

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

Kim Jenkins,

Appellant.

v.

Case No. 10-REC-09-0252

Youngstown State University.

Appellee.

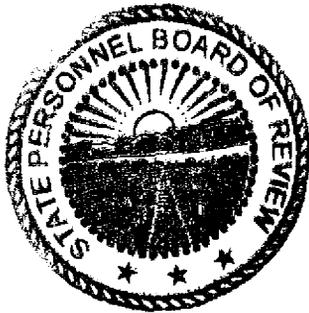
ORDER

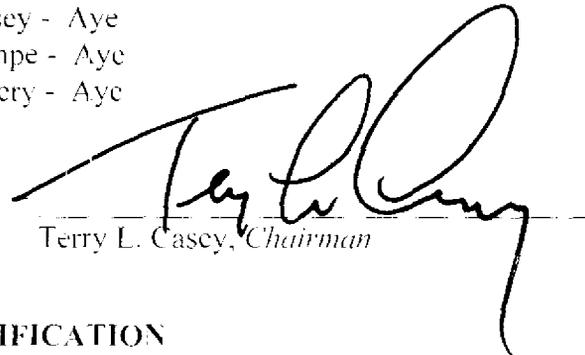
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 a Human Capital Management Associate, classification number 64611, be **AFFIRMED**, pursuant to O.R.C. §§ 124.03 and 124.14.

Casey - Aye
Lumpe - Aye
Tillery - Aye

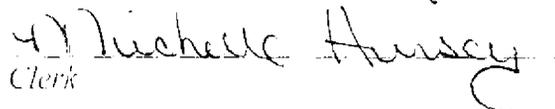



Terry L. Casey, *Chairman*

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, May 20, 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.

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

Kim Jenkins

Case No. 10-REC-09-0252

Appellant

v.

April 11, 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 December 13, 2010. Present at the hearing were the Appellant, Kim Jenkins, represented by Stanley J. Okusewsky III, Attorney at Law and Appellee Youngstown State University designee Michelle Craig, Manager of Human Resources Information Systems, represented by Komlavi Atsou, 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 Jenkins testified she began her employment with Appellee in December 2006 as a full-time temporary employee and on September 3, 2007, she became a full-time permanent employee in Human Resources. Since then, she has worked in the Employee Processing Center and in April 2008, she was classified as a Human Resources Analyst 1, then the title was changed to a Human Capital Management Associate. Appellant Jenkins' immediate supervisor is Michelle Craig.

Appellant Jenkins has no supervisory duties. The office is comprised of two other employees plus Ms. Craig.

Appellant Jenkins explained that the Employee Processing Center reviews and approves or disapproves every appointment or contract which is paid through payroll, prior to entry and processing of those appointments or contracts. She stated there are many different types of appointments and contracts with differing

standards and she is responsible for knowing the rules for the different types. Appellant Jenkins identified Appellee's Exhibit E, dated January 28, 2010, as the audit request form she completed. She testified that the information accurately describes her duties with the exception of completing STRS reports, as she no longer does that duty. She explained that BANNER is the software program she uses to enter contracts, deduction information, the person and the job. She is able to access reports and to create reports from this system, which enables her to catch errors.

Appellant Jenkins explained that she initials the paperwork and then it is forwarded to the Human Resources department for processing. She stated that her initials are not the final approval, they only indicate that she entered and checked the information. In order to make sure she has checked all information, Appellant Jenkins testified she goes through a work flow program.

Appellee's Exhibit A was identified as the audit result letter, dated August 31, 2010. Appellee's Exhibit B was identified as the determination result from her requested audit and Appellee's Exhibit H was identified as her position description from 2008, which Appellant Jenkins testified was not accurate as her duties have changed since then. Specifically, Appellant Jenkins stated she assists the payroll manager in resolving discrepancies and the majority of her work is with personnel actions. She does not create position descriptions, only checks them in the system to see if it matches the position that someone is going into. She reported that 80% of the time, the position description is incorrect so she has to call the department and get the problem fixed. Appellant Jenkins testified she does not have any duties associated with workers' compensation nor unemployment compensation. She does not select any candidates for employment and she does not do any recruitment. Appellant Jenkins does not work with the ADA or FMLA policies nor does she certify employee lists. She does track employees' military time.

On questioning by her counsel, Appellant Jenkins testified she is responsible for ensuring that appointments and contracts are entered correctly in the system. Sometimes other departments will call her to ask how much of a pay someone received or is still eligible for. She stated there are a lot of variables that she has to look at to make sure that the paperwork and entries are accurate. If she receives a notification that someone is due back pay, then she will check the system and release the back pay. She resolves issues with overpayments and she works with payroll and the general auditors. She does not track continuing education credits.

Appellant Jenkins stated she also does filing, routing and approving of personnel actions. In looking at Appellee's Exhibit J, Appellant Jenkins explained that she does "certifications" in that she runs lists of employees from the deduction codes she has, such as for the Ohio Education Association. She sometimes finds errors that affect department budgets, such as a wrong fund number, so she calls the departments to have them fix the error.

Michelle Craig is the Manager of Human Resources Information Systems and has been Appellant Jenkins' immediate supervisor since October 16, 2009. Ms. Craig testified that it is her responsibility to ensure that the Human Resources portion of the BANNER system is maintained. She explained that the BANNER system also consists of a financial portion, has student records in it and advancement. In looking at Appellee's Exhibit's I and J, the classification specifications for Human Capital Management Associate and Analyst, she testified that it is her opinion that Appellant Jenkins works with personnel actions and data management. She stated Appellant Jenkins collects data and does not analyze trends, does not plan workforce needs and does not implement action plans.

On examination from Appellant's counsel, Ms. Craig testified that Appellant Jenkins' approval indicates that it is fine to enter information into the system. She stated that Appellant Jenkins creates and manages lists, tracks information, files and routes information.

Carol Trube is the Manager of Classification and Compensation and she performed the audit of Appellant Jenkin's position. She testified she made the recommendation that Appellant Jenkin's was properly classified as a Human Capital Management Associate. Ms. Trube explained that in looking at Appellee's Exhibit I, the classification specification, Appellant Jenkin's duties fit the series purpose, glossary and class concept. It is her opinion that Appellant Jenkins works with only one sub-program and that is processing paperwork and entering personnel actions. She stated Appellant Jenkins has no authority to approve hires, that she approves the accuracy of the form and the rest is up to the department head or manager.

Ms. Trube testified she is the one with does position descriptions as they are in her computer. Appellant Jenkins does not approve position descriptions and does not even see the duties component of the position description, as Appellant Jenkins only sees the top part of a position description. Ms. Trube stated that certification lists are lists of employees who are certified in areas, such as those

employees who are certified to work with pesticides. Appellant Jenkins does not maintain nor process those certifications. Ms. Trube testified that there is a benefits department in human resources and they track and monitor workers compensation, disability and unemployment. Appellant Jenkins does not interview nor screen applicants; she does not maintain table of organizations or succession plans; she does not do any recruitment; she does not track claims or work with the ADA; and she does not do any employee evaluations. Ms. Trube stated Appellant Jenkins only works with one sub-program.

Appellee's Exhibit D was identified as her audit report. She explained that her report and recommendation goes to a review committee, who also makes a recommendation, and then it is all forwarded to the Chief for a determination.

FINDINGS OF FACT

Since there was no discrepancy from the witnesses as to the job duties performed by Appellant Jenkins, I find that the duties as described by Appellant Jenkins are, in fact, the duties that she performs.

CONCLUSIONS OF LAW

In looking at the classification specifications for Human Capital Management Associate (HCM Associate) and that of Human Capital Management Analyst (HCM Analyst) and comparing Appellant Jenkins' duties to those specifications, it is clear that Appellant Jenkins is properly classified as an HCM Associate.

The primary difference between the two classifications of HCM Analyst and Associate is that the higher classification, HCM Analyst, must perform two human resources sub-programs whereas the lower classification must only perform one human resources sub-program. The evidence has clearly established that Appellant Jenkins performs only one sub-program, that of personnel actions.

The classification specification itself defines in the Glossary section what is a sub-program. Of all those listed, Appellant Jenkins only does one – that of personnel actions. She does not do position descriptions, as Ms. Trube testified that those are in her computer and fall under her responsibility. Appellant Jenkins herself testified that she does not do workers' compensation, disability coordination, unemployment, health benefits, selection, recruitment, organizational design, FMLA,

ADA, or performance evaluations. There was no testimony or evidence establishing that Appellant Jenkins had any duties with regard to employee recognition or wellness programs.

Appellant Jenkins' recitation of her duties in her audit request all centers around "employment-related paperwork". That paperwork primarily consists of personnel actions in order to effectuate appointments, separations, promotions, reclassifications, supplemental pays, leave requests, etc. Appellant Jenkins does not initiate those actions, she processes those actions through the use of personnel actions. She ensures that all of the information is accurate and if she finds an error, she contacts the proper departments in order for them to correct the errors. Appellant Jenkins then, once she has ensured that all of the information is accurate, enters the data into the BANNER system. If any department or manager has a question on the paperwork, Appellant Jenkins answers those questions and assists in resolving problems. This comprises approximately fifty-percent of her duties. The other portions consists of processing vacation and sick leave and those payoffs for retirees. Once again, all of this relates to personnel actions.

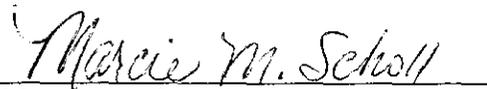
Appellant Jenkins argued that she processes position descriptions, which can be considered as another sub-program. The evidence established however, that Ms. Trube is the person responsible for creating position descriptions. Appellant Jenkins testified that she reviews the positions descriptions to determine if they match the position that she is completing the paperwork to put someone into. If she determines that the position description does not match the position, then she calls the department to let them know and the department then rectifies the problem. Appellant Jenkins does not create or change the position descriptions, she only reviews them. Therefore, her work on the position descriptions do not constitute another sub-program of duties for her.

Appellant Jenkins also argued that she does certifications, which would qualify as an additional sub-program. She testified that she runs lists from deduction codes and sends deduction reports, but she specifically testified that she does not do anything with a list of certified employees. Ms. Trube stated that certifications of employees are tracked, such as those employees who are certified to handle pesticides and there was no evidence that Appellant Jenkins had any duties with respect to such tracking. Appellant Jenkins argued that there is no definition of "Certifications" and while that may be true, none of the duties which she testified that she performs can be characterized as "certifications".

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Appellant Jenkins duties consist of processing and entering data into the BANNER system so that employees and contractors will receive their proper payment. There are many different categories of employees and Appellant Jenkins must know all of the different categories and process each of them differently, but she is still doing work on only one sub-program.

Therefore, it is my **RECOMMENDATION** that Appellant Jenkins is properly classified as a Human Capital Management Associate and that Appellee's audit determination be **AFFIRMED**.



Marcie M. Scholl
Administrative Law Judge

:mms