

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

ROCHELLE LAWLESS,

Appellant,

v.

Case No. 11-REC-11-0372

OHIO UNIVERSITY,

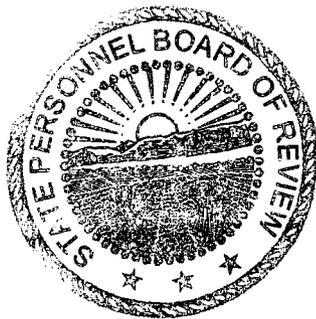
Appellee

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 an Administrative Associate be **AFFIRMED**, pursuant to Ohio Revised Code §§ 124.03 and 124.14.



Casey - Aye
Lumpe - Aye
Tillery - Aye

A handwritten signature in black ink, appearing to read "Terry L. Casey", is written over a horizontal line. Below the line, the text "TERRY L. CASEY, CHAIRMAN" is printed in a serif font.

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, December 20 2012.

A handwritten signature in black ink, appearing to read "Dianna Mill", is written over a horizontal line. Below the line, the word "Clerk" is printed in a serif font.

Clerk

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

12-20-12

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

Rochelle Lawless

Case No. 11-REC-11-0372

Appellant

v.

October 5, 2012

Ohio 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 May 30, 2012. Present at the hearing were the Appellant, Rochelle Lawless, appearing *pro se* and Appellee Ohio University designee Heather Humphreys, Senior Compensation Analyst, represented by Julie B. Smith and Matthew J. Karam, Assistant Attorneys General.

The jurisdiction of the Board was established pursuant to sections 124.03 and 124.14 of the Ohio Revised Code.

STATEMENT OF THE CASE

Appellant Lawless testified she has been an Administrative Associate, Level C, in the College of Business' Department of Accounting and Finance since 2002. She has been an employee of Ohio University for eighteen years. Her immediate supervisor is the Chair of the Department, Dr. Constance Esmond-Kiger. Appellant Lawless filed a job audit request seeking to be reclassified to an Administrative Coordinator, Level D.

Appellant's Exhibit A was identified as the Job Information Questionnaire (JIQ) she completed as part of the job audit process. She testified that the job duties in the JIQ are still current but added that since June 1, 2011, she has additional duties within the finance department that are not included in the JIQ. Appellant's Exhibit B was identified as an email Appellant Lawless received from Human Resources explaining why she was denied the reclassification she sought to Administrative Coordinator. Appellant's Exhibit C was identified as a Classification

Review Form which was completed as part of the appeal process. Appellant's Exhibit D was identified as the job duties and qualifications for the Administrative Coordinator and the Administrative Associate position. Appellant's Exhibit E was identified as two Ohio University job postings for Administrative Coordinator which were posted after Appellant Lawless was denied her reclassification.

Appellant Lawless testified she works with twenty-seven faculty members and she is the only Administrative Associate in the department. Approximately fifteen to twenty percent of her time is now comprised of the finance duties. Those duties consist of working with a student management group and inputting into a computer system expenses and room schedules. She also works with an Advisory Council, comprised of thirty-six people. Twice a year the Council meets and a banquet is held annually. Appellant Lawless stated she is in charge of planning the banquet, which is attended by four accounting firms and alumni. She is responsible for securing a room, reserving hotel rooms, planning the reception and ordering food for the meals. She stated she does all of those tasks independently. Appellant Lawless also testified she plans another banquet for approximately 175 to 200 Beta Alpha Psi fraternity members. She prepares all of the special recognition certificates and plaques. Appellant Lawless testified that her event planning duties comprise approximately twenty percent of her time and that it seems to consume more time every year.

Some of Appellant Lawless' remaining job duties include supervising student workers, registering students and setting up their schedules, ordering supplies for the department, entering travel receipts into the computer system so that faculty can be reimbursed, keeping all departmental files (including confidential documents), scheduling classrooms for academic classes, assisting faculty in registering for conferences, acting as a liaison between the Department and accounting firms, assisting in the planning of advisory council meetings and running the other daily administrative functions of the Department.

Appellant Lawless testified that the Accounting and Finance Department has written policies and procedures and that she has assisted in creating some of the policies and procedures. She stated she does not create any financial reports from scratch but that she prints off reports from the computer and analyzes and formats them in a way that can be understood by the person requesting the financial report. She testified she supervises student workers but no full time employees.

Appellant Lawless identified Appellee's Exhibit 13 as her completed JIQ. Appellee's Exhibit 15 was identified as the letter she received telling her of the denial of her upgrade. Appellee's Exhibit 16 was identified as a document advising her of the different appeal options she had. Appellee's Exhibit 17 was identified as an outdated resume of Appellant Lawless.

The next witness called was the Appellant's immediate supervisor, Dr. Constance Esmond-Kiger. She has been employed by Appellee for thirteen years and has been the Director of the department for five years, which is the amount of time she has supervised Appellant Lawless. Dr. Esmond-Kiger testified she often discusses the need for new policies and procedures with Appellant Lawless and that Appellant Lawless is very creative and comes up with some great ideas. She testified Appellant Lawless has saved her a great amount of time and trouble since she took over the duty of approving certain reports.

Dr. Esmond-Kiger stated she is an advisor to Beta Alpha Psi which necessitates her taking between two to four trips a year and Appellant Lawless handles all of her arrangements as well as booking flights for students. Dr. Esmond-Kiger described the office as a whirlwind of activity with lots of demands from the students and faculty which Appellant Lawless manages. Appellant Lawless handles all of the administrative duties and Dr. Esmond-Kiger does the programmatic tasks. She stated Appellant Lawless approves the Concur reports and resolves all the problems related to those reports before forwarding it to Dr. Esmond-Kiger. Dr. Esmond-Kiger testified that even if Appellant Lawless were to be reclassified to a higher classification, there would still be a requirement that the reports be finally approved by her.

The next witness called was Heather Humphreys. She testified she works for Human Resources at Ohio University in the Compensation Department and that she completed the job audit for Appellant Lawless' reclassification request. Ms. Humphreys identified Appellee's Exhibit 11 as her notes from her JIQ analysis of the position and interviews of the Appellant and her supervisor. Appellee's Exhibit 14 was identified as her reasons for finding that the position should not be reclassified to an Administrative Coordinator. She testified that the reasons for not reclassifying the position were that Appellant Lawless did not create new policies and procedures; she did not train, supervise, or evaluate employees; she did not control the budget; she did not act in the absence of the Chair to perform non-routine administrative duties on her behalf; and she did not reach the level of event

planning that is within the duties of an Administrative Coordinator. Ms. Humphreys identified Exhibits 3 and 4 as the standards for the Administrative Coordinator and Administrative Associate classifications.

FINDINGS OF FACT

After thoroughly reviewing the testimony of the witnesses and the documents admitted into evidence, I find no discrepancy in Appellant Lawless' testimony regarding her job duties. Therefore I find that the duties as described by Appellant Lawless are, in fact, the duties she performs.

CONCLUSIONS OF LAW

After reviewing the classification and qualification standards for the Administrative Coordinator and Administrative Associate classifications, the best fitting classification for Appellant Lawless is an Administrative Associate. There is not much difference between the two classifications, but the differences that are there are significant.

There is no dispute that Appellant Lawless performs all of the duties and has the qualifications of an Administrative Associate; therefore, it was the standards and qualifications of the Administrative Coordinator classification that were analyzed. The job summary for that classification states as follows:

Under administrative direction, the highest level classification in the administrative support series has broad decision making authority, judgement and independence, and originates new concepts or approaches, policies and procedures and directs their implementation. This classification requires extensive knowledge of business administration and office practices and procedures in order to perform complex duties in supporting operations of a department or unit, and coordinates, directs, and manages special programs, functions, and activities. Supervision of this classification is generally in the form of program objectives and target dates. The position trains, directs, supervises and evaluates the work of others, and is highly accountable for the work of the unit.

Appellant Lawless basically runs the office for her supervisor, Dr. Esmond-Kiger. She takes care of all the administrative functions so that Dr. Esmond-Kiger can concentrate on the programmatic aspects. While Appellant Lawless seems to be a very capable and valued employee, the fact is that her job duties do not place her into the higher classification. While she does have broad decision making authority, judgement and independence, she only has that authority for one-half of the entire picture, that being the administrative portion. There was no evidence to establish that Appellant Lawless creates policy independently, as the testimony was that she and Dr. Esmond-Kiger collaborate and even though Appellant Lawless is creative, the policy creation is still left to Dr. Esmond-Kiger. There was no evidence that Appellant Lawless “coordinates, directs and manages special programs, functions and activities”. She does plan the annual banquet for the advisory council and the fraternity, and while that is a huge undertaking, that function does not qualify as a “program”. All of her duties go toward the support of the programs within the department.

Although Appellant Lawless has much independence in her work, there was no testimony to show that Dr. Esmond-Kiger gives her assignments in the form of program objectives. They confer on all aspects of the administrative functions but not on the programmatic functions. Appellant Lawless also does not train, supervise or evaluate the work of any full-time employees, as student employees do not fulfill the requirement of supervision. While Appellant Lawless is accountable for the work she does on the administrative side, she is not “highly accountable for the work of the unit” as that would be Dr. Esmond-Kiger.

With respect to the budgets, there was no testimony that Appellant Lawless prepares the budget, as is listed as a principal duty on the standards for the Administrative Coordinator classification. The evidence established that she monitors the budgets and maintains accountability for certain expenditures, but she does not prepare the department’s budget.

This was a difficult decision to make as Appellant Lawless does a large quantity of work and for a large number of faculty. She is responsible for keeping the work flowing in and out of the office and for assisting the faculty in all of their support functions. Her responsibilities allow Dr. Esmond-Kiger time to take care of all of the programmatic functions. In looking, however, at the qualitative aspects of the duties, they do not rise to the level of an Administrative Coordinator since the duties do not encompass any of the programmatic functions. It does seem as if the department is large enough to accommodate another support staff and then Appellant Lawless could be given higher level duties which would qualify her for an upgrade. While this Board cannot look at other positions and compare them in order to determine an employee's classification, the list of departments having an Administrative Coordinator, does seem to indicate some disparity between departments. That being said, the best description of Appellant Lawless' duties is found in the Administrative Associate classification as she performs all the duties listed and meets the function statement or the job summary statement.

Therefore, based on the above analysis, it is my **RECOMMENDATION** that Appellee's determination that Appellant Lawless is properly classified as an Administrative Associate be **AFFIRMED**.



Marcie M. Scholl
Administrative Law Judge

:mms