

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

Iroabuchi A. Arum,

*Appellant,*

v.

Case No. 2013-REC-01-0035

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

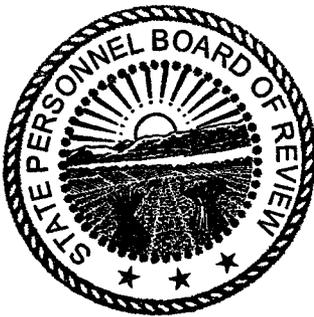
*Appellees.*

**ORDER**

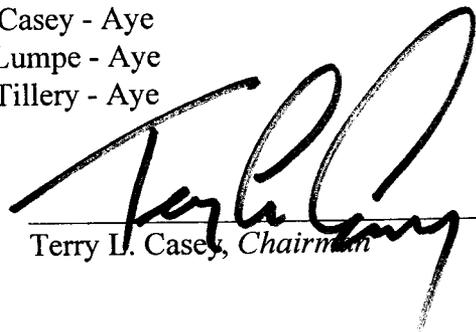
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 Department of Administrative Services' Class Plan Review Determination be **MODIFIED**, and instead, reclassify Appellant Arum's position to Project Manager 1 (63381) (Pay Range 15), pursuant to Ohio Revised Code Sections 124.03 and 124.14.



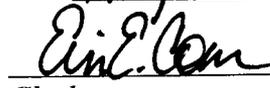
Casey - Aye  
Lumpe - Aye  
Tillery - Aye

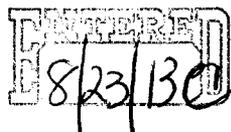
  
Terry L. Casey, *Chairman*

**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, August 23, 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**

Iroabuchi Arum,

Case No. 13-REC-01-0035

*Appellant*

v.

June 28, 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 May 10, 2013. Present at the hearing was Appellant, Iroabuchi Arum, who appeared *pro se*. Appellee Department of Job and Family Services (DJFS) was present through its designees, Nancy Jansco-Kocarek, Human Capital Management (HCM) Manager, and Tresa Young, Bureau of Automated Systems, Bureau Chief, and was represented by Nicole S. Moss, Senior Staff Attorney. Appellee Department of Administrative Services (DAS) was present through its designee, Jessica Schuster, HCM Administrator 2.

This cause comes on due to Appellant Arum's January 25, 2013, timely filing of appeal from the reclassification of his position from Management Analyst Supervisor 2 (63216) (Pay Range 14) to Human Services Program Administrator 3 (69417) (Pay Range 14), effective with the payroll period beginning on January 13, 2013. This Class Plan Review Determination was a result of DAS's deletion of Appellant Arum's former Class of Management Analyst Supervisor 2 from the State Class Plan. Because this reclassification resulted in a lateral move, Appellant Arum's was not placed into "Step X" pursuant to R.C. 124.14 (A).

Appellant Arum believes the Classification of Project Manager (PM) 1 (63381) (Pay Range 15) would better fit Appellant's duties.

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

At hearing, Appellant Arum and Appellee DAS wished to offer written closing statements. Statements were due no later than June 24, 2013. The 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, four witnesses testified, in accordance with O.A.C.124-7-03 ("Procedure in reclassification appeals").

Appellant Arum's and Appellant Bullock's cases were heard together. However, both Appellants filed separate written closing statements. Thus, Appellant Bullock's case has been reviewed in a separate Report and Recommendation.

First to testify was **Iroabuchi Arum, Appellant**, whose position is currently classified as Human Services Program Administrator 3.

Next to testify was **Kevin Bullock, Appellant**, whose position is also classified as Human Services Program Administrator 3.

Next to testify was **Tresa Young**, Appellants' supervisor, whose position is classified as Project Manager 2.

Last to testify was **Jessica Schuster**, HCM Administrator 2.

Appellant Arum began his testimony by indicating that he works for the Bureau of Automated Systems (BAS), headed by Bureau Chief, Tresa Young, Appellant Arum's immediate supervisor. Appellant Arum stated he has ten subordinates; although one position is currently vacant, all Appellant's subordinates are classified as Business Analysts. Appellant Arum indicated that he works in the Statewide Automated Child Welfare Information System (SACWIS) unit as the SACWIS Business Support.

Within the SACWIS unit, Appellant Arum reports to Tresa Young, who is currently classified as a Project Manager 2. Appellant Arum's supervisor reports to Jennifer Justice, Deputy Director of the Families and Children Bureau.

Appellant Arum stated that the major functions of his position involve the testing and development of SACWIS applications. Appellant Arum estimated these two components consume roughly 90 percent of his job duties. Appellant Arum indicated the remaining percentage of his time is spent performing miscellaneous tasks including administrative work and tasks involved in supervising his ten subordinates.

Appellant Arum explained that his unit covers four of the five functional areas within the SACWIS application. He stated that the individuals he supervises are responsible for the following modules: Intake, Case Management, Resource Management, and Administration. Appellant Arum stated the only functional area his subordinates are not responsible for is the Finance Management module. Appellant Arum stated that during the development phases, his team has ongoing interaction and communication with the user community, which could be a county agency or private agency.

Appellant Arum stated that prior to the development work, the business support staff convenes to identify the workload for the upcoming review cycle and to ensure that all requisite documentation is complete in order to begin development. Appellant Arum meets with the development side of the operation, the Office of Information Systems (OIS), to ensure their department has all the information they need to proceed with development.

Appellant Arum explained that it takes approximately four weeks to complete each of the two cycles, which are development and testing.

Appellant Arum stated, in the development meetings, the SACWIS Business Unit and end users discuss targeted delivery dates and clarify the business requirements. Appellant Arum explained that as modifications are introduced into the process, additional meetings are scheduled to ensure the changes still meet the end users' business functions. Appellant Arum also indicated that some of the meetings focus on areas of issues that have evolved from Office of Families and Children policy. It is then Appellant Arum's job to provide guidance on what the policy is and how to work around those issues, he explained. Once the business requirements have been identified, Appellant Arum's team meets with the end users to review the design to ensure the developers have created an interface that allows the end user to utilize the application in an efficient and effective way.

Appellant Arum described that once the design review session with the Integrated Project Team (IPT) is complete, his team packages and releases the product for testing. For each development project, testing lasts approximately four weeks; the first two weeks are referred to as interim testing. Appellant Arum explained that near the end of the second week, a representative from the user community is brought in to test the software. Appellant Arum stated, in the third week, his team meets with the Integrated Project Team; a team composed of Appellant Arum's team, OIS, and external vendor staff. At this point in the testing process, the IPT determines whether the software is ready to move into production, Appellant Arum stated.

Appellant Arum explained that the end of the testing phase includes a certification stage where Appellant Arum's team ensures that all testing is complete. Appellant Arum stated that the team identifies where fixes were not verified successfully. He then explained that once those fixes have been identified, he meets with the development team to review and assess the risk exposure involved with the items that were not verified successfully. Appellant Arum indicated that in week four, the software is deployed to the user community.

Appellant Arum also provided information regarding other types of testing he is responsible for conducting. He stated many other types of testing occur at the same time as the release testing. He indicated his unit tests reports and batch jobs that are broken on a daily basis; those, he stated, can be deployed independent of the release cycle. He also described testing that is required if an immediate response is needed to remedy an issue.

His unit is also responsible for any data fixes or data issues identified by the user community. Appellant Arum stated that the user community is comprised of county agencies and private agencies such as adoption agencies. Appellant Arum added that courts will soon become part of the user community. He explained that with the agencies already using the SACWIS application, he mostly works on monthly fixes and "hot" fixes.

Appellant Arum offered in Appellant's Exhibit 1 a number of the key areas he is responsible for managing. Appellant Arum stated the projects outlined are examples of different projects he is assigned. However, every year new projects, similar to the ones listed, are added to his list of responsibilities. He stated his team typically identifies a timeframe based on the planning that went into it; however, he indicated that some projects stretch beyond the timeframe originally identified.

Appellant Arum described several of the projects identified in Appellant's Exhibit 1. He explained that RAPBACK was a system developed that allows the user community to check on adopted families and foster families to ensure the children placed with those families have not been entered into the juvenile system for any offense. It allows the users to confirm the children are safe. Appellant Arum went on to describe the "Private Agency Rollout" in which the team would develop aspects of the application in order to introduce the application to different private agencies. He explained that the "Environmental Upgrade" project was to upgrade the infrastructure of the SACWIS Application. Appellant Arum described another database, "NYTD," the National Youth Transition Database. He explained this system was developed to track individuals aging out of foster care and to monitor their transition into adulthood.

Appellant Arum's supervisor, Ms. Young, emphasized Appellant Arum's role in the Integrated Project Team. She explained that Appellant Arum and his subordinates work as a cross-functional team with the OIS, vendor development teams, and projects managers. She stated that her unit "works as a team and [they] are utterly dependent on each other for better or for worse." Ms. Young went on to describe that SACWIS compliance is an overall project with several subcomponents like training as a part of the upgrade project.

DAS, in the person of Jessica Schuster, Human Capital Management Administrator 2, stated that Appellant Arum was exempt from the bargaining unit because of his supervision assignments. Ms. Schuster stated that after the testimony today, she did not believe he fit into the Project Manager (PM) Classification and that Human Services Program Administrator 3 was the proper classification. However, she did not provide any other classifications that were analyzed in Appellant Arum's reclassification review.

Ms. Schuster stated that the determination was based on the information provided by Appellant Arum; his supervisor, Ms. Young; and the management designee, Janet Kaplan. She went on to explain that the ODJFS management designee had submitted a request to modify the Class Plan for the Human Services Program Series. Below is the management designee's response.

Current classification utilized, based on duties performed, is a good example of the need for a higher level exempt professional that can work independently with the county departments of job and family

services, statewide, and manage a team responsible for providing guidance to the counties to ensure compliance with state and federal laws, rules, and regulations. The Human Services Program Administrator 3 is the same pay range as the MAS 2, but we realize as currently written, does not provide the best fit. An option needs to be added for a level that is responsible for statewide program performance management ... with an option to supervise. ODJFS plans to submit an update to the existing class plan to correct this plan.

Ms. Schuster then explained that the changes requested by the management designee were made and effective December 30, 2012. Ms. Schuster then identified the following changes made to the Human Services Program Administrator 3:

Or in ODJFS, performs one of the preceding duties or plans, directs & oversees 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.

Ms. Schuster went on to explain that Appellant Arum was placed into the HSPA 3 Classification because he was not managing and directing the implementation of technical and/or specialized projects or assisting in planning and controlling various aspects of the assigned projects. Ms. Schuster further explained that Appellant Arum was overseeing sub-projects. She stated Appellant Arum would need to be in charge of a stand-alone project for which he would need to be solely responsible for identifying a beginning and end date as defined in the PM Series glossary located below the Class Series.

Ms. Schuster also emphasized the definition of "phases of project management." She stated that because Appellant Arum did not perform all nine

phases of project management independently, he did not qualify for the Class Concept. Appellant Arum stated in his testimony, he, to some degree, was involved in all of the phases outlined in the definition of phases of project management, but he is not solely responsible for the Project Cost Management or Project Cost Procurement.

Appellant Arum questioned Ms. Schuster about where in the glossary it was stated that the project must be stand-alone or done solely. She stated there is no reference to solely but that "to manage and direct" indicates solely responsible. She stated that a stand-alone assignment would be given to one person. Ms. Schuster also indicated that the glossary was a document provided by the Project Management Institute, not a document DAS created.

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 his testimony at hearing.

### **CONCLUSIONS OF LAW**

This case presents this Board with the question of whether an employee who performs testing and development duties, including some of the duties outlined in the Human Services Program Administrator 3 Classification (Appellant Arum's current Class), should have his Classification Plan Review Determination affirmed, when Appellant Arum asserts his position should be reclassified to Project Manager 1? Based on the findings set forth, above, and for the reasons set forth, below, we must answer that Appellant's position appears to be better classified as a Project Manager 1. Accordingly, this Board should modify DAS's instant Class Plan Review Determination.

#### **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. (emphasis added; effective 12/30/2012)

**The Class Concept for the Project Manager 1 (63381) Class reads:**

The first managerial level class works under direction and requires considerable knowledge of project management, life cycle methodologies & public policy management or public administration in order to manage project(s), with or without sub-projects, that covers all phases of project management, with activities & responsibilities resting primarily within one given office/program of assigned agency & whose primary stakeholders are management, staff &/or end users, direct delivery (i.e. does not require direct involvement of, but may be overseen by, higher-level authority of agency executives &/or political group) to end user/client (e.g., agency employees, outside agency, public customer) for operation/use, focus on testing, monitoring & modification of delivery to end user & direct, implement & monitor policy & ensure compliance. (emphasis added)

Given the time constraint as well as the number of reclassifications DAS has been required to complete, it is understandable how DAS would have reclassified Appellant Arum's position to Human Services Program Administrator 3. Although DAS made major modifications to the HSPA 3 Classification, it does not provide much clarification as to Appellant Arum's job function or sufficiently define the duties he performs. Moreover, DAS emphasized the change to the Classification came as a result of the ODJFS management designee's response. DAS stated the management designee's feedback was incorporated and became effective December 30, 2012. However, the management designee's response does not state that the HSPA 3 Classification was a good fit for Appellant Arum. Her response stated it was a "good example of the need for a higher level exempt professional." The management designee goes on to state that "an option needs to be added for a level that is responsible for statewide program performance management ... with an option to supervise. ODJFS plans to submit an update to the existing class plan to correct this plan." Joint Exhibit D1.

Based on the information added to the HSPA 3 Classification, it does not appear the management designee's changes were wholly incorporated into the Series. The only changes made to the Human Services Program Series were to the HSPA 3, which requires supervision, not an option to supervise. Moreover, the Human Services Program Series states, "At the higher levels, incumbents supervise or administer human services programs & formulate & direct implementation of human services program policies, procedures, goals, & objectives." (emphasis added) As an HSPA 3, Appellant Arum would fall into the higher level Classification. Appellant Arum and his supervisor stated he does not formulate or develop policy. This would mean that Appellant Arum does not fit into the HSPA 3 Classification in accordance with the requirements of the Series Purpose.

The changes made to the HSPA 3 Class could likely result in a myriad of positions being classified as HSPA 3 when those positions could otherwise be classified under a more specific job-related Specification. Utilizing the more job-related Specification is consistent with DAS's long-standing practices. As described in Appellant Arum's testimony, nearly 90 percent of his job duties involve developing and testing applications for the SACWIS unit.

As an alternative to HSPA 3 Class, Appellant Arum has suggested the Project Manager 1 Class.

The Project Manager 1 Class Concept calls for the incumbent to, among other things, have considerable knowledge of project management including all phases of project management. The Class Series includes a glossary that defines phases of project management. "Phases of Project Management" is defined in the glossary with the following information: "The following nine definitions summarize the knowledge area and the various processes involved with project management. A project manager should have experience in all nine knowledge areas, but may or may not have applied all tasks associated with each knowledge." (emphasis added) (Joint Exhibit G)

DAS emphasizes that, for Appellant Arum to be classified as a Project Manager 1, he would need to be solely responsible for each phase identified in the glossary. However, the definition of the "Phases of Project Management" does not appear to lend itself to this narrower interpretation. Appellant Arum testified that he does some aspects provided in the definition of Project Cost Management and also participates in the discussions and process involved in Project Procurement Management, even though he is not the sole decision maker.

Moreover, the PM 1 Class Concept states "the first managerial level class works under direction." This verbiage is perhaps contradictory to DAS's interpretation that "to manage and/or direct" as defined in the Series Purpose means must be done solely by one individual.

Given the facts of this case, it appears Appellant Arum meets the 20 percent threshold for the Project Manager 1 Classification. Moreover, the Project Manager 1 Classification more accurately describes the duties Appellant Arum performs. Accordingly, it appears to be the appropriate Classification for Appellant Arum's current position.

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### RECOMMENDATION

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **MODIFY** the Department of Administrative Services **CLASS PLAN REVIEW DETERMINATION** and instead, reclassify Appellant Arum's position to Project Manager 1 (63381) (Pay Range 15), pursuant to R.C. 124.03 and R.C. 124.14.

  
JAMES R. SPRAGUE  
*Administrative Law Judge*

JRS: