

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Roman P. Swerdan,

Appellant,

v.

Case No. 09-REC-07-0337

Youngstown State University,

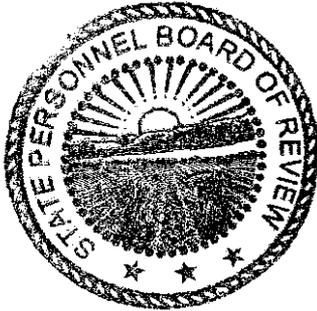
Appellee.

ORDER

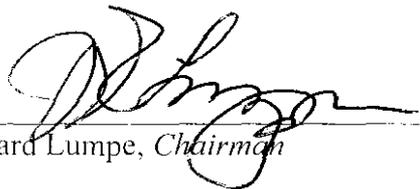
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 the determination of Appellee, be modified and Appellant's position be **RECLASSIFIED** to Inventory Control Specialist Supervisor, classification number 64555, 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, August 19, 2010.



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**

ROMAN P. SWERDAN,

Case No. 09-REC-07-0337

Appellant

v.

June 10, 2010

YOUNGSTOWN STATE UNIVERSITY,

Appellee.

JAMES R. SPRAGUE
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This case came to be heard on May 3, 2010. Present at the hearing was Appellant, represented by Stanley J. Okusewsky, III, Attorney at Law. Appellee, Youngstown State University (YSU), was present through its designee, Carol Trube, Manager for Classification and Compensation with YSU. Appellee was represented at hearing by Reid T. Caryer, Assistant Attorney General for the State of Ohio.

This case comes on due to an appeal timely filed by Appellant on July 27, 2009. That appeal was from a job audit requested on or about July 4, 2008. Results of the audit were received on July 21, 2009. Appellant's position was classified as a Storekeeper Supervisor, 14755, prior to the audit, and remained as such after the audit. Appellant believes his position is more properly reclassified as Inventory Control Specialist Supervisor, 64555.

Jurisdiction over the subject matter of this appeal was established pursuant to R.C. 124.03 and R.C. 124.14.

CONSOLIDATED STATEMENT OF THE CASE AND FINDINGS OF FACT

At hearing, five witnesses testified: **Roman Swerdan, Appellant**, whose current classification is Store Supervisor; **Eileen Greaf**, former supervisor to Mr. Swerdan; **Bill Wheelock**, Director of Procurement Services; **Vincent Sacco**, Director of University Facilities and Appellant's current supervisor; and **Carol Trube**, Manager of Classification and Compensation with YSU, who is the employee who made the job audit determination regarding Appellant's position.

First to testify was **Mr. Swerdan, Appellant**. Mr. Swerdan testified that he currently supervises two student workers. When Mr. Swerdan first assumed his position as Storekeeper Supervisor, his duties included only the following: receiving, tagging, and stocking inventory and performing general "day to day" activities of a warehouse.

Mr. Swerdan offered that his current duties break down as follows: Approximately 80 percent of his time is spent placing orders for facilities department, communicating with vendors if a problem exists with respect to an order, overseeing distribution and warehousing of merchandise, inventorying warehouse materials, and maintaining accurate records of inventory using the computer system. Approximately 20 percent of his time is spent training the students and giving those students work instructions. Sporadically, Mr. Swerdan will handle "special projects" or attend meetings.

Mr. Swerdan also updates and maintains the warehouse system by correcting part numbers for inventory, and researching and selecting new vendors. Although he did not implement or develop the original computer system used in the warehouse, he did participate in implementing the latest update to the system as it applied to the warehouse, because he was responsible for testing the system before it was officially implemented for warehouse use.

Mr. Swerdan has had several notable changes in supervisors over the course of his employment with YSU. His original supervisor was Mr. Thompson, who was classified as an Inventory Control Specialist. Approximately one month before Mr. Thompson retired, Mr. Swerdan assumed a majority of his duties. After Mr. Thompson retired, Mr. Swerdan assumed all of his duties for a period of approximately ten weeks, and was given the title of Inventory Control Specialist Supervisor for that period of time. At that time, no other employee was classified as Inventory Control Specialist Supervisor.

The newly assumed duties included the following: ordering supplies, managing the computerization of the warehouse, handling purchase order problems, researching vendors, and handling "special projects" from time to time. Mr. Swerdan still performs a majority of these duties. Although Mr. Swerdan does have a current supervisor, that supervisor is not classified as an Inventory Control Specialist Supervisor. No employee currently holds that title.

Mr. Swerdan currently receives, inspects, records, and distributes materials and supplies. Further, he maintains inventory and accurate inventory records. For a period

of time he implemented salvage, but notes that this responsibility was taken away from him shortly after he requested a job audit. Mr. Swerdan is also one of few people with thorough knowledge of the system and how it applies to the warehouse. Further, he supervises assigned staff. Moreover, he deals with costs and maintains the computerized system. Additionally, he serves as a liaison with vendors and handles special projects as assigned.

Next to testify was **Eileen Greaf**, Executive Director of Financial Services. Ms. Greaf assumed the position of Mr. Swerdan's immediate supervisor after Mr. Thompson retired. Ms. Greaf testified that Mr. Swerdan cannot approve an order with a vendor or create a vendor. She also testified that the only reason Mr. Swerdan was temporarily reclassified as an Inventory Control Specialist Supervisor was because there was a vacancy before a new supervisor could be hired.

Next to testify was **Bill Wheelock**, Director of Procurement Services, who acted as Mr. Swerdan's immediate supervisor after Ms. Greaf. He testified that Mr. Swerdan has been researching vendors and handling vendor problems, but that he should not have been doing so as this responsibility belongs to purchasing agents.

Next to testify was **Vincent Sacco**, Director of University Facilities and Mr. Swerdan's current supervisor. He testified that Mr. Swerdan is responsible for managing any discrepancies with orders, and that this responsibility mainly belongs to Mr. Swerdan and not to purchasing agents. It is also notable that when Mr. Swerdan's position description was written, Mr. Sacco recommended changes to update the old description. Those changes included removing the "managing inventory system" as well as adding "meeting with vendors" and "managing purchasing problems."

Last to testify was **Carol Trube**, Manager of Classification and Compensation. Ms. Trube was the individual responsible for reviewing Mr. Swerdan's reclassification request and determining that Mr. Swerdan's position should remain classified as a Storekeeper Supervisor. Ms. Trube explained her rationale by opining that Mr. Swerdan did not develop, implement, or enforce new inventory control. She also determined that Mr. Swerdan maintained but did not direct inventory or maintenance of warehouse facilities.

Mainly, Ms. Trube focused on her belief that, while Mr. Swerdan maintained the computerization of the warehouse; he did not develop computerization systems. Further, she found that Mr. Swerdan does not supervise staff, as he supervises students who are not considered to be YSU employees. Ms. Trube further explained that she chose to keep Mr. Swerdan's position classified as Storekeeper Supervisor even though it was not a perfect match, because she felt it was at least the "closest match."

Based on the testimony presented and evidence admitted at hearing, I make the following Findings:

First, I note that I incorporate, herein, any findings set forth above, whether express or implied.

Next, I find that Appellant spends over half of his time maintaining inventory control through use of the computer system and supervising assigned support personnel. The remainder of Appellant's time is spent tending to special projects as assigned and serving as a liaison with vendors.

CONCLUSIONS OF LAW

This case presents this Board with the question of whether Appellant's position with Youngstown State University should remain classified as a Storekeeper Supervisor, or, alternatively, should be upgraded to an Inventory Control Specialist Supervisor? Based on the findings set forth, above, and for the reasons set forth, below, this Board should find that Appellant's position should be reclassified as an Inventory Control Specialist Supervisor.

The following duties are included in the Inventory Control Specialist Supervisor class specifications and are performed by Appellant: implementing inventory control through use of the computer system, handling special projects, coordinating deliveries and handling problems with vendors, supervising support personnel, and receiving and recording distribution of materials.

Evidence presented at hearing demonstrates that Appellant performs duties that go above and beyond that of a Storekeeper Supervisor. For example, Appellant supervises support personnel. Although the students he supervises are not technically YSU employees, they can be classified as "support personnel" as their role is to support Appellant in his duties. Further, it is notable when the title of Inventory Control Specialist Supervisor was taken away from Appellant, not all of the duties that went along with that position were taken away from him.

The fact that Appellant was formally given the responsibilities of an Inventory Control Specialist Supervisor and is still responsible for a majority of those duties is dispositive. While not necessarily uncommon, it is notable that Appellant was relieved of one of those duties only after he requested a job audit. Additionally, Appellant's current supervisor affirms that Appellant is still responsible for some of those duties.

While it is true that Appellant is not primarily responsible for developing computerization systems, he is responsible for more than simply maintaining the warehouse computer system. When the updated system was created, he was given the responsibility of determining that it was proper for warehouse use before it was

implemented. Further, since Appellant performs a majority of the other duties laid forth in the Inventory Control Specialist Supervisor description, the fact that he does not technically develop computerization systems is not dispositive. Taken together, then, Appellant functions in a role that is higher than intended in the class specifications of a Storekeeper Supervisor.

RECOMMENDATION

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **MODIFY** the determination of Appellee, Youngstown State University, and **RECLASSIFY** Appellant's position to Inventory Control Specialist Supervisor, 64555, pursuant to R.C. 124.03 and R.C. 124.14.



JAMES R. SPRAGUE
Administrative Law Judge

JRS: