

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Daniel C. Bachmann,

Appellant,

v.

Case No. 2013-REC-02-0054

Department of Rehabilitation & Correction, Noble Correctional Institution
and
Department of Administrative Services, Human Resource Division,

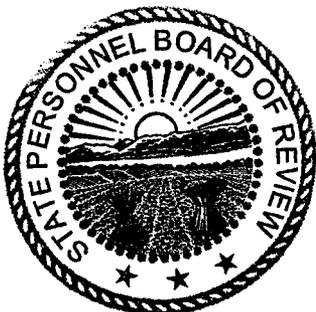
Appellees.

ORDER

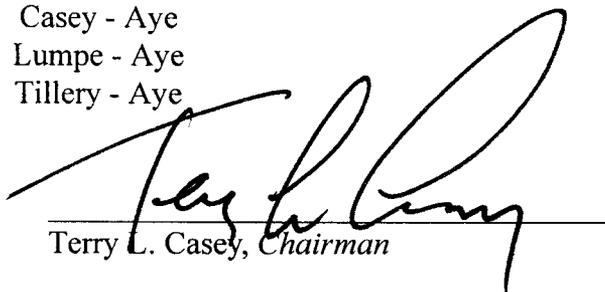
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 Appellant's position be **RECLASSIFIED** to Business Administrator 1, classification number 63315, effective the first date of the first pay period following Appellee's receipt of the request for the job audit.



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, October 10, 2013.


Clerk

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

10/10/13ec

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

Daniel C. Bachmann,

Case No. 2013-REC-02-0054

Appellant

v.

September 3, 2013

Department of Rehabilitation & Correction,
Noble Correctional Institution,

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 results of an audit conducted on his position. The audit was conducted by staff of the Department of Administrative Services (DAS) Human Resources Division, and resulted in a finding that the proper classification for Appellant's position was Account Clerk Supervisor, classification number 16515.

A record hearing was held in the instant appeal on April 22, 2013. Appellant was present at the hearing and appeared *pro se*. Appellee Department of Rehabilitation and Correction (DRC) was present at record hearing through its designee, Human Resources Legal Counsel Amy C. Parmi; Appellee DAS was present at record hearing through its designee, Human Capital Management (HCM) Senior Analyst Laura Sutherland.

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

STATEMENT OF THE CASE

Appellant testified that he currently holds a position classified as an Account Clerk Supervisor with the Department of Rehabilitation and Correction (DRC). He stated that the main function of an Account Clerk Supervisor is to directly supervise the Business Office and the Cashier's Office and that his duties involve overseeing purchasing and paying between the two offices. Appellant indicated that he directly supervises two Account Clerk 2s in the Cashier's Office and two Account Clerk 2s in the Business Office, assigns and reviews their work, and has the authority to grant their leave requests.

Appellant stated that he requested that the Department of Administrative Services (DAS) perform a job audit on November 6, 2012, and confirmed that he completed a Job Audit Questionnaire as part of the audit process. He testified that the information he provided in the questionnaire regarding his job duties and the percentages of time he performed those duties was substantially accurate at the time of completion, as well as at the date of record hearing. Appellant estimated that 20-50% of his time is spent doing work outside the scope of his current job description. He testified that he believes Business Administrator 1 or 2 is a more appropriate job title for his position in light of his current work responsibilities.

Appellant testified that for over two years he assisted the previous Business Administrator 3 (BA 3) with supervision and advice on areas that the BA 3 supervises, including Commissary, Warehouse, Laundry/Quartermaster, and Network Administrator issues. He stated that he continues to support the current BA 3, Darin Clark, with these duties, although he is not as involved as he was with the previous BA 3. Appellant stated that he regularly advises Mr. Clark on Commissary issues, and observed that Mr. Clark relies on his advice because Appellant has twenty years of experience working with the Commissary. He testified that storekeepers in the Commissary frequently call him to ask for direction on operational questions and financial concerns. Appellant noted that he supervises when Mr. Clark is out of the office and updates him when he returns.

Darin Clark testified that he has been a BA 3 with DRC since December 2, 2012, and is Appellant's immediate supervisor. He testified that his job duties include managing Health and Safety, Recycling, the Commissary, and Laundry facilities. The witness agreed that Appellant sometimes has the authority to act on his behalf. Mr. Clark observed that he had supervised Appellant for only a few days

when he received Appellant's job audit questionnaire. He noted that he had worked with Appellant prior to his promotion to the BA 3 position, however, and was aware of Appellant's day to day activities.

Laura Sutherland testified that she is currently employed as a Human Capital Management Senior Analyst with DAS. Ms. Sutherland stated that she conducted Appellant's position audit and concluded that he was properly classified as an Account Clerk Supervisor. She stated that although Appellant did temporarily perform the duties of a BA 3, he was no longer doing so at the time of the audit.

The witness explained that the primary difference between the Account Clerk series and the Business Administrator series is that the Account Clerk series has responsibility for accounting functions and fiscal support, while the Business Administrator series encompasses all of the support functions for an institution.

FINDINGS OF FACT

Based upon the testimony presented and the evidence admitted at record hearing, I make the following findings of fact:

Appellant is currently employed by the Ohio Department of Rehabilitation & Correction (ODRC) as an Account Clerk Supervisor. In that position, Appellant directly supervises the Business and Cashier Offices. The position requires the Appellant to manage purchasing and paying actions between the two offices. Appellant directly supervises four employees and, through subordinate supervisors, supervises an additional six employees. His immediate supervisor is Darin Clark, who holds a position classified as Business Administrator 3.

Appellant assists his supervisor with supervision and advice as needed with Warehouse, Laundry/Quartermaster, and Network Administrator issues. He regularly advises Mr. Clark on Commissary issues and provides direction to Commissary employees on operational questions and financial concerns. Appellant supervises when Mr. Clark is out of the office and updates him when he returns.

On November 6, 2012, Appellant requested that a job audit be performed to determine his appropriate job classification. Appellant's audit request stemmed from a period of time from June 17, 2012, through December 1, 2012, when

Appellant assumed the duties of his previous supervisor's BA 3 position. Mr. Clark was placed in the vacant BA 3 position on December 2, 2012.

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 this review of Appellant's job duties, the Account Clerk classification series and the Business Administrator series were considered. The series purpose of the Account Clerk classification is to provide clerical support associated with accounting functions that prepare, process and maintain accounting records and summarize business or financial transactions. The series purpose of the Business Administrator classification is to plan, direct and/or coordinate all fiscal and support services operations for division, school, agency or institution assigned. Support services are defined within the series purpose section as any combination or all of the following functions: laundry, voice &/or data communication systems, commissary operations, food service, housekeeping, building maintenance, physical plant &/or powerhouse operations, mail & delivery services, inventory &/or storeroom, motor fleet coordination & maintenance, security, farm operations, groundskeeping.

The class concept of the Account Clerk Supervisor classification specification, which is the current classification of Appellant's position, provides that an incumbent works under direction to:

... supervise account clerks who provide support to system of recording & summarizing business &/or financial transactions & analyzing, verifying & reporting results.

The class concept of the Business Administrator 1 classification specification provides that an incumbent works under general direction to:

...act as assistant to business administrator 2 or 3 ... in overall management of business office or plan direct & coordinate all fiscal &

support functions for clubhouse & in either case, supervise business office &/or support services employees.

* * * * *

The parties agreed that, at a minimum, Appellant performs duties sufficient to place his position within the Account Clerk Supervisor classification specification. Testimony and evidence presented at record hearing indicated that Appellant is responsible for directly supervising operations and employees in the Business and Cashier Offices. Testimony further established that Appellant performs the additional duties of assisting his supervisor with supervision and advice as needed with Commissary, Warehouse, Laundry/Quartermaster, and Network Administrator issues and supervising support services employees in Mr. Clark's absence. Appellant asserts that he performs these additional duties for twenty to fifty percent of his working time.

Upon a review of the information contained in the record, I find that the duties performed by Appellant and the percentage of working time he devotes to the performance of such duties are sufficient to classify his position as a Business Administrator 1. Appellant acts as an assistant to his supervisor, whose position is classified as BA 3, in the overall management of the Business Office, and supervises business office employees, as well as support services employees as needed.

Appellant's position fulfills the class concept of both the Account Clerk Supervisor classification specification and the Business Administrator 1 classification specification, however, the Business Administrator 1 classification specification most closely reflects all of the job duties performed by Appellant. Pertinent case law provides that where job classifications and duties overlap and the employee fits into two or more categories, the employee should be placed in the job classification that most nearly matches his actual job duties. *Smathers v. Barklage*, (Feb. 14, 1978), Franklin App. No. 77AP-669, unreported. Given such a situation, the employee should be placed in the higher of the classifications. *Nibert v. Ohio Dept. of Admin. Services*, (Jan. 17, 1992), Franklin Co., No. 91CVF-07-05825, unreported. In this instance, I believe that the Business Administrator 1 classification specification most accurately reflects the full spectrum of job duties performed by Appellant.

Daniel C. Bachmann
Case No. 2013-REC-02-0054
Page 7

Therefore, I respectfully **RECOMMEND** that Appellant's position be **RECLASSIFIED** to Business Administrator 1, classification number 63315, effective the first date of the first pay period following Appellee's receipt of the request for job audit.



Jeannette E. Gunn
Administrative Law Judge

JEG: