

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Vince Mc Natt,

Appellant,

v.

Case No. 2012-REC-11-0238

Department of Job & Family Services, and
Department of Administrative Services, Human Resources Division,

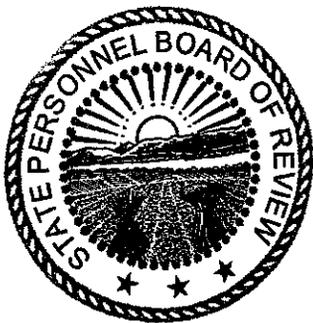
Appellees,

ORDER

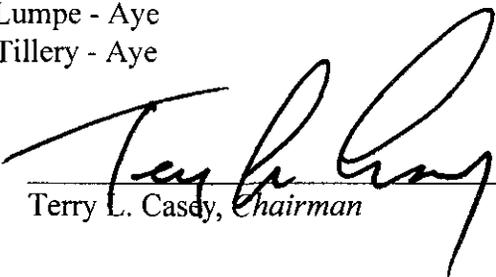
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 DAS' recommendation is **AFFIRMED** and that Appellant's position shall remain classified as Grants Coordinator 1.



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 22, 2014.


Erin E. Com
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**

Vince Mc Natt

Case No. 2012-REC-11-0238

Appellant

v.

August 26, 2014

Department of Job & Family Services,

and

Department of Administrative Services,
Human Resource Division, Compensation
& Workforce Planning,

Appellees

Jeannette E. Gunn
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause came on to be heard pursuant to Appellant's timely appeal of the results of an audit conducted on his position. The audit was conducted by staff of the Department of Administrative Services (DAS) Human Resources Division, and resulted in a finding that Appellant's position was properly classified as Grants Coordinator 1, classification 63161. Appellant was also present at record hearing and appeared *pro se*. Appellant's supervisor, William S. Pettway, was present at record hearing and Appellee Department of Job and Family Services (JFS) was represented by Senior Staff Attorney, Nicole S. Moss. Appellee DAS was present at record hearing through its designee, Human Capital Management (HCM) Senior Analyst Laura Sutherland.

Jurisdiction of the Board was established pursuant to R.C. 124.03 and 124.14.

CONSOLIDATED STATEMENT OF THE CASE AND FINDINGS OF FACT

Based upon the testimony presented and evidence admitted at record hearing, I make the following findings of fact:

Appellant was hired by Appellee JFS in 2006 and became the Veterans Program Manager in 2007. In August of 2012, Appellant initiated a job audit, the result of which was a recommendation by Appellee DAS that Appellant's position be reclassified from Veterans Program Manager to Grant Coordinator 1. Appellant believes that the classifications of Grant Administrator or Program Administrator more accurately reflect his job duties.

Appellant's immediate supervisor is William Pettway, whose position is classified as Program Administrator 1. Mr. Pettway does not assign work to Appellant on a daily basis but may, if necessary, add items to Appellant's weekly itinerary. Appellant does not supervise any other employees.

At the time of the audit, Appellant's position was assigned to Appellee JFS' Office of Workforce Development, Veteran Services Unit. The majority of Appellant's working time was devoted to performing duties associated with the Military Injury Relief Fund (MIRF) program. MIRF is a state program that receives funds from the Ohio Department of Taxation and provides a one-time grant to veterans with combat-related injuries sustained during Operation Enduring Freedom or Operation Iraqi Freedom. Appellant did not create the MIRF program or its guidelines, nor does he have the authority to authorize either the disbursement of funds or program expenses.

As part of his job duties, Appellant travels to Veterans Administration facilities throughout the state of Ohio to educate them about the MIRF program. Appellant is responsible for screening applications for the MIRF program and for determining whether or not an applicant qualifies for program benefits. . Either Mr. Pettway or Bureau Chief Pamela Mason sign off on the MIRF applications approved by Appellant. The MIRF program provides a one-time award, therefore, applications have declined as the population of eligible individuals decreases, along with Appellant's program responsibilities.

Appellant contacts applicants for additional information as needed. He coordinates with appropriate staff in Appellee JFS' Office of Fiscal and Monitoring

Services, Bureau of Accounting to resolve payment inquires. Appellant provides historical information on the MIRF program to JFS management staff and contributes subject matter expertise about the MIRF program as requested. He responds to customer service inquires and answers questions about the MIRF program. Appellant assists with revisions to the MIRF application and flyer, maintains a spreadsheet to track the MIRF grant fund balance and explains rules and regulations to be followed to ensure grant compliance.

Appellant also coordinates the STRIVE program, which helps veterans in prison gain job search skills. As part of his responsibilities for the STRIVE program, he makes five to ten minute personalized presentations to incarcerated veterans. He also performs duties related to the Yellow Ribbon Program, which helps soldiers coming out of the Reserves and the National Guard find employment after their enlistment period is over.

CONCLUSIONS OF LAW

The primary criteria for this Board to consider when determining the most proper classification for a position are classification specifications, including the function statement, the job duties outlined, and the percentages of time devoted to each job duty. *Klug v. Dept. of Admin. Services*, No. 87AP-306, slip op. (Ohio Ct. App. 10th. Dist., May 19, 1988). Unless there is a dispute as to what constitutes the classification specification, no factual issues arise with respect to the classification. Rather, as in all cases of construction, the question becomes one of law as to how the relevant facts relate to the classification specification. *Klug*, supra.

This Board must consider the relation between the classification specifications at hand and 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 any of the affected parties. *Gordon v. Dept. of Admin. Services*, No. 86AP-1022, slip op. (Ohio Ct. App. 10th., March 31, 1988).

As a general rule, Appellants seeking reclassification to a higher position must demonstrate that they meet substantially all of the qualifications of the higher position. *Harris v. Dept. of Admin. Services*, No. 80AP-248, slip op. (Ohio Ct. App. 10th Dist., September 25, 1980); *Deist v. Kent State Univ.*, No. 78AP-28, slip op.

(Ohio Ct. App. 10th Dist., May 23, 1978.) The incumbent need not perform every duty enumerated within the body of the specification for this or her position to fall within a particular classification specification; it is sufficient if all of the job duties actually performed fall within those specified for the classification. See *Klug*, supra. The class concept or series purpose of each classification title sets forth the mandatory duties that must be performed by an incumbent for at least twenty percent of his or her work time.

* * * * *

Appellant suggested the Grants Administrator classification and the Program Administrator classification as more accurate designations for his position. The purpose of the Grants Coordinator occupation is to monitor agency participation in and utilization of grant funding programs. The purpose of the Program Administrator occupation is to provide program direction by relieving a superior of administrative duties; the Program Administrator series is general in nature and should not be used to cover functions described by a more specific classification. Based upon a review of the information contained in the record, I find that the Grants Coordinator occupation is most reflective of the duties performed by Appellant.

The classification specifications considered in conducting the review of Appellant's job duties were Grants Administrator, class number 63165, Grants Coordinator 2, class number 63162.

The class concept for the Grants Administrator classification specification indicates that an incumbent employee administers departmental grant programs and supervises grants coordinators and/or clerical support staff in grants processing and compliance activities. An examination of the job duties section of the classification specification demonstrates that "administration" of a grants program requires an employee to exercise fiscal responsibilities, such as overseeing cost controls and developing budgets. Information contained in the record indicates that Appellant does not have fiscal authority to administer the MIRF program, and that he does not supervise grants coordinators or clerical support staff in grants processing. Accordingly, I find that Appellant's position may not properly be placed in the Grants Administrator classification.

The class concept for the Grants Coordinator 2 classification specification states that an incumbent monitors agency participation in grant programs, or

monitors the endowment of funds to qualified participants to contract/program rules and regulations. The job duties section of the classification specification indicates that incumbents coordinate and monitor an agency's participation in grant programs, write project proposals for submission to granting agencies and monitor those applications through the approval process, plan and develop program policies and determine priorities of programs. These duties describe a broader scope of authority than that exercised by Appellant. While Appellant has responsibility for monitoring applications, the applications that he reviews are those of applicants for MIRF program awards, not applications of Appellee JFS to a funding body. Because Appellant does not perform job duties of the scope and nature described by the Grants Coordinator 2 classification, I find that his position may not be properly placed therein.

The class concept for the Grants Coordinator 1 classification specification provides that an incumbent employee prepares and processes grant applications, records disbursement of funds, provides assistance regarding funding sources and requirements, explains rules and regulations and prepares required activity reports. The duties outlined by Appellant in his testimony and in the questionnaire submitted as part of his job audit fall squarely within the responsibilities of the Grants Coordinator 1 classification specification.

* * * * *

Appellee's audit recommendation was that Appellant's position be reclassified as a Grants Coordinator 1. Testimony and evidence presented at record hearing support that recommendation and I find that the classification specification which most accurately reflects the duties performed by Appellant is that of Grants Coordinator 1, class number 63161.

Therefore, I respectfully **RECOMMEND** that Appellee DAS' recommendation be **AFFIRMED** and that Appellant's position remain classified as Grants Coordinator 1.


Jeannette E. Gunn
Administrative Law Judge