STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

ROBERTA PYSHER,

Appellant,

v. Case No. 12-REC-09-0205

DEPARTMENT OF ADMINISTRATIVE SERVICES,
HUMAN RESOURCES DIVISION/COMPENSATION AND WORKFORCE PLANNING
and DEPARTMENT OF JOB & FAMILY SERVICES,

Appellees

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 position audit of Appellant is **AFFIRMED**.

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, May 29, 2013.

Clerk

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

5/29/13

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Roberta J. Pysher,	Case No. 12-REC-09-0205
Appellant,	
v.	March 25, 2013
Department of Administrative Services and Department of Job and Familly Services,	
Appellees.	BETH A. JEWELL *Administrative Law Judge*

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause came on due to Appellant's September 10, 2012 appeal of the results of the position audit she requested. Appellant received the audit results on August 11, 2012. Appellee Department of Administrative Services ("DAS") completed the audit and on August 9, 2012 determined that Appellant is properly classified as an ODJFS Program Delivery Supervisor, Class Number 64275. A record hearing was held on November 13, 2012. Appellant was present at the record hearing and represented herself. Appellee DAS was present at record hearing through its designee, Bobbi Lind, Senior Human Capital Management Analyst. Appellee Job and Family Services ("ODJFS") was present through its designee, Nicole Moss.

STATEMENT OF THE CASE

Three witnesses testified at the hearing: Appellant; her former supervisor, Larry P. Hampton, who retired on August 1, 2012; and Ms. Lind. References to witness testimony are indicated parenthetically below. References to Appellant's and Appellee's Exhibits in the record are indicated parenthetically. The testimony and exhibits form the basis for the Findings of Fact set forth below.

FINDINGS OF FACT

Appellant has been employed by ODJFS for 26 years. At the time of her position audit, Appellant was classified as an ODJFS Program Delivery Supervisor, 64275, and worked in a One Stop Center for Franklin County. A One Stop Center is

a locally operated partnership of multiple agencies where social services, training, veteran and employment services are provided. Appellant oversaw the delivery of employment services, also called "Wagner Peyser" services, at the Franklin County center and supervised ten bargaining-unit Customer Service Representatives and one bargaining-unit Account Executive.[1] Before his August 1, 2012 retirement, Larry P. Hampton, ODJFS Field Operations Coordinator, 64251, supervised Appellant. The Table of Organization for ODJFS' Local Operations shows Appellant's position as within Region 6 – Central, Unit A. Appellant described her duties as including handling attendance and other issues with the employees reporting to her; attending meetings and trainings with staff, preparing reports to her supervisor, interacting with and attending partner meetings with the One-Stop partner agencies that share space in the One Stop with ODJFS, assisting with job fairs, and supervising her staff assigned to the front counter to handle ODJFS services and claim questions.

Ohio Administrative Code Rule 123:1-3-01(D) provides as follows:

> The audit findings will be premised upon the information and statements provided. The information and statements submitted will be compared to the existing classification specifications. If the duties being performed are not consistent with the existing classification, the classification which most accurately describes the duties performed shall be assigned to the position.
>
> The duties being performed must satisfy the class concept or function statement at least twenty percent of the time unless another percentage has been stated in the class concept or function statement. Other factors, including the table of organization of an agency, may be used to determine the classification of a position and to distinguish among classifications.

The class concept for ODJFS Program Delivery Supervisor provides as follows:

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[1] On July 16, 2012, Appellant was placed on a Performance Improvement Plan and assigned to the ODJFS Central Office, where she supervises one permanent and four intermittent Customer Service Representatives. This Report and Recommendation is based upon Appellant's duties at the time she requested the job audit in June 2012.

> The supervisory level classification works under general direction & requires thorough knowledge of providing federally mandated employment services & unemployment compensation benefits in order to monitor & oversee daily operations of ODJFS Processing or Call Center or delivery of Wagner Peyser services in One Stop Center & supervise lower level staff.

The class concept for ODJFS Program Delivery Manager provides as follows:

> The managerial level classification works under general direction & requires thorough knowledge of providing federally mandated employment services & employment compensation benefits in order to administer entire operations of ODJFS Processing or Call Center or delivery of Wagner Peyser services in a One Stop Center & supervises subordinate supervisor(s) & lower-level staff.

Bobbi Lind is the employee who conducted Appellant's job audit and prepared her job audit report. Ms. Lind found that Appellant's job duties are consistent with those of the Program Delivery Supervisor classification. Specifically, Appellant functioned as a first-line supervisor over 11 bargaining-unit employees and oversaw delivery of Wagner Peyser services in a One Stop Center. Appellant did not administer the entire operation, as she received direction from a regional coordinator, and Appellant did not supervise lower level supervisors. Furthernore, Appellant served as a day-to-day, hands-on, first line supervisor of the Wagner-Peyser work, rather than as an administrator of the entire operations: Appellant prepared reports, rather than directing the preparation of reports; Appellant had no involvement in the ODJFS budget process for operation of the Wagner-Peyser services in the Franklin County One Stop; Appellant did not make final decisions of personnel matters related to her assigned staff. Therefore, Ms. Lind recommended that Appellant was properly classified and that no change in classification be made.

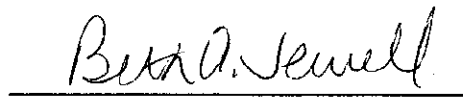
Appellant believes that she is more appropriately classified as an ODJFS Program Delivery Manager. Appellant's belief is premised upon the fact that she performs the same duties as that performed by two other ODJFS employees that

are classified as Program Delivery Managers, one within Region 1-Northwest; and the other within Region 4-Southeast.

Under the administrative code rule cited above, job audits are based upon the comparison of duties of the incumbent with the class specifications. Job audits are not based upon comparisons with the duties performed by employees in other positions. Nonetheless, ODJFS did address the apparent discrepancy in classification. ODJFS presented evidence that the agency completed a reorganization of the One Stop structure in 2009. The office moved from four districts to seven regions. In the reorganization, ODJFS Field Operations Coordinators assumed the former managerial functions while overseeing smaller geographic areas. Since the reorganization, ODJFS is no longer using the managerial class. After the reorganization, several ODJFS Program Delivery Managers were no longer performing the duties of that classification; but rather, were performing Program Delivery Supervisor duties. Since 2009, ODJFS has not created additional Program Delivery Manager positions, and is filling vacancies created through attrition with Program Delivery Supervisors. ODJFS has asked DAS for permission to place the two positions identified by Appellant into Step X; the regulations in place in 2009 did not permit this. The regulations have been changed more recently and the process to reclassify the two positions as Program Delivery Supervisors in Step X is underway.

CONCLUSIONS OF LAW

A review of all evidence and testimony presented reveals that Appellant is appropriately classified as an ODJFS Program Delivery Supervisor, 64275. Therefore, it is respectfully **RECOMMENDED** that the State Personnel Board of Review **AFFIRM** Appellee's position audit of Appellant.



BETH A. JEWELL
Administrative Law Judge

BAJ: