

**STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW**

Marsha Stoops,

Case Nos. 08-REC-10-0536
08-RED-10-0537

Appellant,

v.

Department of Administrative Services, Office of Employee Services,
and
Department of Administrative Services, Classification and Compensation Unit

Appellee.

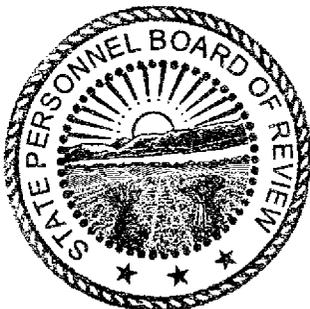
ORDER

This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeals.

After a thorough examination of the record and a review of the Report and Recommendation of the Administrative Law Judge, along with any objections to that report which have been timely and properly filed, the Board hereby adopts the Recommendation of the Administrative Law Judge.

Wherefore, it is hereby **ORDERED** that Appellant's position be **RECLASSIFIED** as Training Program Manager, classification number 64656, effective August 31, 2008. The reclassification of Appellant's position renders her appeal of her alleged reduction in position (Case No. 08-RED-10-0537) moot. Accordingly, Case No. 08-RED-10-0537 is hereby **DISMISSED**.

Lumpe - Aye
Sfalcin - Aye
Tillery - Aye



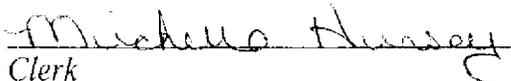


J. Richard Lumpe, *Chairman*

CERTIFICATION

The State of Ohio, State Personnel Board of Review, ss:

I, the undersigned clerk of the State Personnel Board of Review, hereby certify that this document and any attachment thereto constitute ~~(the original)~~ a true copy of the original) order or resolution of the State Personnel Board of Review as entered upon the Board's Journal, a copy of which has been forwarded to the parties this date, April 22, 2010.



Michelle Hunsay
Clerk

NOTE: Please see the reverse side of this Order or the attachment to this Order for information regarding your appeal rights.

**STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW**

Marsha Stoops,

Appellant

v.

Department of Administrative Services,

Appellee

Case Nos. 08-REC-10-0536
08-RED-10-0537

March 25, 2010

Jeannette E. Gunn
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause came on due to Appellant's timely appeal of the results of an audit conducted on her position. The audit was conducted by staff of the Department of Administrative Services (DAS) Human Resources Division, and ultimately resulted in a finding that the proper classification for Appellant's position was Training Officer, classification number 64652.

A record hearing was held in the instant appeal on April 9, 2009. Appellant was present at the hearing and was represented by James E. Melle, attorney at law. Appellee Department of Administrative Services (DAS) was present at record hearing and was represented by Brooke E. Leslie and Komlavi Atsou, Assistant Attorneys General.

Jurisdiction of the Board was established pursuant to R.C. 124.03 and 124.14.

STATEMENT OF THE CASE

Appellant testified that she is presently employed by Appellee in its Human Resources Division, Office of Learning and Professional Development – she noted that at the time, her assignment area was referred to as the Training and Development Unit. Appellant indicated that she requested a position audit in August 2008 and that, as a result of that audit, her position was reclassified from Management Analyst Supervisor 1 to Training Officer.

Appellant confirmed that she completed a position audit questionnaire as part of the audit process and identified Appellee's Exhibit C as a copy of the questionnaire. She testified that the information contained in Appellee's Exhibit D was completed by her supervisor as part of the audit process.

Appellant stated that when she completed the position audit questionnaire, the information she provided regarding the job duties she was performing and the percentages of time she performed those duties was substantially accurate. She noted that as of the date of record hearing, her duties had not changed and were the same as those reflected in the position audit questionnaire.

Appellant testified that the main purpose of her position is to manage levels One, Two and Three of the Professional Administrative Support Services (PASS) Program. She confirmed that she did not conduct the last PASS Level Three program offered by Appellee because she was out of the office on FMLA leave the last time it was conducted. Appellant noted that she teaches courses not only in the PASS program, but also in other employee development programs offered by Appellee.

Appellant indicated that she develops curriculum for the PASS Program, registers students, communicates with their managers, conducts assessments and evaluations of students and of the program itself, works with a team to formulate program policy and then implements those policies and procedures, plans program events, prepares requests for proposals for outside vendors, and works with outside agencies wishing to present PASS in their own agencies. Appellant acknowledged that she does not supervise any other employees.

Kimberlee Wilcox testified that she has been employed by Appellee since 1994 and currently occupies a position classified as Administrative Assistant 4. She confirmed that she is Appellant's immediate supervisor. Ms. Wilcox stated that Appellant is required to seek her approval prior to making changes in curriculum and that Appellant coordinates marketing for the PASS program with her approval. The witness noted that she is responsible for formulating program policy, but agreed that Appellant does implement program policies and procedures.

Ms. Wilcox stated that the information contained in Appellee's Exhibit D accurately reflects Appellant's job duties, but conceded that some of the duties contained in the last paragraph of the document were not correct. She also agreed

that Appellant performed most of the tasks outlined in her position description (Appellee's Exhibit F).

The witness confirmed that the curriculum for the PASS Level 3 program was revised in 2008 and stated that she did not believe Appellant was involved in those revisions. She recalled that she and Cindy Bridges conducted the PASS Level 3 training held in Fall 2008.

Bobbi Lind testified that she has been employed by Appellee for approximately twenty years and presently occupies the position of Human Resource Analyst. She confirmed that she conducted the audit of Appellant's position and noted that she recommended that Appellant's position be reclassified as Training Officer. Ms. Lind indicated that she based her decision on the written description of job duties submitted by Appellant and her supervisor.

The witness noted that she considered the overall hierarchy of the unit and reviewed the organizational structure of the office. She stated that, in her opinion, the duties outlined by Appellant did not rise to the level of "manage."

FINDINGS OF FACT

Based upon the testimony presented and evidence admitted at record hearing, I find that the position audit questionnaire completed by Appellant as part of the audit process contains an accurate description of the job duties performed by Appellant and the percentages of time those duties are performed, both at the time of the audit and at the time of the record hearing.

CONCLUSIONS OF LAW

The primary criteria for this Board to consider when determining the most proper classification for a position are classification specifications, including the function statement, the job duties outlined, and the percentages of time devoted to each job duty. *Klug v. Dept. of Admin. Services*, No. 87AP-306, slip op. (Ohio Ct. App. 10th Dist., May 19, 1988). Unless there is a dispute as to what constitutes the classification specification, no factual issues arise with respect to the classification. Rather, as in all cases of construction, the question becomes one of law as to how the relevant facts relate to the classification specification. *Klug, supra*.

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This Board must consider the relation between the classification specifications at hand and testimony presented and evidence admitted. This Board's consideration, however, is not limited solely to the duties contained in the classification specifications, but may also embrace other relevant facts submitted by any of the affected parties. *Gordon v. Dept. of Admin. Services*, No. 86AP-1022, slip op. (Ohio Ct. App. 10th Dist., March 31, 1988).

As a general rule, Appellants seeking reclassification to a higher position must demonstrate that they meet substantially all of the qualifications of the higher position. *Harris v. Dept. of Admin. Services*, No. 80AP-248, slip op. (Ohio Ct. App. 10th Dist., September 25, 1980); *Deist v. Kent State Univ.*, No. 78AP-28, slip op. (Ohio Ct. App. 10th Dist., May 23, 1978.) The incumbent need not perform every duty enumerated within the body of the specification for his or her position to fall within a particular classification specification; it is sufficient if all of the job duties actually performed fall within those specified for the classification. See *Klug, supra*. O.A.C. 123:1-7-15, however, notes that the class concept of each classification title sets forth the mandatory duties that must be performed by an incumbent for at least twenty percent of his or her work time.

* * * * *

The classification series considered in this matter are: Management Analyst, series number 6321; Project Manager, series number 6338; and Trainer, series number 6465.

The series purpose for the Management Analyst series provides that the purpose of the management analyst occupation is to ensure optimum productivity, efficiency and quality of agency operations and/or services. At the lower level, incumbent employees analyze existing operations, systems and procedures for deficiencies and/or determine financial and programmatic impact and feasibility of proposed programs. At higher levels, they supervise a unit or team of management analysts or lower-level management analyst supervisors, or serve as an agency manager formulating and directing the implementation of policy.

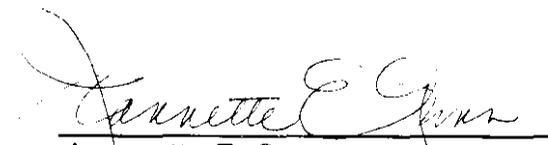
The series purpose for the Project Manager series provides that the purpose of the project manager occupation is to manage and/or direct the development and implementation of technical and/or specialized projects to assist management in planning and controlling the various aspects of assigned project(s). Incumbents

utilize industry standard program methodologies to direct and manage project development and implementation, with the distinction between levels depending upon the scope of control and involvement with stakeholders.

The series purpose for the Trainer series provides that the purpose of the trainer occupation is to develop and/or present instructional programs for state employees. First level incumbents develop and present training programs; second level incumbents also assess training needs; third level incumbents supervise lower-level training staff; fourth level incumbents develop, implement and administer an assigned program(s) and may also supervise support staff; and fifth level incumbents direct and manage program operations on a statewide level and supervise assigned staff.

Upon a review of the information contained in the record, I find that the series which most accurately describes the job duties performed by Appellant is the Trainer series. I further find that the nature and scope of the duties performed by Appellant are sufficient to place her position in the Training Program Manager classification. Information provided by Appellant and by her supervisor supports a finding that she develops, implements and administers the PASS program for eligible employees.

Therefore, because the testimony presented and evidence admitted regarding the job duties performed by Appellant demonstrate that she performs the duties of a Training Program Manager, classification number 64656, I respectfully **RECOMMEND** that Appellant's position be **RECLASSIFIED** effective August 31, 2008, which was the date Appellant filed her job audit with Appellee. Such reclassification renders Appellant's appeal of her alleged reduction in position moot, and I respectfully **RECOMMEND** that such matter be **DISMISSED**.



Jeannette E. Gunn
Administrative Law Judge