

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

Jacqueline E. Williams,

Appellant,

v.

Case No. 2013-REC-08-0202

Montgomery County Board of Health,

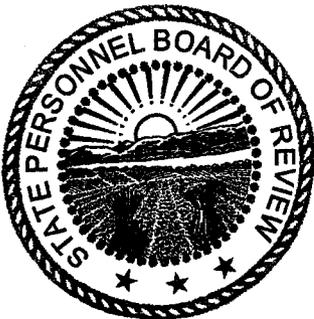
Appellee,

ORDER

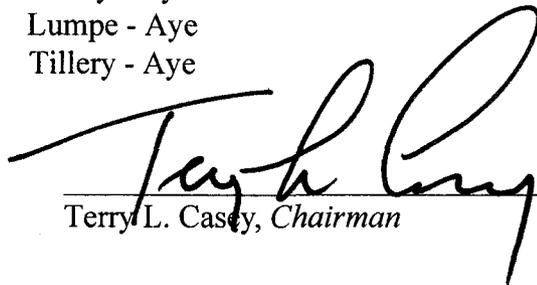
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 appeal is **DISMISSED**, as Appellant Williams was properly classified as an Office Supervisor during the relevant time period in question.



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, April 16, 2014.



Clerk

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

4-16-14

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

Jacqueline E. Williams

Case No. 2013-REC-08-0202

Appellant

v.

March 20, 2014

Montgomery County Board of Health

Christopher R. Young

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause came on for record hearing on January 13, 2014 at 10:00 a.m. Present at the hearing was the Appellant, Ms. Jacqueline Williams, who appeared *pro se*, and the Appellee, the Montgomery County Board of Health, was present through its designee, Mr. Michael M Matis, General in House Legal Counsel, the Appellant's immediate supervisor, Mr. Roy E. Jordan, Registrar/Supervisor of Vital Statistics, who was represented by Todd M. Ahearn, an Assistant Prosecuting Attorney. The Appellant, Ms. Jacqueline Williams, and the Appellant's supervisor, Mr. Roy E. Jordan, along with Ms. Lois Jernigan, Human Resources Coordinator, and the person who completed the audit offered testimony at this record hearing.

On or about February 22, 2013, the Appellant, Ms. Jacqueline Williams, requested a job audit of her position as an Office Supervisor. It was noted at the onset of the hearing no classification specification numbers were associated with the classification specifications, as it was explained that Montgomery County had been undergoing and updating of their class plan. Further, as result of the above noted, the undersigned requested and did receive on a DVD the current classification plan of Montgomery County, and is made part of this record. On or about July 16, 2013, the Appellant, Ms. Jacqueline Williams, received the results of the audit request which notified her that her proper classification for her position was that of an Office Supervisor. After receiving the job audit results, the Appellant timely filed her appeal to this board on or about August 8, 2013. The parties noted that the aforementioned was stipulated to, as well as, the subject matter jurisdiction of this Board was established.

Before proceeding onto the record hearing, the Appellant, Ms. Jacqueline Williams, stated that although she is presently classified as an Office Supervisor, she is seeking to be reclassified to the position of a Vital Statistics Coordinator. It should be noted and was explained to the Appellant before proceeding onto the record hearing in this matter, that the classification specification of a Vital Statistics

Coordinator was not a classification specification contained within Montgomery County's classification plan.

STATEMENT OF THE CASE

The first witness to testify was Ms. Jacqueline Williams, the Appellant herein, who stated that she is currently employed as an Office Supervisor for the Montgomery County Board of Health, and has been since December 16, 2002. When questioned, the witness explained that she requested to have her position audited back in January 2013, but that she didn't receive the audit package until February 6, 2013, from Ms. Jernigan, which she filled out and returned on or about February 22, 2013. See Appellee's Exhibit 1. Further, when questioned, as to what position she wants to be reclassified into, explained that she wants to be reclassified to a Coordinator's position, which in her opinion would more accurately reflect her scope of responsibility at the agency. It should be noted that the Appellant, went on the name various Coordinator's positions, none of which were close to the duties which she performed, but merely was used to contrast the level of responsibility which they had to which she believed she should be placed into. See Appellant's Exhibit, Appendix 22.

The witness testified that she works in the Reibold Building on the first floor, Monday through Friday, while working from 7:30 a.m. to 4:00 p.m. Moreover, the witness testified that her supervisor, Mr. Roy E Jordan, is the Supervisor of Vital Statistics, a position he's held since December 2002. When questioned, the witness testified that Mr. Jordan oversees a total of eight employees, one being herself as an Office Supervisor, (3) Vital Records Statistics Specialist 1s, (3) Vital Records Statistics Specialist 2s and one Mortality Coder. See Appellant's Exhibit Appendix 13, as the table of organization of the Montgomery County Department of Public Health. Upon further questioning, the witness testified that she supervises (3) Vital Records Statistics Specialist 1s, (3) Vital Records Statistics Specialist 2s and one Mortality Coder, and that she approves their leave time, but does not perform their evaluations, but that she can effectively recommend discipline, as well as train them from time to time.

The witness then answered questions with respect to Appellee's Exhibit 1, the Position Audit Questionnaire. With respect to the main purpose of her job, the witness testified that she is there to oversee and coordinate the vital statistics records program and services within the Health Department, while interpreting, administering and enforcing Ohio revised code section 3705 and vital statistics law pertaining to Ohio registration district number 57, along with supervising the daily activities of the support staff. The witness then explained with respect her job duties listed on Appellee's Exhibit 1, that all these duties were duties that she performed prior to filling out the audit, as well as after the job audit was completed, up through

and including today's hearing. With respect to the 45 to 65% of the job duties listed on the exhibit, the witness testified that she was responsible for opening the office of vital statistics which includes: opening the safe; retrieve and distribute starting cash for each vital records specialist, along with updating machine with the current date. Further, the witness testified that she assigned security paper to each vital records specialist, which is delivered annually via armed services and secured in a locked cabinet as mandated by the Ohio Department of Health. The witness stated she assigned security paper to copier and reader printer locations, restocks customer service workstations with birth/death applications and pencils; assigns debit cards checks and vital check reconciliation checks to vital records specialist for end of night balancing; maintain oversight ensure security of sensitive vital material; including unused and spoiled birth/death certificate paper, which has to be stored in a secure location until annual state audit; receives opens and routes incoming mail to vital records specialist, mortality coder and registrar; assigns and ensures Web order overnight 1/2 day request and regular mail requests are processed daily; oversees and participates in accounting for all registration of births, deaths, fetal deaths, certificate of service, medical supplements and supplemental report of given name are processed and available for issuance; oversees death certificate entry and daily centers for disease control reporting; run daily edits of registered records; notarize birth certificate affidavits, paternity acknowledgment documents as governed by law; prepare log of all acknowledgment of paternity processed to forward via mail to a central paternity registration within 10 day time frame; enter birth certificates in local system if required due to poor quality images in an effort to service/process customer requests; verify each birth certificate received from various hospitals; assign registration date for registration specialist; perform record maintenance request via help star state system in an effort to correct errors on birth records in their system, which allows issuance of out of County birth certificates; prepare social security letters for customers whose birth certificate and Social Security cards do not match; resolve problems/complaints and answer questions for internal/external customers and answer telephones, process credit card question provide customer service request over-the-counter as needed.

With respect to the 15 to 30% of her job duties listed on Appellee's Exhibit 1, the witness explained that she would then process all adoptions, court order corrections, paternity acknowledgment and legal name changes by accessing the computer system, retrieving the original birth certificates making unidentified changes in the computer system to correspond with the new birth certificate as outlined by the Ohio Revised Code; sign each confidential statement for each record processed; prepare a letter for records that contain errors and return original record to special registration in Columbus; prepare log of all records process by registrar number/file year for microfilming; enter all birth certificates registered for current week by accessing computer birth entry menu to enter the name of child, date of birth, gender, registrar number and year, which allows parents to purchase

copies of birth records as needed; verify all records indexed; run weekly edit on all birth/death entered/registered; prepare weekly shipment of births registered by putting them in chronological order by state file number for Thursday overnight UPS shipment to Ohio Department of Health; update all birth/death certificates that were amended via affidavits or medical supplements; secure each document processed/updated until original records are shipped to Ohio Department of Health – vital statistics by the tenth of the following month; enter all rejected birth certificates in the computer system by accessing problem tracking menu; delete records from problem tracking once corrected birth certificates are received from hospital and registered by vital records specialist; oversee and process microfilming of records registered for current week; verify microfilm to ensure that all records are on film prior to mailing of original records to Ohio Department of Health, and Kronos timekeeper – approve leave in the absence of registrar.

With respect to the 10 to 20% of her job duties listed on Appellee's Exhibit 1, the witness explained that she, among other things, maintained the oversight of receipt of funds collected/deposited by vital records specialist as backup to the registrar; collaborated with information services personnel to develop and implement systems to meet vital statistics needs; develop office procedures in compliance with state of Ohio guidelines; coordinate the schedules for vital statistics employee to attend trainings, seminars, insurance meetings, web-based trainings the state of Ohio etc.; Assist with death certificate entry which requires entry of all vital information reported by physicians, funeral home directors on death certificates, as well as participate in the training. Additionally, with respect to the last 5 to 10% of the job duties listed on Appellee's Exhibit 1, the witness explained that she, among other things, would process record retention schedules for vital statistics as outlined by the Ohio Department of Health retention guidelines for birth/death applications, fetal deaths under 20 weeks, miscellaneous agency requests, credit card and regular mail requests, daily reconciliation and problem tracking records; coordinating with purchasing department by preparing a work order along with a copy of retention schedule for off-site storage; coordinate job posting with human resources; review all applicants/resumes of applicants; prepare interview questions for interview panel; along with scheduling interviews with the applicants and coordinating testing site availability with Montgomery County job Center/applicants.

When asked to describe her most important job duty, the witness explained that she is there to provide excellent service to our customers, with an eye to detail.

The next person to testify was Mr. Roy E Jordan, the Supervisor of Vital Statistics, and the immediate supervisor of the Appellant herein, a position he's held for approximately the last fourteen years. Specifically, when questioned, if the Appellant's testimony regarding her job duties and/or responsibilities were accurate,

Mr. Jordan answered in the affirmative, as he was in the hearing room and heard the same. Further, when questioned, the witness testified with respect to the Appellant's testimony that while she is very capable in her job and maybe should be reclassified to a higher position, there is not a classification specification of a Vital Statistics Coordinator, in the Montgomery County class plan.

The last person to testify was Ms. Lois Jernigan, a Human Resource Coordinator, a position she's held for approximately the last 16 years with the Montgomery County Department of Public Health. When questioned, the witness testified that she did an on-site audit, as well as paper audit on the Appellant's position. See Appellee's Exhibit 3. When questioned, the witness testified that it was her conclusion that Ms. Williams' job duties and/or responsibility were in line with the Office Supervisor classification specification. The witness, when questioned, explained that even though Ms. Williams wanted to be reclassified to a Vital Statistics Coordinator, there is not one in the County class plan for this Board to consider.

FINDINGS OF FACT

There was no real discrepancy between the Appellants' characterization and the duties that she performed and those of the testimony of her direct supervisor, Mr. Roy E. Jordan, the Supervisor of Vital Statistics. Therefore, I find as a matter of fact, the Appellant perform the duties about which she testified.

CONCLUSIONS OF LAW

This Board is required to perform several functions when determining the most appropriate classification for an Appellant coming before it. The Board must always review relevant classification specifications to determine which classification best describes the Appellant's actual job duties for the pertinent period of time. *Ford v. Ohio Department of Natural Resources* (1990), 67 Ohio App. 3d 755. In making this determination, the Board considers the classification specification and the job duties outlined therein, as well as the percentages of time the Appellant devotes to each group of job duties. *Klug v. Ohio Department of Administrative Services* (May 19, 1988), Franklin Co. 87AP-306, unreported, 1988 WL54277.

As a general rule, the Appellant seeking a reclassification to a higher position must demonstrate that his or her respective job duties substantially satisfy those of the higher classification. *Mounts v. Ohio Department of Administrative Services* (1984), 17 Ohio App. 3d 125; *Deist v. Kent State University* (May 23, 1987), Franklin Co. 87AP-28, unreported.

This Board must also consider the relation between the classification specifications at hand and the 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 the effected parties. *Gordon v. Ohio Department of Administrative Services* (March 31, 1988), Franklin Co. 88AP-0122, unreported, 1988 WL37094.

As previously mentioned, the Appellant, Ms. Jacqueline Williams, stated that although she is presently classified as an Office Supervisor, she is seeking to be reclassified into a Coordinator's position. However, as was noted by the undersigned, Montgomery County Department of Public Health found that the Appellant was properly classified as an Office Supervisor, and most importantly not a Vital Statistics Coordinator, as that classification did not exist in their class plan. After a thorough review of the above mentioned classification specifications, it is my recommendation that the Appellant was properly classified as an Office Supervisor. It should be noted that at the close of the record hearing the undersigned reviewed the DVD regarding Montgomery County's classification specifications and noted that there was no such classification specification of a Vital Statistics Coordinator, as was requested by the Appellant herein.

As was previously stated when looking up the classification of a Vital Statistics Coordinator, a classification that the Appellant wished to be placed into, was not found in the classification system/plan for Montgomery County, thus the undersigned Administrative Law Judge rejected this classification as an appropriate classification for the Appellant to be placed.

After reviewing Ms. Williams' testimony with regard to her job tasks and/or responsibilities it became apparent when reviewing the Montgomery County Class Plan and Human Resources classification specifications for the classification of an Office Supervisor, it was the most appropriate fit for the Appellant.

When reviewing the classification specification of an Office Supervisor, it calls for one 40% to 65% of the time to supervise the daily activities of support staff; assess and assign work; determine work priorities; resolve problems regarding operation procedures and methods and establishes and implements office procedures. Further, under the job duties of the classification specification of an Office Supervisor states that one is to interview and recommend hiring, training new employees on procedures and process; monitors employee performance; performs performance valuations; implements corrective action when necessary and provides training as needed 5% to 10% of their time. Moreover, an additional 15% to 30% when considering the classification specification of an Office Supervisor one is to prepare compile financial statistical reports relating to program activities; review records and documents for accuracy, clarifies discrepancies; monitors timely

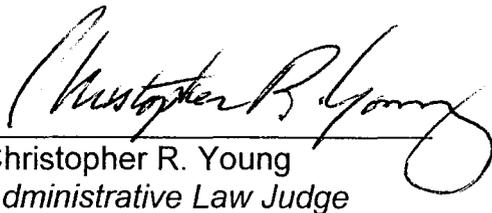
submission of data and performs quality reviews to ensure accuracy; ensures compliance with local and state requirements and maintains up-to-date information on laws, regulations and rules pertaining to the program.

Again, the testimonial and admitted documentary evidence revealed that the Appellant performed almost all of the duties outlined above, as called for in the classification specification of an Office Supervisor. Outside of not performing performance evaluations on her subordinate employees, as called for in the classification specification of an Office Supervisor, the Appellant herein performed almost each and every one of the duties listed in the classification specification of an Office Supervisor.

In order to make a determination which classification best fit Ms. Williams, the undersigned considered the testimonial evidence, as well as the documentary evidence contained within the case file regarding her job duties and/or responsibilities. After a thorough review of the above noted classification specifications, it is my recommendation that the Appellant was properly classified as an Office Supervisor. It was noted by the undersigned Administrative Law Judge that the Office Supervisor classification specification was almost an exact fit.

RECOMMENDATION

Therefore, it is my **RECOMMENDATION** that the Appellant, Ms. Jacqueline Williams, was **PROPERLY CLASSIFIED** as an Office Supervisor, during the relevant time period in question, and that the Appellant's appeal **DISMISSED**.


Christopher R. Young
Administrative Law Judge