

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

CIVIL SERVICE COMMISSION

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

DONNA M. JOHNSON,
Appellant

v.

C-09-200

UNIVERSITY OF MASSACHUSETTS
AT AMHERST,
Respondent

Appellant's Attorney:

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Respondent's Representative:

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Commissioner:

Christopher C. Bowman

DECISION

Pursuant to the provisions of G.L. c. 30, s. 49, the Appellant, Donna M. Johnson (hereinafter "Appellant" or "Johnson"), is appealing the December 18, 2008 decision of the Human Resources Division (hereinafter "HRD") denying her request for

reclassification from the position of Clerk IV (Grade 13) to the position of Accountant II (Grade 16)¹. The appeal was filed on April 15, 2009 and a hearing was held on June 24, 2009 at the Springfield State Building in Springfield, MA. The hearing was digitally recorded onto one (1) CD which was later provided to the parties.

FINDINGS OF FACT:

Thirteen (13) exhibits were entered into evidence at the hearing. Based on the documents submitted into evidence and the testimony of:

For the Appointing Authority:

- Tetna, Classification Analyst, UMASS Amherst;
- Margaret A. March, Compensation Supervisor, UMASS Amherst;

For the Appellant:

- Donna Johnson, Appellant;

I make the following findings of fact:

1. Donna Johnson is employed and classified as a Clerk IV in the English Department at the University of Massachusetts at Amherst (hereinafter “University”, “UMASS Amherst” or Appointing Authority). (Stipulated Fact)
2. The Appellant has been employed full-time by the University since 1995. (Stipulated Fact)
3. On April 9, 2008, the Appellant appealed her classification as Clerk IV to the University’s Division of Human Resources, requesting that she be classified as an Accountant II. (Stipulated Fact)

¹ During the full hearing, counsel for the Appellant indicated that the Appellant is also asking the Commission to determine if her duties and responsibilities may be consistent with an Accountant I classification (Grade 15).

4. The request for reclassification was preliminarily denied and the Appellant appealed the recommendation that she was properly classified to the University's Division of Human Resources on or about September 1, 2008. (Stipulated Fact)
5. On November 4, 2008, the University's Division of Human Resources determined that the Appellant was properly classified as a Clerk IV. (Stipulated Fact)
6. On November 14, 2008, the Appellant timely appealed the University's denial of the Accountant II classification to the state's Human Resources Division (HRD). (Stipulated Fact)
7. On December 18, 2008, HRD denied the Appellant's appeal of her classification to that agency. (Stipulated Fact)
8. On April 14, 2009, the Appellant timely appealed HRD's denial of her reclassification to the Accountant II title to the Civil Service Commission. (Stipulated Fact)
9. The Classification Specification issued in 1987 states that a Clerk IV is "the first-level supervisory job in this series or, based on assignment, may be the second-level supervisory job in this series". (Exhibit 2)
10. According to the above-referenced Classification Specification, employees classified as a Clerk IV are expected to:
 - 1) Explain provisions and contents of various documents or programs including effective rates, options, eligibility, benefits, etc. to employees and others;
 - 2) Interview applicants for clerical positions and make recommendations to superiors; and
 - 3) Prepare and/or process personnel actions such as promotions, appointments, demotions, terminations, transfers and leaves of absence by recording such actions and completing forms for forwarding approval.

(Exhibit 2)

11. The Classification Specification issued in 1987 states that incumbents of the position of Accountant, “examine accounting data; prepare financial statements and reports; maintain accounting records; and perform related work as required. The basic purpose of this work is to examine, analyze, and interpret accounting records for the purpose of giving advice or preparing statements.” (Exhibit 3)
12. An Accountant I is the entry-level professional job in this series. The Accountant II is the first-level supervisory job in this series. (Exhibit 3)
13. The level-distinguishing duties of an Accountant II include:
 - 1) Interpreting state and federal laws, regulations, guidelines and procedures for financial operations and accounting systems;
 - 2) Conferring with suppliers of goods and/or providers of services and their employee to explain state / agency rules, policies and accounting procedures governing payment and related financial transactions; and
 - 3) Computing amount of surplus funds to be returned to state and/or federal agencies.(Exhibit 3)
14. Approximately ten (10) years ago, the University reclassified approximately thirty (30) employees from the title of Clerk III to Clerk IV because of the complexity involving new grants that started being handled by them in their respective departments. (Testimony of Tetna) The Appellant, while not reclassified at that time, was eventually reclassified from Clerk III to Clerk IV for this same reason.

(Testimony of Appellant)
15. The primary reason for choosing the Clerk IV title for the purposes of the above-referenced reclassification was that this was the next higher title in the series.

(Testimony of Tetna)

16. Approximately two (2) years ago, approximately fifteen (15) Clerk IVs were reclassified to the title of Accountant I because they became responsible for more complex, multi-million dollar grants that required the creation of “sub-accounts”. The sub-accounts were required because portions of these grant funds were distributed to other departments, agencies and institutions (as opposed to being limited to the department in which the Clerk IV was working). (Testimony of Tetna)
17. The primary reason for selecting the Accountant I title for the above-referenced reclassification was the fact that this title is two (2) pay grades above Clerk IV. (Testimony of Tetna)
18. One of the fifteen individuals reclassified to an Accountant I position was Leslie Marsland. (Exhibit 12)
19. Ms. Marsland is responsible for supporting faculty involved with multi-million dollar grants that require sub-accounts as the grants funds are distributed to other departments, agencies and institutions. (Testimony of Tetna and Appellant)
20. The Appellant is not responsible for supporting faculty involved with multi-million dollar grants that require sub-accounts. Rather, the grants received by the English Department are relatively small and are limited to the English Department. (Testimony of Appellant)
21. Notwithstanding that she is not responsible for multi-million dollar grants with sub-accounts, the Appellant contends that her duties and responsibilities are consistent with that of an Accountant I or Accountant II. (Testimony of Appellant)
22. For approximately 20% of her time, the Appellant manages and monitors financial accounts including: utilizing Excel computer software to create and maintain

23. For approximately 10% of her time, the Appellant provides information to principal investigators (faculty) for various grant awards including: recording and monitoring expenditures, preparing related forms and documents, maintaining account balances, preparing and providing related financial reports, obtaining travel and equipment costs for grant proposals, preparing drafts of grant proposal budgets, and managing corporate credit cards. (Stipulated Fact)
24. For approximately 25% of her time, the Appellant utilizes PeopleSoft system to data enter purchase orders for supplies, services, honorariums and equipment and to submit and print queries for financial information. (Stipulated Fact)
25. For approximately 15% of her time, the Appellant prepares and submits travel documentation to expedite reimbursements for faculty and graduate students, resolves related problems and acts as a certified travel preparer. (Stipulated Fact)
26. For approximately 20% of her time, the Appellant maintains hard copy and computerized financial records and resolves related discrepancies for all funding sources including general operating funds, gift funds, state endowments, research trust funds, grants, professional development funds and funds for the Jubilat journal and the Juniper Festival. (Stipulated Fact)
27. For approximately 5% of her time, the Appellant responds to questions from faculty, students, the department Chair, Dean's office staff, Controller's office accounts payable staff and other campus departments and offices as needed. (Stipulated Fact)

28. For approximately 5% of her time, the Appellant obtains quotes from vendors, orders supplies, equipment and services and acts as the ProCard manager. (Stipulated Fact)

29. Peggy March, the Compensation Supervisor for UMASS Amherst, testified that after reviewing all of the relevant documentation and speaking with Tetna, she concluded that there were more “bookkeeping” duties associated with the Appellant’s position than “accounting duties”. (Testimony of Ms. March)

30. Examples of duties common to all levels in the “bookkeeper series” (Bookkeeper I and Bookkeeper II) include:

- 1) Makes entries concerning financial transactions in agency account records such as journals and ledgers manually or through an automated system.
- 2) Summarizes account transactions and transfers data to general ledger, balancing account periodically and preparing appropriate financial statements;
- 3) Performs arithmetic computations, manually or using adding or calculating machines or computerized programs in connection with the preparation of financial reports, the receipt, deposit and expenditure of funds, the determination of wages for payroll and other items pertinent to agency operations;
- 4) Prepares financial reports in connection with such matters as account balances, delinquent accounts, budgetary control, payroll, etc.
- 5) Performs related duties such as receiving and depositing funds; scheduling payment of bills; verifying accuracy of figures, calculations and postings; processing purchase orders, requisitions and payrolls; and maintaining records;

(Exhibit 1F)

31. The Bookkeeper II position is a pay grade 12, one pay grade below that of Clerk IV, the Appellant’s current classification. (Stipulated Fact)

32. During her testimony before the Commission, the Appellant testified that some of the functions of her department (i.e. – payroll) are handled through a centralized services model through the Dean’s office. (Testimony of Appellant)
33. The Appellant testified that she reports to the Chair of the English Department who relies on her to provide her with information such as how much has been spent at a given point in the fiscal year on such things as supplies, payroll, etc. (Testimony of Appellant)
34. The Appellant testified that the English Department receives approximately 15-18 grants ranging in size from \$1,500 to \$20,000 with one grant totaling \$70,000. As referenced above, all of the funds are spent within the department and do not require the creation of sub-accounts. (Testimony of Appellant)
35. The Appellant assists faculty in developing a budget for grant requests that the faculty member is submitting. Upon receiving the grant, the Appellant sets up an account and a spreadsheet to track how much is being spent on various items (i.e. – travel, etc). This task now includes the development of a revenue account as some of the events sponsored through the grants have entrance fees. (Testimony of Appellant)
36. The Appellant also enters purchase orders into the PeopleSoft system, processes travel vouchers and reconciles accounts to ensure that expenses are appropriately charged to the proper account. (Testimony of Appellant)
37. The Appellant testified that she answers various types of questions posed to her from faculty. (Testimony of Appellant)

CONCLUSION

After a careful review of the testimony and evidence presented in this appeal, I conclude that the decision of the Human Resources Division denying the request of Donna Johnson to be reclassified as an Accountant II should be affirmed. Further, I have concluded that the Appellant's duties and responsibilities are also not consistent with that of an Accountant I.

The Appellant and approximately thirty (30) other individuals were reclassified several years ago from the title of Clerk III to Clerk IV as a result of new duties and responsibilities to support faculty with the administration of new grants being received by various departments at UMASS Amherst.

Approximately two (2) years ago, fifteen (15) Clerk IVs were reclassified to the title of Accountant I as a result of new duties and responsibilities to support faculty with the administration of complex multi-million dollar grants that required the creation of "sub-accounts" to distribute grant funds to other departments, agencies and institutions.

Based on a review of the Appellant's own testimony, the testimony of the two UMASS Amherst witnesses and the exhibits submitted, I conclude that the Appellant does not perform the additional complex duties that are performed by the above-referenced employees who were reclassified to Accountant I.

Notwithstanding that the Appellant is not responsible for assisting faculty with these more complex, multi-million dollar grants, she argues that she still performs a majority of the functions of an Accountant I or an Accountant II more than 50% of the time.

After a careful review of the testimony and evidence submitted, the Appellant has not met her burden of proof to demonstrate that she performed a majority of the duties of an Accountant I or an Accountant II more than 50% of the time. Rather, the job duties and responsibilities of the Appellant are more consistent with that of a Bookkeeper II, which is one pay grade below her current title of Clerk IV.

Examples of duties common to all levels in the bookkeeper series include: making entries concerning financial transactions in agency account records; summarizing account transactions and transfers; performing arithmetic computations, preparing financial reports in connection with such matters as account balances, delinquent accounts, budgetary control, payroll, etc; and performing related duties. These duties more accurately reflect the day-to-day responsibilities of the Appellant than the duties and responsibilities of an Accountant I or an Accountant II.

While the Appellant has not shown that she should be reclassified as an Accountant I or an Accountant II title, the documentary evidence and the testimony of the UMASS Amherst witnesses establish that she is a dedicated, hard-working employee who is valued for her continued contributions.

For all of the above reasons, the Appellant's appeal under Docket No. C-09-200, in which she seeks to be re-classified as an Accountant I or an Accountant II, is hereby *dismissed*.

Christopher C. Bowman, Chairman

By a vote of the Civil Service Commission (Bowman, Chairman; Henderson, Marquis, Stein and Taylor, Commissioners) on July 9, 2009.

A true record. Attest:

Commissioner

Either party may file a motion for reconsideration within ten days of the receipt of a Commission order or decision. Under the pertinent provisions of the Code of Mass. Regulations, 801 CMR 1.01(7)(l), the motion must identify a clerical or mechanical error in the decision or a significant factor the Agency or the Presiding Officer may have overlooked in deciding the case. A motion for reconsideration shall be deemed a motion for rehearing in accordance with G.L. c. 30A, § 14(1) for the purpose of tolling the time for appeal.

Under the provisions of G.L. c. 31, § 44, any party aggrieved by a final decision or order of the Commission may initiate proceedings for judicial review under G.L. c. 30A, § 14 in the superior court within thirty (30) days after receipt of such order or decision. Commencement of such proceeding shall not, unless specifically ordered by the court, operate as a stay of the Commission's order or decision.

Notice:

Matthew D. Jones, Esq. (for Appellant)

Margaret A. March (for Appointing Authority)

John Marra, Esq. (HRD)