

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION**

SUFFOLK, ss.

SUZANNE PERUSSE,
Appellant

v.

C-07-109

MASSACHUSETTS HIGHWAY DEPARTMENT,
Respondent

Appellant's Attorney:

Pro Se
Suzanne Perusse

Respondent's Attorney:

John L. Casey, Esq.
Executive Office of Transportation
10 Park Plaza, Suite 6620
Boston, MA 02116

Commissioner:

John J. Guerin, Jr.

DECISION

Pursuant to the provisions of G.L. c. 30, § 49, the Appellant, Suzanne Perusse (hereinafter "Ms. Perusse" or "Appellant"), is appealing the June 28, 2006 decision of the Human Resources Division (HRD) denying her request for reclassification from the position of Accountant I to the position of Contract Specialist II. The appeal was timely filed and a hearing was held on June 5, 2007 at the offices of the Civil Service

Commission (hereinafter “Commission”). One tape was made of the hearing. The parties agreed to decline submission of Proposed Decisions following the hearing.

FINDINGS OF FACT:

Based on the documents entered into evidence (Joint Exhibits 1 – 5) and the testimony of Rosemary Brighenti, Administrative Manager of Massachusetts Highway Department (MassHighway) District 1 in Lenox, and the Appellant, I make the following findings of fact:

1. Ms. Perusse has worked in her current position as an Accountant I with MassHighway since April 24, 1994. Prior to April 2004, she worked at various times as an employee of the Commonwealth’s Division of Labor and Industries, Department of Public Health and the Attorney General’s Office. The Appellant has a civil service seniority date of October 22, 1980. (Exhibit 1 and Stipulated Facts)
2. The Appellant reached the top salary step of her position as an Accountant I in February 2003. The top salary step is known as Grade 14. (Testimony of Appellant)
3. On October 14, 2005, the Appellant filed a written request with MassHighway to be reclassified from her position as an Accountant I to the position of Contract Specialist II. (Stipulated Fact)
4. The Appellant’s “Position Description – Form 30”, prepared on January 31, 2006, includes a “General Statement of Duties and Responsibilities” that states the following in that section:

“Incumbents of positions in this series 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 2)

5. Also included on the Form 30 is a section providing for a “Detailed Statement of Duties and Responsibilities”. Of eight (8) such statements, no mention is made of any supervisory responsibilities whatsoever. (Id.)

6. When Ms. Perusse signed the Form 30 on February 2, 2006, she attached a “more detailed explanation of duties”. In the attachment, Ms. Perusse states,

“I am attaching this to the Form 30 dated February 2, 2006 relative to my job duties as I disagree with the presentation of the duties. It’s a general description and I feel some of the following details are needed to better assess the classification of my job. I understand that by signing the Form 30 I am only acknowledging its’ (sic) contents.”

Ms. Perusse goes on to include eleven (11) statements of duties, none of which include any kind of supervisory responsibilities. (Id.)

7. In conjunction with her request for reclassification to the position of Contract Specialist II, MassHighway sent the Appellant an Interview Guide that included detailed questions concerning her position as an Accountant I. The Appellant completed the guide and submitted it to MassHighway on January 13, 2006.
(Exhibit 2)

8. On page 7 of the Interview Guide, the preparer is asked to describe his or her supervisory responsibilities. Ms. Perusse wrote, “Although I do not officially supervise anyone, I assist a Clerk IV on a daily basis with the new MMARS system whether it’s a problem entering a document or contract availability.” (Id.)

9. On June 28, 2006, MassHighway issued a decision determining that the Appellant was properly classified as an Accountant I. On July 7, 2006, the Appellant appealed that determination to the HRD. The HRD denied that appeal on February 2, 2007. The Appellant subsequently filed with the Commission on March 13, 2007 the instant appeal of the HRD's denial of her reclassification request. (Stipulated Facts and Exhibit 2)
10. As District 1 Administrative Manager for MassHighway, Rosemary Brighenti is Ms. Perusse's direct supervisor. Ms. Brighenti testified at the Commission hearing that Ms. Perusse has never supervised any employee and has never supervised a Contract Specialist II. (Testimony of Brighenti)
11. The Appellant testified at the Commission hearing that she "does not supervise" but, rather, "assists" fellow employees with the challenges of the new MMARS accounting system. The Appellant also testified that, since 1997 when procurement methods changed at the agency, she believed her duties have more closely mirrored those of a Contract Specialist II. (Testimony of Appellant)
12. The Classification Specification for the Accountant series issued in July 1987 states that an Accountant I "is the entry-level professional job in this series." An Accountant II – the next higher title in the series – "is the first-level supervisory job in this series." (Exhibit 3)
13. The Classification Specification for the Contract Specialist series issued in July 1987 states that a Contract Specialist II "is the first-level supervisory job in this series." (Id.)

14. According to the same Classification Specification for the Contract Specialist II title, the supervision exercised requires that incumbents at that level, “direct supervision (i.e., not through an intermediate level supervisor) over, assign work to and review the performance of 1 – 5 professional personnel engaged in contract work.” (Id.)

15. MassHighway asserted at the hearing that, while the Appellant is an excellent and reliable employee, she is properly classified as an Accountant I as she does not, and has not, supervised any employees as is required of a Contract Specialist II.
(Opening Statement of Respondent)

CONCLUSION:

After careful review of the testimony and based on a preponderance of the credible evidence presented in this appeal, the Commission concludes that the decision of the Human Resources Division to deny Ms. Perusse’s reclassification request should be affirmed.

The Appellant has not met her burden of proof to demonstrate that she is improperly classified as an Accountant I. It is clear that her Form 30 reflects duties that are consistent with her current Accountant I title. Based on a preponderance of the credible evidence at hand, the Appellant’s duties do not reflect those performed by employees in the title of Contract Specialist II to which she seeks reclassification. Although some of her current duties are consistent with those of a Contract Specialist II, the Appellant clearly does not and has not exercised supervisory duties which distinguish the position from her current title. At the hearing before the Commission, the Appellant

testified that, indeed, she did not exercise supervisory duties but “assisted” others in managing the accounting systems. There is certainly no indication that Ms. Perusse performs duties that are consistent with the Contract Specialist II title more than 50% of the time as required for consideration to be reclassified into a higher position.

Therefore, for all the reasons stated herein, the appeal under Docket No. C-06-109 is hereby *dismissed*.

Civil Service Commission

John J. Guerin, Jr.
Commissioner

By vote of the Civil Service Commission (Bowman, Chairman; Henderson, Guerin, Marquis and Taylor, Commissioners) on January 3, 2008.

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 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 to:
Suzanne Perusse
John L. Casey, Esq.