

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

Sheree Smoot-Johnson,

Appellant,

v.

Case No. 2013-REC-01-0006

Bureau of Workers Compensation, and
Department of Administrative Services,

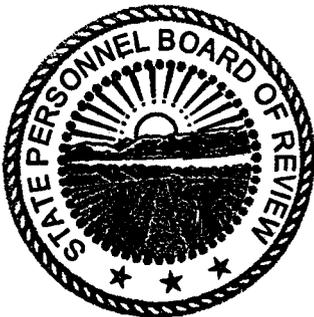
Appellees.

ORDER

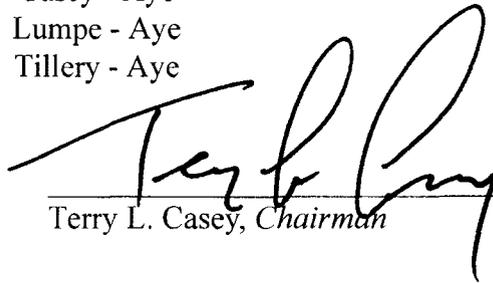
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 the **CLASS PLAN REVIEW DETERMINATION** of the Department of Administrative Services that Appellant's position be reclassified to a Customer Service Manager (64436) is **AFFIRMED** and that Appellant remain in Step X in accordance with pertinent law, pursuant to R.C. 124.03 and R.C. 124.14.



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, February 13, 2014.


Clerk

2/13/14ec

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**

Sheree Smoot-Johnson,

Case No. 13-REC-01-0006

Appellant

v.

December 9, 2013

Bureau of Workers Compensation

and

Dept. of Administrative Services,

Christopher R. Young

Appellees

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause came to be heard following the pre-hearing held on March 18, 2013 and at the record hearing held on May 24, 2013. Present at the hearing was Appellant, Ms. Sheree Smoot-Johnson, presently classified as Customer Service Manager, who appeared *pro se*, offered testimony at the record hearing on her own behalf. The Appellee, Bureau of Worker's Compensation (BWC), was present through its designee, Ms. Dee Seidenschmidt, Director of Personnel and Benefits. The Appellee, Department of Administrative Services (DAS) was present through its designee, Ms. Ashley Hughes, Human Capital Management (HCM) Manager for the Classification and Compensation Unit (Class/Comp), offered testimony at the record hearing as the person who was familiar with the results of the surveyed audit results. Further, the Appellant's immediate supervisor, Mr. William Teeven, the Director of the Customer Contact Center, offered testimony, as well.

This cause comes on due to Appellant's January 8, 2013, timely filing of an appeal from the reclassification of her position from Management Analyst Supervisor 2 (63216) (Pay Range 14) to a Customer Service Manager (64436) (Pay Range 11), effective with the payroll period beginning after January 4, 2013, the date she was notified of her reclassification. This Class Plan Review Determination came about following DAS' deletion of Appellant's former Class of Management Analyst Supervisor 2 from the State Class Plan. Because this downgrade would otherwise result in a diminution of Appellant's pay, Appellant was placed in "Step X",

pursuant to R.C. 124.14 (A). It should be noted that the aforementioned was stipulated to, as well as, the subject matter jurisdiction of this Board was established. Further, the jurisdiction over the subject matter of this appeal was established pursuant to R.C. 124.03 and R.C. 124.14.

Before proceeding onto the record, the Appellant, Ms. Sheree Smoot-Johnson, stated that although she is presently classified as a Customer Service Manager (64436) (Pay Range 11), she believes that she should have either been placed into the classification specifications of an Administrative Officer 2 (63132) (Pay Range 14), Administrative Officer 3 (63133) (Pay Range 15) or the Program Administrator 3 (63124) (Pay Range 14) would better fit with Appellant's duties.

STATEMENT OF THE CASE

Ms. Sheree Smoot-Johnson testified that she began her employment with the Bureau of Worker's Compensation in 2002 as a Management Analyst Supervisor 2, a position she held up until January 4, 2013, when she was reclassified to a Customer Service Manager's position. However, the witness explained that she from August 2004 through January 2005 held the Interim Director's position of the Customer Contract Center. Moreover, the witness explained at the Customer Contract Center there are two sides, a claim side, where she works and a employer side. When questioned, the witness testified that Mr. William Teeven, the Director of the Customer Contract Center is her immediate supervisor, and has been so since 2007. The witness stated that Mr. Teeven has four direct reports, one being vacant presently, Mr. Ralph Thompson, a Customer Service Manager presently, Ms. Mattie Conway, a Program Administrator 2 and herself as a Customer Service Manager.

When questioned, the witness testified that the overall mission of her department and function of the Customer Contact Center is to oversee, along with the Employer Contract Center, and act as the main answer point to 1-800-OHIOBWC, web chats and e-mails. Further, the witness testified that she is to provide a quality "customer-focused" Worker's Compensation insurance system for Ohio's employers and employees by: identifying and attending to dissatisfied customers; answer general inquiries; monitor and track service performance; determine gaps between customer expectations and perceptions; obtain contract strengths and weaknesses. Further, the witness explained that she is also there to

assist the Executive Staff and to identify internal bottlenecks, all while improving processes and business practices.

When questioned if she supervises any subordinate employees, Ms. Smoot – Johnson testified in the affirmative. Ms. Smoot-Johnson explained that she presently supervises two (2) Customer Service Managers; Ms. Rhonda Jackson and Ms. Noelia Dotel-Amaya, who in turn supervise Customer Service Representatives and Employer Service Representatives. (See Joint Exhibit 3A and 3B) When questioned, the witness testified that, she completes performance evaluations, approves leave time, effectively recommends discipline, performs training and/or acts on the behalf of her supervisor. However, the witness testified that she really has not acted on the behalf of her supervisor in quite some time, as he never misses work. Additionally, the witness testified that she does work Monday through Friday from 7:30 AM to 4:30 PM, a schedule which she sometimes flexes, but not often.

When questioned about her job duties, Ms. Smoot-Johnson testified when reviewing Joint Exhibit 1, on page 5 of 7, under the 55% of her job duties that she performed those duties prior to filling out paperwork as well as she still performs is tasks today. The witness stated that under this percentage of time she works under the general direction of the Director of the Customer Contact Center, wherein she formulates and directs program policies and procedures for the employer and customer inquiring media in the BWC contract center. However, upon further questioning, as to exactly what formulation of any policy she has made, the witness explained that it was regarding flex time approximate five years ago. Moreover, the witness explained that she does manage the daily operation of the employer and injured worker assistance inquiry and response center, all while ensuring the staffing, productivity, efficiency and quality of operations are within the agreed-upon performance service levels, along with analyzing the employer injured worker data collected and disseminating that information to the appropriate apartments within BWC. Additionally, the witness testified she initiates and conducts employer and injured worker related studies, projects, surveys and audits to evaluate efficiency and quality of responses to employer an injured worker inquiries, along with updating any customer contact center policies and procedures. Furthermore, the witness testified that she participates in agency in customer service division projects, as a subject matter expert and advisor, on employer and injured worker customer assistance, customer contact center impacts and support plans. The witness testified she also reviews and analyzes reports of daily operations including

call distribution, web chat resolution and e-mail/fax/mail handling. Further, the witness then testified she monitors queue levels in the EPC to ensure target service levels are met, and if not, redistribute resources to the necessary party(s). Ms. Smoot-Johnson explained that one of her more important duties was tracking and interpreting employer and injured worker data to identify trends and/or problem areas and to make recommendations regarding methods, practices and procedures to employ. Additionally, along with identifying potential problems, analyzing call records to ensure productivity standards are meeting benchmark goals and to ensure supervisors are monitoring their respective subordinates' activity and quality measurements are met, the witness testified that she he also helps ensure the phone reps and supervisors are properly trained. The witness testified he also acts as a liaison for the Customer Contact Center with the OIT business Ohio Business Gateway help desk.

Next, the witness after reviewing Joint Exhibit 1 page 6 of 7 explained approximately 35% of her time she provides supervision to her assigned staff which were noted as Public Inquiries Officers that had been changed to Customer Service Representatives, and to ensure that supervisors are reviewing the weekly batch sheets are timely completed. Further, the witness testified that she completes and conducts performance evaluations for her director reports, along with monitoring the supervisors' evaluation schedule adherence of their staff. The witness also testified that she initiates discretionary disciplinary action for her direct reports and other staff as needed, as well as approving and/or denying leave requests for her direct reports and other staff as needed. Furthermore, the witness testified that she does schedule activities to provide training and leadership techniques and backup supervisor functions, as needed. Additionally, the witness testified that she also conducts new employee interviews for the Customer Contact Center, along with reviewing Internet usage reports and tracking departmental supplies and usage.

When questioned as to the last 10% of her job duties listed on Joint Exhibit 1, page 7 of 7, the witness testified that she prepares, verifies and reviews annual, monthly and biennium budgets for the three sections of the Customer Contact Center, along with monitoring and tracking the departmental budget expenditures and provide explanations for significant variances. The witness testified she also authorizes expenditures in accordance with the budget plan while monitoring the monthly budget expenses via budget share point. The witness testified she also participates in seminars and conferences which address customer satisfaction, quality and communication technology.

Again, after further questioning by the undersigned, the witness testified that her most important duties are collecting information regarding the trends that are occurring within the call center and ensuring that internal and external policies are adhered too and followed.

The witness was then questioned regarding the classification specification of a Customer Service Manager, the position which she currently holds. The witness stated that with respect the job duties in order of importance she plans, coordinates, promotes and/or directs assistance and informational services to respond to complaints, inquiries and/or request for information by telephone, letter and/or in person for a variety of clients and supervises assigned staff. Further, the witness testified that she also follows up on and attempts resolution of problems, improvements of conditions, inequities and concerns and meets with any persons able to affect changes or implement improvements; attends meetings and/or workshops and maintains awareness of situations, trends and/or occurrences which could affect interest of clients. Additionally, when questioned, the witness testified that she also advises and counsels agency administrators and other staff in areas affecting client interest, along with providing information upon request public officials and general public through programs, presentations and/or speaking engagements. In all, the Appellant agreed that she performed all the duties listed under the classification specification of a Customer Service Manager.

Ms. Smoot-Johnson then testified regarding the classification specification of Administrative Officer 2, a classification which she wished to be placed into. When going through the job duties in order of importance the witness testified that it was her belief that she plans, develops and organizes all activities of a major division, section or bureau, establish priorities, supervises assigned staff and monitors staff activities. When asked if she analyzes and develops policies and procedures of a major division, section or bureau as called for in the specification, her response vacillated, as she was not sure. The witness did state that she does act as a liaison with public officials, private agencies and general public; explains policies and programs; responds to telephone and written inquiries and complaints. However, the witness stated that she did not plan, direct and coordinate personnel and/or any fiscal activities; develop and monitor any budget; approve any expenditures; administers any recruitment, placement, classification and/or employee relations for a division.

When questioned regarding the job duties in order of importance under the classification specification of an Administrative Officer 3, Ms. Smoot-Johnson testified that she does not plan, direct and coordinate all activities of a major division or major, multiple sections with the section headed by subordinates supervisory personnel one of whom must be classified as an Administrative Officer 2 , or someone compensated at a pay range 14, while having different functions, establishing priorities, supervise subordinate supervisory personnel and monitoring staff activities. Further, the witness testified that she did not analyze and develop policies and procedures of a major division or major, multiple sections; while establishing goals and objectives, as well. Again, the witness stated that she did not plan, direct and/or coordinate personnel and fiscal activities; develop and monitor any budget; approve any expenditure; administer recruitment, placement, classification and employee relations for a division. However, the witness did state that she does act as a liaison with public officials, private agencies and general public; while explaining policies and programs; and responds to telephone and written inquiries and complaints.

Ms. Smoot-Johnson then testified regarding the classification specification of a Program Administrator 3, a classification which she also wished to be placed into. The witness stated that with respect the job duties in order of importance she does not act for her administrator or provide regular direction to division heads and other staff members, conduct staff meetings to discuss and execute policies and procedures and/or review proposals of division heads and other staff members and/or makes recommendations to the administrator. However, the witness did state she would in her Director's absence assume responsibility and authority for the staff. The witness testified that she also analyzes and evaluates programs, procedures and policies; develops and revises programs; and provide technical advice to aid the administrator in decision-making. But on the other hand, the witness testified she did not prepare and direct preparation of correspondence, reports, policy statements, legislative draft; while providing information on programs and policies to private organizations, government officials and general public. Additionally, the witness testified that she also did not represent the administrator at meetings and conferences with state, federal and community agencies; or speak for the administrator on policy matters. However, the witness did state that she would coordinate and monitor personnel and fiscal services of an administrative unit; while overseeing providing budget preparation and administration; and that she orients and counsels new professional personnel; while identifying staff training needs.

The next person to testify was Mr. William Teeven, the Director of the Customer Contact Center, the immediate supervisor of the Appellant herein, a position he's held since October 2006. Specifically, when questioned, if the Appellant's testimony regarding her job duties and/or responsibilities were accurate, Mr. Teeven answered in the affirmative, as he was in the hearing room and heard the same. Further, when questioned, the witness testified that the Customer Contact Center has undergone a lot of changes lately in combining the claims side and the employer side of the center and that Ms. Smoot-Johnson, as a manager, has been highly instrumental in this transition. Further, when questioned, the witness testified that in his opinion, the Customer Contact Center would be considered a Department, as they are part of the Bureau of Worker's Compensation's Field Operations Division.

The last person to testify was Ms. Ashley Hughes, a Human Capital Management Manager within the Classification and Compensation Unit a position she's held with the Department of Administrative Services, since March 2012. When questioned, the witness explained that pursuant to Ohio Revised Code Section 124.14 the Department of Administrative Services sent out a survey in a class plan review determination regarding the deletion of the classification specifications of both the Management Analyst Supervisor 1 and Management Analyst Supervisor 2 positions, and is familiar with the results of the instant reclassification appeal. The witness testified that after a thorough review of Ms. Smoot-Johnson's job duties and/or responsibilities she found that Ms. Smoot-Johnson was properly classified as a Customer Service Manager, classification specification number 64436. The witness then identified Joint Exhibit 1 as a series of documents of Ms. Smoot-Johnson's listing of her duties which revealed she should be classified as a Customer Service Manager.

Ms. Hughes testified when reviewing the classifications, of a Customer Service Manager, Administrative Officer 2, Administrative Officer 3 and a Program Administrator 3 classification, she found that Ms. Smoot-Johnson's duties fit very well into a Customer Service Manager's classification specification. When reviewing the classification specification of a Customer Service Manager, the witness explained that the class concept revealed that an incumbent holding that position at a managerial level class works under administrative direction and requires extensive knowledge of programs, operating policies and procedures and federal and state codes regulating operations for that assigned agency, supervisory principles/techniques and public relations in order to plan, coordinate promote and

direct assistance and informational services to respond to complaints, inquiries and/or requests for information for a variety of clients and supervise assigned staff. Further, Ms. Hughes noted that the Appellant's analyzing trends in the Customer Contact Center, as one of her major job duties fit nicely into this class concept, as well.

When questioned about the Program Administrator 3 classification specification that was brought up at the hearing today, Ms. Hughes stated that when looking at the Program Administrator 3's classification specification that the Customer Contact Center is not a "program", nor did she act for her Administrator as called for in the specification, as well. Moreover, when questioned about the Administrative Officer 2 and 3 classification specifications, which both call for one to plan, develop and organize all activities of a major division, section or Bureau or multiple sections (as called for in the Administrative Officer 3 classification specification), the witness explained the Appellant herein works in a Department, not a major division, section or Bureau.

FINDINGS OF FACT

There were no real discrepancies between the Appellants' is characterization of the duties that she performed and those of the testimony of her direct supervisor, Mr. William Teeven, the Director of the Customer Contact Center for the Bureau of Worker's Compensation. Therefore, I find as a matter of fact, the Appellant perform the duties about which she testified.

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. Sheree Smoot-Johnson, stated that although she is presently classified as a Customer Service Manager, (64436) (Pay Range 11) (Step X) she was seeking to be reclassified to the position of an Administrative Officer 2, (63132) (Pay Range 14), Administrative Officer 3, (63133) (Pay Range 15) and/or a Program Administrator 3's (63124) (Pay Range 14) position. However, as noted by the undersigned the Ohio Department of Administrative Services, through its designee, Ms. Ashley Hughes, a Human Management Capital Manager, found that the Appellant was properly classified as a Customer Service Manager. On the other hand, the Appellant believes that she should have been placed into the classification specification of an Administrative Officer 2, (63132) (Pay Range 14), Administrative Officer 3, (63133) (Pay Range 15) and/or a Program Administrator 3's (63124) (Pay Range 14) position. After a thorough review of the above mentioned classification specifications, it is my recommendation that the Appellant was properly classified as a Customer Service Manager. Based on the findings set forth, above, and for the reasons set forth, below, it appears that Appellant's position was properly re-classified to a Customer Service Manager (64436) (Pay Range 11) (Step X). Accordingly, this Board should affirm DAS' instant Class Plan Review Determination.

As an alternative to the Customer Service Manager classification specification, the Appellant has suggested the Administrative Officer 2 and 3 classification specifications and the Program Administrator 3 classification specification, as classifications that may better describe and fit her respective job duties.

The Series Purpose language for the Administrative Officer Series reads, for Administrative Officer 2 (63132): "At the second level, incumbents analyze & develop policies & procedures & coordinate activities of major division, section or department of state agency & supervise staff." (emphasis added) The Administrative Officer 2 Series Purpose language limits the applicability of this classification to a major division, section, or department of a state agency. Based on the Glossary terms set forth in the Administrative Officer Class Series discussed, above, it appears Appellant does not perform this function, in that Appellant supervises a unit in a section of a department, but not the department itself, nor a major section itself. Moreover, as called for in the classification specification of an Administrative Officer 2 under the job duties in order of importance states that one holding this position must plan, develop and organize all activities of the major division, section or Bureau of an agency, among other duties, clearly job duties and/or responsibilities that the Appellant did not perform. Therefore, the classification specification of an Administrative Officer 2 was rejected by the undersigned Administrative Law Judge as not being an appropriate classification for the Appellant to be placed into.

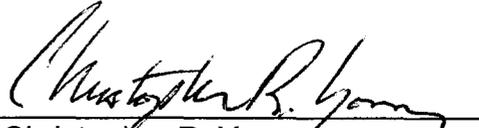
The Series Purpose language for the Administrative Officer Series reads, for an Administrative Officer 3 (63133): "At the third level, incumbents plan, coordinate and direct activities of multiple major sections or the division with each section headed by subordinate supervisory personnel and having different functions." Again, it appears that the Appellant did not perform this function, in that the Appellant does not direct the activities of multiple major sections or a division. Again, the undersigned Administrative Law Judge rejected this classification specification, as well

The Series Purpose language for the Program Administrator series reads for Program Administrator 3 (63124): "At the third level, incumbents relieve superior of most difficult administrative duties and formulates and implements program policy or does all the proceeding and supervises assigned staff." In the case at bar the evidence revealed that at no time did the Appellant act for the administrator or provide regular direction to division heads or review proposals of division heads and/or make recommendations to the administrator, nor formulate and implement program policy. Thus, as was revealed by the evidence thereof, the undersigned Administrative Law Judge rejected the above noted classification specification as not being an appropriate fit.

After reviewing Ms. Smoot-Johnson's testimony with regard to her job tasks and/or responsibilities it became apparent when reviewing the classification specification of the Customer Service Manager's classification specification it was the most appropriate fit, or "best fit" for the Appellant. When reviewing the classification specification of a Customer Service Manager's class concept it revealed that an incumbent holding that position plans, coordinates, promotes and directs customer assistance services and supervises staff. Further, under the first and second job duties in order of importance of the above noted classification specification one is to plan, coordinate, promote and direct assistance and informational services to respond to complaints, inquiries and/or requests for information by telephone, letter and/or in-person for variety of clients while supervising assigned staff, along with resolving any problems while seeking improvements of conditions or concerns along with being aware of situations and trends that could affect the interest of clients. The evidence at the hearing revealed that these duties are what the Appellant performed for the most part, thus the classification specification of a Customer Service Manager was an appropriate classification for the Appellant to have been placed. However, it should be noted that while the undersigned believes that the classification specification of a Customer Service Manager is the most appropriate fit in this case, it too does not fully encompass the scope of Ms. Smoot Johnson's duties and/or adequately measures the level of her many years of expertise.

RECOMMENDATION

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **AFFIRM** the **CLASS PLAN REVIEW DETERMINATION** of the Department of Administrative Services that Appellant's position be re-classified to a Customer Service Manager (64436) and that Appellant remain in Step X in accordance with pertinent law, pursuant to R.C. 124.03 and R.C. 124.14.


Christopher R. Young
Administrative Law Judge