

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

Regina S. Frazier,

Appellant,

v.

Case No. 09-REC-04-0185

Cuyahoga County Board of Commissioners,
and
Cuyahoga County Office of Human Resources,

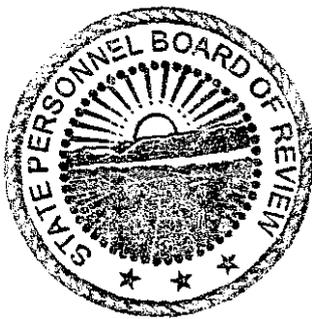
Appellees.

ORDER

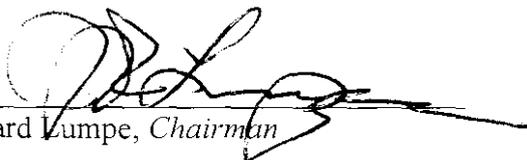
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 **RETAINED** in the Administrative Assistant 1 classification, and the results of the audit conducted on her position be **AFFIRMED**, pursuant to O.R.C. §§ 124.03 and 124.14.



Lumpe - Aye
Sfalcin - Aye
Tillery - Aye

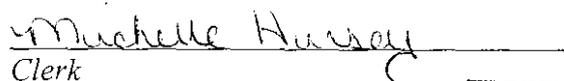


J. Richard Lumpe, *Chairman*

CERTIFICATION

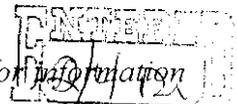
The State of Ohio, State Personnel Board of Review, ss:

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, February 4, 2010.



Michelle Murray
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**

Regina S. Frazier,

Case No. 09-REC-04-0185

Appellant

v.

January 12, 2010

Cuyahoga County Board of
Commissioners,

and

Cuyahoga County Office of
Human Resources,

Appellees

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 reclassification of her position. A record hearing was held in the instant appeal on October 13, 2009. Appellant was present at the hearing and appeared *pro se*. Appellee Cuyahoga County Board of Commissioners was present at record hearing through its designee, Personnel Administrator Albert Bouchahine, and was represented by Assistant County Prosecutor Dale F. Pelsozy.

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 the Ryan White Part A Program, Administrator's Office, which is part of Cuyahoga County's Department of Health and Human Services. She indicated that she has held her present position for approximately twelve years.

Appellant confirmed that she requested a job audit in late November or early December 2008; she noted that the audit resulted in a finding that her position was

properly classified as Administrative Assistant 1. Appellant indicated that she completed a position audit questionnaire as part of the job audit process and testified that the information she provided regarding her job duties and the percentages of time she performed those duties was substantially accurate both at the time she completed the position audit questionnaire and the date of this record hearing.

Appellant stated that a few of her job duties have changed since the date she requested her job audit. She observed that she now processes requests to the commissioners electronically, rather than by paper. Appellant indicated that she has also recently been assigned the responsibility of working with information technology staff to make recommendations on website design for the Program.

Appellant testified that she has coordinated a number of special projects in the office. She noted that she was responsible for working with building staff to coordinate and manage the recent rehabilitation of the office area. She indicated that she also coordinated the printing and distribution of the Community Resource Guide and the Service Directory. Appellant stated that she is responsible for making sure that other office publications, such as the New Member Orientation book and the tip card are up to date.

Appellant stated that she takes confidential calls from members of the public and refers them to the appropriate resources. She indicated that she tracks the information requests she receives. Appellant testified that she is responsible for sending out meeting notices, and makes suggestions to her supervisor for improvements to programs and policies. She noted that she assists the Program's fiscal officer by typing information into forms and verifying its accuracy. Appellant observed that she is also responsible for making sure that Program employees have properly completed their timesheets, and turns them in for payment.

Appellant confirmed that she does not supervise any other employees.

Nikki Antonio testified that she is employed by Appellee as the Program's Planning Council Manager and indicated that she has held that position for approximately two years. She confirmed that she is Appellant's immediate supervisor and is familiar with her day-to-day job duties.

Ms. Antonio observed that because theirs is a small office, Appellant performs a wide variety of duties and is responsible for several different projects. She noted that Appellant has begun to exercise more decision-making responsibilities as additional projects are assigned.

Albert Bouchahine, who is employed by Appellee in the Office of Human Resources as Personnel Manager, stated that Appellee did not dispute that Appellant was performing the duties of an Administrative Assistant 1. He noted that while Appellant may have experienced an increase in responsibilities and overall work load, a position audit looks only at the nature of the duties performed and not the volume of the duties.

Mr. Bouchahine testified that the only substantial difference between the Administrative Assistant 1 classification specification and the Administrative Assistant 2 classification specification is that the Administrative Assistant 2 classification specification requires an incumbent to coordinate the work of clerical support staff.

FINDINGS OF FACT

Based upon the testimony presented and evidence admitted at record hearing, I make the following findings of fact:

Appellant is employed by the Cuyahoga County Board of Commissioners in the Ryan White Part A Program, which is part of Cuyahoga County's Department of Health and Human Services, in a position classified as Administrative Assistant 1. She requested a position audit in late November or early December 2008 and provided Appellee with the appropriate information regarding her job duties. The job audit resulted in a recommendation that her position be retained in the Administrative Assistant 1 classification; Appellant timely appealed that determination to this Board.

The duties performed by Appellant are sufficient to satisfy the requirements of the Administrative Assistant 1 classification specification. Appellant also coordinates special projects as requested, including updating and distributing printed resource materials and recommending website design. She provides resource referrals for members of the public and tracks information requests.

Appellant does not supervise any other employees.

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*.

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).

County personnel departments may either devise and utilize their own classification plan, upon proper compliance with the requirements of the Ohio Revised Code and Administrative Code, or may utilize the classification plan established by the Department of Administrative Services for county use. Appellee has promulgated its own county classification plan, therefore, the classification specifications considered in this appeal are those promulgated by Appellee. Appellee's Rule 4, contained within its classification plan, notes that an employee must perform the mandatory duties stated in the classification function section of the classification specification for at least twenty percent of his or her work time.

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*.

* * * * *

The classification specifications considered by this Board were Administrative Assistant 2, classification number 1052112; and Administrative Assistant 1, classification number 1052111.

The classification function for the Administrative Assistant 2 classification states that the purpose of the classification is to:

. . . coordinate the work of clerical support staff and to assist higher level administrator by researching and analyzing information to support division's program direction.

The essential job functions section of the classification indicates that the normal duties assigned to this classification require an incumbent to coordinate the work of clerical support staff, as well as research and analyze information regarding a division's existing programs and make recommendations for operations, policies and procedures,

The classification function for the Administrative Assistant 1 classification states that the purpose of the classification is to:

. . . assist higher level administrator by researching and analyzing information to support division's program direction.

The essential job functions section of the classification indicates that the normal duties assigned to this classification require an incumbent to research and analyze information regarding a division's existing programs and to make recommendations for operations, policies and procedures.

* * * * *

Testimony at record hearing established that Appellant does not supervise any other employees. The mandatory duties contained within the classification

function section of the Administrative Assistant 2 classification are 1) coordinate the work of clerical support staff; and 2) assist higher level administrator by researching and analyzing information to support division's program direction. Because Appellant does not perform these mandatory duties for at least twenty percent of her work time, her position may not be properly classified as an Administrative Assistant 2.

Appellee represented to this Board at record hearing that the duties performed by Appellant are sufficient to properly place her position in the Administrative Assistant 1 classification. Therefore, upon a review of the information contained in the record, I respectfully **RECOMMEND** that her position be **RETAINED** in the Administrative Assistant 1 classification, and that the results of the audit conducted on her position be **AFFIRMED**.



Jeannette E. Gunn
Administrative Law Judge

JEG: