

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

ROSA M. VEGA,

Appellant,

v.

Case No. 11-REC-12-0418

YOUNGSTOWN STATE UNIVERSITY,

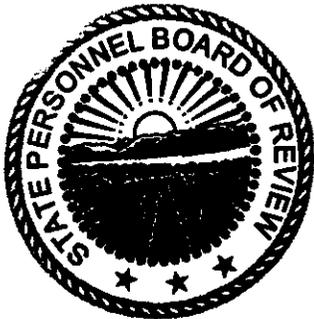
Appellee

ORDER

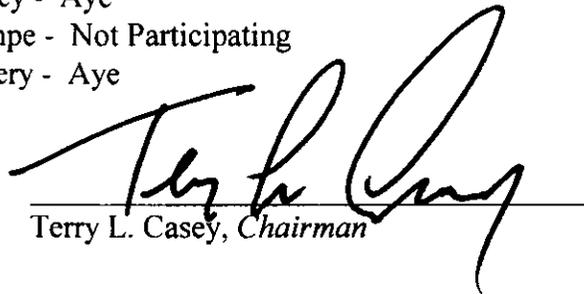
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

After a thorough examination of the entirety of the record, including 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 reclassification of Appellant's position to Customer Service Assistant 1, 64431, is **AFFIRMED**, pursuant to Ohio Revised Code Sections 124.03 and 124.14.



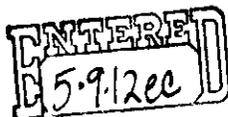
Casey - Aye
Lumpe - Not Participating
Tillery - Aye


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, May 09, 2012.




Emily E. Cowd
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**

ROSA M. VEGA,

Case No. 11-REC-12-0418

Appellant

v.

March 30, 2012

YOUNGSTOWN STATE UNIVERSITY,

JAMES R. SPRAGUE

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This case came to be heard on February 24, 2012. Present at the hearing was Appellant, who was represented by Stanley J. Okusewsky, III, Attorney at Law. Appellee, Youngstown State University (YSU), was present through its designee, James Stanger, Associate Director of Technology and Systems Support with the YSU Office of Financial Aid and Scholarships. YSU was represented at hearing by Timothy M. Miller, Robert E. Fekete, and Brandon R. Gibbs, Assistant Attorneys General.

This cause came on due to Appellant's December 22, 2011 timely filing of an appeal from a position audit determination issued December 12, 2011 and received December 17, 2011. Upon completion of the audit, YSU determined that Appellant's position was best classified as Customer Service Assistant (CSA) 1, 64431. Appellant indicated at hearing that she believes that the CSA 2, 64432 classification provides a better fit with the duties that she is performing.

Apparently, the classification (or at least the classification title) of the position that Appellant had held, classified as Student Service Counselor, is no longer utilized. It also appears that, at some point in the recent past, Appellant may have "bid" on her current position, which was (re) classified (or re-titled) to CSA 1 following the above-referenced position audit.

By agreement of the parties, post hearing submissions were filed on or before March 26, 2012 and the record was then closed.

Jurisdiction over the subject matter of this appeal was established pursuant to R.C. 124.03 and R.C. 124.14.

CONSOLIDATED STATEMENT OF THE CASE AND FINDINGS OF FACT

At hearing, three witnesses testified. First to testify was **Rosa M. Vega, Appellant**. Next to testify was **James Stanger**, Associate Director of the Technology and Systems Support with the Office of Financial Aid and Scholarships. Last to testify was **Carol Trube**, YSU Manager of Classification and Compensation.

Appellant began her testimony by indicating that she will have been an employee of YSU for 15 years as of August 2012. She has been with the Financial Aid office for the entirety of her tenure at YSU.

Appellant stated that her principal location of work is at the front desk of the office on the second floor of Meshel Hall. She averred that, from that location, she assists students to get financial aid and to be ready for the current or the upcoming semester. She noted that a previous CSA 1 in the office, Cheryl Levy, retired and noted that Marilyn Britt is now one of two CSA 1s in that office, along with Appellant.

Appellant's principal duties include answering inquiries from students and from the staff of her office and other departments regarding initial or continuing financial aid eligibility and interacting with students, staff of her own office, and particularly staff of other departments regarding initial and continuing eligibility for federal or other Work Study.

There is a dispute in the testimony between Appellant and Mr. Stanger both as to whether Appellant is required to stay at the front desk and whether Appellant is prohibited from using the telephone regarding inquiries. This includes a dispute in the testimony regarding whether Appellant is allowed to leave the front desk to provide assistance at any outlying office/financial aid work station away from the front desk.

Correspondingly, there is a dispute in the testimony as to whether Appellant is authorized to contact any outside entity (*i.e.* the United States Department of Education) regarding providing information or furthering an inquiry. As well, there appears to be a question in the record regarding whether Appellant has been trained concerning making such contacts. Finally, there is a dispute in the

testimony as to whether Appellant is permitted to engage in in-depth analyses of financial aid problems or should, instead, always schedule such matters with a financial aid counselor.

Appellee's Exhibit 4 is the YSU Classified Civil Service Position Audit Request Form submitted by Appellant and received by the YSU Office of Human Resources on April 6, 2011. On pages 2 and 3 of that Exhibit, Appellant provides a detailed breakdown of the duties she performed.

Appellant offers that for 70 percent of her time, she performs the following duties:

Counsel and advi[s]e students about financial aid eligibility, application procedures, aid programs, costs, indebtedness, money management and individualize information to the particular needs and situation of the student.

Review verification documentation or information provided by the student or parent that substantiates the information that was provided on the FAFSA [Free Application for Student Aid] application.

Answers questions, inquiries, or requests from students, parents, regarding financial aid or other university related issues.

Counsel and advi[s]e students on matters pertaining to the state and federal regulations, policies, and compliance standards as it applies to Youngstown State University.

Explain applicant process "award cycle" and answer questions relating to Financial Aid and Scholarship Award process to students and parents.

Interface with students and/or other departments within the university to resolve financial aid issues.

Assist in relating Financial Aid & Scholarship information to departments – (see exhibit A) [not included with Appellee's Exhibit 4].

Translate financial procedures/policies to Hispanic students and their non-English speaking parents – (see exhibit B) [not included with Appellee's Exhibit 4]

Advises students in regard to Federal Parent Plus Loan eligibility factors.

Assists students with completing various financial aid forms. Offer detailed explanations as to questions they pose concerning financial aid procedures.

Assists students with their entrance and exit loan interviews inside the Financial Aid Work station.

Additional duties as needed.

Appellant also offers that for 30 percent of her time, she performs the following duties related to federal work study:

Responsible for maintaining federal work study applications. Maintain records to ensure that earnings of a student, with a predetermined earnings limitation of FWS wages, are not exceeded. These records include a total of student earnings for each payroll period and the remaining balance.

Terminate (via email – see exhibit C) [not included with Appellee's Exhibit 4] the student's employment when his/her earnings limitation is reached and/or the department's allocation is exhausted. If departmental funding is sufficient to permit the student to maintain employment in the department, resubmitting a new "on-campus" application authorizing the student to transfer to their departmental accounts (submit paperwork to Student Life).

Assist to provide federal work-study information to Youngstown State University students and departments while ensuring compliance with various federal, state, and institutional regulations.

Represent Office of Financial Aid & Scholarships by participating in outreach programs such as Campus Programs for incoming freshmen (approved by supervisor) – (see exhibit D) [not included with Appellee's Exhibit 4]

Assist "off campus" employers in submitting employees' time sheets are [sic] to the Payroll Office.

Assist departments securing student workers at Youngstown State University by calling (at department's request) and sending qualified students (GPA, FWS Need base, etc.) – (see exhibit E) [not included with Appellee's exhibit 4]

Inform departments of missing Federal Work Study information and why applicant's application can/could not be process[sic] (see exhibit E) [not included with Appellee's Exhibit 4]

Create a date [sic] base "waiting list" (no longer done) to inform departments of where they stand in the "hiring' process of a Federal Work Study student (see exhibit G) [not included with Appellee's Exhibit 4]

Perform all other duties as assigned.

On page 4 of her component of the Position Audit Request Form, Appellant states:

The position that I know [sic] hold of "**Student Services Counselor**" no longer exist [sic] and was eliminated over 2 years ago – because of this, I chose to do a Job Audit.

Based on the information provided, I believe that I should be classified to **Customer Services Assistance [sic] 3.**

Thanking you in advance.

Appellant offered three exhibits into the record and provided testimony on each. Appellant's Exhibit B is comprised of several screen shots of the screens that

Appellant's office utilizes to track activity and employee actions regarding pertinent students and financial aid.

Appellant provided a narrative regarding these screens. She averred that a particular student had submitted a FAFSA and the results came back that the student's name did not match his Social Security Number (SSN). The student offered to Appellant that his name was correct on the submission and that this was the SSN that he had been using for five years (according to the screens) / seven years (according to the testimony).

The student did not have his Social Security Card with him but it was with his mother in Alaska. Appellant's call to the Social Security Administration was unproductive. Appellant also called a representative from the organization administering the FAFSA but was still unable to resolve the issue.

Appellant was finally able to contact the student's mother in Alaska and it turned out the student had used an incorrect SSN for several years. Appellant went to the Admissions Office, the correct SSN was inputted, the FAFSA was accepted, a new PIN number was created, and the FAFSA came back completed.

Appellant's Exhibit D is comprised of a screen shot and an e mail with a note written on it. Appellant described this situation as one where the student had been in a non-attendance status. The student's cancer, which had prompted the student's non-attendance, later went into remission and the student wanted to again matriculate.

The student owed \$261 and it needed to be paid before the account could be cleared of a default. Appellant helped coordinate the effort with a representative of the United States Department of Education whereby the student's father chose and was able to pay the entire amount through use of a debit card wire transfer. The account was then determined to no longer be in default and when Appellant received this information, she contacted the father, who was very thankful.

Appellant's Exhibit C is an e mail sent from Cheryl Coe, another YSU employee, to Appellant asking for assistance concerning the appeal of a particular student who was trying to achieve satisfactory hours while also facing a very challenging domestic situation. Appellant offered that this was another example, not out of the ordinary, where Appellant helped to resolve a problem.

Carol Trube provided an overview of the YSU position audit process. She also offered testimony regarding YSU's rationale for assigning the CSA 1 class to Appellant's position and the analysis that she utilized to reach that determination.

Ms. Trube offered that the **CSA 1** class concept indicates that the incumbent is to have *basic knowledge* of office practices and procedures, state and/or federal law and applicable policies, legal interpretations, and procedures governing operations of the assigned unit or agency. The incumbent is to provide basic/routine information to internal and external customers and is to resolve basic/routine complaints from internal and external customers through various means of communication including acting as front/main desk receptionist. The class concept states these processes *do not require in-depth knowledge* of the afore-mentioned practices and procedures, state and/or federal laws *et cetera*.

Ms. Trube contrasted this with the main component of the **CSA 2** class concept. Here, she noted, the incumbent is to have *considerable knowledge* of office practices and procedures, state and/or federal law and applicable policies, legal interpretations, and procedures governing operations of the assigned unit or agency. The incumbent is to respond to inquiries, requests for information, and/or complaints that *do require in-depth knowledge* of the afore-mentioned practices and procedures, state and/or federal laws, *et cetera* as they pertain in a given situation.

Ms. Trube offered that her examination of Appellant's duties yielded a conclusion that Appellant did not exercise the considerable knowledge or the in-depth knowledge required by the CSA 2 class concept. She further noted that Appellant verifies and certifies or signs off on work study data and then the Executive Director of Student Life has approval authority for same pursuant to YSU audit requirements. She also stated that Appellant does not cross train for other units.

Based on the testimony presented and evidence admitted at hearing and upon the parties' post hearing submissions, I make the following Findings:

First, I note that I incorporate, herein, any finding set forth, herein, whether express or implied.

Next, I find that that there is little dispute about the core duties and percentage of time Appellant spends performing same. As such, I adopt the percentages for same set forth, above.

It further appears that Appellant performs a variety of duties that take her away from the front desk. These include conducting information gathering with outside entities, as well as assisting students away from the front desk with a variety of FAFSA-related issues. Appellant, of course, performs a large percentage of her work at the front desk.

This includes assisting students with FAFSA inquiries and work study eligibility questions and assisting students concerning what departments might have openings for work study candidates. This front desk activity also likely includes Appellant's interfacing with YSU academic departments regarding student eligibility in relation to work study position availability.

It also appears that the bulk of the duties that Appellant performs constitute duties that require "basic" knowledge, as opposed to "in-depth" or "thorough" knowledge of the pertinent subject matter with which Appellant deals on a daily basis or periodic basis.

It must be noted that, due to the years Appellant has spent with this subject matter, she has likely developed more subject matter expertise than the archetypical CSA 1. Further, Appellant's drive to provide a full and satisfactory customer service experience has likely allowed her to gain exposure to areas and personnel from other entities she might not have otherwise encountered.

Nonetheless, it appears that the requisite bulk of Appellant's job duties do not require use of thorough or in-depth knowledge.

We note that Appellant's leaving the front desk area and spending time on the telephone to ensure a complete customer service experience appear to go beyond the duty sets and job location that Appellee has contemplated for Appellant or for any other front desk CSA 1 at Appellant's office. This issue, itself, is not one for consideration by this Board at this time.

To be equitable in our treatment of the parties, it should be noted that Appellee also has contemplated a complete and satisfactory customer service

experience for the customers of Appellant's office; through expressly utilizing a division of labor. This would include other employees than the front desk CSA 1s answering the telephone and assisting FAFSA applicants away from the front desk with additional questions or concerns, as well as providing financial aid counselors to further assist students with more complex or more difficult subject matter questions.

Finally, we note that the record reflects that Appellant does refer students to the financial aid counselors on a regular basis. This is, of course, consistent with the job duties set forth in the CSA 1 specification.

CONCLUSIONS OF LAW

This case presents this Board with the question of whether Appellant's position is more properly classified as a Customer Service Assistant 1, 64431 or a Customer Service Assistant 2, 64432? Based on the findings set forth, above, and for the reasons set forth, below, this Board should answer that Appellant's position is more properly classified as a CSA 1 and, so, should affirm Appellee's position audit determination that reclassified Appellant's position to CSA 1.

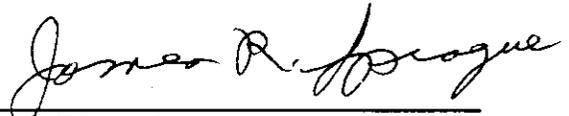
In performing the requisite bulk of her duties, as noted, above, Appellant must utilize a basic knowledge of her subject matter. Even in Appellant's journeys away from the front desk, it appears that a majority of those duties do not require Appellant to utilize thorough or in-depth knowledge of the subject matter of her work.

Appellant's performing of these "special" tasks appears to constitute only a moderate percentage of Appellant's overall work. Further, it appears that only a small percentage of her "special" tasks might require Appellant to utilize a "thorough" or "in-depth" knowledge of her subject matter. Thus, we cannot say that Appellant's performance of these special tasks would qualify her position for an upgrade to CSA 2.

RECOMMENDATION

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **AFFIRM** Appellee's **RECLASSIFICATION** of Appellant's position to Customer Service Assistant 1, 64431, pursuant to R.C. 124.03 and R.C. 124.14.

ROSA M. VEGA
Case No. 11-REC-12-0418
Page 10



JAMES R. SPRAGUE
Administrative Law Judge

JRS: