

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

Christina M. Texter,

*Appellant,*

v.

Case No. 09-REC-12-0511

Youngstown State University,

*Appellee.*

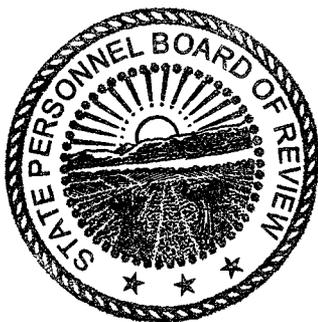
**ORDER**

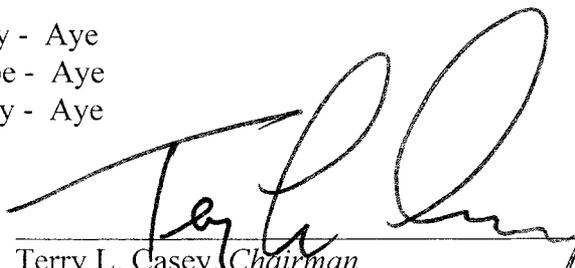
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 Appellee's determination that Appellant is properly classified as an Administrative Assistant 1, classification number 63121, be **AFFIRMED**, pursuant to O.R.C. § 124.03 and 124.14.

Casey - Aye  
Lumpe - Aye  
Tillery - Aye



  
Terry L. Casey, *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 5, 2011.

  
Michelle Hursey  
*Clerk*

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

45.11MH

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

Christina M. Texter

Case No. 09-REC-12-0511

*Appellant*

v.

January 24, 2011

Youngstown State University

Marcie M. Scholl

*Appellee*

*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This cause came on for record hearing on September 9, 2010. Present at the hearing were the Appellant, Christina M. Texter, represented by Stanley J. Okusewsky III, Attorney at Law and Appellee Youngstown State University (YSU) designee Shannon Tirone, Executive Associate to the President, represented by Rema Ina, Assistant Attorney General.

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 Texter testified she has been employed by YSU for approximately sixteen years. She has worked in the Office of Alumni and Events Management for approximately six years and has been classified as an Administrative Assistant 1 since February 2010. Prior to that, Appellant Texter was classified as a Secretary 1 since May of 2004. Her direct supervisor is Jackie LeViseur and prior to that, she was supervised by Ms. Tirone from March 2008 until July 1, 2010. Appellant Texter has no supervisory duties and she requested an audit of her position at the request of Ms. Tirone. She testified there are eight employees in the office, including another Administrative Assistant 1.

Appellant Texter identified Appellee's Exhibit 7 as the questionnaire regarding her job duties which she completed. She testified the duties as stated on the questionnaire are still fairly accurate. Appellant Texter stated she developed a form for the set up of a few rooms, made some changes to the Stadium Club,

changed the procedure for commencement reservations and instituted a policy that payment has to be made up front. Appellee's Exhibit 11 was identified as a table of organization, dated March 5, 2010.

Appellant Texter testified she attended one meeting on behalf of Ms. Tirone and that she gives presentations at staff meetings. She also gathered statistics for a report of the different uses of certain spaces on campus and submitted the report to the Vice President for University Advancement. Appellant Texter is responsible for monitoring three budgets; commencement; Stadium Club and Athletic Facilities. She makes transfers of money, verifies expenses, directly invoices all events and receives money and makes deposits. She can transfer funds independently but needs a supervisor's sign off on payments of invoices.

Appellant Texter can post items on the web page and she is responsible for reserving space for commencement activities. She assisted Ms. Tirone with a press conference and she is responsible for processing alcohol and bake sale permits.

Appellee's Exhibit 12 was identified as the audit report for her position and Appellant Texter stated that the original recommendation was for her position to be reclassified to an Administrative Assistant 2. She testified that all types of different groups will contact her to rent the Stadium Club. She will then give the groups information about the Club, check available dates and send them necessary forms for completion. Once completed, Appellant Texter then reserves the date, collects the payment, deposits the money into the general revenue fund, verifies that the caterer is licensed and that the proper alcohol permits are in place. She also reserves the stadium loge and the auditorium. Appellant Texter explained there are four commencement ceremonies a year and she works with her supervisor on those. She drafts letters for her supervisor's signature, orders cap and gowns, maintains the inventory of hoods for the principals in the ceremony and takes care of the reserved and special seating. Appellant's Exhibit A was identified as an outline of the procedures leading up to commencement. Appellant Texter testified she updates this outline, although she did not create it.

On cross examination Appellant Texter testified she does not answer complex or confidential questions in place of her supervisor and she does not monitor the manpower in her office.

Shannon Tirone testified she has been employed by Appellee for approximately fourteen years and she was the direct supervisor of Appellant Texter. She identified her position description as Appellee's Exhibit 10 and Ms. Tirone testified she did not assign any of the duties listed on her position description to Appellant Texter. She explained that when she was out of the office, she assigned tasks to Appellant Texter and the other employees. Ms. Tirone testified she relied on Appellant Texter to bring her up to speed on the events coordination and to fix things that she identified for her that needed attention.

Carol Trube has been employed by Appellee since January 1995 and has been the Manager of Classification and Compensation since July 2006. Ms. Trube testified she completed the audit of Appellant Texter's position. She explained that after an audit has been completed by her, she makes a recommendation to a committee which reviews her audit and the committee also makes a recommendation. Those are then reviewed by the Director of Labor Relations, Mr. Martin Bramlett and his decision is final.

Ms. Trube testified that she recommended that Appellant Texter should be classified as an Administrative Assistant 2, but when she then looked at the classification concept, she agreed that Appellant Texter did not meet the concept as she does not supervise any staff.

Martin Bramlett testified he has been with YSU for approximately six weeks and prior to that, he was with Clemans Nelson for approximately thirty years, with a good portion of that time spent doing job audits and classification plans. Mr. Bramlett testified he reviewed Ms. Trube's and the committee's recommendations and he agreed with the recommendation of the committee that the proper classification of Appellant Texter's position was that of an Administrative Assistant 1. He explained that Appellant Texter did not meet the classification concept of an Administrative Assistant 2 as she does not assist in program direction, she does not relieve her supervisor of non-routine administrative duties and she does not formulate and implement program policy. Mr. Bramlett testified that in looking at the outline of the commencement duties, it is a routine list of things to do each time although unanticipated things occur and then the adjustment becomes routine. He stated the dictionary definition of "routine" is doing something on a regular or periodic basis and that is exactly what Appellant Texter does. He stated she does not formulate policy as forms are not policies. He testified that policies guide future behaviors and conduct and is a form of decision making. Appellant Texter provides

input to her supervisor, which is exactly what an Administrative Assistant 1 is supposed to do. Mr. Bramlett identified Appellant's Exhibit B as the response he gave to Appellant Texter and stated he met with her regarding her concerns and they discussed this exhibit.

### **FINDINGS OF FACT**

Since there was no discrepancy in the testimony of the witnesses as to the actual duties performed by Appellant Texter, I find that the duties as testified to and those found in her job audit packet, identified as Appellee's Exhibit 7, are the duties performed by Appellant Texter.

### **CONCLUSIONS OF LAW**

The primary consideration for this Board in determining the most proper classification for a position is if the Appellant meets the class concept as found on a classification specification at least twenty percent of the time. Administrative rule 123-1-7-15 of the Ohio Administrative Code sets out such criteria:

Each classification title listed in this rule shall have a corresponding classification specification that sets forth the class concept and minimum qualifications. The class concept shall set forth the mandatory duties that must be satisfied at least twenty per cent of the time, unless otherwise stated in the class concept.

There is no dispute that Appellant Texter meets all of the requirements of the classification specification concept for her present classification of Administrative Assistant 1. The determination to be made is if she meets the class concept of an Administrative Assistant 2. The answer is that she does not.

The class concept for the Administrative Assistant 2 classification states as follows:

The advanced level class works under general supervision & requires considerable knowledge of management principles/techniques, supervisory principles/techniques & agency policies & procedures regarding program activities of unit, section, division or bureau in order to assist in program direction by relieving

superior of non-routine administrative duties & formulate & implement program policy, or to do all of preceding & supervise assigned staff.

In looking at Appellant Texter's duties, they do not comport with the above class concept. The evidence established that Appellant Texter does not supervise any employees and there was no evidence that she possessed "considerable knowledge of management principles/techniques or supervisory principles/techniques". There was no evidence that she "formulates and implements program policy" or that she relieved her supervisor of non-routine administrative duties. Ms. Tirone testified that she did not assign any of the duties listed on her position description to Appellant Texter. In looking at the classification specification for an Administrative Assistant 2, there is a "Note" which states:

In order to determine whether position is assigned duties of specified administrative nature, compare duties assigned to position in question with those assigned to immediate supervisory position, identify duties that have been delegated to subordinate & scope & impact of those duties on overall program activities of unit, section, division or bureau.

Since Ms. Tirone testified that she did not delegate any of her specific duties to Appellant Texter, it cannot be found that Appellant Texter performs non-routine duties or duties that have a significant impact on the policy of the programs. While Appellant Texter appears to do an excellent job with the duties assigned to her, they do not qualify her for the higher class.

Appellant Texter argued that because each entity that contracts with the Appellee for the use of the various facilities is different, with different needs and requirements, the scheduling of events is "non-routine". While she may have to adjust the duties of scheduling, the basic checklist stays the same and is "tweaked" for each entity. Appellant Texter assists her supervisor in this duty and that is provided for by the Administrative Assistant 1 specification as is preparing and monitoring budgets.

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The evidence has established that Appellant Texter does not perform the mandatory duties contained in the class concept for an Administrative Assistant 2 but she does meet all of the requirements for an Administrative Assistant 1. Therefore, it is my **RECOMMENDATION** that Appellee's determination that Appellant Texter is properly classified as an Administrative Assistant 1 be **AFFIRMED**.

  
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Marcie M. Scholl  
*Administrative Law Judge*

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