

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

Dolores J. Texter,

Appellant,

v.

Case No. 10-REC-05-0129

Youngstown State University,

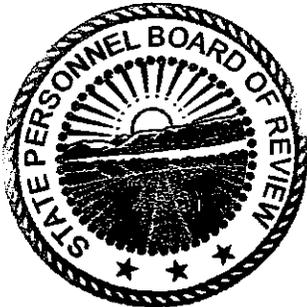
Appellee.

ORDER

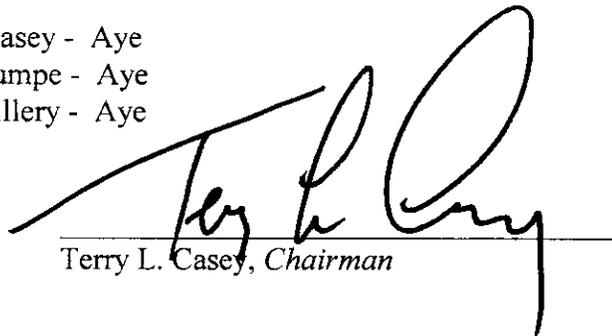
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 Appellant's position be **RECLASSIFIED** to Fiscal Specialist 1, classification number 66531, effective the first date of the first pay period following the request for audit, pursuant to O.R.C. §§ 124.03 and 124.14.



Casey - Aye
Lumpe - Aye
Tillery - Aye

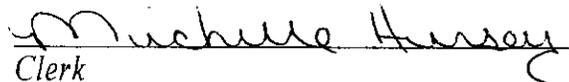


Terry L. Casey, *Chairman*

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, June 28, 2011.



Clerk

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

6-28-11 NBT

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

Dolores J. Texter,

Case No. 10-REC-05-0129

Appellant

v.

April 11, 2011

Youngstown State University,

Jeannette E. Gunn

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause came on for record hearing on July 29, 2010. Appellant was present at the hearing and was represented by Stanley J. Okusewsky III. Appellee Youngstown State University was present and was represented by Assistant Attorney General Rema Ina.

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 Youngstown State University in its Undergraduate Admissions Office. She indicated that her current position is classified as Administrative Assistant 2 and stated that she has held that position for approximately eight years. Appellant noted that her immediate supervisor is Susan Davis, who is the Director of the Admissions Office.

Appellant identified the last two pages of Appellee's Exhibit 5 as a position description she prepared as part of her job audit request that reflects the job duties she performs and the percentage of working time she devotes to those duties. She confirmed that the information contained in the document was substantially accurate both at the time of her job audit and as of the date of record hearing, but observed that some of her job duties have changed slightly since then.

Appellant explained that the Undergraduate Admissions Office is divided into several sections; her section is responsible for accepting applications and application fees, verifying the information contained in the applications, maintaining informational brochures, and answering and routing telephone calls. She testified that she handles email functions for her section and processes incoming application fees. Appellant explained that email messages usually come into the office as requests for information or questions about University policies and procedures. She stated that she responds to an average of sixty to seventy emails per week and is usually able to answer any incoming questions on her own, but may refer some of the more difficult questions to her supervisor or a coordinator.

Appellant stated that she supervises two classified employees, whose positions are classified as Customer Service Representative 1, and confirmed that she approves leave and time cards for these employees and has the authority to initiate discipline for them, if necessary.

Appellant explained that she is the sole employee responsible for monitoring and managing the Undergraduate Admissions Office budget and estimated that budget-related duties consume approximately fifty percent of her working time. She noted that she produces reports on a regular basis for travel expenses, charge backs, etc. using information pulled from the budget. Appellant agreed that there are a number of University policies and procedures that she is required to comply with in monitoring the budget. She indicated that she is required to implement any budget cuts imposed by the University and has to determine how to reallocate money within the budget to make sure departmental expenses were covered. Appellant confirmed that she would discuss any reallocations with her supervisor prior to implementing them. She noted that she responds to questions from front desk staff and others about budget-related policies and procedures.

Appellant confirmed that she has a departmental credit card and is authorized to make purchases of inventory items, furniture, and computer equipment with the card. She noted that credit card purchases are limited to \$1,500 per transaction. Appellant stated that she does not purchase furniture or computer equipment without first getting her supervisor's approval.

Appellant testified that she has formulated policies and implemented procedures in the course of her employment. She identified Appellant's Exhibit A as a copy of instructions she developed for front desk employees that includes a

process for dealing with walk-in visitors. Appellant identified Appellant's Exhibit B as a procedure that she developed for handling incoming application payments.

Appellant observed that many of her duties have been assigned to her by her supervisor, and are things for which her supervisor has the ultimate responsibility. She testified that, in her supervisor's absence, she acts for her supervisor on issues related to building maintenance and security, and responds to questions from administration. She recalled that she has represented Ms. Davis at meetings but has not done so recently. Appellant noted that she has participated in interviewing potential employees in the past, as part of a group.

Susan Davis testified that she is presently employed by Appellee as Director of Undergraduate Admissions. She confirmed that she helped Appellant prepare the position description contained in the last two pages of Appellee's Exhibit 5 and stated that she believes the information provided is accurate.

The witness stated that she believes that the duties Appellant performs with regard to the departmental budget are non-routine in nature. She noted that Appellant monitors the budgets and she depends on Appellant to provide her with accurate information and good advice. Ms. Davis identified Appellee's Exhibit 8 as a copy of her own job description and explained that her primary responsibility is to ensure that the Admissions department runs smoothly.

Ms. Davis clarified that the Associate Director is in charge of the office in her absence. She noted that Appellant is only responsible for the office in her absence if all of the other professional staff are unavailable.

Ms. Carol Trube testified that she is presently employed by Appellee as Manager of Classification and Compensation, a position she has held since July 2006. She confirmed that she conducted an administrative review of Appellant's position. The witness explained that an administrative review is conducted when an employee's supervisor, rather than the incumbent employee, requests a position audit and explained that she interviewed Ms. Davis but not Appellant.

Ms. Trube recalled that in conducting her analysis she considered the information provided by Appellant in her questionnaires and concluded that the Administrative Assistant 2 classification specification best described Appellant's job duties.

FINDINGS OF FACT

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

Appellant is employed by Appellee Youngstown State University in its Undergraduate Admissions Office in a position classified as Administrative Assistant 2. She has held that position for approximately eight years. Appellant's immediate supervisor is Susan Davis, who is the Director of the Admissions Office.

The information provided by Appellant to Appellee in support of the position audit was substantially accurate with regard to the job duties she performs in her position and the approximate percentages of working time she devotes to those duties.

Appellant responds to email inquiries and processes incoming application fees. She supervises two employees, whose positions are classified as Customer Service Representative 1. Appellant is the sole employee responsible for monitoring and managing the Undergraduate Admissions Office budget and budget-related duties consume approximately fifty percent of her working time. She produces reports for travel expenses, charge backs, etc. using information pulled from the budget. Appellant complies with existing University policies and procedures in monitoring the budget. She implements budget cuts imposed by the University and determines how to reallocate money within the budget, subject to final approval by Ms. Davis. Appellant responds to questions from front desk staff and others about budget-related policies and procedures.

Appellant has the authority to make purchases with the departmental credit card. She creates and implements procedures related to her job duties and the duties of the employees she supervises in the course of her employment.

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*. The class concept and/or series purpose 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 appeal were Fiscal Officer, series 6653; Clerk, series 1211; and Administrative Assistant, series 6312.

The series purpose for the Fiscal Officer series is to supervise or coordinate and monitor and/or perform a variety of fiscal and/or budgetary operations for an assigned division, fiscal programs, agency or institution to ensure proper control and compliance with applicable laws, rules and accounting standards.

The series purpose for the Clerk series is to support administrators and/or professionals by performing clerical tasks to ensure delivery of product or service of work unit on a day-to-day basis.

The series purpose for the Administrative Assistant series is to assist in program direction by relieving superior of administrative duties and assisting in program direction.

* * * * *

Because the majority of Appellant's work time is consumed by budget-related duties, the first class series to be considered is that of Fiscal Officer. Testimony and evidence indicated that Appellant is responsible for monitoring the department's operational budget, tracking expenditures, producing budgetary and expense reports, and notifying Ms. Davis of potential problems. In addition, Appellant receives and reconciles admissions fees and transmits them to Student Services for deposit and application to student accounts. I find that these duties are sufficient to fulfill the mandatory requirements contained in the class concept for the Fiscal Officer class series. No information was presented to establish that Appellant has responsibility for preparing the department's operational budget. Accordingly, I find that the classification specification within the class series which best describes the nature and scope of the duties performed by Appellant to be Fiscal Specialist 1, and her position could be properly placed in that classification. The Fiscal Specialist 1 classification does not, however, describe all of the duties performed by Appellant; therefore, this Board may proceed to consider additional classifications in order to determine if another more accurately describes Appellant's responsibilities.

Testimony and evidence established that in addition to her fiscal duties, Appellant assists in the daily operation of the Admissions office by responding to email inquiries, answering questions from staff about budget-related policies and procedures, processing application fees that come into the office, making limited inventory purchases of supplies and equipment, and supervising two employees who perform "front desk" tasks on behalf of the department, such as opening mail, answering and routing telephone calls, and greeting visitors. I find that Appellant's duties are sufficient to fulfill the mandatory requirements contained in the class concept for the Clerk class series. The classification specification within the Clerk series which best describes the nature and scope of the duties performed by Appellant is Clerical Supervisor, and her position could be properly placed in that classification. Appellant supervises employees performing clerical tasks and generally performs the tasks assigned to her section, which includes responsibilities of both a clerical and an administrative nature as described in the illustrative job duties section of the classification specification, along with the fiscal duties previously referenced.

Appellant's position is currently classified as Administrative Assistant 2. Testimony and evidence presented at record hearing was sufficient to demonstrate that Appellant relieves her supervisor of administrative duties to assist in program direction (in this case, the operation of the Undergraduate Admissions office) as required by the series purpose for the class. Appellant argued at record hearing that the administrative duties she performs are "difficult," as opposed to "non-routine" or "routine," as referenced in the class concepts for Administrative Assistant 1, 2 and 3. Incumbents in the Administrative Assistant 2 and 3 classifications, however, are required to also formulate and implement program policy. While information presented by Appellant at record hearing was sufficient to demonstrate that she formulates procedures, I find that she did not demonstrate that she formulates program policy, as required by the class concept for the Administrative Assistant 2 and 3 classifications. Therefore, the classification specification within the Administrative Assistant series which best describes the nature and scope of Appellant's job duties is Administrative Assistant 1.

No classification specification exists which encompasses all of the job duties performed by Appellant. Appellant's position could, however, be properly placed in any of the classification specifications identified within the above analysis. Case law provides that, where an employee's position could be classified in more than one classification, the employee should be placed in the higher of the positions. *Nibert v. Ohio Dept. of Administrative Services* (Jan. 17, 1992), Franklin Co., No. 91CVF-07-5825, unreported. In this instance, the classification assigned to the highest pay range is that of Fiscal Specialist 1, classification number 66531. Therefore, I respectfully **RECOMMEND** that Appellant's position be placed in the Fiscal Specialist 1 classification effective the first date of the first pay period following the request for audit.


Jeannette E. Gunn
Administrative Law Judge