

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Anita Matter,

Appellant,

v.

Case No. 2013-REC-01-0014

Department of Job & Family Services, and
Department of Administrative Services,

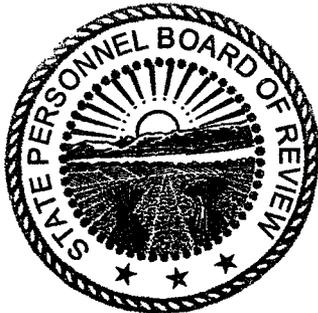
Appellees.

ORDER

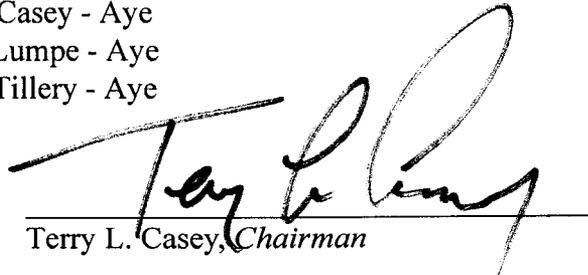
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 re-classified to Human Services Program Administrator 2 (69416) and that Appellant remain in Step X is **AFFIRMED**, in accordance with pertinent law, pursuant to Ohio Revised Code Sections 124.03 and 124.14.



Casey - Aye
Lumpe - Aye
Tillery - Aye

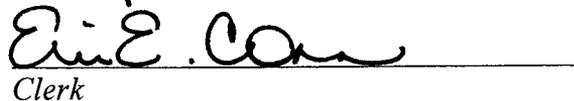

Terry L. Casey, *Chairman*

CERTIFICATION

9/25/13ec

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 25, 2013.


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**

Anita Matter,

Case No. 13-REC-01-0014

Appellant

v.

July 1, 2013

DEPARTMENT OF JOB AND FAMILY SERVICES and
DEPARTMENT OF ADMINISTRATIVE SERVICES,

Appellees

JAMES R. SPRAGUE
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause came to be heard at pre-hearing on February 26, 2013, and at record hearing on June 17, 2013. Present at the hearing was Appellant, Anita Matter, who appeared *pro se*. Appellee Department of Job and Family Services (DJFS) was present through its designees, Janet Kaplan, Intermittent Program Administrator 3, and Alan Marcinonis, ODJFS Program Administrator 1, and was represented by Nicole S. Moss, Senior Staff Attorney. Appellee Department of Administrative Services (DAS) was present through its designee, Ashley Hughes, Human Capital Management (HCM) Manager for the Classification and Compensation Unit (Class/Comp).

This cause came on due to Appellant's January 14, 2013, timely filing of appeal from the reclassification of her position from Management Analyst Supervisor 2 (63216) (Pay Range 14) to Human Services Program Administrator (HSPA) 2 (69416) (Pay Range 13), effective with the payroll period beginning January 13, 2013. This Class Plan Review Determination was a result of DAS's deletion of Appellant Matter'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).

Appellant Matter believes the Classification of Human Services Program Administrator 3 (69417) (Pay Range 14) would better fit Appellant's duties.

At hearing, Appellant and Appellees waived their respective opportunities to offer oral or written closing statements. The instant 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, in accordance with O.A.C.124-7-03 (“Procedure in reclassification appeals”).

First to testify was **Anita Matter, Appellant**, whose position is currently classified as Human Services Program Administrator 2.

Next to testify was **Alan Marcinonis**, Appellant’s supervisor, whose position is classified as ODJFS Program Administrator 1.

Last to testify was **Ashley Hughes**, HCM Manager.

Appellant began her testimony by indicating that she works in the Customer Inquiry Call Center (CICC). Appellant stated she has seven subordinates; all of whom are classified as Customer Service Assistant 2s and are part of the bargaining unit. Within CICC, Appellant Matter reports to Alan Marcinonis, who is currently classified as an ODJFS Program Administrator 1. Appellant’s supervisor reports to David Fleischman, who is the unit’s Bureau Chief and is classified as an ODJFS Program Administrator 2. Mr. Fleischman reports to Deputy Director, Jeffrey Aldridge.

Appellant stated she oversees the Customer Service division of her unit; the unit is responsible for assisting the customers of the Ohio Child Support Program. Appellant explained her division receives calls when customers cannot get through to their respective county agencies or when individuals think the state agency can override the county agency. Appellant Matter indicated her unit consults with county agencies on formulating the appropriate response to customer questions and concerns, responds to legislative inquiries, and works with the Office of Legislative Services. Appellant stated her unit is also responsible for disseminating information to counties such as bankruptcy notifications, lottery winner notifications, and interstate child support case transmittal documentation.

In Appellant's testimony, she emphasized a new responsibility added in January of 2012 but not included in her position description. Appellant stated her unit was tasked with managing the customer service web portal. Appellant described the portal as a statewide web based application that allows all "obligees" and obligors to have access to the information pertaining to their case. Appellant indicated her group was designated as the sole source of support for the portal.

In this support capacity, Appellant stated her unit provides data to web portal customers so that those individuals can set up an account on the portal. Appellant explained her unit is responsible for trying to diagnose, troubleshoot, and resolve issues with registration or logon. Appellant indicated that this responsibility has become the main issue to which her unit responds. As a result, Appellant stated that the call volume for her unit has increased by 50 percent with no additional staffing provided.

Appellant stressed that her unit is not only providing case information but is now also providing technical assistance to customers and county agencies. Appellant stated she does not think the Human Services Program Administrator 2 Classification factors in the increased technical knowledge now required for her position. Appellant also indicated that the end goal is for the portal to evolve into an interactive, self-service database.

Appellant stated that she holds weekly staff meetings to address issues and brainstorm ways in which the unit can more effectively respond to customer inquiries. Appellant indicated she is also responsible for providing input and suggestions to technical support on how the portal is functioning.

In addition to the duties mentioned above, Appellant stated she attends management meetings, has a weekly one on one meeting with her supervisor, and is often called upon to manage special projects or office-wide activities. Appellant also indicated she monitors an automated tracking log to gather statistics on the unit's activity.

Appellant's supervisor, Mr. Marcinonis, emphasized that Appellant has been tasked with additional duties including some special projects involving records and federal tax information. Mr. Marcinonis also stated that in his absence, Appellant is the go-to individual for the entire section he supervises.

DAS, in the person of Ashley Hughes, Human Capital Management Manager, stated that Appellant was exempt from the bargaining unit because of her supervision assignments. Ms. Hughes stated the reclassification determination is based on a duties test. Ms. Hughes indicated given Appellant's customer service duties, DAS considered the Customer Service Series. However, given Appellant's focus on child support, DAS determined the Human Services Program Administrator Series was the most appropriate fit.

Ms. Hughes explained that in order to be classified in a particular Classification, the individual must meet the Class Concept 20 percent of the time. Ms. Hughes went on to explain that DAS placed Appellant in the HSPA 2 Classification because she "plans, evaluates & directs one component of human services program that has statewide impact & supervises one unit of professional &/or technical human services program employees or combination of professional, technical, administrative &/or clerical/secretarial support staff." (Joint Exhibit G) Ms. Hughes elaborated that Appellant plans, evaluates, and directs the customer service area for child support. Her duties are a component of the Child Support Program, which has a statewide impact.

Ms. Hughes emphasized that the HSPA 2 Classification does include the technical aspect that Appellant focused on in her testimony. Therefore, from DAS's perspective, Appellant's responsibility from a technical standpoint is captured in the HSPA 2 Classification.

Based on the testimony presented and evidence admitted at hearing, I make the following Findings:

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

Next, I find as accurate and so adopt the duties outlined in Appellant's Position Description and in her testimony at hearing.

CONCLUSIONS OF LAW

This case presents this Board with the question of whether an employee who performs supervisory customer service and technical support staff duties, including the duties outlined in the Human Services Program Administrator 2 Classification (Appellant Matter's current Class), should have her Classification Plan Review

Determination affirmed, when Appellant suggests her position should be reclassified to Human Services Program Administrator 3? Based on the findings set forth, above, and for the reasons set forth, below, we must answer that Appellant's position appears to have been properly reclassified to Human Services Program Administrator 2 (69416) (Pay Range 13). Accordingly, this Board should **affirm** DAS's instant Class Plan Review Determination.

The Class Concept for the Human Services Program Administrator 2 (69416) Class reads:

The second management level class works under administrative direction & requires thorough knowledge of business administration, social or behavioral science or comparable field & applicable federal/state program regulations in order to supervise multi-unit human services program section (i.e., comprised of 2 or more supervisory level personnel) & to plan, evaluate & direct the section's operations, or to plan, evaluate & direct one component of human services program that has statewide impact & supervise one unit of professional &/or technical human services program employees or combination of professional, technical, administrative &/or clerical/secretarial support staff (i.e., supervision over two employees in clerical/secretarial & related classification in 10000 clerical and administrative support division of state class plan does not suffice), or to supervise ODJFS case management analysts, oversee quality control compliance of all county departments of job & family services, assigned to one district with public assistance regulations & guidelines & analyze, develop & recommend new policies & procedures & amendments affecting quality assurance programs resulting in delivery of services directly to clients served by county departments of job & family services, or to plan & direct multi-unit or unit support program responsible for supervision of technical consultative services to county child support enforcement agencies in assigned district (i.e., approximately 20 counties) & supervise staff of professional employees.

The Class Concept for the Human Services Program Administrator 3 (69417) Class reads:

The third level management class works under administrative direction & requires thorough knowledge of social or behavioral science or comparable field & applicable federal/state regulations in order to direct & coordinate district or regional human services program function & supervise program supervisors, or to formulate & direct implementation of human services program policies, procedures, goals & objectives having statewide impact, or to plan & administer activities of one bureau having statewide impact and supervise subordinate program or supervisory personnel, or to plan, implement & administer medical cost containment program (i.e., only one position per agency) & all related activities for one agency & supervise assigned staff or in ODJFS, performs one of the preceding duties or plan, direct & oversee statewide guidance to counties &/or providers to ensure compliance with state & federal laws, rules & regulations (e.g., development of business requirements & processes that meet client & provider needs to facilitate statewide program delivery; monitoring statewide system &/or program usage & issues to ensure consistent application within all counties &/or adherence to performance expectations; programmatic & related fiscal requirements under partnership & other agency agreements for allowable program reimbursements & serves as liaison with the Office of Fiscal Services in management or program funds; compliance reviews, enforcement actions & development of corrective action plans) & supervises assigned staff.

Based on the HSPA 2 Class Concept and the testimony provided, it appears Appellant has been properly classified as a Human Services Program Administrator 2. The HSPA 2 Class Concept does factor in the technical support aspect of Appellant's position and appears to capture nearly all other aspects of Appellant's job duties. The Customer Service Manager Classification (64436) (Pay Range 11) may also be a fit, given Appellant's supervision of seven Customer Service Assistant 2s. Nonetheless, it appears the HSPA 2 better encapsulates Appellant's responsibilities.

In addition, the HSPA 2 Classification states that an individual in this Class "recruits &/or trains section staff; attends & conducts meetings; oversees preparation & maintenance of section reports/documentation; ... develops recommendations for training & technical assistance to be provided to staff of county departments of job & family services, analyzes, develops & recommends

new policies &/or policy amendments.” The responsibilities outlined in the HSPA 2 Classification closely mirror those described in Appellant’s testimony, including the additional web portal responsibilities.

As an alternative to HSPA 2 Class, Appellant Matter has suggested the HSPA 3 Class.

Given the duties outlined in the HSPA 3 Class Concept, it does not appear that Appellant’s duties would meet the 20 percent threshold for the Class Concept. Appellant does not direct or coordinate a district or regional human services program or analyze or interpret federal or state regulations or laws or ensure program compliance. Appellant does not formulate or direct implementation of program policies or procedures. Appellant also does not appear to fall into the duties added specifically for ODJFS, involving the development of business requirements and statewide program management. (Joint Exhibit G7) The HSPA 3 Classification would not be the proper Classification.

Given the facts of this case, it appears Appellant meets the 20 percent threshold for the HSPA 2. Moreover, the HSPA 2 Classification more accurately describes the duties Appellant performs, and accordingly, appears to be the appropriate Classification for Appellant Matter’s current position.

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 Human Services Program Administrator 2 (69416) and that Appellant remain in Step X in accordance with pertinent law, pursuant to R.C. 124.03 and R.C. 124.14.


JAMES R. SPRAGUE
Administrative Law Judge

JRS: