

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

Angelo Dass,

*Appellant,*

v.

Case No. 2013-REC-02-0042

Department of Administrative Services,

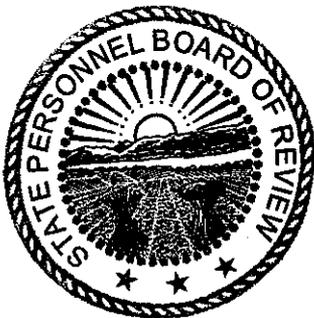
*Appellee,*

**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.

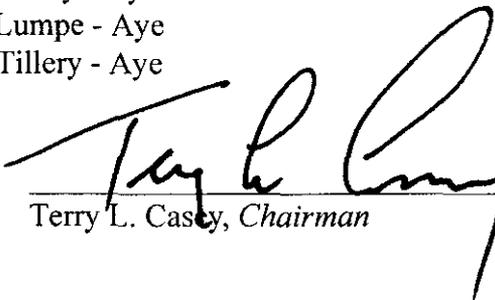
Wherefore, it is hereby **ORDERED** that Appellee DAS' determination is **AFFIRMED** and Appellant's position be **RETAINED** in the Computer Operator Supervisor 1 classification.



Casey - Aye

Lumpe - Aye

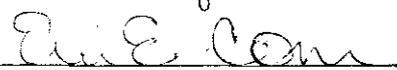
Tillery - Aye

  
\_\_\_\_\_  
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, July 30, 2014.

  
\_\_\_\_\_  
*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**

Angelo Dass

Case No. 2013-REC-02-0042

*Appellant*

v.

May 1, 2014

Department of Administrative Services,  
General Services Division,  
Office of State Printing and Mail Services

and

Department of Administrative Services,  
Human Resource Division,  
Compensation and Workforce Planning

*Appellees*

Jeannette E. Gunn  
*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This cause came on due to Appellant's timely appeal of the reclassification of his position. Pursuant to a study conducted by Appellee Department of Administrative Services, the classifications of Management Analyst Supervisor (MAS) 1 and 2 were removed from the state classification plan and incumbent employees' positions were subsequently reclassified. Appellant's position was reclassified from Management Analyst Supervisor 1, classification number 63215, to Computer Operations Supervisor 1, classification number 12375.

A record hearing was held in the instant appeal on January 9, 2014. Appellant was present at the hearing and appeared *pro se*. Appellee Department of Administrative Services was present at record hearing through its designees, Marissa Walter and Bobbi Lind.

Jurisdiction of the Board was established pursuant to R.C. 124.03 and 124.14.

**CONSOLIDATED STATEMENT OF THE CASE  
AND FINDINGS OF FACT**

Appellant testified that he is employed by the Department of Administrative Services (DAS), General Services Division, Office of State Printing and Mail Services in the Mainframe Print Center and noted that he is the Center's first shift supervisor. He stated that he directly supervises three employees who occupy positions classified as Computer Operator 3, and confirmed that his position was reclassified in January 2012 from Management Analyst Supervisor 1 to Computer Operations Supervisor 1. Appellant observed that supervisory duties consume approximately eighty percent of his working time.

Appellant indicated that his immediate supervisor is Printing and Fulfillment Production Manager Marc Hartz, and that Mr. Hartz is supervised by Trisha Stephens, Assistant Administrator for the Office of State Printing and Mail Services. He explained that the Mainframe Print Center does high-speed, high-volume printing jobs for state agencies and produces forms, letterhead, envelopes and similar products; print jobs are submitted to the Center electronically. Appellant noted that he downloads print jobs from the mainframe computer and troubleshoots any problems with the files. He stated that he is also responsible for transferring job files via the FTP network site.

Appellant testified that on first shift he is responsible not only for managing production of print jobs, but also for ensuring that specialized security procedures are followed for financial documents printed by the Center, such as tax refunds and/or warrants. Appellant indicated that he manages inventory, tests new job applications, and gathers and analyzes production information for improvement and efficiency.

Appellant stated that he does not act on behalf of his supervisor, Mr. Hartz. He noted that he has the authority to purchase items such as paper, toner, developer and certain machine items. Appellant confirmed that he has no responsibility for preparing budget materials, but does provide usage estimates to his supervisor for planning purposes.

Trisha Stephens testified that she is employed by DAS, General Services Division as Assistant Administrator of the Office of State Printing and Mail Services.

Ms. Stephens observed that financial documents, such as checks, are not printed by third shift workers and noted that, as a result, Appellant performs some duties that are different than those performed by the third shift supervisor.

The witness added that Appellant is responsible for making sure that the workers on his shift are trained on policies and procedures, and that they know how to operate their equipment.

Bobbi Lind testified that she is employed by DAS, Human Resources Division, as a Human Capital Manager. She explained that Appellant's position was reclassified as a result of the removal of the Management Analyst Supervisor 1 and 2 classification specifications being removed from the State of Ohio classification plan. Ms. Lind stated that although she did not personally perform the audit of Appellant's position, she was familiar with the rationale used by the individual who conducted the audit. She indicated that she believed Appellant's position was reclassified as a Computer Operations Supervisor 1 as a result of the classifications of his direct report employees and the identification of the printing equipment used as mainframe equipment. Ms. Lind noted that the classification for Printing Machine Supervisor might more accurately describe the duties performed by Appellant.

### **CONCLUSIONS OF LAW**

Pursuant to O.R.C. 124.03(A), this Board is empowered to hear appeals of employees in the classified state service from final decisions of appointing authorities or the director of administrative services relative to, *inter alia*, refusal of the director of administrative services, or anybody authorized to perform the director's functions, to reclassify an employee's position, with or without a job audit under O.R.C. 124.14(D). ORC. 124.14(D)(2) provides that the Board is to consider anew reclassifications and may order the reclassification of an employee's position to such appropriate classification as the facts and evidence warrant. The Board's decision must be consistent with the applicable classification specifications.

The primary criteria for this Board to consider when determining the most proper classification for a position are classification specifications, including the class concept, the job duties outlined, and the percentages of time devoted to each job duty. *Klug v. Dept. of Admin. Services*, No. 87AP-306, slip op. (Ohio Ct. App. 10th Dist., May 19, 1988). Unless there is a dispute as to what constitutes the

classification specification, no factual issues arise with respect to the classification. Rather, as in all cases of construction, the question becomes one of law as to how the relevant facts relate to the classification specification. *Klug, supra*.

This Board must consider the relation between the classification specifications at hand and 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 any of the affected parties. *Gordon v. Dept. of Admin. Services*, No. 86AP-1022, slip op. (Ohio Ct. App. 10th Dist., March 31, 1988). The Board will consider evidence related to the job duties performed by Appellant from the date the job audit was requested through the date of record hearing.

As a general rule, a party seeking reclassification to a higher position must demonstrate that they meet substantially all of the qualifications of the higher position. *Harris v. Dept. of Admin. Services*, No. 80AP-248, slip op. (Ohio Ct. App. 10th Dist., September 25, 1980); *Deist v. Kent State Univ.*, No. 78AP-28, slip op. (Ohio Ct. App. 10th Dist., May 23, 1978.) The incumbent need not perform every duty enumerated within the body of the specification for his or her position to fall within a particular classification specification; it is sufficient if all of the job duties actually performed fall within those specified for the classification. See *Klug, supra*. O.A.C. 123:1-7-15, however, notes that the class concept of each classification title sets forth the mandatory duties that must be performed by an incumbent for at least twenty percent of his or her work time.

\* \* \* \* \*

In conducting the review of Appellant's job duties, the classification series for Computer Operator, Printing Machine Operator and Printing Standards were considered.

The series purpose of the Computer Operator occupation is to operate and monitor mainframe computer and/or microcomputer hardware systems. Appellant's position is presently classified as Computer Operations Supervisor 1. The class concept for Computer Operations Supervisor 1 provides, in relevant part, that an incumbent must "supervise computer operators on one assigned shift in unit containing mainframe &/or microcomputer computer system." Appellant manages the first shift of operations at Appellee's Mainframe Print Center and provides direct

supervision to a three employees who occupy positions classified as Computer Operator 3; I find that Appellant performs the mandatory duties contained in the Computer Operations Supervisor 1 classification specification. Appellant does not perform the mandatory duties of the next highest classification in the series, Computer Operations Supervisor 2, which requires that an incumbent also supervise an assistant shift supervisor.

The series purpose of the Printing Machine Operator occupation is to print production jobs of agency material. The class concept for Printing Machine Supervisor states that an incumbent "direct[s] printing operations and supervise[s] printing personnel of print shop." Job duties falling within this description include ensuring timeliness and quality of work, coordinating printing phases and taking appropriate measures for security of supplies and/or printed orders. Upon review of the information contained in the record, I find that Appellant performs the mandatory duties contained in the Printing Machine Supervisor classification specification. I further find, however, that the Printing Machine Supervisor classification does not fully reflect all of the job duties performed by Appellant and, arguably, does not accurately reflect the scope of his responsibilities.

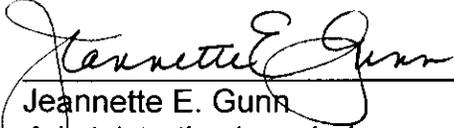
The series purpose of the Printing Standards occupation is to research a variety of printing services, commodities and their components in order to specify manufacturing processes, sequences of production and means of production to be purchased. The Printing Standards series is restricted for use in the Department of Administrative Services only. Employees in the occupation perform a variety of duties geared toward establishing and complying with standards and procedures for procurement of printing material, equipment and services, and administering vendor bids and contracts. Appellant does not perform duties of this nature, therefore, I find that that Printing Standards occupation is not an appropriate classification series for his position.

Case law provides that, where an employee's position could be classified in more than one classification, the employee should be placed in the higher of the positions. *Nibert v. Ohio Dept. of Administrative Services* (Jan. 17, 1992), Franklin Co., No. 91CVF-07-5825, unreported. In this instance, Appellant performs the mandatory job duties associated with both the Printing Machine Supervisor classification and the Computer Operator Supervisor 1 classification. The Printing Machine Supervisor classification is assigned to pay range 10; the Computer

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Operator Supervisor 1 classification is assigned to pay range 11, which is a higher pay range.

Upon a review of the testimony and evidence presented at record hearing, I find that the job responsibilities of the Computer Operator Supervisor 1 classification specification more accurately reflect the nature and scope of Appellant's duties. Accordingly, the most proper classification for Appellant's position is Computer Operator Supervisor 1, classification number 63275. Therefore, I respectfully **RECOMMEND** that Appellee DAS' determination be **AFFIRMED** and Appellant's position be **RETAINED** in the Computer Operator Supervisor 1 classification.

  
Jeannette E. Gunn  
Administrative Law Judge