

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

Michelle J. Stover,

*Appellant,*

v.

Case No. 2013-REC-01-0036

Department of Taxation, and  
Department of Administrative Services, Human Resources,

*Appellees,*

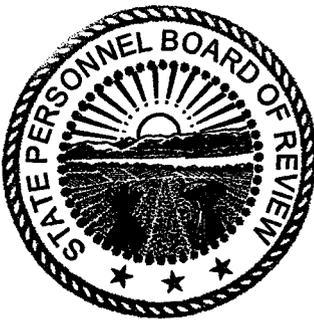
**ORDER**

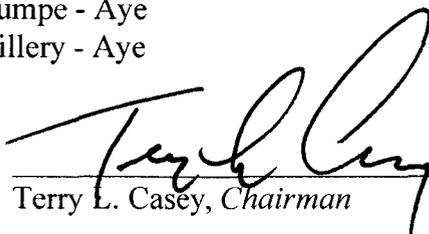
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 reclassified to Public Information Officer 1 be **OVERTURNED**, and the Appellant be **RECLASSIFIED** to the position of a Program Administrator 3 (63124) (Pay Range 14), effective with the payroll period beginning on January 13, 2013.

Casey - Aye  
Lumpe - Aye  
Tillery - Aye

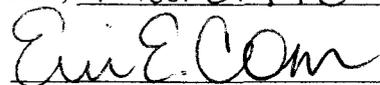


  
Terry L. Casey, *Chairman*

**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, March 18, 2014.

  
Clerk

**NOTE:** Please see the reverse side of this Order or the attachment to this Order for information regarding your appeal rights.

3/18/14

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

Michelle J. Stover,

Case No. 2013-REC-01-0036

*Appellant*

v.

December 11, 2013

Department of Taxation

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 at pre-hearing on January 4, 2013, and at the record hearing on June 14, 2013. Present at the hearing was Appellant, Ms. Michelle Stover, who appeared *pro se*. The Appellee, Department of Taxation was present through its designee, Ms. Nadine Sparks, Human Capital Management Manager. The Appellee, Department of Administrative Services (DAS) was present through its designee, Ms. Ashley Hughes, Human Capital Management Manager. Further, the Appellants supervisor, Mr. Terry Wadlington, Administrative Officer 3, was present.

This cause came on due to Appellant's January 29, 2013, timely filing of appeal from the reclassification of her position from Management Analyst Supervisor 1 (63215) (Pay Range 12) to Public Information Officer 1 (64421) (Bargaining Unit Exempt), 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 result in a diminution of Appellant's pay, Appellant was placed in "Step X", pursuant to R.C. 124.14(4).

Before proceeding onto the record, the Appellant, Ms. Michelle Stover, stated that although she is presently classified as a Public Information Officer 1 (64421) (Bargaining Unit Exempt), she believes that she should have either been placed into the classification specification of Administrative Officer 1 (63131) (Pay Range 12), Administrative Officer 2 (63132) (Pay Range 14), Program Administrator 2 (63123) (Pay Range 12) or as a Program Administrator 3 (63124) (Pay Range 14), as she believes one of these classifications are a "better fit" as a reclassification from the Management Analyst Supervisor 1's position.

At hearing, Appellee's waived their respective opportunities to offer oral or written opening and closing statements.

At hearing, Appellant waived her respective opportunity to offer oral or written opening and closing statements.

Jurisdiction over the subject matter of these appeals was established pursuant to R.C. 124.03 and R.C. 124.14.

### **STATEMENT OF THE CASE**

The first witness to testify was Ms. Michelle Stover. Ms. Stover stated she has worked for the Department of Taxation for 11 years. Prior to being reclassified as a Public Information Officer 1 (PIO1), Ms. Stover was classified as a Management Analyst Supervisor 1 (MAS1) for seven years. During Ms. Stover's entire tenure as a MAS1 she was under the supervision of Mr. Terry Wadlington, an Administrative Officer 3.

Ms. Stover was initially questioned about the table of organization outlined in Joint Exhibit 2. Ms. Stover explained that she directly supervises Ms. Thersea Goeller, a Clerk 3. Further, Ms. Stover, when questioned, did state that she did supervise an intermittent employee before, but in the past year the only full time employee she supervised was Ms. Goeller. Ms.. Ms. Stover then explained that Mr. Wadlington has six direct reports, and she is one of those individuals. Mr. Wadlington is then one of the 4 individuals who reports to Mr. Michael O'Leary, the Executive of Fiscal Services.

Ms. Stover then explained that the function of the specific unit she works for is to create, edit, write, proof read and print or post tax forms for the Department of Taxation. Ms. Stover generally works with a representative(s) from around the Department of Taxation to create the tax forms, and Mr. Wadlington does not necessarily sign off on the completed projects. Mr. Wadlington is generally aware of what Ms. Stover is currently working on, but he does not sign off on her finalized forms.

Ms. Stover was then questioned about her position description identified within Joint Exhibit 1. Ms. Stover explained she had seen the document before, and Ms. Nadine Sparks had previously signed off on the document. Ms. Stover stated she agreed with the percentages of time portrayed on the document. Making up 50 percent of the duties she performs, Ms. Stover's position description stated that on behalf of the agency, she serves as manager by formulating & directing the implementation of policy related to the research and analysis of procedures for producing existing form correspondence and tax returns to determine where necessary improvements are needed & where duplications can be eliminated. Ms. Stover stated that the above description basically explains the creation and formation of the tax forms. The description also explained that she coordinates with representatives of the various tax divisions with regards to simplifying instructions, composing new forms, re-composing existing and compiling information for inclusion in forms, instructions, or manuals. Ms. Stover explained the above stated duties deals heavily with the organization and processing of data and information. The description further stated that she also reviews input gathered by departmental heads from each division which may be using the correspondence/forms/returns. The description then stated that she determines if correspondence needs to be on a mainframe computer, a LAN network, or a personal computer based on volume sent and tax type. Ms. Stover explained she was unsure about the mainframe computer and LAN network aspect of the position description, but she works more on a personal computer.

When questioned with respect to the position description in Joint Exhibit 1, the witness explained that for 40 percent of her duties, she reviews and assists in preparation of comprehensive written reports summarizing findings and recommendations to increase agency efficiency and effectiveness and to provide notices that meet tax requirements and that are easy to read and complete while

utilizing computer equipment to generate statistical reports. The witness also stated that she coordinates the composition and layout of forms and instructions for the major print projects, attends meetings, communicates with other departments and divisions and prepares correspondence. Ms. Stover explained that the above stated duties explain that she sometimes suggests the re-writing of forms based on design flaws or proof reading mistakes. Sometimes she will proof read a form and send it back to a specific department seeking feedback.

The witness then explained that for 10 percent of her duties mentioned in the position description in Joint Exhibit 1, she plans, organizes and implements studies to be used during analysis; implements solutions to problem studies; develops and/or assists in developing new systems, policies and/or programs to increase agency efficiency and effectiveness. Ms. Stover explained that within the last year she has participated in an activity that increases the agencies efficiency. Recently she undertook projects in improving correspondence methods; specifically she updated and streamlined the tracking process for libraries and post offices when they order tax forms.

Upon further questioning, as previously mentioned Ms. Stover stated she supervises one subordinate employee, Ms. Theresa Goeller. When Ms. Stover was providing supervision she explained she approved her leave time, did performance evaluations, recommended discipline, provided training and assigned her projects. In the last three years, Ms. Stover had three subordinate employees at one point. About two years ago, Ms. Stover supervised Ms. Tara Harrison, who moved to ISD, and Ms. Daphne Smith, who retired. At the time when Ms. Stover completed the DAS survey she was supervising two subordinate employees. Ms. Stover supervised those two employees until the end of December. In January her supervision role changed.

Ms. Stover was then questioned if she formulated Agency policy. The Administrative Law Judge questioned Ms. Stover if she determined the criteria used to create the tax forms or if she was directed what the criteria needed to be. Ms. Stover explained she determines most of the criteria herself, but the formulation of the content of the forms is created jointly with various units across the Department.

Ms. Stover then testified with regard to question 6 of Joint Exhibit 1, on page 4 5. The Administrative Law Judge asked how Ms. Stover created a layout template

for forms and instructions. Ms. Stover explained that when she first started working at the agency, the forms had a very inconsistent look. Ms. Stover directed her subordinate employees on how to create a more consistent look for all the forms created. Ms. Stover explained that she implemented style rules for forms and instructions for spelling and grammar consistency for all forms. She then explained that she developed style rules for fill-in versions of tax forms. Ms. Stover developed stylistic procedures for the online fill-in tax forms. Ms. Stover also devised rules for usage of the various agency logos, including size and positioning. Because the department was using various logos for the forms, Ms. Stover testified that she developed a more consistent form layout. Ms. Stover also created a protocol for changing the revision dates on tax forms and instructions. She developed a procedure for when to alert the public of a change to the tax forms and when to not notify the public. Ms. Stover also explained she developed a procedure for changing old PageMaker files to InDesign files. She also ensured that third-party software vendors and payroll processing companies adhere to department policies when submitting re-created tax forms.

Ms. Stover then offered testimony with regard to Appellants Exhibit 1. Ms. Stover explained that she creates and manages the production of hundreds of tax forms and instructions for the Ohio Department of Taxation and oversees their printing and distribution. She also produces numerous internal forms and publications and coordinates with State Printing to have them printed. Ms. Stover then explained that she handles the productions of tax forms, returns and instructions. Ms. Stover then explained the main push of the department she works in is overseeing/leading the annual IT 1040 review committee, which considers changes to the IT 1040, IT 1040EZ, SD 100 and TeleFile tax returns and combined instructions. Ms. Stover then explained she proofs forms and instructions for grammatical errors, errors of fact and inconsistencies with regards to agency style guidelines. She also creates fill-in versions of forms that can be filled out electronically. She also prepares detailed scan specification guidelines and instructions for software vendors that duplicate tax forms. She also posts tax forms and instructions to the agency's web site and manages the department's content on that site. Overall, the witness testified that she manages nearly 1,500 forms for the Department of Taxation.

Ms. Stover then explained the printing of tax forms/returns and instructions aspect of her job. She also explained the distribution of tax form/return and instruction aspect of her job.

Ms. Stover was then questioned by the Administrative Law Judge about the actual job duties of the Administrative Officer 1 Classification. Looking at the duties in order of importance, she stated she does not organize or coordinate the program activities of a non-technical division or section. However, Ms. Stover stated that she does analyze, evaluate & develop policies & procedures; assures operational procedures are within state & federal statutes & regulations and interprets new legislation, rules & regulations. Ms. Stover then stated she does not develop & monitor a budget because she does not believe her department has a budget. Although, the witness stated she does review & authorize expenditures, she does not negotiate contracts for major purchases. The witness then explained that she does not serve as a liaison with public officials, other divisions, private industry or the general public, nor does she attend or conduct meetings, respond to telephone or written inquiries & complaints and serves on a committee. However, the witness then explained that she does establish and maintain management control for reporting systems, prepares &/or oversees preparation of reports on program status &/or expenditures and prepares reports, documents, data & position papers relating to program activities, but only for internal office use.

The Administrative Law Judge then questioned Ms. Stover about the job duties of the Administrative Officer 2 classification. Ms. Stover stated she plans, develops & organizes all activities of her section or bureau of the agency, establishes priorities and supervises assigned staff & monitors staff activities. The witness testified that she also analyzes & develops policies & procedures of her unit. Ms. Stover also maintains a liaison relationship with public officials, private agencies and the general public; explains policies and programs; responds to telephone & written inquiries & complaints. However, Ms. Stover explained that she does not plan, direct or coordinate personnel fiscal activities or develop & monitor a budget. While Ms. Stover stated that she does approve some expenditures, she does not administer recruitment, placement or classification & employee relations for her division.

Ms. Stover was then questioned about the job duties of the Program Administrator Series. Initially Ms. Stover offered testimony about the Program

Administrator 2 position. Looking at the job duties in order of importance, Ms. Stover explained she does not act for the administrator by responding to programmatic issues/needs of staff; leading/monitoring task forces or by planning, writing or implementing departmental goals. Ms. Stover explained that in her direct supervisor's absence she does not stand in his place. The witness then stated she does not serve as a liaison between administrator & subordinates or transmit decisions & directives. However, Ms. Stover testified that she does represent her administrator at meetings & conferences in a weekly 1040 committee meeting. Ms. Stover further stated that she analyzes & evaluates programs, procedures & policies and provides technical advice to aid administrators in decision making.

Ms. Stover then explained she does not develop or coordinate public relations programs. Although Ms. Stover stated that she does not do research, or furnish information or explain programs to public, legislators or news media she does respond to inquiries & complaints. Ms. Stover also stated she does not write position papers or reports or make speeches, give lectures or prepare news releases.

Lastly, Ms. Stover explained she does not manage the business function of the administrator's office or authorize expenditures & purchases. She further stated she does develop & implement recruitment & training programs, develops & administers special programs & projects and prepares important documents, correspondence, directives & publications.

Ms. Stover was then questioned about the Program Administrator 3 Classification. Looking at the job duties in order of importance, Ms. Stover explained that she does not act for the administrator by providing program direction for staff, insuring compliance with state & federal program requirements or advocate for legislation to enhance services. Ms. Stover explained she does administer statewide agency programs because her department does produce tax forms. Ms. Stover further stated she does not provide regular direction to division heads & other staff members, conduct staff meetings or review proposals of division heads & other staff members. She then explained that she does assume full responsibility & authority in her administrator's absence, but only for the purpose of tax forms. Further, Ms. Stover stated that she does not plan, direct or appraise work for her administrator's office staff.

Ms. Stover then explained that she does analyze & evaluate programs, procedures & policies; develops & revises programs and provides technical advice to aid her administrator in his decision making.

Ms. Stover further testified that she does prepare & direct preparation of correspondence, but not reports or legislative drafts. However, Ms. Stover explained she does not provide information on programs & policies to private organizations, government officials or to the general public.

Ms. Stover then explained that she does not coordinate or monitor personnel fiscal services of administrative unit or oversee & provide budget preparation. She then explained that she does orient & counsel new professional personnel and identifies staff training needs. She also represents her administrator at meetings & conferences with state, federal & community agencies and speaks for her administrator on policy matters.

Ms. Stover was then questioned about the Public Information classification series. Looking at the job duties in order of importance, Ms. Stover stated that she does not plan & direct a segment of her assigned departments overall public information program. Ms. Stover explained that her department does not have a public information department. She further stated that she does not oversee activities of personnel involved in preparation & dissemination of educational & informational material reflecting agency activities. Ms. Stover then explained she does not advise & consult with agency director & staff regarding public relations because her department does not have a public information section. She also does not serve as a resource person for information on public presentation of agency problems & activities. Ms. Stover also does not respond to written &/or telephone requests for speeches &/or presentations, deliver speeches, give presentations or supervise assigned staff. Although, Ms. Stover explained she used to supervise a Publication Specialist 1, she does not set up conferences or coordinate arrangements with media, evaluate development, or handle the preparation & dissemination of public information.

Ms. Stover then explained she is a full time employee who works Monday through Friday, 6:30AM to 3:00PM, 40 hours per week. On a daily basis Ms. Stover is relatively autonomous in relation to her work duties. While the specific actions carried out each day vary, she does so under her own control. Ms. Stover stated

that the most important function of her job is the creation and management of the tax forms. The next biggest function of her job would be printing/displaying the tax forms themselves.

The second witness to testify was Mr. Terry Wadlington. Mr. Wadlington's current classification is Administrative Officer 3, and he has held that position for the last 5 years (since 2008). Mr. Wadlington explained that he has three direct reports underneath him, one of those being the Appellant. Mr. Wadlington explained he has been Ms. Stover's supervisor in one form or another for seven to eight years.

Mr. Wadlington was questioned about the accuracy of the Appellant's testimony, and he stated he believed it was very accurate. While Mr. Wadlington stated the Appellant's testimony was very accurate, he explained that he is more involved in the creation of the tax forms than previously stated. Mr. Wadlington then explained that at one point Ms. Stover had three subordinate employees, but when the survey was administered she had two subordinate employees.

The final witness to testify was Ms. Ashley Hughes. Ms. Hughes is currently classified as a Human Capital Management Manager, a position she has held since March of 2012. Ms. Hughes did not perform an audit on the Appellants position, but explained the historical reasoning for deleting the MAS1 position. Ms. Hughes explained DAS divided the process into two phases and sent out a survey to determine if the individuals implemented policy or supervised assigned staff. Ms. Hughes stated that she reviewed Ms. Stover's survey packet, and DAS found that Ms. Stover was exempt because she supervised two full time employees. It was DAS's interpretation that Ms. Stover did not actually formulate and implement policy. Ms. Hughes explained that Ms. Stover was not placed into the Program Administrator series because she does not formulate policy, which is required by the classification series. Ms. Hughes believes Ms. Stover monitors and enforces the procedures of how the tax forms are created is more in line with what Ms. Stover does. Ms. Hughes believes the Forms Control Specialist series sits squarely with Ms. Stover. The Forms Control Specialist position is a bargaining unit position, and because Ms. Stover supervises she could not be placed into the position. The position also does not have a supervisory role. Ms. Hughes further explained there is no supervisory level in the Publication Specialist series.

Ms. Hughes believes that from a DAS standpoint, Ms. Stover's proper classification is a Forms Control Specialist, but she could not be placed there. DAS interpreted tax forms as information to the public. The Administrative Law Judge questioned if DAS felt Ms. Stover fit into the class series for the Public Information Officer, and DAS believed Ms. Stover's "best fit" was in the Public Information classification series.

### **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, Mr. Mark Wadlington, an Administrative Officer 3 for the Department of Taxation. Mr. Wadlington explained he was more involved in the creation of the tax forms than the Appellant lead on, but this did not appear to substantially alter the actual duties the Appellant has performed. 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 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. Michelle Stover stated that although she is presently classified as a Public Information Officer 1 (64421) (Bargaining Unit Exempt), she is seeking to be reclassified to the position of Administrative Officer 1 (63131) (Pay Range 12), or an Administrative Officer 2 (63132) (Pay Range 14), or a Program Administrator 2 (63123) (Pay Range 12), or a Program Administrator 3 (63124) (Pay Range 14). 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 Public Information Officer 1. After a thorough review of the above mentioned classification specification, it is my recommendation that the Appellant was not properly classified as a Public Information Officer 1. 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 Public Information Officer 1. 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 Public Information series reads, "The purpose of the Public Information occupation is to plan & develop news releases &/or public advisory group programs & special programs to project favorable public image of assigned agency & to insure public awareness of agency activities. At the lower level, incumbents develop public information programs, prepare news releases, appear in public media interviews & respond to requests for information. At the middle level, incumbents plan & direct one segment of assigned department's overall public information program. At the higher level, incumbents plan & direct overall public information program for assigned agency & supervise personnel involved in preparation & distribution of informational & educational material.

In order to be classified into a specific position the Appellant must perform the duties listed in the class concept for at least 20 percent of the time. Looking at the series purpose for the Public Information Series "at the middle level, incumbents plan & direct one segment of assigned departments overall public information program." Based on the information provided by the actual Classification Specification and the Appellants testimony, it appears the Appellant does not perform any of the duties listed. Looking at the job duties in order of importance for the position of Public Information Officer 1, the Appellant stated that she does not perform any of the duties listed. The Public Information Officer 1 position deals heavily with the formulation and dissemination of public information about the department in the form of news releases and public outreach. The Appellant does not handle the dissemination of news releases for the Department of Taxation, but rather the creation of Tax Forms. DAS's interpretation of Tax Forms as public information is rather far reaching as the job duties listed in order of importance exhaustively lists examples of what a public information officer does, none of which entail the creation of forms that would later be completed by the public. The Appellant created forms that would later be completed by the public; she did not create forms that would inform the public. Furthermore, The Appellant is not properly classified as a Public Information Officer 1 because the department in which she works does not even have a public information section.

The Series Purpose language for the Administrative Officer Classification Series reads "the purpose of the administrative officer occupation is to plan, direct & coordinate activities within an assigned area. Looking at the job duties in order of importance for the Administrative Officer 1 position, the Appellant stated that she does not organize or coordinate program activities of a non-technical division or section of a state agency while supervising an assigned staff. Furthermore, the Appellant does not perform any of the initially important duties listed in the description. Based on the job duties in order of importance, the Appellant does not perform any of the duties provided until the second paragraph, duties that are less important than the ones not performed. While the Appellant does analyze, evaluate and develop policies & procedures; serve as a liaison with public officials, other divisions, private industry & general public; attend or conduct meetings and respond to telephone or written inquiries, none of these duties amount to being classified into the Administrative Officer 1 specification. Because other options exist, based on

the "best fit" analysis the Appellant should not be reclassified into the Administrative Officer 1 position.

The Series Purpose language for the Administrative Officer Classification Series reads "at the second level, incumbents analyze & develop policies & procedures & coordinate activities of major division, section or department of state agency & supervise staff." Looking at the job duties in order of importance, the Appellant performs none of the duties listed under the Administrative Officer 2 Classification Specification. Ms. Stover explained she does not plan, develop or organize all activities of her major division, establish priorities or supervise assigned staff. Because the Appellant does not perform any of the duties listed in the Administrative Officer 2 classification, she should not be reclassified into that category.

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, but not of a variety in nature. The Appellant relieves her superior of the most difficult administrative duty of creating tax forms for the Ohio Department of Taxation. The Appellant's duties are restricted to the creation and formulation of tax duties, and do not vary based upon what her supervisor needs. Because the Appellant's duties are limited to tax forms, she should not be classified as a Program Administrator 2.

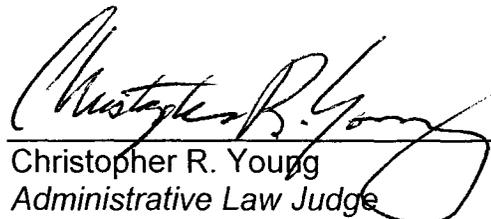
Based on the "best fit" analysis of the positions provided, the Appellant should be properly reclassified into the position of Program Administrator 3 (Pay Grade 14). The Series Purpose language for the Program Administrator series reads "the purpose of the Program Administrator occupation is to provide 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 upon the Appellant's testimony about her job duties, the evidence revealed that Ms. Stover relieved her superior of the difficult administrative duty of formulating & implementing the creation of tax forms for the Ohio Department of Taxation while supervising a Clerk 3 and had been supervising another employee at the time of the survey, but not presently. On

the other hand, the evidence revealed that the Appellant had been supervising a total of three employees not all that long ago. Further, in looking at the job duties in order of importance, the classification specification shows that Ms. Stover acts for her administrator by administering the statewide agency program of tax forms. While the Appellant does not perform all the duties listed within the Program Administrator 3 Classification Specification, the position still acts as the "best fit." Looking at the job duties listed, the Appellant performs more of the important duties listed in the Program Administrator 3 specification than any of the other positions reviewed.

After reviewing Ms. Stover'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 Public Information Officer 1, and **RECLASSIFY** the Appellant to the position of a Program Administrator 3 (63124) (Pay Range 14), effective with the payroll period beginning on January 13, 2013.

  
Christopher R. Young  
Administrative Law Judge

CRY: