

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Victoria Doyle,

Appellant,

v.

Case No. 2013-REC-01-0019

Bureau of Workers Compensation, and
Department of Administrative Services,

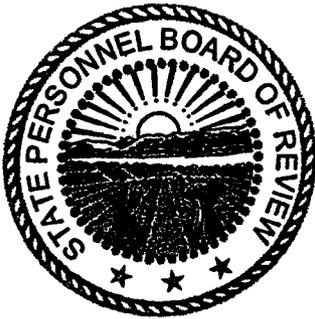
Appellee.

ORDER

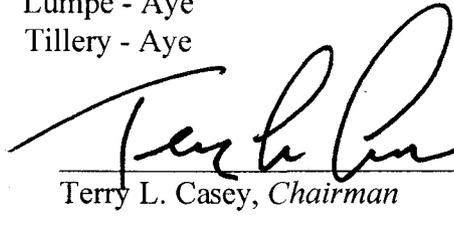
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 Department of Administrative Services' **CLASS PLAN REVIEW DETERMINATION**, reclassifying Appellant's position to Program Administrator 2, is **OVERTURNED** and the Appellant be **RECLASSIFIED** to the position of a Program Administrator 3, effective with the payroll period beginning on January 13, 2013.



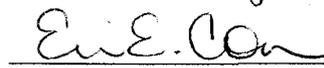
Casey - Aye
Lumpe - Aye
Tillery - Aye


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

2/13/14

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**

Victoria Doyle,

Case No. 2013-REC-01-0019

Appellant

v.

December 18, 2013

Bureau of Workers Compensation

and

Department of Administrative Services

Appellees

Christopher R. Young
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause came to be heard following a pre-hearing held on March 15, 2013, and at the record hearing held on May 31, 2013. Present at the hearing was Appellant, Ms. Victoria Doyle, presently classified as a Program Administrator 2 (63213) (Pay Range 12) who appeared *pro se*, offered testimony at the record hearing on her own behalf. The Appellee, Bureau of Workers Compensation (BWC) was present through its designee Ms. Dee Seidenschmidt, the Director of Personnel and Benefits. The Appellee, Department of Administrative Services (DAS) was present through its designee, Ms. Ashley Hughes, Human Capital Management Manager, offered testimony at the record hearing as the person who was familiar with the surveyed audit result. Further, the Appellant's immediate supervisor, Ms. Tina Kielmeyer, the Chief of Field Operations, was present and offered testimony, as well.

This cause came on due to Appellant's January 22, 2013, timely filing of appeal from the reclassification of her position from Management Analyst Supervisor 2 (MAS2) (63216) (Pay Range 14) to Program Administrator 2 (PA2) (63123) (Pay Range 12) effective with the payroll period beginning on January 13, 2013. This Class Plan Review Determination was a result of DAS's deletion of Appellant's former classification 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 pursuant to R.C. 124.03 and R.C.124.14.

Before proceeding onto the record, the Appellant, Ms. Victoria Doyle, stated that although she is presently classified as a Program Administrator 2 (63123) (Pay Range 12), she believes that she should have been placed in the classification specification of a Program Administrator 3 (63124) (Pay Range 14) or the Project Manager series (6338), as those would be better classifications or a better fit for the reclassification from the Management Analyst Supervisor 2 position.

STATEMENT OF THE CASE

The first witness to testify was the Appellant Ms. Victoria Doyle. Ms. Doyle testified that she currently works for the BWC, and has worked there for about 21 and half years. For the last 11 years, the witness testified that she has been in the MAS2 position. In January 2013, Ms. Doyle testified she was reclassified to the PA2 position, placing her pay grade into "Step X." Further, the witness explained that none of the previous duties that she performed have changed since the actual reclassification process. Additionally, the witness stated Ms. Tina Kielmeyer is her direct supervisor, and has been in that position for about last three to four years. The witness explained that Ms. Kielmeyer is the Chief of Field Operations, while working in the Department of Field Operations Administration.

Ms. Doyle then identified Joint Exhibit 2, as a current table of organization as of May 22, 2013, that accurately reveals her position and the organization as a whole, wherein she is the head of the Version 3 Customer Team, within the Customer Services Division and Field Operations Leadership and Support. The witness explained she is the individual who handles all of the initial workers compensations claims filings that come through the portal. Further, the witness explained she has five individuals underneath her, one of which position is currently vacant MAS1, a MAS1 and three Management Analysts. As a supervisor, Ms. Doyle explained that she hands out performance evaluations, trains and recommends discipline and approves leave time for the individuals listed below her. However, upon further questioning, the witness explained while she's been in the position for approximately last 11 years, the above noted individuals have not been under her since she began working in her supervisory role.

Ms. Doyle's team is known as the V3 Customer Support Team. The witness testified that the version of the claims team has been in production since about 1991, and the specific version name does not carry much weight, as it is more of a name.

Ms. Doyle explained she did not write the V3 program. When questioned, the witness testified that the overall function of her position is to advocate and coordinate all system changes in relation to V3. The original program has been in place for some time, but there are major changes and overhauls that occur constantly, if not monthly, at least quarterly. When legislation changes or business change functions, the program must be updated. The witness explained that she also coordinates strategic initiatives to implement changes that become necessary. Ms. Doyle stated she also has a testing unit that tests new changes, wherein she works with IT to develop the program changes that occur. Moreover, the witness testified that she does not program or code anything she just informs IT how she wants the program to work and where specific things need to go on the system.

Ms. Doyle then identified Joint Exhibit 1 as the instant survey from DAS, which she filled out. Ms. Doyle explained that she responded yes to question three on the survey, that she does formulate agency policy. Specifically, regarding question four (4) on the survey, the witness explained that she formulates V3 Customer Support policies by serving as the Agency Manager in evaluating and monitoring the effectiveness of those policies and procedures pertaining to BWC's claims management system. The witness stated she also coordinates legal & ORC issues, customer production issues, develops and approves system recommendations and V3 policies & procedures. Ms. Doyle testified that she also monitors and evaluates internal & external compliance controls (e.g. compensation, correspondence & activity reports) and identifies/develops/implements system changes. Along this line of questioning, Ms. Doyle stated she developed the Auto Adjudication program for Claims automated processing, as she developed, implemented and monitors the program. The witness also identified the last page of Joint Exhibit 1, as her position description and explained it as accurate.

Next, Ms. Doyle identified Joint Exhibit 3 and initially testified to the Program Administrator series. Specifically, when looking at the job duties in order of importance of a Program Administrator 2, on page 3 of 4 of Joint Exhibit 3, Ms. Doyle testified as to the duties she actually performs in relation to the V3 Customer

Support. Ms. Doyle stated that she acts for her administrator, serves as liaison between her administrator & subordinates, represents her administrator at meetings & conferences, assumes responsibility & authority in her administrators absence, interviews, hires & counsels employees, manages office & auxiliary functions & formulates & implements program policy, and supervises assigned staff. Further, Ms. Doyle explained she analyzes & evaluates programs, procedures & policies and provides technical advice to aid administrators in decision making. Additionally, Ms. Doyle also testified she researches & responds to inquiries & complaints in relation to the V3 Customer Support program. The witness stated that she also furnishes information & explains programs to the public, legislators & news media and writes position papers & reports and makes speeches & gives lectures and prepares news releases.

Ms. Doyle also testified that she prepares a customer budget for her small unit team, wherein she establishes & oversees maintenance of fiscal controls in relation to the V3 Customer Support program, but does not authorize expenditures & purchases. The witness testified that she developed & implements recruitment & training programs, develops & administers special programs & projects and prepares important documents, correspondence, directives & publications, as needed, as well.

Ms. Doyle then offered testimony regarding the Program Administrator 3 classification specification located and previously identified on Joint Exhibit 3, page 4 of 4. Ms. Doyle initially testified that she analyzes & evaluates programs, procedures & policies; develops & revises programs and provides technical advice to aid her administrator in decision making. Ms. Doyle also testified that she prepares & directs preparation of correspondence, reports, policy statements, legislative drafts; provides information on programs & policies to private organizations, government officials & general public. The witness, as which she testified in relation to the Program Administrator 2 she also coordinates & monitors personnel & fiscal services of her administrative unit; oversees & provides budget preparation & administration; orients & counsels new professional personnel and identifies staff training needs. Additionally, Ms. Doyle testified that she also represents her administrator at meetings & conferences with state, federal & community agencies and speaks for her administrator on policy matters.

Ms. Doyle, with respect to the Program Administrator 3 classification specification testified that she also acts for her administrator, provides regular

direction to division heads & other staff members, conducts staff meetings to discuss & execute policies & procedures, reviews proposals of division heads & other staff members & makes recommendations to her administrator. In relation to the V3 Customer Support program, Ms. Doyle assumes full responsibility & authority in her administrators absence, plans, directs & appraises work of her administrators office staff, manages auxiliary functions & formulates & implements program policy, and does all of preceding & supervises assigned staff.

Ms. Doyle then offered testimony with respect to the Data Systems Coordinator Supervisor's position (12395) (Pay Range 11). After looking at the job duties in order of importance, Ms. Doyle explained she does not supervise a unit of lower-level data systems coordinators in coordinating office automation projects, nor does she direct any data/word processing functions. Upon further questioning by the Administrative Law Judge, Ms. Doyle explained that the only duties listed in the Data Systems Coordinator Supervisor position she performed were evaluating hardware/software needs and recommending purchases in relation to those findings.

Ms. Doyle offered testimony with regards to the Project Manager (6338) classification series. Ms. Doyle initially explained that V3 Customer Support program was more of a program, rather a project based on the glossary definition of project because it is an object she is consistently updating. The V3 Customer Support program has no ending to it, originally it was a massive project, but it is now more of a program.

When reviewing and after looking at the minimum class qualifications for the Project Manager 1 position, Ms. Doyle explained that she received a B.S/B.A from Oklahoma State in Business Administration. Additionally, after reviewing the job duties in order of importance of a Project Manager 1, Ms. Doyle explained that she manages assigned project(s), with or without sub-projects, that covers all phases of project management with activities resting primarily within one given office /program of assigned agency & whose primary stakeholders are management staff &/or end users. Recently, Ms. Doyle explained that she headed a project that implemented federal Medicaid plans into to BWC, ensuring the claims were filed properly. Ms. Doyle testified that she was the business lead on this particular project for multiple years. Further, Ms. Doyle explained that since 2006/2007 she has been involved with the claims auto adjudication & claims triage program. Additionally, the witness explained that with regards to the business side of the Medicare project, Ms. Doyle

acted as a team leader, as well.

Further, Ms. Doyle testified as to other projects she was or is involved with at BWC. Ms. Doyle testified she is currently working on the CORE replacement project, and has been for over a year, as the CORE is replacing its V3 Customer Support program. Ms. Doyle explained that Senate Bill 7 created many system changes in 2006. Ms. Doyle also stated she was involved with the Claim Complexity triage state wide rollout program in 2010 and explained the project entailed an Electronic Fund Transfer which was a mandatory update that made it so compensation workers needed to receive funds electronically. Another project she was involved with was the Encoder replacement project, which was recently completed. The witness stated she also was involved with the Confidential Personal Information update of 2011 and the Deceased Injured Worker V3 Customer Support design project that automated payments to widowed workers.

Ms. Doyle, when questioned, explained that her most important job is making sure the systems being used are given the necessary tools, and ensuring the systems are moving forward.

The second witness to testify was the Appellant's immediate supervisor, Ms. Tina Kielmeyer. Ms. Kielmeyer has been Ms. Doyle's supervisor off and on for many years, but the two have only recently been together for about three to four years. Ms. Kielmeyer stated she previously was employed by the Customer Services Division, but when the administration changed her department became known as Field Operations. Ms. Kielmeyer stated that Ms. Doyle's testimony was very accurate in relation to her responsibilities at BWC. Further, Ms. Kielmeyer stated that Ms. Doyle likely understated her responsibilities in relation to her duties with the V3 Customer Support program. The witness testified that Ms. Doyle works on her behalf in relation to the V3 Customer Support program, and BWC would be lost without Ms. Doyle's expertise.

The third witness and last witness to testify was Ms. Ashley Hughes. Ms. Hughes testified that she is employed as a Human Capital Management Manager, within the Department of Administrative Services and has held that position since March of 2012. When questioned, Ms. Hughes explained that she did not perform an audit on Ms. Doyle's position rather she reviewed Ms. Doyle's survey after the MAS class deletion.

Upon further questioning, the witness testified that based upon a review of

Ms. Doyle's duties, DAS noticed that there was implementation and formulation of policy in relation to the V3 Customer Support program. As such, the witness testified that DAS turned to the Program Administrator series for the placement of individuals who implemented and formulated policy. Ms. Hughes stated that DAS placed Ms. Doyle in the PA2 position based on the e.g. language of responding to programmatic issues/needs of staff, leads/monitors task forces; plans, writes & implements departmental goals.

Upon questioning by the Administrative law Judge, Ms. Hughes agreed with Ms. Doyle's supervisor (Ms. Kilmeyer) that Ms. Doyle had greatly expanded her duties from what is written in her position description. Ms. Hughes further agreed that Ms. Doyle is really somewhat of the owner of the V3 Customer Support program. Additionally, when questioned, Ms. Hughes testified that she believed Ms. Doyle fills a very important role at BWC, but she did not believe that Ms. Doyle had completed the nine step project life cycle needed in order to be labeled as a Project Manager 1 thru 3.

Upon conclusion of the hearing, Ms. Doyle submitted Appellants Ex. 1 as previous work for review by the Administrative Law Judge.

FINDINGS OF FACT

There was no real discrepancy between the Appellants characterization of the duties she performed and those of the testimony of her direct supervisor, Ms. Tina Kilmeyer, the Chief of Field Operations for the Department of Field Operations Administration at the BWC. Ms. Kilmeyer stated that Ms. Doyle actually understated her importance in relation to BWC. Ms. Doyle's involvement with the V3 Customer Support program is unprecedented, and without Ms. Doyle's expertise BWC would not run in the same fashion it does today. While the Appellant may have understated her duties and level of importance at times, I find as a matter of fact, the Appellant performed 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 Appellants 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 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 WL37098.

As previously mentioned, the Appellant, Ms. Victoria Doyle stated that although she is presently classified as a Program Administrator 2, she is seeking to be reclassified to the position of Program Administrator 3 (63124) (Pay Range 14) or into the Project Manager series (6338). However, as was noted by the undersigned Ohio Department of Administrative Services designee, Ms. Ashley Hughes, a Human Capital Management Manager, the Appellant was properly classified as a Program Administrator 2. After a thorough review of the above mentioned classification specification, it is my recommendation that the Appellant was not properly classified as a Program Administrator 2. Based on the findings set forth, above, and for the reasons set forth, below, we must answer that Appellant's position appears not to have been properly re-classified to Program Administrator 2. Accordingly, this Board should not affirm DAS's instant Class Plan Review Determination and reclassify the Appellant as a Program Administrator 3.

The Series Purpose language for the project manager position reads "the purpose of the project manager occupation is to manage and/or direct the development and implementation of technical and/or specialized projects to assist management in planning and controlling the various aspects of assigned projects. All three levels of project manager, incumbents utilize industry standard program methodologies to direct and manage project development and implementation. The

distinction among the three classifications depends upon the scope of control and involvement with stakeholders.” The glossary provided within the series purpose language defines project such as “a temporary stand-alone assignment that has a definite beginning and end and is undertaken to create a unique product or service. “Temporary” is not to be construed as being a short period of time.”

In consideration of the glossary definitions testified in the classification series of a project manager reasonable minds can come to the conclusion that the V3 Customer Support program, is not a project in the terms of the definition provided above. The Appellant oversees the V3 Customer Support program, and has for quite some time. Initially, V3 Customer Support program was a project that had a launch date and a completion date. But since V3 Customer Support program has been implemented, it has not had a specific beginning and end date, it is an ongoing function utilized by the BWC. Not to undersell the Appellants duties, but they now revolve more around continuously updating and maintaining V3 Customer Support program. The Appellant’s testimony further stated this by explaining the overall function of her position is to advocate and coordinate all system changes in relation to V3 Customer Support program. For the Appellant to be classified under the Project Manager series, the V3 Customer Support program would have needed a specific beginning and ending date. Additionally, the Appellant’s testimony was devoid of her being fully involved in the phases of project management or planning the project life cycle, as called for in the above noted classification specifications of a Project Manager. Thus, these classifications were rejected as not being the "best fit" for the Appellant herein.

When reviewing the classification specification for a Data Systems Coordinator Supervisor's position which was brought up at the instant reclassification hearing, the undersigned rejected this classification specification as not being a good fit for the Appellant herein. The evidence revealed that for one to be considered a Data Systems Coordinator Supervisor, that person would have to supervise lower-level coordinators while coordinating office automation projects, as stated in the classification series purpose, which the Appellant did not perform. Thus, again the above noted classification was rejected by the undersigned.

The Series Purpose language for the Program Administrator 2 position reads “at the second level, incumbents relieve superior of variety of difficult administrative duties & formulates & implements program policy or does all the proceeding & supervises assigned staff. The Appellant relieves her superior of administrative

duties, and even acts on her behalf in relation to the V3 Customer Support program. However, the evidence in this case revealed that the Appellant relieves her superior of the **most difficult** administrative duty of managing the V3 Customer Support program for the entire BWC. Thus, the Appellant's duties are significantly beyond her current classification; therefore she should not be classified as a Program Administrator 2.

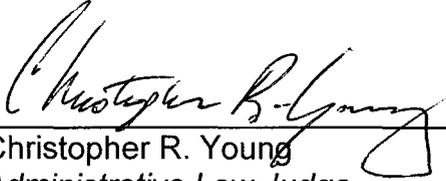
Based on the "best fit" analysis of the positions provided, the Appellant should be properly reclassified into the position of Program Administrator 3 (Pay Grade 14). The Series Purpose language for the Program Administrator series reads "the purpose of the Program Administrator occupation is to provide program direction by relieving superior of administrative duties." Looking at the Program Administrator series purpose "at the third level, incumbents relieve superior of **most difficult** administrative duties & formulates & implements program policy or does all of the proceeding & supervises assigned staff." Based on the duties the Appellant testified too, the evidence shows that Ms. Doyle relieves her superior of the most difficult administrative duty of formulating & implementing the V3 Customer Support program while supervising four other employees (one position is currently vacant). Looking at the job duties in order of importance, the classification specification of a PA3 shows that Ms. Doyle acts for her administrator by administering and ensuring the V3 Customer Support program works and functions properly. The Appellant performs most, if not all, the duties listed within the Program Administrator 3 Classification Specification, allowing the position to act as the "best fit."

The Appellant performs a significant amount of important duties for the BWC. Placing the Appellant in any position other than the Program Administrator 3 specification would not only severely hinder her ability to function as an employee, but the entire BWC as a whole. Based on the breadth of the Appellants duties, it is difficult to place her in any classified position at all. Based on the "best fit" analysis employed by this board, the Appellant should be reclassified as a Program Administrator 3.

After reviewing Ms. Doyle's testimony with regard to her job tasks and/or responsibilities it became apparent when reviewing the classification specification of the Program Administrator 3 position, it served as the most appropriate or "best fit" position for the Appellant.

RECOMMENDATION

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **OVERTURN** the **CLASS PLAN REVIEW DETERMINATION** of the Department of Administrative Services that Appellant's position be re-classified to Program Administrator 2 and **RECLASSIFY** the Appellant to be position of a Program Administrator 3, effective with the payroll period beginning on January 13, 2013.



Christopher R. Young
Administrative Law Judge

CRY: