

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Patti Capelety,
Appellant,

v.

Case No. 11-REC-04-0119

Department of Administrative Services,
Human Resource Division/Comp and Workforce Planning,
and
Department of Rehabilitation and Corrections,
Grafton Correctional Institution

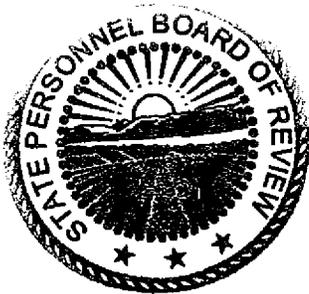
Appellee

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 be **RECLASSIFIED** to a Business Administrator 3, classification specification number 63317, following the first pay after her audit request on February 3, 2011, pursuant to O.A.C. § 123:1-7-15.



Casey - Aye
Lumpe - Aye
Tillery - Aye


Terry L. Casey, *Chairman*

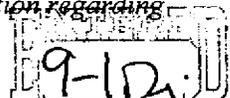
CERTIFICATION

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 constitutes ~~(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, September 1, 2011.


Diana Mills
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**

Patti Capelety,

Case No. 11-REC-04-0119

Appellant

v.

August 1, 2011

Dept. of Administrative Services, Human Resource Division/Comp
and Workforce Planning

and

Dept. of Rehab. & Corr., Grafton Corr. Institution,

Appellee

Christopher R. Young
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause came on for record hearing on July 27, 2011 at 11:00 a.m. Present at the hearing was the Appellant, Patti Capelety, who appeared *pro se*, and the Appellees, the Department of Rehabilitation and Correction, Grafton Correctional Institution was present through its designee, Amy Parmi, Staff Counsel, and the Department of Administrative Services was also present through its designee, Bobbi Lind, a Human Capital Management Senior Analyst, who offered testimony regarding the rationale of the audit. Also present at the hearing was the Appellant's immediate supervisor, Mohammad Yakubu, the Deputy Warden of Administration and Special Services, who offered testimony regarding the veracity of the Appellant's testimony.

On or about February 3, 2011, the Appellant, Patti Capelety, requested a job audit of her position as a Business Administrator 2, classification specification number 63316. On or about April 5, 2011, the Appellant, Patti Capelety, received the results of her job audit review request which notified her that her proper classification for her position was that of a Business Administrator 2. After receiving the job audit results, the Appellant timely filed her appeal to this Board on or about April 22, 2011. It should be noted that the aforementioned was stipulated to, as well as, the subject matter jurisdiction of this board was established.

Before proceeding onto the record hearing, the Appellant, Patti Capelety, stated that although she is presently classified as a Business Administrator 2, classification specification number 63316, she was seeking to be reclassified to the position of a Business Administrator 3, classification specification number 63317.

STATEMENT OF THE CASE

The first witness to testify was the Appellant, Patti Capelety, who explained that she has held her present position as a Business Administrator 2 for approximately the last 13 years at the Grafton Correctional Institution. Further, the witness testified that her immediate supervisor is Mr. Mohammad Yakubu, the Deputy Warden of Administration and Special Services, who has been her supervisor for approximately the last 18 months, as well.

The witness then identified Joint Exhibit 1, specifically on page 4 that outlined her job duties, and testified that 40% of her time was spent performing the following duties prior to requesting audit, during the audit process, as well as performing the same tasks today:

Manage, monitor and supervise operations of the business office, cashiers office, commissary, quartermaster, inmate/staff laundry and consolidated staff quartermaster. Meet daily with business and support staff to identify, prioritize and distribute workload for effective coordination of task among employees. Spot check work in progress and completed work (site visit, document reviews) to monitor status, progress and compliance operations to institutional and agencies directives, policies, certain occasions and safety, labor and audit standards. Confirm sequence, procedural instructions and methods are being followed and deadlines met. Develop and implement strategic plans to respond to unpredictable situations (i.e., fog plans, yard closures, emergency count) that occurred in a prison environment and impact operations. Analyze and evaluate operations business office and support services for quality and performance. Confirm all critical functions more efficiently, effectively provided to inmates, staff, vendors and other agencies. Meet at a minimum weekly with managers of the farm

operations, food service and maintenance to address operational concerns and review budget plan developed to meet their objectives. Provide direction by coordinating action items, assignment of tasks, necessary resources and monitoring milestones, time frames and deadlines for completion. Manage and direct expenses during planning insuring sufficient funds to accommodate objectives without impacting or disrupting normal operations. Provide weekly updates Warden and executive staff.

Further, the witness testified that 30% of her time was spent directly supervising, training and conducting evaluations on the following personnel in the business office and support services: Account Clerk Supervisor, Laundry Coordinator, Commissary Manager, Laundry Coordinator (Quartermaster). Additionally, the witness testified that she indirectly supervised three, Account Clerk 2s and two Storekeepers, while instructing employees on specific tasks and job duties, in addition to providing training and cross-training those individuals, as well. Moreover, the witness testified that she would also answer questions on procedures, policies and directives, all while approving leave, overtime and scheduling changes and training requests.

Ms. Capelety also explained that 20% of her time was spent performing the following tasks and job duties:

Responsible for planning, direction and supervision of all fiscal activities and functions of Grafton Correctional Institution, Grafton Correctional Camp and consolidated staff quartermaster operations (services uniformed staff for three institutions). Establish and enforce institutional specific procedures governing purchasing, accounts payable, payment card transactions, collection of receipts and requests for approvals to ensure accountability and compliance of fiscal activity to policies and procedures. Compile cost reports, monitor and reconcile all funds daily through use of state accounting systems (OAKS, CACTUS) and internal accounting systems to accurately identify available funds. Oversee, supervise and authorize every receipt, disbursement and purchase transactions processed through the thirteen (13) allocated funds, one (1) grant fund, six (6) inmate group funds and the twelve (12) internal funds. Authorize or deny

transactions after reviewing documentation to ensure all required information and relevant documentation has been submitted, verify appropriateness of expense and presence of authorized signatures for accountability purposes. Determine and assign proper budget/fund for expenditure or deposit, verify availability of funds to support financial obligation. Compile data from various sources, organized into statistical reports to forecast discretionary funding availability, identify spending trends and detect variances in historical expenses. Use reports to plan and direct food service, maintenance, farm operations, staff quartermaster, medical, mental health, education, recovery services, employee housing, education, religious services, recreation, inmate payroll budgets, and the institution's operating budget. Prepare statistical and analytical budgetary reports required or requested by the Warden and Central Office. Provide fiscal reports, analysis, projections, recommendations and direction on cost saving to Warden. Identify and communicate to Warden fiscal concerns regarding current or proposed projects and/or programs. Prepare, submit and coordinate all budget adjustment requests, equipment requests, requests for temporary services, personal service contracts to Central Office. Act as a liaison for all business/fiscal communications with vendors, contractors, Central Office, Ohio Shared Services, OBM, audits and governmental agencies. Handle inquiries from the inmate's families and visitors, as well.

Lastly, the witness testified that the remaining 10% of her time was spent participating in development and revision of institutional policies, performing yearly policy reviews on fiscal and support service policies, along with preparing and executing employee housing contracts and capital improvement requests. Further, the witness explained that she also would coordinate with garage/fleet staff to provide for vehicle needs, supervise the asset inventory, and serving on the I & E and the library committees. The witness testified further that she also serves as the Collections Designee, acting Deputy of Administration, Critical Incident Manager Section Chief and Hearing Officer, as well.

Further, the witness testified that she works in the fiscal operations office at the Grafton Correctional Institution working Monday through Friday from 8 AM to 4:30 PM on the flextime schedule. Additionally, the witness testified that she also

has in addition to the duties she described above, the responsibility of the fiscal operations of the RTU (Residential Treatment Unit), or separate special needs group, that pulls inmates from Northeast Pre-release and Lorrain, as well. Moreover, when questioned, the witness testified that the inmate population at Grafton Correctional Institution is approximately 1530 and is described as a medium to minimum security level that also includes the farm camp.

Upon questioning by Ms. Parmi, the witness agreed that some of the previous warehousing duties that she performed, and/or staffing responsibilities now fall under Lorain Correctional Institution under shared services. However, the witness did restate that Grafton Correctional Institution under shared services is in charge of uniforms and the garage fleet for Northeast Pre-release that has an inmate population of 546, Lorrain Correctional Institution that has an inmate population of 1786, as well as Grafton Correctional Institution that has an inmate population of approximately 1530. Moreover, the witness testified that there is no programming at Northeast Pre-release or Lorain Correctional Institution and that all the programming functions are carried out under her duties and oversight in the fiscal operations office, in addition to the internal programs of vocational schooling, welding, auto repair, industrial arts, shoe shinning, barber shop and arts and crafts. The witness testified that these internal programs generate monies that go back into the institution to be purchased on behalf of the inmate population, such as group TV room and/or the like, that all needs to be accounted for under her direction, as well.

The next witness to testify was Mr. Mohammad Yakubu, the Deputy Warden of Administration and Special Services at the Grafton Correctional Institution, in the Appellant's direct supervisor for approximately the last 18 months. Further, the witness testified that prior to holding his present position he was the Institutional Investigator for approximately 10 years, as well. Specifically, when questioned, if the testimony regarding her job duties and/or responsibilities were accurate, Mr. Yakubu answered in the affirmative, as he was in the hearing room and heard the same. While the witness testified that the Appellant's testimony was correct he did clarify a couple of points with respect to the fact that work Ms. Capelety performs is extremely complex, and also includes the farm camp, and rental units (4) and the contracts to those places which other institutions do not have.

There was no questioning by either Ms. Parmi or Ms. Lind.

The last witness to testify was Ms. Bobbi Lind, a Human Capital Management Senior Analyst for the Department of Administrative Services, a position she has held for the last 23 years, and the person who conducted the audit of the Appellant's position. When asked to explain her rationale of the audit, the witness identified Joint Exhibit 1, as a report that she submitted on about April 4, 2011. When questioned, the witness testified that when she looked at the class concept of the Business Administrator 2 classification specification it states that employee plans, directs and coordinates all fiscal and some or all support services operations of a small or medium-sized school, agency or institution, whereas the Business Administrator 3's classification specification specifies that these duties are to be performed in a large institution. Further, the witness testified that according to the Department of Rehabilitation and Corrections developed criteria by which they classify institutions is by inmate population. According to the chart, the witness reasoned that institutions categorized as small have inmate populations between 125 and 780 inmates; medium size institutions have inmate populations between 1300 and 1900 and inmate populations at an institution classified as large ranges from between 2000 and 2800. It was noted by the witness that the inmate population at Grafton Correctional Institution was documented as having inmate population of 1450, clearly within the medium range. Moreover, the witness testified that she also use ranges established by the Warden (6144) classification series to further define the parameters of the size of an institution. The glossary defines the following terms:

Small to medium institution: inmate population of less than 1,000
Medium to large institution: inmate population of 1,000 up to 1,999
Large size institution: inmate population of 2,000 or more

As such, the witness testified that after reviewing all the relevant information, there was nothing under dispute regarding the duties which were performed by the Appellant, but there was evidence to support that Grafton Correctional Institution was a medium, not a large institution, therefore she found the Appellant was properly classified as a Business Administrator 2.

However, upon further submission by the Appellant, as Appellant's Exhibit 2, documentation revealed that at least 10 correctional institutions throughout the state of Ohio had inmate populations less than Grafton Correctional Institution and that they all had Warden 3s (designated as large institutions) and Business Administrator 3s, as well.

FINDINGS OF FACT

There were no real discrepancy between the Appellants' characterization and the duties that she performed and those of the testimony of her direct supervisor, Mr. Mohammad Yakubu, the Deputy Warden of Administration and Special Services at the Grafton Correctional Institution. Therefore, I find as a matter of fact, the Appellant performed the duties about which she testified.

CONCLUSIONS OF LAW

This Board is required to perform several functions when determining the most appropriate classification for an Appellant coming before it. The Board must always review relevant classification specifications to determine which classification best describes the Appellant's actual job duties for the pertinent period of time. *Ford v. Ohio Department of Natural Resources* (1990), 67 Ohio App. 3d 755. In making this determination, the Board considers the classification specification and the job duties outlined therein, as well as the percentages of time the Appellant devotes to each group of job duties. *Klug v. Ohio Department of Administrative Services* (May 19, 1988), Franklin Co. 87AP-306, unreported, 1988 WL54277. This Board's consideration is not solely limited to the duties contained within the classification specification, but may also embrace other relevant facts submitted by the effected parties. *Gordon v. Ohio Department of Administrative Services* (March 31, 1988), Franklin Co. 88AP-0122, unreported, 1988 WL37094.

As a general rule, the Appellant seeking a reclassification to a higher position must demonstrate that his or her respective job duties substantially satisfy those of the higher classification. *Mounts v. Ohio Department of Administrative Services* (1984), 17 Ohio App. 3d 125; *Deist v. Kent State University* (May 23, 1987), Franklin Co. 87AP-28, unreported.

As previously mentioned, the Appellant, Patti Capelety, stated that although she is presently classified as a Business Administrator 2, classification specification number 63316, she was seeking to be reclassified to the position of a Business Administrator 3, classification specification number 63317. After a thorough review

of the above mentioned classifications, it is my recommendation that the Appellant should be reclassified to the position of a Business Administrator 3, classification specification number 63317.

The classification specifications considered by the undersigned Administrative Law Judge were the Business Administrator 2, classification specification number 63316 and the position of a Business Administrator 3, classification specification number 63317. When reviewing the duties and/or responsibilities of both of the above named classification specifications essentially there was no difference as both classification specifications call for one plan, direct and coordinate the business office work functions, as well as all fiscal activities and support services, while supervising assigned staff. However, what was the main difference between both the classification specifications of a Business Administrator 2 and Business Administrator 3, was that for a Business Administrator 2 it called for one who provides the above job duties for a small or medium-sized agency/institution, as opposed to a Business Administrator 3 who is provide the same for a large agency/institution. It should be noted that in the classification series of a Business Administrator nowhere is it defined what constitutes a small, medium or large institution. However, Ms. Lind, the representative from the Ohio Department of Administrative Services, in her analysis and rationale, looked to the Warden (6144) classification series which defined the following terms in its glossary:

Small to medium institution: inmate population of less than 1,000
Medium to large institution: inmate population of 1,000 up to 1,999
Large size institution: inmate population of 2,000 or more

Ohio Administrative Code section 123:1-7-15 states in pertinent part:

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 shown set forth the mandatory duties that must be satisfied at least 20% of the time, unless otherwise stated in the class concept.

While Ms. Lind reviewed the institution's comparison/characteristics chart (See Joint Exhibit 1) submitted by management that revealed inmate populations in the various institutions throughout the state that ranged from 125 to 2800 inmates,

which categorized institutions as small, medium or large. It was noted that the inmate population at Grafton correctional institution was approximately 1500, or clearly within the medium institution population range. But on the other hand, that comparison/characteristics chart, under the undersigned Administrative Law Judges' consideration, was an incorrect yardstick in which to measure inmate population, as in the Warden's classification series, which defines inmate populations (the only specific definition that can be found) of a medium to large institution as inmate population of 1,000 up to 1,999. Thus, it can be said and reasoned that Ms. Capelety was working in an institution which would be specifically defined as a medium to large institution.

Looking to Ohio Administrative Code section 123:1-7-15 for further guidance states that the class concept shall set forth the mandatory duties that must be satisfied at least 20% of the time. In the case at bar, it is unquestioned that Ms. Capelety was performing the mandatory duties as stated in the Business Administrator 3 classification specification. Further, evidence was introduced via Appellant's Exhibit 2, that at least 10 correctional institutions throughout the state of Ohio who clearly in the institution's comparison/characteristics chart (See Joint Exhibit 1) submitted by management that revealed inmate populations, that were characterized as small institution populations, all had Warden 3s and Business Administrator 3s. While pursuant to Ohio Administrative Code section 124-7-03 (E) regarding the procedure in reclassification appeals, specifically stating that evidence of disparity in the classification of co-workers is not admissible, the undersigned concludes that this rule should not be applied in this matter, as this was not one co-worker to another co-worker same institution, but Department wide throughout the state, and how the Department handled its own affairs. Additionally, as previously mentioned, one could reason that Ms. Capelety was working in an institution which would be specifically defined as a medium to large institution. As such, for the undersigned to find and conclude that Ms. Capelety was working in an institution which would be defined as small to medium as called for in the classification specification of a Business Administrator 2, would be incorrect as Grafton Correctional Institution had an inmate population of well over 1,000, approximately 1500, which would lead to inequitable results, as well.

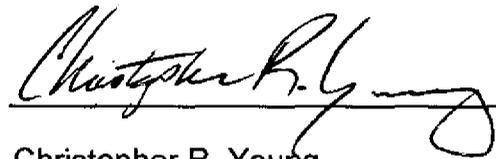
Therefore, in order to make a determination which classification specification best fit Ms. Capelety, the undersigned considered testimonial evidence, as well as the documentary evidence contained within the case file regarding her job duties and responsibilities. After a thorough view the above noted classification

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specifications, and is my recommendation that the Appellant should have been properly classified as a Business Administrator 3, classification specification number 63317.

RECOMMENDATION

Therefore, it is my respectful **RECOMMENDATION** that the Appellant, Ms. Patti Capeley should be **RECLASSIFIED** to the position of a Business Administrator 3, classification specification number 63317, following the first pay. after she sent in her audit request on February 3, 2011.

A handwritten signature in cursive script, reading "Christopher R. Young", written over a horizontal line.

Christopher R. Young
Administrative Law Judge

CRY: