) in July 1984. (Testimony of Appellant)
2. Approximately ten (10) years ago, the Appellant was appointed to the position of Administrative Assistant I, initially working at the Office of Dam Safety in Lancaster, Massachusetts. (Testimony of Appellant)
3. After transferring to and working at the Gardner Heritage State Park for approximately two (2) years, the Appellant subsequently transferred to DCR's Regional Headquarters in Clinton, MA. That office is now considered a field office and the Appellant has worked at this office for the last 3 ½ years. (Testimony of Appellant)
4. At all times while this appeal has been pending, the Appellant has been serving in the title of Administrative Assistant I. (Testimony of Appellant)

5. The Appellant's "Position Description – Form 30", which lists her duties and responsibilities, states, "Monitors and assists in daily office administration by performing duties including: MMARS document processing, data compilation and management, file management, prepares reports, correspondence, liaison to the public, responds to inquiries." (Exhibit 10)
6. On September 22, 2004, the Appellant filed a written request with DCR to be reclassified from her position as Administrative Assistant I to Administrative Assistant II. (Exhibit 10)
7. The Classification Specification for the Administrative Assistant series issued in July of 1987 states that an Administrative Assistant I is, "the first-level supervisory job in this series" and an Administrative Assistant II is, "the second-level supervisory job in this series." (Exhibit 16)
8. The Level Distinguishing Duties for the position of Administrative Assistant II states that an Administrative Assistant II, "provide[s] on-the job training and orientation for employees; review[s], analyze[s] and prepare[s] reports concerning assigned unit activities; and oversee[s] and coordinate[s] the activities of subordinates in connection with the preparation and maintenance of reports, records and documents." (Exhibit 16)
9. In conjunction with her request for reclassification to the position of Administrative Assistant II, DCR sent the Appellant an Interview Guide that included detailed questions concerning her current position as an Administrative Assistant I. The Appellant completed this form and submitted it to DCR. (Exhibit 13)

10. In this Interview Guide, Ms. Dziczek lists as her basis for appeal the following: “The broad scope of work responsibilities including, but not limited to: fiscal administration, forestry coordinator, water testing liaison, administrative assistant and mail clerk” (Exhibit 13)
11. In the section of the Interview Guide entitled Specific Duties, the Appellant responded that she spends between 60% to 100% processing “Chapter 61 Management Plans” and “Chapter 132 Cutting Plans”. The Appellant also stated in this form that “mail processing” takes 1 to 2 hours per week; “water quality testing” takes 3 hours per week in addition to 2 hours per week for data entering water quality testing information. (Exhibit 13)
12. A Chapter 61 “forest management plan” is submitted to DCR by landowners seeking a classification of the property which entitles them to special tax provisions. A Chapter 132 “Cutting Plan” must be submitted to DCR by landowners before harvesting timber. (Administrative Notice: www.mass.gov/dcr)
13. During her testimony at the Commission, the Appellant provided some clarification regarding her involvement in the above-referenced “Chapter 61” and “Chapter 132” plans. According to the Appellant, she receives the incoming paperwork for these plans, ensures their completeness, and then gives them to a “Forester” to review. After the Forester makes a determination, she data enters the information and sends the decision to the landowner. (Testimony of Appellant)
14. The Appellant also testified that at the time of her appeal she was involved in “water quality testing.” The Appellant’s involvement, however, was limited to data entering

the results and disseminating the information to the appropriate parties. (Testimony of Appellant)

15. The Appellant testified that she supervised a summer intern in the office who performed administrative duties. According to the Appellant, this summer intern eventually took over the administrative duties referenced above related to water quality testing. (Testimony of Appellant)
16. The Appellant also testified that she attended meetings on behalf of the Regional Director and served as the Secretary to the Mt. Wachusett Advisory Committee when the Regional Director served as its President. (Testimony of Appellant)
17. The Appellant also submitted a package of emails and other correspondence relating to her daily job duties. (Exhibit 19)
18. DCR Personnel Analyst Robert Samuels, who reviewed the Appellant's request for reclassification, testified before the Commission that the Appellant does not supervise any year-round full-time employees. According to Samuels, HRD and DCR only consider a person to have supervisory experience in those cases where the person is responsible for completing an employee's annual performance evaluation. As the summer intern did not receive an annual performance evaluation from the Appellant, or anyone else, this was not considered supervisory experience. (Testimony of Samuels)
19. Mr. Samuels also testified that none of the duties performed by the Appellant were consistent with an Administrative Assistant II, including the administrative processing of Chapter 61 and 132 Plans, which, according to the Appellant, occupied 60% to 100% of her time. (Testimony of Samuels)

20. Mr. Samuels also testified that attending meetings is consistent with the duties and responsibilities of an Administrative Assistant I. (Testimony of Samuels)
21. On November 30, 2005, DCR issued a decision determining that the Appellant was properly classified as an Administrative Assistant I. (Exhibit 14)
22. The Appellant subsequently appealed DCR's decision to HRD. HRD denied the Appellant's appeal on June 5, 2006. (Exhibit 15)
23. The Appellant filed an appeal of HRD's decision with the Commission on June 13, 2006. (Exhibit 2)

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. Dziczek's request should be affirmed.

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

The Classification Specification for the Administrative Assistant series issued in July of 1987 states that an Administrative Assistant I is, "the first-level supervisory job in this series" and an Administrative Assistant II is, "the second-level supervisory job in this series." (Exhibit 16)

The Level Distinguishing Duties for the position of Administrative Assistant II states that an Administrative Assistant II, "provide[s] on-the job training and orientation for employees; review[s], analyze[s] and prepare[s] reports concerning assigned unit

activities; and oversee[s] and coordinate[s] the activities of subordinates in connection with the preparation and maintenance of reports, records and documents.” (Exhibit 16)

At the hearing before the Commission, the Appellant testified that other than overseeing a summer intern, she is not a supervisor and her duties are primarily limited to the processing of forest management and cutting plans. In this regard, she performs the duties associated with that of an Administrative Assistant I, in that she ensures the completeness of the application, data enters the information and transmits the information to a “Forester” for his / her determination. After the determination has been made, the Appellant data enters the information and informs all parties. According to the Appellant, these administrative duties occupy approximately 60% to 100% of her time.

DCR Personnel Analyst Robert Samuels was unable to find any duties performed by the Appellant that are consistent with that of Administrative Assistant II. Arguing on her own behalf, the Appellant submitted a series of emails and correspondence to show that she attends meetings and performs her duties as an Administrative Assistant I well. While this information confirms this Commissioner’s conclusion that the Appellant is likely a valued employee of the Department of Conservation and Recreation, a careful review of the information also confirms that the Appellant is properly classified as an Administrative Assistant I.

For all of the above reasons, the appeal under Docket No. C-06-143 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:

Alice B. Dziczek

Frank E. Hartig, Esq. (DCR)