

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Vanessa Velez,

Appellant,

v.

Case No. 2013-REC-01-0020

Bureau of Workers Compensation, and
Department of Administrative Services, Human Resources Division

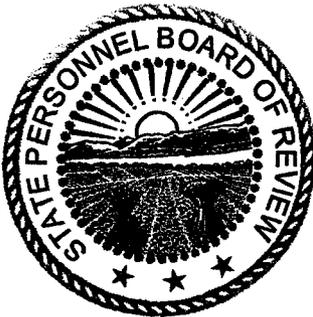
Appellees,

ORDER

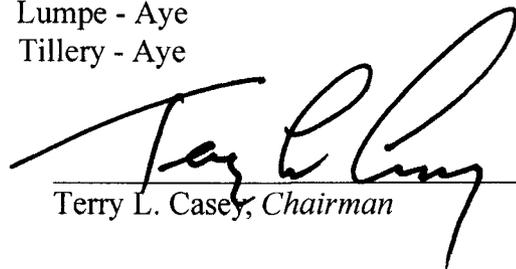
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 the **CLASS PLAN REVIEW DETERMINATION** of the Department of Administrative Services that Appellant's position be re-classified to a Workers' Compensation Information Supervisor (64475) 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, March 13, 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.

3/14/14 

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

Vanessa Velez,

Case No. 13-REC-01-0020

Appellant

v.

January 24, 2014

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 31, 2013. Present at the hearing was the Appellant, Ms. Vanessa Velez, presently classified as Workers' Compensation Information Supervisor, offered testimony at the record hearing and who was represented by Marc E. Myers, Attorney at Law. 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. Douglas Farmer, the Central Claims Service Office Manager, offered testimony, as well.

This cause comes on due to Appellant's January 22, 2013 timely filing of an appeal from the reclassification of her position from Management Analyst Supervisor 2 (63216) (Pay Range 14) to a Workers' Compensation Information Supervisor (64475) (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. Vanessa Velez, stated that although she is presently classified as a Workers' Compensation Information Supervisor (64475) (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) or the Program Administrator 2 (63123) (Pay Range 12) which would be a better fit with the Appellant's duties.

STATEMENT OF THE CASE

Ms. Velez stated that while she has over 20 years of total employment with the Bureau Worker's Compensation, in 2001 she became a Medical Claims Supervisor, in the Central Claims Office. Further, the witness testified that in 2006 she became a Management Analyst Supervisor 2, the position she held prior to being reclassified to a Workers' Compensation Information Supervisor in January 2013. When questioned, the witness testified that Mr. Douglas Farmer, the Central Claims Service Office Manager, is her immediate supervisor, and has been so since 2008. However, the witness noted that between November 2011 and November 2012 Ms. Shawn Crosby had assumed a supervisory role over her, and it has since reverted back to Mr. Farmer. Ms. Velez when questioned stated that Ms. Crosby was her supervisor when she filled out the survey questionnaire, but that Mr. Farmer is familiar with her job duties, as well. The witness explained that Mr. Farmer has four different units under his supervisory control those being; self-insured bankrupt; medical claims: special claims and disabled workers relief fund.

The witness then identified Joint Exhibit 2 as an approximate ten page survey packet of information she filled out on or about August 31, 2012, regarding her job duties. When questioned, the witness testified that the duties described in the survey were duties that she performed back in August of 2012, as well as what she performs presently, with the exception that she now after April 1, 2013 she supervises six (6) Worker Compensation Claims Assistants, whereas she used to supervise two (2) Account Examiner 2s; (2) Clerk 3s and (3) Worker Compensation Claims Assistants. When questioned, the witness testified with regards to her

providing supervision, that she did complete performance valuations, approve leave time, effectively recommends discipline and provides training, if needed, to the individuals listed above. The witness explained that the mission of their section of the agency is to ensure the timely processing of injured worker and employers and the processing of their claims within the specified state-mandated guidelines, along with responding to customer inquiries.

The witness then identified Joint Exhibit 2, page 4 of 7, as a portion of her audit questionnaire that identified the policies that she had had a role in formulating. When questioned, the witness testified that she had a role as a team player formulating the five policies noted on the page, dating back to 2005/2006 to the last one dated 2010. The witness explained that the policies which she formulated were more along the lines of formulating queries to extrapolate information, to run management reports.

Next, the witness testified in regards to the percentages of time she spent at work as outlined on Joint Exhibit 2, page 6 of 7. The witness testified that 45% of time was spent as follows:

Following the operational policies such as employer identification, auto adjudication, and family support to improve central claims operations. Plan and direct the evaluation/monitoring for central office to ensure the accuracy of the appropriate employer selection and claim determinations through the development of compliance review tools. Update appropriate policies as appropriate and required; analyze data warehouse reports to determine the accuracy of claim data and employer policy information to address claims management quality assurance programs. Determine the accuracy of the family support orders to ensure timely processing and implementation of the orders in accordance with the agency, state and/or federal laws, rules, regulations, policies and procedures. Determines the quality of claims determination through the implementation of created claims audit tools; ensure the accuracy of identifying the correct employer of record for claims filed with no employer identified. Create audit tools for the family support process and the employer management services in central claims in the customer services center to ensure effective and efficient service to the injured workers and employers of Ohio.

Supervise the implementation of procedures of the employer management services such as receiving and reporting employers' payroll and premium payments, receiving employer initial coverage applications and payments, determining if employers have appropriate manual insurance classifications and coverage for businesses. Create queries in data warehouse to originate management reports to determine the effectiveness accurate employer information, auto adjudication program and family support. Analyze existing data and identify areas where improvement is needed in order to meet departmental goals. Implement revised policies and procedures for the family support services. Ensure the quality review/tools are updated as needed and make recommendation of new tools as needed. Recommend process improvements to the assistant manager, including the development and implementation of changes once approved. Provide and implement performance standards in the employer management services, family support unit, attorney representation desk and self-insured claims processes.

Ms. Velez also testified that she spent an additional 45% of her job duties as follows:

Supervising the Customer Services Center staff of Worker Compensation Claims Assistants who provide employer management services in Central Claims (e.g. the correct identification of employers, receive employer payroll and premium payment and documentation, update employer policy information on the workers' compensation system, research/resolve employer coverage—individual Incorporated as corporations, corporations and partnerships; out-of-state and payroll premium issues; provide assistance to claims teams regarding employer policy issues); Claims Assistants who manage self-insured claims caseloads, review and process C92/C92A applications in accordance with BWC procedures, laws, rules, regulations and policies; Claims Assistants who provide the family support services to claims specialists statewide, review and process family support orders in accordance with the agency, state and/or federal laws, rules, regulations, policies and procedures; and clerks who assigned and

keep electronic data access identification numbers on injured workers and employer representatives for the Attorney Representation Desk. Provide functional guidance and technical assistance performing the various operations in the Customer Services Center; perform supervisory functions (perform performance reviews, approve a request for leave, interviews and makes recommendations for hire, recommendations for disciplinary actions).

Next, Ms. Velez testified that she spent the last 10% of her job duties as follows:

Preparing comprehensive reports to management detailing the outcomes of compliance reviews; detailing outcomes of new policies/procedures and performance measures; provide weekly and monthly reports of Customer Services Center activities (employer services, family support, self-insured claims, attorney representatives, identification of correct employers and claim determinations. Perform other related duties as requested by management (e.g. attends meetings, serves on committees or workgroups).

The witness then identified Joint Exhibit 3, on page 2 of 3 the classification specification of a Workers' Compensation Information Supervisor. When questioned, the witness testified with respect to the first job duty in order of importance she does supervise Workers' Compensation Claims Assistants. Additionally, when questioned, the witness testified she does oversee the processing of applications and tracking of those claims process, along with providing advice, information and technical assistance to the customer service team members relating to all the aspects of claims decision-making. However, the witness testified that she does not provide answers and/or information on a daily basis at the customer service desk/counter to injured workers or employers, but that she does fill in from time to time. Further, the witness testified with respect to the job duties in order of importance she does not monitor the staff to ensure the timely setting of exams or contacts physicians to review files. On the other hand, the witness testified that she does participate in developing office policies procedures and makes recommendations to the service office manager, researches more difficult inquiries from claim staff, orients and trains the staff; acts as a liaison with

public officials, attorneys, lawyer representatives, employers, physicians and the general public. Additionally, the witness testified that she also sets up and maintains documentation records to include ensuring information is timely accurate and accessible, along with preparing weekly and monthly reports regarding the processes and paperwork of her subordinate employees to include leave requests, time sheets and expense reports.

The witness then identified Joint Exhibit 3, the classification specification of an Administrative Officer 2 and explained with respect to the duties thereon that she did not plan develop and organize the activities of a major division, section or bureau of an agency, but only a unit. Further, the witness testified that she did not analyze and/or develop policies and procedures for a major division, section or bureau. However, the witness testified that from time to time she would maintain a liaison with public officials, private agencies and general public; explains policies and programs; and respond to telephone or written inquiries and complaints. Additionally, the witness testified that she would develop for her unit a budget wherein she would monitor and approve expenditures.

Next, the witness then identified Joint Exhibit 3, the classification specification of a Program Administrator 2, on page 3 of 4, wherein she testified that she does not act for the administrator or serve as a liaison between the administrator and subordinates, transmits decisions and directives and/or represents the administrator at meetings and conferences or assumes the responsibility and authority in the administrator's absence. When questioned, the witness testified that she does not analyze or evaluate programs, policies and procedures. Further, the witness testified that she does not develop and coordinate public relations programs, but that she does research and respond to inquiries and complaints. Furthermore, the witness testified that she does not manage the business function of the administrator's office and or prepares and administers the budget, nor does she establish and oversee the maintenance of fiscal controls or authorizes section-wide expenditures and purchases.

When questioned as to what she believes her most important job function the witness explained that she is there to assist her staff and to analyze the data to make suggestions to her supervisor.

Upon questioning by counselor Myers, the witness testified as to her role within the budgetary process. The witness when questioned testified that her

responsibility is greater than the Customer Service Unit's budget. The witness explained that additionally she reviews the data for the medical claims, self-insured, special claims and disabled workers relief funds, with annual budgets totaling 8.5 million, and provides those sections with that data to enable them to complete their budgets.

The next person to testify was Mr. Douglas Farmer, the Central Claims Service Officer Manager, the immediate supervisor of the Appellant herein, a position he's held for approximately since October 2008. Specifically, when questioned, if the Appellant's testimony regarding her job duties and/or responsibilities were accurate, Mr. Farmer answered in the affirmative for the most part, as he was in the hearing room and heard the same. Further, when questioned, the witness testified that there is a policy department and expressed that they are kind of at the end of the line in the process.

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 for 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 a 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. Vanessa Velez's job duties and/or responsibilities she found that Ms. Vanessa Velez was properly classified as a Workers' Compensation Information Supervisor, classification specification number 64475. The witness then identified Joint Exhibits 1-3 as a series of documents that included, among other things, that Ms. Vanessa Velez's listing of her duties revealed that she should be classified as a Workers' Compensation Information Supervisor.

FINDINGS OF FACT

There were no real discrepancy between the Appellants' characterization and the duties that she performed and those of the testimony of her direct supervisor,

Mr. Douglas Farmer, the Central Claims Service Officer Manager, for Bureau of Workers Compensation. Therefore, 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 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. *Mounds 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. Vanessa Velez stated that although she is presently classified as a Workers' Compensation Information Supervisor, she was seeking to be reclassified to the position of an Administrative Officer 2 and/or a Program Administrator 2's position. However, as was 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 Workers' Compensation Information Supervisor. After a thorough review of the above mentioned classification specifications, it is my recommendation that the Appellant was properly classified as a Workers' Compensation Information Supervisor. 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 Workers' Compensation Information Supervisor (64475) (Pay Range 11) (Step X). Accordingly, this Board should affirm DAS' instant Class Plan Review Determination.

As an alternative to the Workers' Compensation Information Supervisor classification specification, the Appellant has suggested both the Administrative Officer 2 classification specification and the Program Administrator 2 classification specifications.

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 only 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 Program Administrator series reads for Program Administrator 2 (63123): "At the second level, incumbents relieve superior of variety of 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 serve as a liaison between the administrator and subordinates, transmitting decisions and directives while representing the administrator at meetings and conferences and/or assume the responsibility and authority in the administrator's absence. Further, as testified by the Appellant, she also did not analyze and evaluate any program policies and procedures, nor did she develop and coordinate any public relations program, nor does she manage the business function of the administrator's office, as called for in the classification specification of a Program Administrator 2. 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. Vanessa Velez's testimony with regard to her job tasks and/or responsibilities it became apparent when reviewing the classification specification of the Workers' Compensation Information Supervisor's classification specification it was the most appropriate fit, or "best fit" for the Appellant. When reviewing the classification specification of a Workers' Compensation Information Supervisor's class concept it revealed that an incumbent holding that position works under the direction and requires a thorough knowledge of the Workers' Compensation Claims in order to supervise Workers' Compensation claims assistants and related clerical support staff. Further, under the first and third supervise Workers' Compensation Claims Assistants, and provide advice, and information that will assist customer service team members relating to all aspects of claims decision-making, workflow and inter/intra office procedures and claims information. The evidence at the hearing revealed that these duties are what the Appellant performed for the most part, thus the classification specification of a Workers' Compensation Information Supervisor was an appropriate classification for the Appellant to have been placed.

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 Workers' Compensation Information Supervisor (64475) and that Appellant

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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 