

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

Laurie Wittkugle,

Appellant,

v.

Case No. 2013-REC-08-0198

Youngstown State University,

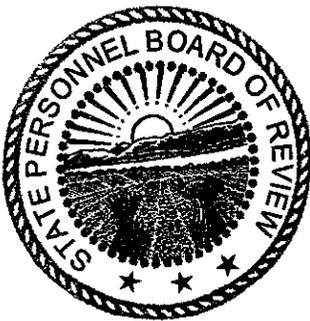
Appellee,

ORDER

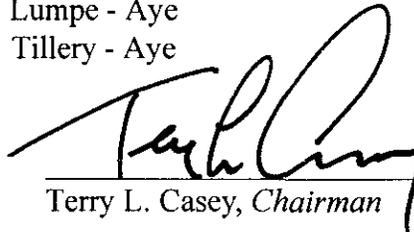
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 Appellant's position be **RECLASSIFIED** as Administrative Assistant 3.



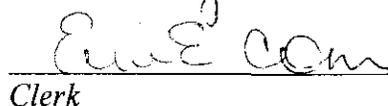
Casey - Aye
Lumpe - Aye
Tillery - Aye


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**

Laurie Wittkugle,

Case No. 2013-REC-08-0198

Appellant

v.

June 20, 2014

Youngstown State University,

Jeannette E. Gunn

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause came for record hearing on January 9, 2014. Appellant was present at the hearing and was represented by Stanley J. Okusewky III. Appellee Youngstown State University was present through its designee Steve Lucivjansky and was represented by Robert E. Fekete.

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 testified that she is presently employed by Appellee Youngstown State University (YSU or the University) at its radio station, WYSU-FM, in a position classified as Administrative Assistant 2. She stated that she has held her current position for approximately six years, and her immediate supervisor is Gary Sexton, Director of WYSU-FM. Appellant indicated that WYSU-FM is a non-commercial public radio station owned by Appellee; its operations are funded by the University and contributions from individual and corporate "members."

Appellant recalled she requested an audit of her position in March of 2013 and confirmed that she completed a questionnaire as part of the audit process. She testified that the information she provided in that questionnaire with regard to her job duties and the amount of time she spends in the performance of those tasks was

accurate at the time she submitted the questionnaire and as of the date of record hearing. Appellant stated that her primary job duties are managing the station's budget and managing the station's membership.

Appellant noted that she and Mr. Sexton comprise the station's budget committee. She testified she represents Mr. Sexton when working with other departments, such as Accounts Payable, Material Management, Development, Payroll, and University Receivables, and answers questions from Appellee and members related to WYSU-FM finances and membership.

Appellant indicated that she prepares income reports, balances accounts, formulates annual budgets and prepares financial updates for the University's Board of Trustees. She stated that she is responsible for collecting and tracking donations and pledges, and creating audit reports for contributions. Appellant noted that she works with third-party vendors and resolves collection problems when necessary.

Appellant testified that she is responsible for organizing and managing the WYSU-FM Fund Drive. She explained that she obtains volunteers and guest speakers for the Fund Drive, coordinates volunteer parking and security, contacts Events Management, and lets Student Accounts know about the anticipated influx of deposits. Appellant noted that she works with a number of student and volunteer organizations in conjunction with the Fund Drive.

Appellant testified that she formulates and implements departmental policy (Appellant Exhibit 11). She indicated that she is in the process of completing a financial policy guidebook that outlines WYSU-FM's financial policies and explains the purpose and use of member donations. Appellant noted that she also maintains the financial information on WYSU's internal wiki page, which details the very specific programs and functions of the station's business office.

Appellant confirmed that she is responsible for purchasing and processing invoices for WYSU. She indicated that she contacts vendors, signs contracts on behalf of WYSU and makes sure that invoices are entered correctly

Appellant noted that she supervises student work-study employees who work in the radio station. She indicated that she compiles general student and staff articles for the station newsletter and creates additional information for the newsletter as needed. Appellant stated that she is also responsible for compiling

the Federal Communications Commission (FCC) Equal Employment Opportunity (EEO) reports, which are produced at least four times a year and detail staff training, student employment, promotions, and vacancy listings, etc.

Mr. Gary Sexton testified he is presently employed by Appellee as Director of WYSU-FM. He confirmed he is Appellant's supervisor and is familiar with her job duties. The witness stated that he oversees the operation of WYSU-FM; he noted that although he retains signature authority, he relies on Appellant to independently create and process financial reports and budgets, and to manage the station's membership and fund drives. Mr. Sexton acknowledged that the testimony provided by Appellant regarding her job duties was accurate.

Mr. Steve Lucivjansky testified that he is employed by Appellee YSU as an Administrative Assistant 4 in the Office of Human Resources. He confirmed that he was familiar with the rationale utilized by the reviewer who conducted Appellant's position audit and stated that he agreed with her determination that the classification which best reflects the job duties performed by Appellant is that of Administrative Assistant 2.

FINDINGS OF FACT

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

Appellant is employed by Appellee Youngstown State University in its public radio station, WYSU-FM. Her current position is classified as Administrative Assistant 2 and her immediate supervisor is Gary Sexton, Director of WYSU-FM.

The information provided by Appellant to Appellee in support of the position audit was substantially accurate with regard to the job duties she performs in her position and the approximate percentages of working time she devotes to those duties.

Appellant's primary responsibilities are to manage the station's budget and membership. She and Mr. Sexton produce an acceptable budget which is ultimately approved by Mr. Sexton. Appellant is responsible for balancing the books,

compiling the annual budget, and producing financial updates and reports for Appellee's Board of Trustees.

Appellant coordinates and manages the station's semi-annual Fund Drive, working with University and volunteer groups to staff the event. She is responsible for tracking and managing station membership and contributions and for creating audit reports. As necessary, Appellant independently resolves collection problems related to donations and pledges.

Appellant formulates and implements departmental financial policies and procedures. She represents her supervisor when working with other Departments, such as Accounts Payable, Material Management, Development, Payroll, and University Receivables. Appellant is responsible for purchasing and processing invoices for WYSU. She has the authority to contact vendors and sign contracts on behalf of the station.

Appellant helps hire and train student staff at WYSU-FM. She answers all questions or concerns from students, other University departments and members about the station and donations.

Appellant monitors the station's FCC compliance and creates FCC EEO reports for the station.

CONCLUSIONS OF LAW

The primary criteria for this Board to consider when determining the most proper classification for a position are classification specifications, including the function statement, 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*.

In the instant appeal there is no debate as to what comprises the pertinent classification specifications. Therefore, 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, March 31, 1988).

As a general rule, Appellants 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 this or her position to fall within a particular classification 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. The class concept or series purpose 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.

* * * * *

The classification series considered in this appeal was the Administrative Assistant series 6312.

The series purpose for the Administrative Assistant series is to assist in program direction by relieving superior of administrative duties and assisting in program direction. The class concept for each level within the series sets forth the mandatory duties which must be performed by an incumbent for a minimum of twenty percent of their average working time. The various classification specifications within the Administrative Assistant class series differ with regard to the level of supervision incumbents receive and the type of administrative duties that they perform. At the first level, incumbent employees relieve superior of routine administrative duties; second level employees relieve their superior of non-routine administrative duties; third level employees relieve their superior of difficult administrative duties; and fourth level employees relieve their superior of most difficult duties.

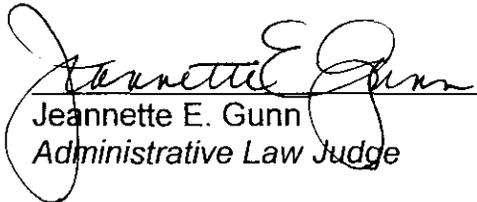
* * * * *

Appellant's position is presently classified as Administrative Assistant 2. Testimony and evidence presented at record hearing were sufficient to establish that, at a minimum, Appellant performs duties sufficient to properly place her position in that classification. This Board may continue, however, to consider additional classifications to determine if another more accurately describes the duties and responsibilities performed by Appellant.

Information contained in the record demonstrated that Appellant relieves her supervisor of administrative duties to assist in program direction by managing the finances and membership for WYSU-FM. Although Mr. Sexton ultimately retains signature authority, I find that Appellant formulates and implements policy and procedures related to WYSU financial matters. Mr. Sexton testified that he relies on Appellant to independently create and process financial reports and budgets, and to manage the station's membership and fund drives.

Based upon the testimony and evidence offered regarding the level of autonomy exercised by Appellant in the performance of her job duties, I find that Appellant works under administrative rather than general supervision of an administrator. I further find that the complexity of the financial tasks performed by Appellant, as well as her responsibilities for coordinating and staging the semi-annual Fund Drive are sufficient to constitute "difficult" administrative duties, as contemplated by the function statement of the Administrative Assistant 3 classification specification. While Appellant is required to utilize a high level of discretionary authority in managing the finances of WYSU, the duties she performs do not relieve Mr. Sexton of his "most difficult" responsibilities.

Accordingly, based upon my review of the job duties performed by Appellant, the amount of working time Appellant performs those job duties, and the relevant classification specifications, I find that the classification specification which most accurately describes Appellant's job responsibilities is that of Administrative Assistant 3. Therefore, I respectfully **RECOMMEND** that Appellant's position be **RECLASSIFIED** as Administrative Assistant 3.


Jeannette E. Gunn
Administrative Law Judge