

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

JOI N. CHAPMAN,

Appellant,

v.

Case No. 12-REC-04-0077

DEPARTMENT OF MENTAL HEALTH, NORTHCOAST BEHAVIORAL and
DEPARTMENT OF ADMINISTRATIVE SERVICES,

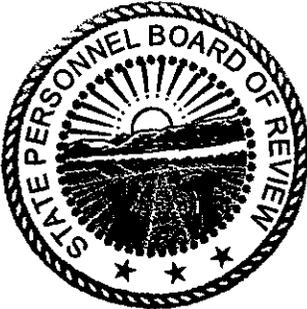
Appellee

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 the appeal is **DISMISSED**, as Appellant was properly classified as a Client Advocate Program Administrator, classification specification number 69492, during the relevant time in question.



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, June 12, 2013.


Clerk

ENTERED
6/12/13

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**

Joi N. Chapman,

Case No. 12-REC-04-0077

Appellant

v.

February 12, 2012

Dept. of Mental Health,
Northcoast Behavioral Healthcare

and

Dept. of Administrative Services,

Christopher R. Young
Administrative Law Judge

Appellees

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause came on for record hearing on August 29, 2012 at 10:00 a.m. Present at the hearing was the Appellant, Ms. Joi Chapman, who appeared *pro se*, and the Appellees, the Department of Mental Health, Northcoast Behavioral Healthcare, was present through its designee, Mr. Geoff Callander, Associate General Counsel, and the Department of Administrative Services was also present through its designee, Ms. Bobbi Lind, a Human Capital Management Analyst, who offered testimony regarding the rationale of the audit. Also present at the hearing was the Appellant's immediate supervisor, Mr. David Colletti, the CEO of Northcoast Behavioral Healthcare, who offered testimony regarding the veracity of the Appellant's testimony.

On or about February 28, 2012, the Appellant, Ms. Joi Chapman, requested a job audit of her position as a Client Advocate Program Administrator, classification specification number 69492. On or about April 11, 2012, the Appellant, Ms. Joi Chapman, received the results of her job audit review request which notified her that her proper classification for her position was that of a Client Advocate Program Administrator, classification specification number 69492. After receiving the job audit results, the Appellant timely filed her appeal to this Board on or about April 23, 2012. 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, Ms. Joi Chapman, stated that although she is presently classified as a Client Advocate Program Administrator, classification specification number 69492, she was seeking to be reclassified to the position of either a Program Administrator 2, classification specification number 63123, or a Mental Health Administrator 3, classification specification number 65223, or a Mental Health Administrator 4,, classification specification number 65224.

STATEMENT OF THE CASE

The first witness to testify was Ms. Joi N. Chapman, a Client Advocate Program Administrator, a position she's held since August 2007, who has worked Department of Mental Health for approximately the last 10 Years. When questioned, the witness testified that she sent in her audit request on February 28, 2012, and that she filled out a questionnaire as result of having filed said request. The witness explained that Northcoast Behavioral Healthcare is located in Northfield Ohio situated within Summit County.

Additionally, when questioned, the witness testified that her immediate supervisor is Mr. David Colletti, Chief Executive Officer (CEO) of Northcoast Behavioral Healthcare. Ms. Chapman testified that she heads up the Client Advocacy Department within Northcoast Behavioral Healthcare in which she answers directly to Mr. Colletti, one of his many direct reports. The witness testified that she does have currently one Peer Support Specialist, a contract employee, whom she does monitor her leave requests and recommend discipline, as well. The witness further explained that the program is set up to staff anywhere from two (2) to four (4) Peer Support Specialists, but currently there is only one that filled. Ms. Chapman explained that the Client Advocacy Department's mission is in place as a monitoring system of the Social Department and Nursing Department programs, and the like, to ensure that the clients/patients needs and rights are met and/or protected. Further, the witness testified that she in her position does investigate complaints and completes follow-ups of those complaints and issues recommendations.

When questioned, the witness testified that Northcoast Behavioral Healthcare is a 260 hospital patient bed facility, one of six different institutions with the Department of Mental Health in the state of Ohio. Ms. Chapman testified that she is certified in Diversity Management and Patient Advocacy, along with holding a Masters degree in Psychology and Bachelors in Labor Relations. Moreover, the witness testified that she works Monday through Friday from 8:00 a.m. to 4:30 p.m., on first shift.

When questioned regarding the classification specification of a Client Advocate Program Administrator Ms. Chapman testified with respect to the duties outlined thereon she performs everything within this classification specification. The witness explained that she in the performance of her job plans, implements and coordinates facility-wide client advocacy programs for persons who temporarily/permanently reside at Northcoast Behavioral Healthcare. Ms. Chapman testified she also provides client advocacy services in accordance with state and federal laws governing client advocacy, along with making daily rounds of wards to check on clients and ensuring that clients have legal representation at hearings. Moreover, the witness testified that the performance of her job, as called for in the classification specification of a Client Advocate Program Administrator, prepares reports for facility administration and central office regarding related correspondence, as well as attends meetings related to client advocacy, in addition to sitting on a Client Advocacy Advisory Board and a Patient Advocacy Council.

Next, the witness was then questioned regarding the classification specification of a Program Administrator 2. The witness when asked about the job duties in order of importance of a Program Administrator 2 testified that she does not act for the administrator, the CEO, Mr. David Colletti, in his absence, or serves as liaison between Mr. Colletti and any subordinate, nor did she manage any business function of the administrator's office. However, the witness did state that she does analyze and evaluate programs, policies and procedures, along with developing and coordinating public relations while responding to inquiries and complaints as called for in this classification specification.

The witness was then questioned regarding the classification specifications of a Mental Health Administrator 3 and a Mental Health Administrator 4 to determine if she performs the duties of either of these classification specifications.

With regard to the Mental Health Administrator 3 classification specification and the duties outlined thereon, the witness explained that while she in an assigned facility does plan, implement and evaluate specialized program services for all of the eligible residents, along with developing a component of the facility's quality assurance program while coordinating delivery of services to ensure that the care, custody, treatment and programming meets state and federal regulations. However, the witness testified that she did not act as unit manager, nor did she supervise any classified civil servants in the performance of her job as called for in the classification specification. Further, the witness testified that she did not work at the central office location, nor did she meet with management personnel of other program areas, as called for in the classification specification.

With regard to the Mental Health Administrator 4 classification specification, the witness testified again that she did not supervise any personnel as called for in the specification, nor was she assigned to any regional area, directing any psychiatric services, did not manage any state operation services while supervising individuals, work in the central office location or coordinate and implement any specialized statewide program, as called for in this classification specification.

The next person to testify was Mr. David Colletti, the CEO of Northcoast Behavioral Healthcare, the immediate supervisor of the Appellant herein, a position he's held for approximately last three years, all while having approximately 18 years of service with the Department of Mental Health. Specifically, when questioned, if the Appellant's testimony regarding her job duties and/or responsibilities were accurate, Mr. Colletti answered in the affirmative, as he was in the hearing room and heard the same. Further, when questioned, the witness testified that Ms. Chapman oversees and/or supervises, in his opinion, one part-time contract employee, as a Peer Support Specialist, and that they are looking to add additional Peer Support Specialists in the near future.

The last person to testify was Ms. Bobbi Lind, a Human Capital Management Analyst for the Department of Administrative Services, a position she's held for approximately last 24 years. When questioned, the witness explained that she completed the instant audit of the Appellant at the end of March 2012. The witness testified that after a thorough review of Ms. Chapman's job duties and/or responsibilities she found that Ms. Chapman was properly classified as a Client Advocate Program Administrator, classification specification number 69492. The witness then identified Joint Exhibit 1 as a series of documents that included, among other things, her rationale for leaving Ms. Chapman in her position as a Client Advocate Program Administrator.

Ms. Lind testified when reviewing the classifications, a Client Advocate Program Administrator, Program Administrator 2, Mental Health Administrator 3 and 4 she found that Ms. Chapman's duties almost perfectly fit into a Client Advocate Program Administrator. When reviewing the classification specification of a Client Advocate Program Administrator the witness explained that the class concept revealed that an incumbent holding that position at an advanced level class works under direction and requires thorough knowledge of governmental rules and regulations governing client advocacy service in order to plan, implement and coordinate facility wide client advocacy program, which the Appellant did in the performance of her job. While Ms. Chapman in her audit questionnaire stated she supervised (2) full time employees, Peer Support Specialists, when she reviewed the documentation submitted, management disagreed with that information as the individual that was occupying the Peer Support Specialist position was in fact a part-time contractual employee with a nonprofit organization called The Living Miracles. Further, the witness testified that upon further review of the Oaks system confirm that the Appellant did not supervise any state employee. With this in mind, Ms. Lind explain that the Mental Health Administrator 3 and 4's classification specifications were rejected as being appropriate for the Appellant, as they both called for supervision within the classification specification, which the Appellant did not perform.

When questioned about the Program Administrator 2 classification specification that was brought up at the hearing today, but not in her audit request packet, the witness testified that this classification does not best fit the Appellant since she does not act for the Administrator nor did she manage the business function of the administrator's office as called for in the classification specification.

FINDINGS OF FACT

There was no real discrepancy between the Appellants' characterization and the duties that she performed and that of the testimony of her direct supervisor, Mr. David Colletti, the CEO of Northcoast Behavioral Healthcare. Therefore, I find as a matter of fact, the Appellant perform the duties about which she testified. It should be noted that while the Appellant in her audit questionnaire explained that she supervise two full-time employees, upon questioning it was revealed that Ms. Chapman only provided functional supervision over one part-time contractual employee, not an employee of the state.

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.

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.

This Board must also consider the relation between the classification specifications at hand and the testimony presented and evidence admitted. This Board's consideration, however, is not limited solely to the duties contained in the classification specifications, 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 previously mentioned, the Appellant, Ms. Joi N. Chapman stated that although she is presently classified as a Client Advocate Program Administrator, she was seeking to be reclassified to the position of a Mental Health Administrator 3 and/or 4 or a Program Administrator 2's position. However, as was noted by the undersigned the Ohio Department of Administrative Services, through its designee, Ms. Bobbi Lind, a Human Management Capital Analyst found that the Appellant was properly classified as a Client Advocate Program Administrator. After a thorough review of the above mentioned classification specifications, it is my recommendation that the Appellant was properly classified as a Client Advocate Program Administrator.

When reviewing the classifications of a Mental Health Administrator 3 and 4, two of the classifications that Ms. Bobbi Lind, a Human Capital Management Analyst for the Department of Administrative Services reviewed the as result of the instant job audit, the undersigned Administrative Law Judge rejected these classification specifications as not being the best fit for the Appellant herein. As can be seen by the classification specification of either a Mental Health Administrator 3 and 4, a person occupying a position must according to the series purpose develop, implement and/or coordinate one, multiple or all services of one or more programs **and supervise professional, supervisory and/or administrative staff engage in service delivery** and evaluate effectiveness of programs to assure quality of services.

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

For the purpose of classifying positions and making job audit decisions only, wherever the word "**supervises**" appears in a classification specification for any class title in this rule, it means that an employee assigns and reviews work, completes employee performance evaluation forms, recommends or authorizes leave and recommends or initiates disciplinary action for at least two full-time permanent civil service employees or the equivalent. (Emphasis added)

As was revealed by the evidence at the hearing Ms. Chapman, although under the belief that she supervised one part-time contractual employee, she did

not provide supervision according to the letter of the law, as can be seen by a simple reading of the above noted administrative code provision. Thus, the undersigned Administrative Law Judge rejected the classification specifications of both the Mental Health Administrator 3 and 4 as an appropriate classification for the Appellant to be placed.

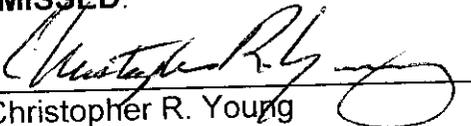
When looking up the classification of a Program Administrator 2, a classification that the Appellant wished to be placed into, it was rejected by the undersigned Administrative Law Judge as not being an inappropriate classification for the Appellant, as well. As can be seen by the classification specification of a Program Administrator 2 it called for one to act for the administrator along with managing the business function of the administrator's office, among other duties, clearly job duties and/or responsibilities the Appellant did not perform. Again as previously mentioned the Program Administrator 2 classification specification was rejected by the undersigned Administrative Law Judge as not being an appropriate classification for the Appellant.

After reviewing Ms. Chapman's testimony with regard to her job tasks and/or responsibilities it became apparent when reviewing the classification specification for the classification of a Client Advocate Program Administrator it was the most appropriate fit for the Appellant, if not an almost exact fit as was testified to by Ms. Bobbi Lind, the Ohio Department of Administrative Services' Human Capital Management Analyst. When reviewing the classification specification of a Client Advocate Program Administrator's class concept it revealed that an incumbent holding that position worked under direction and required a thorough knowledge of governmental rules and regulations governing client advocacy service in order to plan, implement and coordinate facility wide client advocacy program, which the Appellant did in the performance of her job. The evidence also revealed that the Appellant provided client advocacy services in accordance with the state and federal laws and rules governing client advocacy. Moreover, the evidence indicated that the Appellant would prepare reports for facility administration and central office, maintain files, records and/or related correspondence respond in writing correspondence pertaining to client advocacy and review any unusual as reports to detect adverse trends while ensuring that clients have legal representation at hearings. Furthermore, the Appellant also sat on a Client Advocacy Advisory Board and a Patient Advocacy Council, as part of her duties, which is also called for in the classification specification of a Client Advocate Program Administrator.

In order to make a determination which classification best fit Ms. Chapman, the undersigned considered the testimonial evidence, as well as the documentary evidence contained within the case file regarding her job duties and/or responsibilities. Thus, the undersigned, after a thorough review of the above noted classification specifications and evidence presented at the record hearing, by a preponderance of the evidence thereof, concludes that the classification specification of a Client Advocate Program Administrator, classification specification number 69492, best describes the duties which the Appellant, Ms Joi N. Chapman performed of her job.

RECOMMENDATION

Therefore, it is my **RECOMMENDATION** that the Appellant, Ms. Joi N. Chapman was **PROPERLY CLASSIFIED** as a Client Advocate Program Administrator, classification specification number 69492, during the relevant time in question, and that the Appellant's appeal is **DISMISSED**.


Christopher R. Young
Administrative Law Judge

CRY: