

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Teresa Y. Martin,

Appellant,

v.

Case No. 10-REC-08-0211

Cuyahoga County
Board of Commissioners,

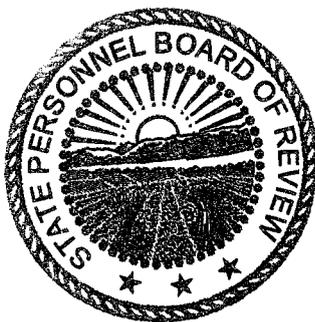
Appellee.

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 is properly classified as an Administrative Assistant 2, classification number 1052112, be **MODIFIED** to the classification of an Administrative Secretary, Classification number 1013311, pursuant to O.R.C. §§ 124.03 and 124.14.



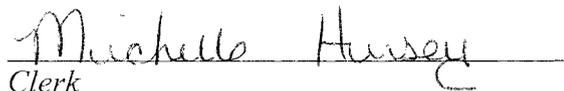
Casey - Aye
Lumpe - Aye
Tillery - Aye


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 Hussey
Clerk

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

3-1-11 MH

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

Teresa Y. Martin

Case No. 10-REC-08-0211

Appellant

v.

January 28, 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 23, 2010. Present at the hearing were the Appellant, Teresa Y. Martin, appearing *pro se* and Appellee Cuyahoga County Board of Commissioners designee Albert Bouchahine, Personnel Manager, represented by Barbara A. 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 Martin testified she is employed in the Office of Health and Human Services and she identified Appellant's Exhibit A as the table of organization for the office. Her current classification is that of Administrative Assistant 2 (AA2) and she has held that classification for approximately six years. Appellant Martin has been employed with the county for approximately twenty years and has been in her current section for approximately three years. She does not have any supervisory duties. Her immediate supervisor since April 2007 is Luis Vazquez, Social Program Administrator 5.

Appellant Martin explained that the Office of Health & Human Services has three programs, each with a Social Program Administrator. The programs are County Fatherhood Initiative; Strong Start for Cuyahoga's Families; and Health Policy and Planning. Appellant Martin testified she does work for, and is actually

supervised by all three Administrators. She identified Appellant's Exhibit B as the Comprehensive Position Questionnaire (CPQ) which she completed and stated is an accurate description of her duties, with the clarification that she spends twenty-nine (29) percent of her time entering information into the Novus and Buyspeed computer programs. Appellant's Exhibits F and G explain both of these programs.

Appellant's Exhibit D is an overview of her duties with respect to the Fatherhood Initiative. She explained that this program helps fathers to be a part of their children's lives. The Administrator of this program is Mr. Grimes and Appellant Martin testified she accompanies him to meetings, takes notes and assists him with figures. She sends him rough drafts of contracts for his review and collects all of the necessary documents needed to finalize the contracts. She then enters them into Novus. Mr. Grimes proofreads, makes any changes and after his approval Appellant Martin submits the documents to the Director. Appellant Martin testified she has processed twenty-one contracts for this program since January 2010.

Appellant Martin testified the Buyspeed program is a fiscal program and she had to be registered to use the program by the Office of Procurement. All requisitions, of which there are many, have to be entered into Buyspeed. Examples of those are requisitions for the newspaper advertising for requests for proposals and contracts. In order to release any money, a requisition must be completed through Buyspeed. Appellant Martin also testified that she monitors the contracts to ensure that invoices are received and paid. She maintains a spreadsheet in order to make sure that the contractors are not overspending.

With respect to the Strong Start program, Appellant's Exhibits C and C1 were identified as Appellant Martin's duties with respect to that program. She explained that the program is for unmarried couples with children who are three months old or younger. The parents attend a twelve week program and at the end of it, Appellant Martin is responsible for planning their graduation celebration. That entails sending out for bids for gift cards and other items, obtaining quotes and related duties. She explained she is considered to be a "buyer" so she is able to send out bids for items and once the quotes are received, she can decide who to buy from. She emails the winning vendor and works with the vendor to get the needed products. Appellant Martin enters information into the Buyspeed program in order to do the above duties. She also sets up meetings and approves proofs. Appellant Martin testified she does run things by the Administrator and the requisitions must be approved by the Administrator or by the budget office.

Appellant's Exhibit E describes the duties performed by Appellant Martin with respect to the Health Policy section. She testified she does not do any of the mailings for that Administrator but she attends meetings, orders furniture, brochures, computers and phone equipment, conducts research, prepares contracts and requisitions in Buyspeed, reviews and processes monthly invoices, is a liaison between IT department and external repair staff, maintain files, prepares timesheets and creates databases.

Appellant Martin testified she receives work assignments from all three Administrators and it is up to her to prioritize the work. She attends meetings in place of the Administrators. She stated she wants more money as she feels she is doing extra work. She suggested she should be classified as a Program Officer since she has been coordinating events, working on a building capacity grant, and doing organizing and leadership planning. Appellant Martin testified she makes recommendations for the Fatherhood Initiative but she is not as assertive in the Strong Start program. She has been asked to do research on funding by Mr. Vazquez.

On cross examination Appellant Martin explained that the providers in the Fatherhood Initiative program have contracts with the county. There are monthly meetings held with a committee called the steering committee and others are invited from the business world to try to get all the people to connect and not operate in silos. She testified she is updating information on what happened with the programs in the preceding months, what is planned for the future and what is happening presently. She compiles that information and then distributes it.

Appellant Martin explained that the contracts are performance based and she is responsible for monitoring the target numbers. She testified she does quarterly work for the Strong Start program, but works for the Fatherhood Initiative all day, every day. The Health Policy program is not a huge program and Appellant Martin testified she does mostly office support for that program. She answers the phone for all programs, although the work has decreased for the Strong Start program. There is an annual Father's Walk with approximately 140 schools and she has the primary responsibility for organizing that walk. She works with one of the Commissioners on that project. Appellant Martin testified that the Fatherhood Initiative section has an event planner whom she has assisted.

Albert Bouchahine testified that he is the Personnel Manager for Appellee. He explained that when an employee requests a job audit, the Appellee has a consultant who conducts the audit and makes a recommendation. He then reviews the audit packet and recommendation and he then makes a recommendation to the Director. He testified that the decision of the Appellee in this case was to retain Appellant Martin in her current classification of Administrative Assistant 2. Mr. Bouchahine testified that Appellant Martin is a highly valued employee but he explained that compensation is not a consideration in a job audit as the purpose is to find the best classification that describes the duties of the position. He stated there are no perfect descriptions as the specifications are written broadly.

On cross examination Mr. Bouchahine identified Appellee's Exhibit 3 as Appellant Martin's CPQ; Exhibit 4 as the recommendation of the consultant; Exhibit 7 as the specification for AA2; and Exhibit 5 as the letter of notification to Appellant Martin. Mr. Bouchahine testified that Appellant Martin was retained in her current classification of AA2 even though she does not meet the function statement of supervision. This was allowed since the position was posted as an AA2.

FINDINGS OF FACT

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

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 classification specifications for Office Manager, Program Officer 1 and 2, Administrative Assistant 2, and Administrative Secretary and comparing those with the duties performed by Appellant Martin, it is clear that the best fitting classification for her is that of Administrative Secretary.

The Office Manager classification specification requires the employee in that classification "to supervise six to nine office personnel". This requirement is found in the function statement. The evidence established that Appellant Martin does not

supervise any employees; therefore she cannot meet the function statement of this classification and would not be properly classified in this classification.

The Program Officer 1 and 2 specifications both rely heavily on research. The function statement for the Program Officer 1 classification states "The purpose of this classification is to research, analyze and evaluate information to determine feasibility and/or impact of proposed changes in program operations, systems, policies and/or procedures." The first two major duties require the employee to "research, analyze and evaluate". This is not the major portion of Appellant Martin's duties. In looking at Appellant Martin's Exhibits C-1, D and E, which are descriptions of her duties for each of the three programs, the duty of "research" only is mentioned once for the Health Policy Program and the Fatherhood Initiative. The terms "analyze" and "evaluate" do not appear anywhere in the list of her duties, as she does not do these duties. Therefore, this classification has been rejected as Appellant Martin does not meet the function statement nor the two major duties listed on the specification.

In looking at the Program Officer 2 classification, that function statement states "The purpose of this classification is to assist high level administrators and/or function as County's representative on outside boards, committees or commissions to develop or revise operations, systems, policies and/or procedures of County programs." While the evidence established that Appellant Martin did sit on some committees, they were not outside of county government except for one. She does not sit on any outside boards, committees or commissions functioning as the representative of the County and she does not plan or revise the programs. The Administrators of each of the programs, in conjunction with the Director of the department do that. The other duties listed on the specification require the employee to "research, analyze and evaluate" and as stated above, Appellant Martin does not perform those duties. Therefore, this classification was also rejected.

The function statement for the classification of Administrative Assistant 2, Appellant Martin's current classification, states the employee is ". . .to coordinate the work of clerical support staff and to assist higher level administrator by researching and analyzing information to support division's program direction." Appellant Martin does not have any clerical support staff to coordinate. As discussed above, she does not "research" nor "analyze". Therefore, she does not meet the function statement of her current classification. The testimony from Mr. Bouchahine was

that the Appellee recognized this, but did not want to penalize Appellant Martin since the position was posted as an Administrative Assistant 2. This Board, however, is charged with the responsibility of assigning a classification which most accurately describes the duties of an employee's position while meeting the function statement. Appellant Martin's current classification does not do that. This Board cannot change an existing specification nor can it create new specifications. The Board is limited to the classifications that exist in the classification plan.

Unfortunately the classification which appears to be the most descriptive of Appellant Martin's duties is that of Administrative Secretary. It is a lower pay range than that of Appellant Martin's current classification but the pay grade of a classification is not a factor in determining which classification is the most accurate description of an employee's duties. It is recognized that the testimony and evidence recognizes Appellant Martin as a hard working and valuable employee but classifications are not assigned to reward individuals but to properly describe their duties.

The function statement of the Administrative Secretary classification states:

The purpose of this classification is to relieve Director of non-routine administrative functions. The administrative functions that are assigned typically involve planning over the course of a month and on-going contact and coordination with different departments, groups and individuals to achieve results. Coordination with other departments and individuals to schedule meetings and appointments is not considered a non-routine administrative function. This class is intended to apply to one individual assigned to a Director of a County department.

While it is noted that the above statement says that this classification is intended to apply to an employee reporting to a Director of a department, it does not limit the classification to that as it does not specifically restrict the use of the classification elsewhere. This is the best description of Appellant Martin's that this Administrative Law Judge could find in looking at the Appellee's classification plan.

The examples given of the non-routine administrative duties found in the function statement include Appellant Martin's duty of serving in place of the three administrators on various committees within the county structure; planning and

arranging conferences, not for a director, but for each of the three program areas such as the Father's Initiative Walk and the Strong Start Year 3 Stakeholder meeting; preparing reports, which would include the different databases of Novus and Buyspeed; transmitting the decisions of the administrators and the director to the contractors and preparing the documents for the Appellee; preparing office timesheets; and maintaining files and monitoring the contracts and the payments to the contractors as well as processing requisitions.

Appellant Martin meets the second listed duty of providing secretarial support to the three administrators. She maintains schedules, is responsible for travel arrangements and submitting reimbursements; handles problems and answers questions directed to each of the three program administrators; composes responses to correspondence; gathers information and statistics and prepares reports; and attends meetings and takes notes.

The third function is also met by Appellant Martin in that she produces typed copy of documents, especially with the requisitions, specifications, requests for proposals and contract documents; she enters data into the Novus and Buyspeed software programs; submits items for proofreading; and maintains files.

She does not perform the fourth ranked duty of coordinating the work of lower level clerical staff, but she meets all of the other requirements of maintaining confidential files and performing clerical tasks. An employee does not need to perform every duty enumerated within the body of a specification as it is sufficient for all of the job duties performed by an employee to fall within a specification. See *Klug v. Dept. of Admin. Services*, No. 87AP-306, slip op. (Ohio Ct. App. 10th Dist., May 19, 1988).

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Since Appellant Martin's duties are best described by the classification specification of Administrative Secretary, it is my **RECOMMENDATION** that the determination by Appellee that her proper classification is Administrative Assistant 2 be **MODIFIED** to the classification of Administrative Secretary, Class Number 1013311.



Marcie M. Scholl
Administrative Law Judge

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