

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

Pamela E. Kuhn,

*Appellant,*

v.

Case No. 09-REC-04-0186

Ross County Job and Family Services  
and  
Department of Administrative Services,

*Appellee*

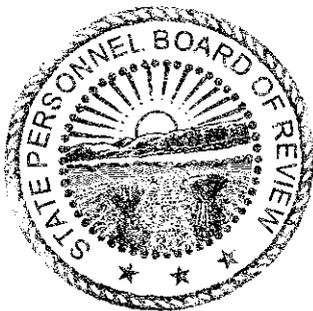
**ORDER**

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 Clerical Specialist 1 classification, pursuant to O.R.C. § 124.03 and 124.14.

Lumpe - Aye  
Sfalcin - Aye  
Tillery - Aye

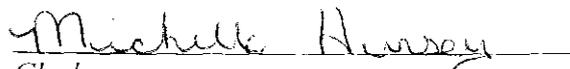


  
\_\_\_\_\_  
J. Richard Lumpe, *Chairman*

**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, April 1, 2010.

  
\_\_\_\_\_  
Michelle Hursey  
Clerk

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

4-1-10 MHA

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

Pamela E. Kuhn,

Case No. 09-REC-04-0186

*Appellant*

v.

February 10, 2010

Ross County Job & Family Services  
and  
Department of Administrative Services,

*Appellee*

Jeannette E. Gunn  
*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This cause came on for consideration upon Appellant's timely appeal of the results of her position audit. A record hearing was held on October 13, 2009. Appellant was present at record hearing and appeared *pro se*. Appellee Ross County Job & Family Services (JFS) was present through its designee, Human Resources Manager Lisa Humphrey, and was represented by Eugene P. Nevada, attorney at law. Department of Administrative Services was present through its designee, Human Resources Analyst Anthony Howard.

The subject matter jurisdiction of the Board was established pursuant to sections 124.03 and 124.14 of the Ohio Revised Code.

**STATEMENT OF THE CASE**

Appellant testified that she is presently employed by Appellee Ross County Job & Family Services as a Clerical Specialist 1. She stated that she has held that position since 2001. Appellant indicated that her immediate supervisor is Roberta Strawser.

Appellant explained that her position is part of the File Bank and noted that the primary job duty is to maintain case files and process mail for the agency. She indicated that the majority of her time is spent filing agency cases and material. Appellant testified that she is responsible for filing loose papers and documents,

entering case information into the Master Track filing system, creating files, pulling active and closed case files as necessary, and transporting files when needed. She estimated that she performs these types of job duties for more than half of her normal work day.

Appellant noted that she spends approximately forty percent of her working time dealing with agency mail. She stated that she receives, opens and delivers mail, sorts and delivers internal mail and reports, prepares outgoing mail and is responsible for the postage machine.

Appellant confirmed that she photocopies forms for distribution when necessary. She indicated that she maintains the originals, but does not create or revise new forms. Appellant testified that when changes are needed, Ms. Strawser makes the modifications. She noted that she does not use word processing software to create any other types of correspondence or documents. Appellant acknowledged that she does not schedule hearings. She indicated that she attends agency meetings as required throughout the year.

Appellant testified that she performs telephone duties as needed, providing coverage for the telephone operator during breaks and when that employee is on vacation or other leave. She stated that she answers and routes calls and provides information to callers when possible. Appellant indicated that on days she has telephone operator duties, she performs those duties anywhere from fifteen minutes to three hours of her work day. She noted that when the telephone operator's position needs to be covered for a full day, she and other staff split the duties amongst themselves.

Anthony Howard testified that he is presently employed by Appellee Department of Administrative Services (DAS) as a Human Resource Analyst 3 and has been employed by DAS for approximately twelve years. He confirmed that he conducted the audit of Appellant's position and stated that he concluded that Clerical Specialist 1 was the most appropriate classification for Appellant's position.

The witness recalled that he examined the classification specifications for both Clerical Specialist 3 and Telephone Operator to determine if Appellant's job duties fell within the duties specified for those positions. He noted that although Appellant did perform some of the duties of the Telephone Operator position, she did not perform them for a sufficient amount of time to merit the reclassification of her position to the Telephone Operator classification.

### FINDINGS OF FACT

Based upon the testimony presented and evidence admitted at record hearing, I find that Appellant performs the job duties set forth in the position audit questionnaire she submitted in March 2009.

More than half of Appellant's working time is spent filing agency cases and material, and performing additional duties related to the maintenance of agency files. Another forty percent of her working time is spent processing agency mail. The remainder of Appellant's working time is spent reproducing and distributing agency forms, attending agency meetings, and providing coverage for the telephone operator when necessary.

### 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*.

In the instant appeal there is no debate as to what comprises the pertinent classification specifications. Therefore, 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, or in the case of county classification specifications the class summary, 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. In classification specifications promulgated by the Department of Administrative Services for use by Ohio county departments of job and family services, the first duty listed in the classification specification is the duty which must be performed for twenty percent of an incumbent's working time.

\* \* \* \* \*

The classification specifications considered by this Board were: Clerical Specialist 1, classification number 10111; Clerical Specialist 2, classification number 10112; and Telephone Operator, classification number 10141.

The summary of essential duties section of the Clerical Specialist 1 classification specification provides that an incumbent performs:

... filing tasks (e.g., file correspondence, reports, records, documents and other materials). Additionally, the incumbent is responsible for the performance of general clerical tasks such as operating small office machinery (e.g., fax machine, copier, shredder, collator, computer) and picking up, sending out and distributing agency mail.

Testimony and evidence presented at record hearing indicated that Appellant performs all of these tasks, accordingly, her position may be properly classified as a Clerical Specialist 1. However, the duties listed in the classification specification do not reflect all those duties actually performed by Appellant. Therefore, this Board may consider additional classifications to determine whether another more accurately describes the duties performed by Appellant.

The summary of essential duties section of the Clerical Specialist 2 classification specification provides that an incumbent employee is to:

... prepare routine, repetitive, basic correspondence, such as letters, memos and reports, and perform basic word processing functions,

according to detailed and specific instructions provided by various higher-level agency employees, and/or enter data to update routine computer files ....

Appellant testified that she does not prepare correspondence, memos or reports. Testimony did not establish that Appellant has responsibility for entering data to update computer files. Therefore, Appellant's position may not be properly classified as Clerical Specialist 2.

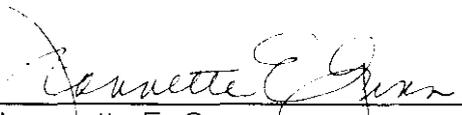
The summary of essential duties section of the Telephone Operator classification specification provides that the position's purpose is to:

... answer, screen, and direct incoming calls and take messages for all employees of the agency.

Although testimony and evidence demonstrated that Appellant performs these job duties on an as needed basis, Appellant does not perform these duties for the requisite twenty percent of her working time. Therefore, her position may not be properly classified as Telephone Operator.

A review of the classification specifications promulgated by DAS for use by Ohio county Departments of Job and Family Services does not reveal any other classification specifications which more accurately describe the range of job duties performed by Appellant. Therefore, I find that the classification which most closely describes the position encumbered by Appellant is that of Clerical Specialist 1, classification number 10111.

Accordingly, upon a review of all of the information contained in the record, I respectfully **RECOMMEND** that Appellant's position be **RETAINED** in the Clerical Specialist 1 classification.

  
Jeannette E. Gunn  
Administrative Law Judge