

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

Christine M. Bates,

Appellant,

v.

Case No. 2013-REC-05-0131

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

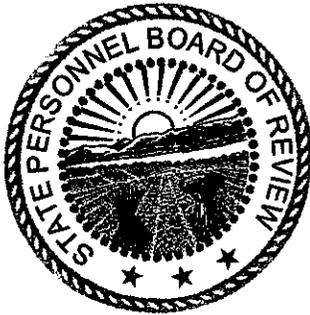
Appellees,

ORDER

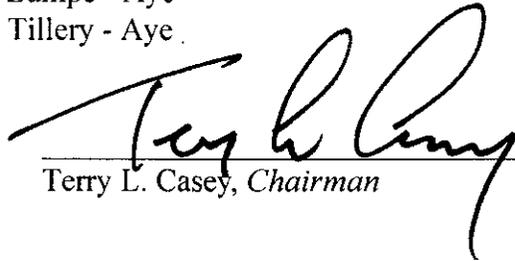
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 the job audit decision of the Department of Administrative Services is **AFFIRMED**.



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, May 29, 2014.



Erin E. Bonn
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**

Christine M. Bates

Case No. 2013-REC-05-0131

Appellant

v.

April 8, 2014

Noble Correctional Institution
Department of Rehabilitation & Correction,
Human Resource Division/Compensation and
Workforce Planning
Department of Administrative Services,

Appellees

Marcie M. Scholl
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause came on for consideration for record hearing on October 30, 2013. Present at the hearing were Appellant Christine M. Bates, appearing *pro se*; Appellee Noble Correctional Institution, Department of Rehabilitation & Correction designee Jody Beardmore, Labor Relations Officer 2, represented by Amy C. Parmi, Staff Counsel; and Appellee Department of Administrative Services designee Bobbi Lind, Human Capital Manager.

The subject matter jurisdiction of the Board was established pursuant to sections 124.03 and 124.14 of the Ohio Revised Code.

STATEMENT OF THE CASE

Appellant Bates testified she is currently classified as an Administrative Professional 1. Previously, she had been classified as a Secretary since November 2003. She is seeking to be reclassified to an Administrative Professional 3.

Appellant Bates' immediate supervisor is Jody Beardmore but she also reports to Craig Aufdenkampe, an Investigator at Noble Correctional Institution (Noble) and David Gray, an Inspector. All three supervisors complete her performance evaluations. She stated she usually turns her leave slips into Ms. Beardmore and if she is absent, then one of the other two. Appellant Bates stated she works in the Warden's suite at Noble and she is the only one performing the work she does.

The most time consuming task Appellant Bates performs is running backgrounds on people. Once she receives an approval form and release from an employee, she runs the name through the "dots portal" to determine if their name is on a list to visit any inmate. Following that, she runs their phone number through the phone system to determine if their phone number is on an inmate call list. After that, Appellant Bates runs the name through LEADS to determine if the person has any arrests, driver license issues, etc. She does this by inputting the name, social security number and date of birth. Appellant Bates then completes a form which she initials with all of the information contained on it that she has found and forwards it to Mr. Aufdenkampe for review. Once he approves it, Appellant Bates gives it to the Warden for signature and then she disperses the information to the proper personnel and it is finally returned to Mr. Aufdenkampe. She enters the information in several data bases and then files the hard copy. Appellant Bates emphasized that the information in LEADS is highly confidential.

Appellant Bates testified she performs the above functions for all Armark employees, nurses, chaplains, any contract employees, interns and any volunteer – essentially anyone who is not a state employee and goes into Noble on more than one occasion.

The next most time consuming duty performed by Appellant Bates is that of setting up pre-disciplinary conferences. She types the notice letters, schedules the date and time of the hearing, ensures the timeliness of the hearing, copies the packet, logs it in the computer systems, obtains the Warden's signature and contacts the hearing officer and the presenter. She also transcribes the interviews that are included in the packets. After the hearing, Appellant Bates receives the hearing officer's report and calculates the sixty day timeframe for discipline to be given. She copies the information and sends it to Central office. Once the discipline is decided, she types it and distributes it.

In the absence of the Warden's secretary, Appellant Bates testified she fills in for her by answering the telephone for all employees in the Warden's office, greets visitors and processes the Warden's paperwork. Appellant Bates stated she does this approximately twenty-five percent of her time.

Appellee's Exhibit C was identified as the Table of Organization, which Appellant Bates testified is accurate. She testified she has never seen Appellee's Exhibit B, which is her position description. After reading it, she stated it is accurate, but she felt Appellant's Exhibit 1, a position description dated January 20, 2011, is also accurate. Appellee's Exhibit A was identified by Appellant Bates as her job audit packet, which she testified is accurate. She identified additional duties as not being included in the position description of January 20, 2011. Those duties are acting as a back up to the Warden's secretary, who is classified as an Administrative Professional 4, and processing information for the inmate telephone

system. She explained there are PIN's for the inmate telephone calls and if an inmate loses or wants a new PIN, she issues a new one and tracks and saves them on a data base. Appellant Bates also suspends telephone privileges for inmate discipline and drug program and she contacts the local telephone company for repairs and arranges an escort for the repairman.

Appellant's Exhibits 2 and 3 were identified as examples of some of the duties Appellant Bates performs in the Warden's suite in the absence of the Warden's secretary, such as ordering office supplies, doing paperwork for transfers and Protective Custody Notifications, screens inmates for funeral trips or bedside visits, processes Institution Separations and Entrance Authorizations for attorneys, opens and distributes mail, types documents as requested by the Warden, and scans incident reports.

Appellant's Exhibit 4 are examples of the duties performed by Appellant Bates for the Inspector's office. She testified that many of the duties for the Inspector's office are confidential. The duties she performs include date stamping incoming kites, ICRs (informal complaint response) and NOGs, tracking those documents, distributes theft/loss reports, completes a monthly report for the Inspector, does a weekly report on grievances and a report to QIC, and keeps track of who received a legal and/or hygiene kit and maintains a data base of the indigent inmates. Appellant Bates also stated she is the terminal administration coordinator (TAC) for LEADS. She attends training on LEADS and is responsible for the audit. She also keeps minutes for the Security Threat group and has attended in place of a supervisor. Appellant Bates also transcribes notes and other documents for the Inspector.

Appellant's Exhibit 5 lists the duties performed by Appellant Bates for the Labor Relations office. These duties include creating a confidential file for each employee and inputting data, gathering and tracking disposition of court documents for employees, preparing confidential pre-disciplinary packets, scheduling hearings, tracking timelines, filing in confidential employee files, tracking and pulling expired disciplines and notifying employees, processing, tracking and notifying employees of sick leave issues, tracking employees on Administrative Leave, compiling documents as requested, assigning numbers to grievances and recording them, sending out notices for Labor-Management meetings and taking minutes, completing a weekly grievance report and logging pertinent information.

Appellant Bates testified she does not have any budgeting duties and does not regularly meet with other agencies. She does not monitor inmate spending, conduct employee interviews or act as lead worker. She also does not make any travel arrangements for her supervisors nor is she a chair of any committee. Occasionally Appellant Bates is assigned a special project, such as clearing out dead files or putting together a booklet on mediation.

Jody Beardmore, Labor Relations Officer, testified she has supervised Appellant Bates since 2004. Ms. Beardmore testified Appellant Bates gathers information for her but does not make any decisions on her behalf. Appellant Bates has attended meetings for Ms. Beardmore when Ms. Beardmore's task was to take notes at a meeting, as Appellant Bates has not attended any meetings in Ms. Beardmore's stead. In Ms. Beardmore's absence, there is no one assigned to be in charge, although Appellant Bates will conduct new hire orientations in Ms. Beardmore's absence, but other than that, Ms. Beardmore testified Appellant Bates does not perform her duties when she is absent. With respect to pre-disciplinary hearings, Ms. Beardmore testified she determines who the Hearing Officer will be and who will be the presenters for management, then Appellant Bates schedules them. Ms. Beardmore compiles the packets and Appellant Bates makes copies and distributes them if Ms. Beardmore does not.

Bobbi Lind testified she is employed by the Department of Administrative Services as a Human Capital Manager. Ms. Lind did not conduct the audit of Appellant Bates' position, as that person has left the employ of the Department, but she did review the packet. Ms. Lind testified that the evidence contained in the audit packet did not establish that the duties performed by Appellant Bates rose to the level of non-routine duties as that term is envisioned by the classification specification. She stated there was no evidence of independence on the part of Appellant Bates, as she does not form any decisions on her own. Appellant Bates performs work for three different offices but her duties are considered to be routine clerical duties and she follows procedures that have been put in place.

FINDINGS OF FACT

After thoroughly reviewing the testimony of the witnesses and the documents admitted into evidence, I find no discrepancy in Appellant Bates' testimony regarding her job duties. Therefore I find that the duties as described by Appellant Bates are, in fact, the duties she performs.

CONCLUSIONS OF LAW

After reviewing the pertinent classification specifications, the witness testimony and the documents admitted into evidence, it is clear that the proper classification for Appellant Bates, based on the duties she performs, is that of an Administrative Professional 1.

There is no dispute that Appellant Bates performs all the duties listed in the classification specification for an Administrative Professional 1 and that she meets the class concept. The question presented was whether or not Appellant Bates performed duties that would place her into the Administrative Professional 2 or 3 classification. In looking at the class concept for the Administrative Professional 2

classification, it states the employee will "relieve superior of routine administrative duties, make recommendations regarding program activities & assist in developing new procedures related to established program policy". Appellant Bates does perform routine administrative duties for her supervisors but she does not make recommendations regarding the programs of labor relations or investigations nor does she assist in developing procedures. There was no evidence presented with regard to Appellant Bates making any recommendations or being involved in developing procedures. While she may have developed her own procedures to process paperwork, that is not the same as developing procedures to further the mission of the particular office, such as labor relations or investigations.

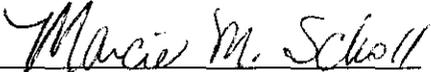
The class concept for the Administrative Professional 3 classification states that the employee will "provide secretarial & non-routine administrative support." Ms. Beardmore testified Appellant Bates provides the secretarial support but does not do any non-routine administrative duties. Ms. Beardmore stated Appellant Bates does not make any decisions in the absence of Ms. Beardmore nor has Ms. Beardmore delegated any decision-making duties to Appellant Bates. There was no evidence presented by the supervisor of Inspections that Appellant Bates independently makes decisions on his behalf or that she has the authority to resolve any problems with regard to the investigations being conducted. There was no evidence to establish that Appellant Bates attends meetings or conferences in any of her supervisors' steads, although she does attend for the purpose of note taking. She has no budgetary duties, does not prepare and sign her own correspondence, does not screen job applicants in interviews, does not make policy, and has no payroll duties.

While Appellant Bates does process confidential information and does operate the LEADS system, which is highly confidential, it is not confidential information that is the deciding factor between the classifications. It is the independent nature of the position and the decision and policy making ability that is the difference. Appellant Bates does not make policy and does not make independent decisions affecting the programs of labor relations and investigations. All of her duties are descriptive of routine administrative duties. Her summary of her duties as contained in her job audit packet are all descriptions of routine duties, such as creating and maintaining confidential files; compiling report information; taking and transcribing minutes; operating and being the coordinator for LEADS; filing disciplinary records and scheduling hearings; opening mail and distributing it; answering telephones for several staff; ordering supplies and some equipment; and performing secretarial duties for the Warden in his secretary's absence. Those are Appellant Bates' duties as described by her and nowhere in that list or in her testimony are any examples of decision or policy making or non-routine duties. Her duties are encompassed by the classification specification for an Administrative Professional 1.

The duties listed in the Administrative Professional 1 classification specification describe Appellant Bates' duties. She provides secretarial assistance through routine administrative tasks by compiling data, preparing reports, gathering information, performing research, ordering supplies and equipment, screening problems, filing, maintaining records, producing typed copy of confidential information and performs clerical duties.

While Appellant Bates appeared to be a valued and highly capable employee, her duties are considered under the specifications to be those of routine administrative duties, thus placing her in the classification of Administrative Professional 1.

Therefore, it is my **RECOMMENDATION** that Appellant Bates is properly classified as an Administrative Professional 1 and that the job audit decision of the Department of Administrative Services be **AFFIRMED**.



Marcie M. Scholl
Administrative Law Judge