STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Lisa McFarland,

Appellant,

v.

Case Nos. 2013-REC-01-0030
2013-REC-01-0037

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

Appellees.

ORDER

These matters came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeals.

After a thorough examination of the entirety of the records, 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 Inventory Control Specialist Supervisor (64555) and that Appellant remain in Step X in accordance with pertinent law, is **AFFIRMED**, pursuant to R.C. 124.03 and R.C. 124.14

Casey - Aye
Lumpe- Aye
Tillery - Absent

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 the foregoing is (~~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, July 10, 2013.

Clerk

ENTERED 7-10-13

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

LISA MCFARLAND,

Appellant

v.

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

Appellees

Case Nos. 13-RED-01-0030
13-REC-01-0037

June 4, 2013

JAMES R. SPRAGUE
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

These causes came to be heard at pre-hearing on February 26, 2013, and at record hearing on May 10, 2013. Present at the hearing was Appellant, Lisa McFarland, who appeared *pro se*. Appellee Department of Job and Family Services (DJFS) was present through its designee, Janet Kaplan, Intermittent Program Administrator (P.A.) 3, 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).

These causes come on due to Appellant's January 26, 2013, timely filing of appeals from the reclassification of her position from Management Analyst Supervisor 1 (63215) (Pay Range 12) to Inventory Control Specialist Supervisor (ICSS) (64555) (Pay Range 11), 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 Class of Management Analyst Supervisor 1 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). **This Report and Recommendation consolidates Case Numbers 13-RED-01-0030 and 13-REC-01-0037.**

Appellant believes the Classification of Program Administrator 2 (63123) (Pay Range 12) would better fit Appellant's duties.

At hearing, Appellees waived their respective opportunities to offer oral or written closing statements.

At hearing, Appellant offered an oral closing statement. The instant records were then closed.

Jurisdiction over the subject matter of these appeals 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 **Lisa McFarland, Appellant**, whose position is currently classified as Inventory Control Specialist Supervisor.

Next to testify was **Beth Curry**, Appellant's supervisor, whose position is classified as Visual Communications Manager.

Last to testify was **Ashley Hughes**, HCM Manager and Head of Class/Comp for DAS.

Appellant began her testimony by indicating that she supervises three subordinates, one whose position is classified as Storekeeper 1 and two whose respective positions are classified as Inventory Control Specialist 2. The Storekeeper position is currently vacant as the former employee retired. All three subordinate positions are in the bargaining unit. The title of Appellant's work unit is Forms Management, Appellant stated.

Within the Forms Management unit, Appellant reports to Beth Curry, Visual Communications Manager. Appellant's supervisor reports to Nick Linn, a Business Operations Manager (BOM) 2. Mr. Linn reports to Jeffrey Hissem, a BOM 3.

Appellant stated that a major function of her position is to manage all forms from "inception to obsoletion [sic]." This includes all forms, brochures, pamphlets, and envelopes that are registered with DJFS. Appellant offered that a majority of this management is performed *via* an integrated electronic forms management

system, which houses most of the unit's forms. Appellant stated that only a small percentage of the forms are physically stored in the DJFS facilities warehouse.

Appellant indicated she is responsible for formulating, implementing, and ensuring compliance with internal policies and procedures, specifically IPP 4301 Form Warehouse. Appellant also explained that she is responsible for planning, directing, and coordinating all functions of the forms management program, which involves working with the communications department and county agencies.

Appellant offered that she is also responsible for monitoring and maintaining the website on which the forms are displayed. If the citizens of Ohio or county agencies have questions or complaints pertaining to the website, Appellant described that she is responsible for fielding questions and addressing complaints.

Appellant also identified the following duties as other tasks performed within the scope of her position: researching and analyzing cost-effective business requirements for vendor contracts; creating and monitoring shipping budgets and invoices; assisting the printing department; and interacting directly with the citizens of Ohio to provide information pertaining to the different types of forms maintained by the unit.

In addition to the aforementioned duties, Appellant's supervisor indicated that in the supervisor's absence, Appellant is responsible for acting on the supervisor's behalf. In this capacity, Appellant prepares reports, attends meetings, and is required to have an understanding of all the unit's responsibilities. Appellant's supervisor affirmed Appellant is responsible for developing and enforcing forms standards and policies.

Appellant takes the position that inventory control is only a small component of the forms management system and pertains to only a small portion of the forms Appellant is responsible for managing. She urges that the forms management system is a management tool, not an inventory control system. Indeed, Appellant's supervisor, Beth Curry, indicated that inventory control was merely a component of the forms management system. Appellant's supervisor offered that as electronic versions replace hard copies, Appellant's duties of physical inventory management have decreased. Although not able to provide an exact percentage, Appellant's supervisor stated that the inventory control aspect was a smaller percentage of Appellant's duties. It should be noted that Appellant's supervisor was unable to

state whether Appellant performed the duties described in the ICSS position description 20 percent of the time; she was unclear as to how forms management and electronic management of forms fit together.

Appellant opined that reclassifying her position to Inventory Control Specialist Supervisor results in an inaccurate depiction of her actual job duties. According to Appellant, less than ten percent of her duties involve inventory control duties. Appellant offers, and her supervisor confirms, she is not responsible for any salvage or surplus disposals, a function listed in the ICSS position description. In addition, she offers that she does not control or provide direction over purchases, accounting, maintenance, equipment, or the operations of the warehouse facilities, one of the enumerated duties listed in the ICSS position description. Appellant's supervisor stated that a larger percentage of the Appellant's time involves acting on the supervisor's behalf and managing the forms management program.

DAS, in the person of Ashley Hughes, Head of DAS's Class/Comp Unit, stated that DAS reviewed two other Classifications, Forms Control Specialist and Publication Specialist; however, both Classifications are part of the bargaining unit and neither includes exempt levels. Appellant is considered exempt because she manages two or more full-time employees and as such could not be placed in either of the Classifications mentioned, above.

Ms. Hughes stated that, as permitted by the 20 percent rule, DAS chose to reclassify Appellant's position to ICSS. Ms. Hughes explained that DAS placed Appellant in the ICSS Class because they interpreted "forms management" as an evolution of "inventory control." The shift from hard copies of forms to electronic copies is merely a new and improved inventory control system as identified in the ICSS Specification, she noted.

Ms. Hughes referenced Appellant's testimony, which stated approximately fifty percent of her job duties involve managing forms, whether in hard copies or electronic versions. In addition, as explained in the ICSS Specification, Appellant stated she does serve as a liaison with vendors, printers, and other state customers. Lastly, Appellant does supervise two Inventory Control Specialists, Ms. Hughes reaffirmed.

Ms. Hughes offered that Appellant's position was not classified under the Program Administrator 2 Class because forms are not considered programs nor are

they programmatic in nature according to DAS's interpretation. Forms management is considered a functional or operational area, she declared.

Appellant questioned Ms. Hughes regarding this interpretation of "programs." Appellant cites R.C. 125.98 which states, "Each agency shall appoint a forms management representative, who may be from existing personnel. The appointee shall cooperate with, and provide other necessary assistance to, the director of administrative services and the state forms management program in implementing the program." Ms. Hughes responded that DAS interpreted the definition of "programs" differently than the Revised Code.

Ms. Hughes explained that the Program Administrator Classifications are to be utilized when no specific area has been defined within the State of Ohio Class Plan for the position. Here, Ms. Hughes asserted, because there is already a Specification that encompasses the majority of Appellant's work (*i.e.* ICSS), it would be inappropriate to place Appellant in the P.A. 2 Class. Ms. Hughes described that because DAS has developed Classifications that all agencies use, when employees can appropriately be placed in those Classifications, they should be. Ms. Hughes stressed that reclassifications are not always an exact fit but must be an appropriate fit.

Further, Ms. Hughes stated, that the Program Administrator 2 Classification relieves the supervisor of a variety of administrative duties. Ms. Hughes explained that, to be placed in the P.A. 2 Class, the individual must be doing administrative duties for a programmatic area. Ms. Hughes reiterated that while Appellant is performing administrative duties, it is in an operational or functional area as opposed to programmatic area.

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

These cases present this Board with the question of whether an employee who performs forms management duties, including duties outlined in the Inventory Control Specialist Supervisor Class (Appellant's current Class), should have her Classification Plan Review Determination affirmed, when Appellant asserts her position could also be reclassified to 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 to have been properly re-classified to ICSS (Pay Range 11) (Step X). Accordingly, this Board should affirm DAS's instant Class Plan Review Determination.

The Class Concept for the Inventory Control Specialist Supervisor (64555) Class reads:

> The supervisory level class works under administrative supervision & requires thorough knowledge of inventory control, agency policies & procedures & state &/or federal regulations governing inventory control & salvage & surplus disposal, electronic data processing as applied to inventory control computer systems & supervisory principles/techniques in order to develop, implement & enforce new &/or improved inventory control & salvage & surplus disposal systems for state agency & supervise assigned staff.

The Class Concept for the Program Administrator 2 (63123) Class reads:

> The first administrative level class works under administrative direction & requires thorough knowledge of management principles/techniques, supervisory principles/techniques & agency policies & procedures regarding <u>program</u> activities of unit, section, division or bureau in order to provide <u>program</u> direction by relieving superior of a variety of difficult administrative duties & formulate & implement <u>program</u> policy, or to do all of preceding & supervise assigned staff. (emphasis added)

While Appellant does not perform all of the enumerated duties for the Inventory Control Specialist Supervisor, it appears her duties sufficiently qualify her position for the ICSS Class, particularly when she merely needs to perform the

duties of the ICSS Class Concept 20 percent of the time (Please see O.A.C. 123:1-7-15). Further, Appellant does supervise two Inventory Control Specialist 2s. Finally, it should be noted that the State's Class Plan, at this point in time, does not appear to distinguish between "inventory control" and "forms management," and, accordingly, neither can this Board. (Please see R.C. 124.03 (A) (1), Paragraph 2.) Thus, the ICSS Class would provide an adequate fit with Appellant's position and duties.

As an alternative to the ICSS Class, Appellant has suggested the Program Administrator 2 Class.

The Program Administrator 2 Class Concept calls for the incumbent to, among other things, formulate program policy and provide program direction by acting on behalf of one's supervisor. While a program is not defined in the P.A. Class Series, DAS has asserted that this Class Series underwent a re-write expressly to ensure that all incumbents assigned to this Series must actually promulgate program policy and provide program direction. The record does generally support the finding, set forth above, that Appellant formulates and implements policy and provides direction on behalf of her supervisor. However, by DAS's logic, Appellant does not formulate program policy or provide program direction but does so for a function or operational area.

DAS argues that if a Specification exists in the Class Plan that more specifically describes the duties of a position, then that particular Class should be utilized. It is true that DAS could have included specific language in this Series to memorialize that viewpoint.

Nonetheless, DAS's argument has merit. A myriad of positions might end up being classified as Program Administrator that could otherwise be classified under a specific job-related Specification. This could create an overly broad Program Administrator Classification that not only diminishes the utility of the Class but also the integrity of the State's Class Plan. Accordingly, the P.A. 2 Class does not appear to be appropriate for Appellant'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 Inventory Control Specialist Supervisor (64555) 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: