

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

Marcia Seubert,

*Appellant,*

v.

Case No. 2013-REC-09-0248

Bowling Green 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. It is noted that a clerical error resulted in the word "or" appearing in the instant Recommendation, where the word "of" should have appeared.

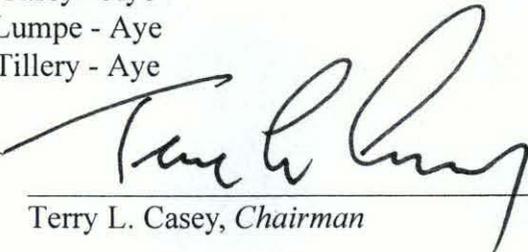
Wherefore, it is hereby **ORDERED** that Appellee's audit determination is **AFFIRMED**, pursuant to R.C. 124.03 and R.C. 124.14.

Casey - Aye

Lumpe - Aye

Tillery - Aye

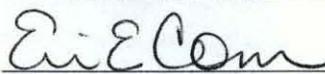


  
Terry L. Casey, *Chairman*

**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, November 20, 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**

Marcia Seubert

Case No. 2013-REC-09-0248

*Appellant*

v.

September 24, 2014

Bowling Green State University

Christopher R. Young

*Appellee*

*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This cause came on to be heard at the record hearing on February 19, 2014. Present at the hearing was the Appellant, Ms. Marcia Seubert, presently classified as a Secretary 2, classification specification number 12552, who appeared *pro se*. The Appellee, Bowling Green State University, was present through its designee, Ms. Leslie Fern, an Employment/Employee Relations Specialist, who was represented by Mr. Timothy M. Miller and Ms. Alexis K. Chancellor, Assistant Attorneys General. Further, the Appellant's supervisor, Ms. Barbara Berta, an Administrative Assistant 1, was also present at the hearing and offered testimony, as well.

On or about June 20, 2013, the Appellant, Ms. Marcia Seubert, requested a job audit of her position as a Secretary 2, classification specification number 12552. On or about September 9, 2013, the Appellant, Ms. Marcia Seubert, received the results of the audit request which notified her that her proper classification for her position was that of a Secretary 2. After receiving the job audit results, the Appellant timely filed her appeal to this Board on or about September 17, 2013. It should be 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. Marcia Seubert, stated that although she is presently classified as a Secretary 2, she is seeking to be reclassified to the position of Administrative Assistant 1, classification specification number 63121.

## STATEMENT OF THE CASE

The first witness to testify was the Appellant Ms. Marcia Seubert, who is presently classified as a Secretary 2 in the Department of Mathematics and Statistics which is under the College of Arts and Sciences at Bowling Green State University, a position she's held since January 2001. When questioned, witness testified that Ms. Barbara Berta, an Administrative Assistant 1, has been her supervisor for approximately last three years, and that she supervises two full-time equivalent employees a Typist 2 and her, along with six student employees. Further, when questioned, the witness testified that she submitted her request for an audit on or about June 20, 2013, and that she received her results on or about September 9, 2013.

The witness then identified Appellant's Exhibit 1.8, as a table of organization that identifies her position within the Mathematics and Statistics Department, as a Secretary 2, wherein it was noted that she does answer directly to Ms. Barbara Berta, an Administrative Assistant 1. The witness stated that their unit is called a Math Office and that her overall function is that she works on the Graduate Assistant Program wherein she helps recruit graduate students, makes graduate assistantship offers to them, right contracts for them, issues them their tuition, and work with them throughout their tenure at the University. Basically, the witness explained that she tracks the graduate student from start to finish, from application to graduation. To meet this end, the witness explained that University offers scholarships to the graduate students to lure them to teach for the University, and that she acts as a liaison for these graduate assistants, with respect to the scholarship and any stipends that they are afforded. Further, the witness explained that if any problems were to arise from the graduate assistants teaching for any reason, she would then become involved as to resolve any issues, as well.

When questioned, the witness identified Appellant's Exhibit 1.2 as the classified staff job analysis questionnaire which she filled out when requesting the audit. With respect to the time spent and the frequency of her job duties, tasks and responsibilities, the witness stated that approximate 30% of her time is spent executing the Graduate Assistantship Program. The witness explained that the budget for the graduate assistantships, including scholarships and stipends is approximately \$1.7 million, which she tracks (Appellant's Exhibit 3.8), wherein she generates the assistantship offers to the applicants, advises the Graduate Coordinator of budgetary policies and summer funding choices, along with assistant acceptances and declines. Further, the witness stated she also generates stipend and scholarship/financial aid contracts to those involved, along with advising the Associate Dean of assistantship offers, acceptances and contract requests.

Moreover, the witness explained that she also develops full-day campus visits and meets with potential teaching assistants (TA) during those visits.

The witness also stated that approximately 30% of her time is spent managing the Graduate Application Process. The witness testified that she is responsible for the graduate application process from start to finish, wherein she serves as the initial and primary contact for the applicants, along with responding to any inquiries concerning the degree programs. The witness explained that she tracks the documentation/credential collection, along with putting together an initial database creation of the applicants. In managing the graduate application process, the witness also explained that she communicates the admission decisions with University offices regarding the applicants, along with working with Graduate Admissions to recruit applicants.

With respect to the next 20% of her time spent performing her job duties and/or responsibilities, the witness testified that she manages the Graduate Enrollment and Progression through the Program. The witness explained that this entails creating course registration in collaboration with the Assistant Chair and processing all graduate-level course registrations, along with tracking all graduates comprehensive examinations, qualifying examinations and preliminary examination outcomes, to ensure their completeness. The witness testified that 10% of her job duties are spent producing Publications/Website Development. The witness explained that she helps create and design the Graduate Program Brochure, the Graduate Student Handbook and various recruiting material, along with reviewing the website for accuracy, coming up with new ideas and making recommendations for additional material to be put on the website, as well. Additionally, the witness testified that 5% of her duties are spent maintaining current/past student files and letters of recommendation, along with advising any Graduate Coordinator on any probationary issues and teaching performance issues. Lastly, the witness testified that she also spends 5% of her duties preparing Departmental Lists/University Forms and other materials, as needed. Further, the witness testified that she does give work direction to one graduate student per year from time to time, as well.

The witness then identified Appellant's Exhibit 1.4 as a classification specification of a Secretary 2 was the class being specification that was considered, but is now the old one. It was noted by the undersigned that Appellee's Exhibit 3, is the same as Appellant's Exhibit 1.4, and Appellee's Exhibit 1 is the new classification specification of a Secretary 2, effective July 30, 2013, which occurred shortly after the Appellant requested the audit, but prior to the issuing of the audit results.

The witness identified Appellant's Exhibit 1.5 as the old classification specification of an Administrative Assistant 1 (Appellee's Exhibit 4) and explained

that she does perform research and analyzes materials and explained that under Appellant's Exhibit 4.15 is a spreadsheet that she calculates percentages of graduate student GPAs, various inquiries from applicants, offers whether they be foreign or domestic each and every year. Moreover, the witness testified that she also conducts annual surveys and analyzes those materials, as well under the Doctorates Granted Survey. (See Appellant's Exhibit 2.5). The witness then identified Appellant's Exhibit 3.1 as examples of how she provides technical advice to the Graduate Coordinators. Additionally, the witness identified Appellant's Exhibit 3.2, as another example of the survey that she conducts with Graduate Coordinators. When questioned with respect to the Administrative Assistant 1 classification specification if whether she makes recommendations and assists in developing new procedures and programs, the witness explained that she does this with respect to various funding and budgetary issues. When reviewing the old classification specification of an Administrative Assistant 1, the second group of job duties where it was noted that one would represent the administrator by serving as liaison between the administrator and subordinates; transmits decisions and directives; represents administrator at meetings and conferences, the witness explained she does act in the Typist 2's stead in her absence, along acting as a liaison between the Department of Mathematics and Statistics and the many departments within the University. When questioned if she manages to business functions of the administrator's office, the witness stated that she only manages the business function of graduate program, as Ms. Berta, her supervisor manages the business functions of the administrator's office. Along this line of questioning, the witness explained that she does not prepare and monitor the budget of the administrator's office, but only for the graduate program itself. However, the witness did state that she does interview the graduate students who come in perform work in the graduate program.

Moreover, the witness identified Appellant's Exhibit 4.8 as example of a publication that she puts together wherein it is noted that she is the contact person for the graduate program. The witness also explained that she also talks to the graduate student at orientation to explain to them about the rules of the University.

When questioned, the witness testified that she does not act as a supervisor, as she does not fill out performance evaluations, approve anyone's leave and/or recommend any discipline to anyone. Further, the witness explained that she works typically Monday through Friday, on first shift from 8 AM to 5 PM. When asked about the overall job responsibility that she has, the witness explained that this fostering the graduate students, along with bringing in those prospective students.

Next, the witness identified Appellee's Exhibit 2 as the current classification specification of an Administrative Assistant 1, effective July 30, 2013, and noted under the essential/primary duties first grouping that she did coordinate and oversee

the day-to-day departmental administrative operations with respect to the graduate program. Further, the witness testified that she would provide direction to others on various situations and topics; mainly the graduate students and she would develop procedures and forms related to certain departmental administrative operations with respect to the graduate program. However, the witness testified she did not request repairs and services as necessary for the building and equipment, nor did she develop and implement any policy. The witness explained she would prepare correspondence and/or reports and handle other issues including issues of a confidential nature as part of her job duties, as well. However, the witness testified that she would not monitor any budget expenditures for the entire department, nor did she create requisitions, submit invoices for payment and receipt and review financial documents in relation to any financial management system. Further, the witness when questioned testified that she does enter applicant information for departmental personnel searches with respect to the graduate students, and that she does post advertisements on applicant information, coordinates the research process and establishes and obtain credential files and correspondence with the candidates. Additionally, the witness testified she would assist with interviewing schedules, travel, lodging arrangements and expense reimbursements, including preparing recruitment reports, but only for the graduate program side of things. Moreover, the witness testified that she does serve as a liaison for the Department of Mathematics and Statistics with other University offices and the general public, but again only for the graduate program. The witness testified she does not manage the business functions for the Department, nor does she supervise a student worker currently and/or any other staff member, as partially called for in the classification specification.

The witness identified Appellee's Exhibit 3.3a, as a letter dated February 4, 2014, from Mr. Dale Klopfer, Associate Dean, Resources and Planning, who sometimes provides work direction and supervision to Ms. Seubert, which pointed out that Ms. Seubert was "put in charge" of the \$843,000 stipend budget and \$919,000 scholarship budget.

Upon questioning from counselor Miller, the Appellant testified that when she's involved in the recruitment of new graduate students she would work with the admissions office and review their GER exam results that would identify math/statistics interest and she would forward those individuals information regarding their program from the University. Further, the witness explained that she would direct those individuals to the webpage regarding certain facts and answers and information with regard to the program, as well she would invite them via a letter to apply to the program. (See Appellant's Exhibit 4.3). The witness explained after that she would create a file for each of the applicant to track that graduate assistantship from start to finish, wherein she would note their offer of acceptance into the program (See Appellant's Exhibit 3.7 a), write their contract and their

progress, along with tracking their stipends and financial aid and their GPA. (See Appellant's Exhibits 3.7 b and 3.7 c). The witness, when questioned, testified that she is the first one to look at the application, and that she initially screens out applicants which do not meet the required criteria, and that she would send out the appropriate correspondence.

With respect to Appellee's Exhibit 2, as the new classification specification of an Administrative Assistant 1, the witness explained that she does develop procedures, as she developed a procedure with regards to keeping documents confidential, as she established the practice that was adopted by the Chair, along with the evaluation files of the current graduate students. Moreover, the witness identified Appellant's Exhibit 4.13, as a document which she drafted which was put into effect regarding a contract with the students to see what courses they are taking. Moreover, the witness when questioned testified that she only reviews applications for the graduate student program. The witness also identified Appellant's Exhibit 5.1 and 5.2 as Administrative Assistant 1 job duty comparisons between the classification specification and a recent job posting, which she believed that she fulfilled the duties outlined therein.

The second witness to testify was Ms. Barbara Berta, currently classified as an Administrative Assistant 1, who also has a reclassification appeal before this Board. When questioned, the witness testified that she is been employed at BGSU as an Administrative Assistant 1 for little over three years and that she is been the Appellant's direct supervisor during that period of time. Specifically, when questioned, if the Appellant's testimony regarding her job duties and/or responsibilities were accurate, Ms. Berta answered in the affirmative, as she was in the hearing room and heard the same. Further, the witness testified that Ms. Seubert monitors the graduate program from start to finish, and that it has its own budget that she tracks.

The last witness to testify was Ms. Leslie Fern, an Employment/Employee Relations Specialist who was held in her position for approximately last eight years, and was the employee who completed the audit.

The witness then identified Appellee's Exhibit 7 as her September 9, 2013, determination letter wherein it was found that Ms. Seubert was properly classified as a Secretary 2. The witness explained that the Department of Mathematics and Statistics falls under the broader category of the Arts and Science College. The witness explained that the Appellant's interaction with the students was like many other Secretary 2s on the undergraduate side of things, helping them through the application process, putting files together and then given those files to a Graduate Coordinator. Further, the witness explained that the overall budget responsibility for

the Department of Mathematics and Statistics is determined by the Arts and Science College.

It was noted by the undersigned that pursuant to Ms. Fern's audit questionnaire analysis she found that the Appellant was performing the following duties:

- Analyzes assistantship budgets and advises graduate coordinator of budget policy.
- Provides routine support for graduate assistantship program (e.g. generates offer letters and contracts, updates graduate coordinator and associate Dean of offer/declines, coordinates campus visits etc.)
- Coordinates from start to finish graduate application process (e.g. primary contact for applicants, response to inquiries, collects documents/credentials, maintains applicant database, provides updates to applicants, complete applicant files for evaluation and communicate decisions)
- Process graduate course registration and create courses. Maintains course schedule. Track completion of course requirements for international students. Track examination outcomes. Prepare forms. Advises faculty advisors on policies, deadlines and requirements for defending dissertations.
- Point of contact for all graduate students.
- Produces publications and maintains website.

Upon questioning by the Appellant, the witness agreed that Ms. Seubert took part in the recruiting of the graduate students and that the Graduate Coordinators have final say so, along with faculty on whether those individuals become graduate students.

Upon questioning by Appellee's counsel, Mr. Miller, the witness testified that she felt Ms. Seubert's role was more of a supportive one to the Graduate Coordinator.

### FINDINGS OF FACT

There were no real discrepancies between the Appellants' is characterization of the duties that she performed and those of the testimony of her direct supervisor, Ms. Barbara Berta, currently classified as an Administrative Assistant 1, in the Department of Mathematics and Statistics which is under the College of Arts and Sciences at Bowling Green State University, 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. Marcia Seubert, stated that although she is presently classified as a Secretary 2, (new 12552) (old 12552C) she was seeking to be reclassified to the position of an Administrative Assistant1, (new 63121) (old 63121) position. However, as noted by the undersigned Bowling Green State University, through its designee, Ms. Leslie Fern, an Employment/Employee Relations Specialist, found that the Appellant was properly classified as a Secretary 2. On the other hand, the Appellant believes that she should have been placed into

the classification specification of an Administrative Assistant 1, (new 63121) (old 63121) position. After a thorough review of the above mentioned classification specification, it is my recommendation that the Appellant was properly classified as a Secretary 2. Based on the findings set forth, above, and for the reasons set forth, below, it appears that Appellant's position was properly classified as a Secretary 2 (12552). Accordingly, this Board should affirm Bowling Green State University's job audit determination.

The series purpose/position summary language for the Secretary 2 (12552) provides for one to act in a supporting role to a department, group or individual(s). Additionally, one is to relieve superior of non-routine administrative tasks; researches, gathers information or prepares reports; and assist with the preparation and maintaining of department budgets.

The Series Purpose/Position Summary language for the Administrative Assistant 1 (63121) provides for one to act as high level administrative support to an Administrator(s) and/or a Department to facilitate the daily operations of that Department. Additionally, one is to relieve supervisor of non-routine or routine administrative responsibilities; prepares correspondence and reports, maintains calendars, and monitors budgets for the Department; assist with personnel searches; develops and implements administrative policies related to department operations, while acting as a liaison. In the case at hand, Ms. Seubert while she did act as a high level administrative support to Ms. Berta, however it clearly was not for the Department to facilitate the daily operations of that Department, but only with a Program within that Department, the Graduate Program. Additionally, not to diminish Ms. Seubert's excellent budget tracking work within the Graduate Program, again it was not related to the whole departmental operations, but only to the Graduate Program. Moreover, the evidence revealed that Ms. Seubert did not assist with any personnel searches or implemented any policy with respect to the Department, but only within the Graduate Program.

After reviewing Ms. Seubert's testimony with regard to her job tasks and/or responsibilities it became apparent after reviewing the classification specification of a Secretary 2 was the most appropriate match of the duties that the Appellant performed for the most part, although not an exact fit, but a "best fit". While there were some duties that were outside of the scope of a Secretary 2 classification specification, Administrative Assistant 1 duties are to be performed for a Department, and just not one program within the Department.

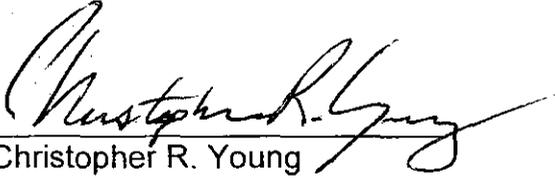
When reviewing the classification specification of an Administrative Assistant 1 calls for one to provide and act as a high level administrative support to an administrator(s) and/or a department to facilitate the daily operations of that Department, in order to be placed in this classification. The evidence revealed that

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the Appellant basically only facilitated and/or worked with a Program within that Department, the Graduate Program, nor did she implement any policy with respect to the overall Department, but again only within the Graduate Program, as contemplated by the classification specification of an Administrative Assistant 1. Thus, as revealed by the evidence thereof, the undersigned Administrative Law Judge rejected the above noted classification specification of an Administrative Assistant 1, as not being an appropriate fit for the Appellant herein.

### RECOMMENDATION

Therefore, I respectfully **RECOMMEND** to the State Personnel Board or Review that the Appellant, Ms. Marcia Seubert, was **PROPERLY CLASSIFIED** as a Secretary 2, during the relevant time period in question, and that they **AFFIRM** the Bowling Green State University's audit determination, and that the Appellant's appeal **DISMISSED**.

  
Christopher R. Young  
Administrative Law Judge