

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

Kevin R. Bullock,

*Appellant,*

v.

Case No. 2013-REC-02-0038

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

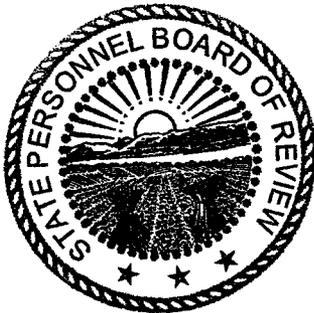
*Appellees.*

**ORDER**

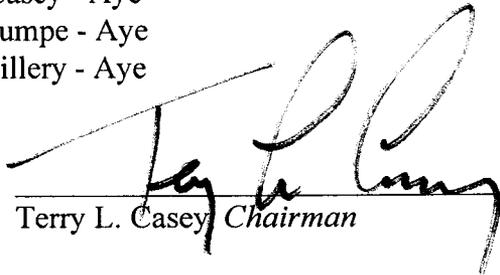
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 Class Plan Review Determination of the Department of Administrative Services that Appellant's position be re-classified to Human Services Program Administrator 3 (69417) (Pay Range 14), a lateral move, is **AFFIRMED**, in accordance with pertinent law, pursuant to Ohio Revised Code Sections 124.03 and 124.14.



Casey - Aye  
Lumpe - Aye  
Tillery - Aye

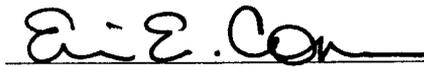
  
Terry L. Casey *Chairman*

**CERTIFICATION**

9/25/13ec

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, September 25 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**

Kevin Bullock,

Case No. 13-REC-02-0038

*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, Kevin Bullock, 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 came on due to Appellant Bullock's February 1, 2013, timely filing of an appeal from the reclassification of his position from Management Analyst Supervisor 2 (63216) (Pay Range 14) to Human Services Program Administrator (HSPA) 3 (69417) (Pay Range 14), effective with the payroll period beginning January 13, 2013. This Class Plan Review Determination was a result of DAS's deletion of Appellant Bullock's former Class of Management Analyst Supervisor 2 from the State Class Plan. Because this reclassification resulted in a lateral move, Appellant Bullock was not placed into "Step X" pursuant to R.C. 124.14 (A).

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

At hearing, Appellee ODJFS waived its opportunity to offer an oral or written closing statement.

At hearing, Appellant Bullock 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 Arum'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 Bullock began his testimony by indicating that he works for the Bureau of Automated Systems (BAS), headed by Bureau Chief, Tresa Young, Appellant Bullock's immediate supervisor. Appellant Bullock stated he has seven subordinates; two are classified as Human Services Developer 2s and five are classified as Business Analysts. Appellant Bullock indicated that he works in the Statewide Automated Child Welfare Information System (SACWIS) unit, and he supervises the Integrated Help Desk.

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

Appellant Bullock stated that one of his main duties is supervising and assisting the Help Desk support. Appellant Bullock indicated that the Business Analysts he supervises handle SACWIS issues and the individuals in the Human Services Developer 2 positions handle issues regarding the Office of Families and Children.

Appellant Bullock explained that the majority of the Help Desk work is focused on SACWIS support. He indicated a small percentage (roughly five percent) is dedicated to issues pertaining to the Office of Families and Children; those issues include handling calls from constituents, legislative inquiries, questions from the general public, or children's services agencies calling for clarification on policy concerns.

Appellant Bullock explained as the supervisor of the Help Desk, he deals with any escalation that occurs through the Help Desk, whether it is an individual issue or dealing with the user community when there are planned outages. Appellant Bullock stated that his unit is responsible for assembling release notes for each build and communicating those to the user community. Appellant Bullock also stated that his unit maintains an online database, the Ohio SACWIS Knowledge Base, that provides technical support articles, information on the functionality of the application, as well as policy information that has been provided by Child Protective Services.

In addition to the Help Desk, Appellant Bullock described several other duties he has been assigned. He indicated his department is responsible for managing and testing a 1-800 child abuse hotline to ensure counties are being routed to the proper place. Appellant Bullock indicated he also maintains a ticket tracking tool called Remedy and has also worked on an upgrade project known as "Case Management."

Appellant Bullock also explained that his unit generates user and security reconciliation reports. He stated reports are distributed to end users for their review in order to ensure the proper individuals have access to the system and those individuals who no longer need access are removed. Appellant Bullock stated that some functions of the reporting tool have been implemented into the SACWIS application to allow users to generate their own reports.

Appellant Bullock also stated he is currently working to create a training environment for agencies to use so they can utilize a copy of the application without affecting any of the real data. Appellant Bullock also indicated he prepares all the SACWIS documentation for federal review.

In addition to the duties mentioned above, Appellant Bullock stated he is the Statewide Security Administrator for SACWIS. Appellant Bullock explained, in this capacity, he provides approvals for user access to both SACWIS and ROM (Results Oriented Management) users. Appellant Bullock stated that as the necessary streamlining occurs, approval may not always be necessary.

The remainder of Appellant Bullock's time is spent performing supervisory duties, he indicated.

Appellant Bullock's supervisor, Ms. Young, clarified that while Appellant Bullock is not responsible for writing policy, he provides recommendations during the development of those policies. In addition, Ms. Young stated Appellant Bullock is responsible for the management oversight aspect which ensures that the online system has incorporated the Ohio Administrative Code requirements.

DAS, in the person of Jessica Schuster, Human Capital Management Administrator 2, stated that Appellant Bullock 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. At hearing, she did not provide any other classifications that were analyzed in Appellant Bullock's reclassification review.

Ms. Schuster stated that the determination was based on the information provided by Appellant Bullock; 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 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 Bullock was placed into the HSPA 3 Classification because he was not solely responsible for 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 stated Appellant Bullock would need to be in charge of a stand-alone project and that 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 Bullock did not perform all nine phases of project management independently, he did not qualify for the Class Concept. Appellant Bullock stated in his testimony, he did not perform any of the phases identified without intervention. He referenced the training project and

explained that the Office of Information Systems (OIS) had provided a project manager to assist.

Appellant Bullock questioned Ms. Schuster about the number of reclassifications that have resulted in a higher classification. Ms. Schuster responded she believed there had been one.

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 supervisory help desk duties, including some of the duties outlined in the Human Services Program Administrator 3 Classification (Appellant Bullock's current Class), should have his Classification Plan Review Determination affirmed, when Appellant Bullock 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 have been properly reclassified to Human Services Program Administrator 3 (69417) (Pay Range 14). Accordingly, this Board should **affirm** 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.

DAS made major modifications to the HSPA 3 Classification. 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 stated that as currently written the HSPA 3 Classification was not the best fit. 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. It appears that the changes made to the HSPA 3 position could potentially 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. However, it appears this Classification accurately captures Appellant Bullock's job duties. (Joint Exhibit E1) In his testimony, Appellant Bullock agreed the addition to the HSPA 3 Class Concept was a fair representation of his job duties.

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

The Project Manager 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."

DAS emphasizes that, for Appellant Bullock to be classified as a Project Manager 1, he would need to be solely responsible for each phase identified in the glossary. The language provided in the definition of the "Phases of Project Management" does not seem to lend itself to this narrower interpretation. As a result, "phases of project management" does not appear to preclude Appellant Bullock from being classified as a Project Manager 1. However, it is the definition of the term "project" that does not appear to fit within Appellant Bullock's job duties. A "project" is defined a temporary stand-alone assignment that has a definite beginning and end and is undertaken to create a unique product or service. The assignments or "projects" Appellant Bullock describes appear to be ongoing in nature with no defined start or end date.

Moreover, Appellant Bullock does supervise two Human Services Developer 2s. Based on the Human Services Developer 2 Specification, nearly 30 percent of Appellant Bullock's staff is dedicated to researching, analyzing, formulating/revising and implementing policies, procedures and/or administrative rules for an assigned human services program area.

Given the facts of this case, it appears Appellant Bullock meets the 20 percent threshold to be properly classified in the Human Services Program Administrator 3 Classification. The Human Services Program Administrator 3 Classification reasonably describes the duties Appellant Bullock performs. Accordingly, it appears to be the appropriate Classification for Appellant Bullock'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 Human Services Program Administrator 3 (69417) (Pay Range 14), a lateral move, in accordance with pertinent law, pursuant to R.C. 124.03 and R.C. 124.14.

  
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JAMES R. SPRAGUE  
*Administrative Law Judge*

JRS: