

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

Rana Sakr,

Appellant.

v.

Case No. 10-REC-07-0192

Cuyahoga County,
Board of Commissioners,

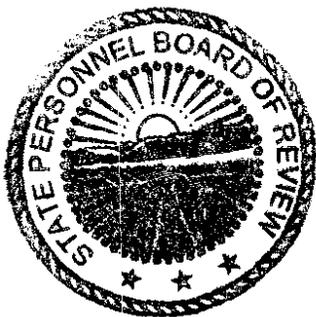
Appellee.

ORDER

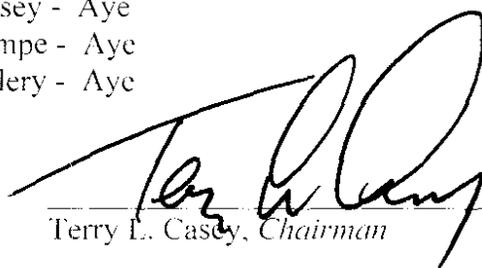
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 was properly classified as an Administrative Assistant I, classification number 1052111, be **AFFIRMED**, pursuant to O.R.C. §§ 124.03 and 124.14.



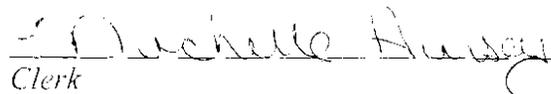
Casey - Aye
Lumpe - Aye
Tillery - Aye


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, March 1, 2011.


Michelle Hunsicker
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**

Rana Sakr

Case No. 10-REC-07-0192

Appellant

v.

January 27, 2011

Cuyahoga County Board of Commissioners

Appellee

Marcie M. Scholl
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause came on for record hearing on September 22, 2010. Present at the hearing were the Appellant, Rana Sakr, represented by Marc E. Myers, Attorney at Law and Appellee Cuyahoga County Board of Commissioners designee Albert Bouchahine, Personnel Manager, represented by Barbara R. Marburger, Assistant Prosecuting Attorney.

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 Sakr testified she has been employed with the Sanitary Engineer's office since December 27, 2004 and has held the classification of Administrative Assistant 1 for approximately three years. Her direct supervisor is William Schneider, Chief Engineer. Appellant Sakr has no supervisory duties and she stated there are eight employees in the Engineering department.

In looking at Appellee's Exhibit 3, Appellant Sakr identified it as her Comprehensive Position Questionnaire (CPQ) which was received by the Appellee on March 19, 2010. Appellant Sakr testified that it accurately describes her duties. She stated she is seeking the classification of Senior Contract Coordinator and identified Appellee's Exhibit 12 as the classification specification for that class.

Appellant Sakr testified she is responsible for verifying that the timesheets are accurate for the Engineering section and that she acts as the eyes, ears and hands for Chief Engineer Schneider.

William Schneider has been Chief Engineer for approximately six and one-half years and has been employed in the Sanitary Engineering department for approximately twenty-two years. He testified he is Appellant Sakr's direct supervisor and other than Appellant Sakr, there is one other employee in the office, the Contract Coordinator. He explained that the title of Contract Coordinator came about approximately six or seven years ago and that previously that position was known as the Assistant to the Chief Engineer. The person holding that position, Jane, had been his assistant for four to six months and he was not happy with her performance, so he requested an assistant to help him get his work done and that is when Appellant Sakr was hired. He testified she picks up where Jane left off and it is Appellant Sakr who assists him with a lot of his duties. Mr. Schneider testified Appellant Sakr keeps him on his deadlines and completes much of his documentation so he can spend his time with the engineers.

On cross examination Mr. Schneider testified that Appellant Sakr's assumption of the Contract Coordinator's duties has increased over the last few years. He explained that by agreement, Appellee's Exhibit 6, the elected position of County Engineer is also the county sanitary engineer and the appointing authority for all employees of the sanitary engineer is the County Board of Commissioners. Mr. Schneider testified that Appellant Sakr relieves him of the mundane duties that need to be checked on that are assigned to the Contract Coordinator. He stated she does all of the administrative tasks of Novus and of the office staff.

Albert Bouchahine testified he has been employed with the county for approximately twelve years and is currently the Personnel Manager. He explained that when an employee requests a job audit, an outside consultant reviews the CPQ and makes a recommendation to him. He reviews all the documents and recommendations and he then makes a recommendation to the Director of Human Resources, Ms. Southington. Appellee's Exhibit 4 was identified as the recommendation for Appellant Sakr's position, which is that she is properly classified as an Administrative Assistant 1. He testified that Administrative Assistant 2 is not the proper classification as that classification has a supervisory component and Appellant Sakr does not supervise any employees. Appellee's Exhibit 5 was

statements require supervision of at least six positions. Therefore, Appellant Sakr does not meet the function statement of either of these classification specifications.

The Administrative Assistant 1 and 2 classifications only differ slightly in their wording, but the focus of the higher classification, the Administrative Assistant 2, is "coordinate the work of clerical support staff and to assist higher level administrator by researching and analyzing information to support division's program directions." Appellant Sakr does not "coordinate the work of clerical support staff" as the evidence indicated she coordinates the work of the Contract Coordinator, which position is not "clerical support staff". Since that appears to be the primary difference between the 1 and 2 levels of this classification, and because Appellant Sakr cannot meet that requirement, the best description of her duties is that of an Administrative Assistant 1. That function statement states: "The purpose of this classification is to assist higher level administrator by researching and analyzing information to support division's program direction." Mr. Schneider testified he asked for an assistant and that is what this classification is. Appellant Sakr assists Mr. Schneider in his duties with regard to the bidding of contracts, the compliance of those contracts with policies and laws and the monitoring of the contracts to ensure payments are being made correctly. The evidence established that Appellant Sakr is very good at her job and because she is, Mr. Schneider does not have to spend his time with ensuring that the contracts and all of the related documents are correct and ready to be presented to the Board of Commissioners for approval.

In accordance with this classification specification, Appellant Sakr relieves Mr. Schneider of administrative functions, produces typed copy of documents, maintains confidential files and performs clerical tasks. While this specification does not capture all of the duties performed by Appellant Sakr, it is the best fitting specification out of many which were reviewed. As was stated earlier, this Board cannot create new specifications as only those specifications contained in the Appellee's classification plan are applicable. Appellant Sakr appears to be a very valuable employee and while she argued that she is deserving of something more than an entry level position, there is no other specification which describes her duties more accurately than that of her current classification.

Appellant Sakr testified there are thirty-four cities under the Engineering Department. There is a Contract Coordinator who informs her when contracts are coming up and it is the engineers who create the specifications for the contracts. Appellant Sakr scans and verifies every section in the contract specification book and prepares the Requests for Proposals (RFP), verifies that funds are available and sends the procurements to the clerk of the Board of County Commissioners. She stated that the submissions are paperless.

The final decision on the awarding of the contract is that of her supervisor, the Chief Engineer. Appellant Sakr then contacts the contractor and notifies the contractor of all the necessary forms which must be completed by the contractor and then forwarded to the County Commissioners. After the contractor has been approved by the Board of County Commissioners, Appellant Sakr notifies the contractor of the approval and a bond is issued. She is then responsible for verifying all of the contractor's work with the engineer that is over a particular project and once her supervisor signs off, Appellant Sakr submits the proper forms to the finance department for payment. It is her responsibility to monitor the contracts and if they exceed the fifty percent rule, she informs the Board of County Commissioners.

Appellant's Exhibit A was identified an example of the documents which are processed through the Novus system, which is the software used by Appellee. All of the information Appellant Sakr submits through the system has to be verified by her. Appellant Sakr testified she is the liaison to the Board of County Commissioners and to the County Auditor's office.

On cross examination Appellant Sakr testified that when she started her employment in 2007, Novus was not yet in place. She stated that to her knowledge, she is the only person who enters information into Novus. She identified Appellee's Exhibit 7 as the Table of Organization showing that her position is in the Engineering section. In looking at Appellee's Exhibit 3, her CPQ, Appellant Sakr confirmed that she stated she is the lead worker over the Contract Coordinator, although she did not list that as an essential duty. Appellant Sakr testified she is constantly reminding the Contract Coordinator of deadlines and things that need to be done. She stated she does not do any substantive reviews or recommendations of the contracts, as the engineers do those.

identified as the notification letter sent to Appellant Sakr and Appellee's Exhibit 11 was identified as the classification specification for Administrative Assistant 2.

FINDINGS OF FACT

Since there was no discrepancy in the testimony of the witnesses as to the duties performed by Appellant Sakr, it is my finding that the duties testified to and those duties listed in the CPQ, are, in fact the duties performed by Appellant Sakr.

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.

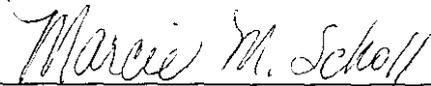
After reviewing the classifications of Senior Contract Coordinator, Office Manager, Senior Office Manager, Administrative Assistant 1 and Administrative Assistant 2, and comparing those with the duties performed by Appellant Sakr, it is clear that the best fitting classification for her is that of her current classification, Administrative Assistant 1.

Looking first to the Senior Contract Coordinator, the classification specification states that this classification is limited to the "Clerk of the Board, only". This Board does not have the authority to promulgate specifications or to change anything on an existing specification. Therefore, since this classification is limited only to Board Clerk, it is not an available classification for Appellant Sakr to be placed into since she is employed by the Sanitary Engineer. Therefore, this classification was rejected.

The classifications of Office Manager and Senior Office Manager have also been rejected, as both of their function statements require supervision of anywhere from "six to ten office personnel performing clerical functions" and to "oversee the total clerical function and work flow of an entire office". The evidence established that Appellant Sakr does not supervise any employees. She performs lead work over the Contract Coordinator and even if one assumes for the sake of argument that Appellant Sakr supervises that position, it is only one position and the function

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Therefore, it is my **RECOMMENDATION** that Appellee's determination that Administrative Assistant 1 is the proper classification for Appellant Sakr be **AFFIRMED**.



Marcie M. Scholl
Administrative Law Judge

:mms