

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

Adele L. Vogelgesang,

*Appellant,*

v.

Case No. 2013-REC-10-0311

Environmental Protection Agency, 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.

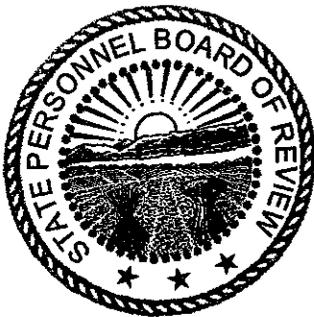
After a thorough examination of the entirety of the record, including a review of the Report and Recommendation of the Administrative Law Judge, along with any objections to that report which have been timely and properly filed, the Board hereby adopts the Recommendation of the Administrative Law Judge.

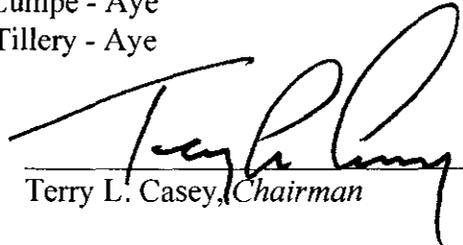
Wherefore, it is hereby **ORDERED** that the Class Plan Review Determination of the Department of Administrative Services that Appellant's position be reclassified to Program Administrator 3 is **AFFIRMED**, pursuant to R.C. 124.03 and 124.14

Casey - Aye

Lumpe - Aye

Tillery - Aye

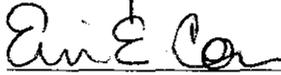


  
\_\_\_\_\_  
Terry L. Casey, *Chairman*

**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, September 03, 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**

Adele L. Vogelgesang,

Case No. 2013-REC-10-0311

*Appellant,*

v.

July 23, 2014

Department of Administrative Services,

and

Environmental Protection Agency,

*Appellees.*

BETH A. JEWELL

*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This case came to be heard on May 6 and 22, 2014. Present at the hearing was Appellant, Adele L. Vogelgesang, represented by Marc E. Myers, Attorney at Law. Appellee, Environmental Protection Agency (EPA), was present at the hearing through its designee, Mary Beth Parisi, Chief Information Officer. Appellee, Department of Administrative Services (DAS), was present through its designee, Jeff Hazelton, Human Capital Management Analyst and represented at hearing by Milton C. Sutton, Associate Counsel.

This case comes on due to an appeal timely filed by Appellant on October 25, 2013. That appeal was from a reclassification of her position from Management Analyst Supervisor 2 (63216) to Program Administrator 3 (63124), effective with the payroll period beginning on October 20, 2013. This Class Plan Review Determination was a result of DAS's deletion of Appellant's former Class of Management Analyst Supervisor 2 from the State Class Plan. Appellant believes the Classification of Project Manager/IT Project Manager 1 or Project Manager/IT Project Manager 2 would better fit her duties.

Jurisdiction over the subject matter of this appeal was established pursuant to R.C. 124.03 and R.C. 124.14.

**CONSOLIDATED STATEMENT OF THE CASE AND FINDINGS OF FACT**

At hearing, three witnesses testified: Adele Vogelgesang, Appellant, whose current classification is Program Administrator 3; Mary Beth Parisi, whose current

classification is Chief Information Officer for the Ohio EPA; and Jeff Hazelton, whose current classification is Human Capital Management Analyst for the Department of Administrative Services. Appellant submitted exhibits A through O. Appellee submitted exhibits 1 through 5. The following findings of fact are derived from the testimony and the admitted exhibits. References to the exhibits are indicated parenthetically by "Exh.," followed by the exhibit number.

Appellant has worked for Appellee for 20 years. From August 1995 to October 2013, Appellant was classified as Management Analyst Supervisor 2. In October 2013, Appellant's position was reclassified from Management Analyst Supervisor 2 to Program Administrator 3. (Appellee Exh. 4)

Appellant is currently supervised by Mary Beth Parisi, Chief Information Officer for Ohio EPA. Appellant has been supervised by Ms. Parisi since June 2011, with the exception of a 6-month period from February 2012 to August 2012 when Appellant was supervised by Keith Green, whose current classification is Program Administrator 3.

As part of the Class Plan Review, DAS requested that Appellant and Ms. Parisi complete separate questionnaires that detailed Appellant's job duties and the percentage of time spent doing those duties. (Appellee Exhs. 1, 2) DAS then used the results of these questionnaires and determined that the Program Administrator 3 Class Specification was the best fit for Appellant. DAS stated that the Project Manager Classification Series was not considered because the nature of the Project Manager position is specialized and requires an employee's primary function to be managing temporary projects that have a defined beginning and ending point on a consistent basis, which Appellant does not do.

One of Appellant's primary job responsibilities is serving as the National Environmental Information Exchange Network (NEIEN) Grants Coordinator for Ohio EPA. This is a complex, difficult, and critical administrative function within the Ohio EPA. This work includes coordinating and developing Federal Grant program requirements, such as grant work plans, grant application packages, no-cost extensions, announcements to stakeholders, written briefings to the Director, and grant spending spreadsheets. Additionally, Appellant advises supervisor as to which NEIEN grant projects that the department should apply for. Along with these responsibilities, Appellant also attends the annual Exchange Network national conference and provides written memoranda on conference highlights to the IT Senior Team. (Appellant Exh. C)

Another difficult administrative function that Appellant is responsible for is serving as intergovernmental liaison for Ohio EPA within national and regional work groups and committees. (Appellant Exh. C) These groups and committees include the US EPA, the EPA Regional Office in Chicago, Illinois, and the Environmental Council of the States. (Appellant Exh. C) Appellant attends meetings with these and other governmental

agencies on behalf of her supervisor and the Ohio EPA and gives updates on Ohio EPA IT projects. Appellant then provides written memoranda to internal staff and management, documenting the highlights of and decisions made in these meetings.

Appellant also acts for her supervisor and relieves her supervisor of most difficult administrative duties by developing and formulating IT policies and procedures. Appellant coordinates review and sign-off processes for IT policies and procedures and also recommends policies and procedures needed to streamline operations. Appellant is responsible for housing all IT-related policy and procedures in a central intranet location, ensuring that the policies are current and available to all personnel.

On the questionnaire she completed for DAS as part of the class plan review, Appellant indicated that 20 percent of her time is spent acting as a member of the Project Management Office (PMO). (Appellant Exh. C) The duties that Appellant completes are actually duties listed in the Program Administrator 3 position description. These duties are not as a member of the PMO, but rather in support of the PMO. These support functions include providing subject matter expertise to the PMO on Exchange Network topics, and acting in variety of support roles on projects within the PMO. (Appellant Exh. C) Appellant's supervisor, Ms. Parisi, stated that because the nature of the work that the IT department completes revolves around projects being completed by the PMO, she encourages all employees to participate in activities within the PMO. Ms. Parisi stated that multiple members of the IT staff, including Appellant, voluntarily choose to attend PMO trainings and meetings.

On documents pertaining to the Division of Environmental Response and Revitalization Institutional Controls (DERR\_IC) project, Appellant was listed as Project Manager/Co-Project Manager. (Appellant Exhs. E, F, H, I & J) This project, a subset of a larger Institutional Controls project, aimed to publish and provide regular updates to administrative and legal controls that help minimize the potential for human exposure to contamination, making that data available and useable by the general public. (Appellant Exh. E) The duties completed by Appellant with regard to the DERR\_IC program were duties that supported the project. Appellant's duties within the DERR\_IC project included completing Exchange Network grant paperwork, requesting project changes, creating project reports and updates, and acting as a liaison between governmental agencies. Appellant has also completed these and similar tasks on other projects. (Appellant Exh M, N & O) These duties all fall within the Program Administrator 3 position description.

In addition to the foregoing duties, Appellant also serves as the Cross-Media Electronic Reporting Regulation (CROMERR) coordinator for Ohio EPA. (Appellant Exh. C) Appellant ensures that the systems through which the Ohio EPA receives electronic reports are compliant with the federal CROMERR standards. (Appellant Exh. B) This responsibility is ongoing and accounts for approximately five percent of Appellant's time.

## **ANALYSIS, DISCUSSION AND CONCLUSIONS OF LAW**

This case presents this Board with the question of whether Appellant's position with the Ohio Environmental Protection Agency should remain classified as Program Administrator 3 or should be changed to Project Manager/IT Project Manager 1 or Project Manager/IT Project Manager 2. Based on the findings set forth above, and for the reasons set forth below, this Board should find that Appellant's position is properly classified as Program Administrator 3.

**The Class Concept for the Program Administrator 3 (63124) reads:**

The second administrative level class works under administrative supervision & requires extensive knowledge of management principles/techniques, supervisory principles/techniques & agency policies & procedures regarding program activities of unit, section, division or bureau in order to provide program direction by acting for superior & by relieving superior of most difficult administrative duties & formulate & implement program policy, or to do all of preceding & supervise assigned staff.

**The Class Concept for Project Manager/IT Project Manager 1 (66381/66384) reads:**

The first managerial level class works under direction & requires considerable knowledge of project management, life cycle methodologies & public policy management or public administration in order to manage project(s), with or without sub-projects, that covers all phases of project management, with activities & responsibilities resting primarily within one given office/program of assigned agency & whose primary stakeholders are management, staff &/or end users, direct delivery (i.e. does not require direct involvement of, but may be overseen by, higher-level authority of agency executives &/or political group) to end user/client (e.g., agency employees, outside agency, public customer) for operation/use, focus on testing, monitoring & modification of delivery to end

user & direct, implement & monitor policy & ensure compliance.

**The Class Concept for Project Manager/IT Project Manager 2 (66382/66385) reads:**

The second managerial level class works under direction & requires thorough knowledge of project management, life cycle methodologies & public policy management or public administration in order to manage project(s), with or without sub-projects, that covers all phases of project management, with activities & responsibilities involving organizations/entities external to assigned agency, whose primary stakeholders are executives &/or local (e.g. county, city) political organizations/individuals, work directly with agency executives & organizations responsible for service/product delivery, focus on coordination of projects with other services/projects, direct, implement & monitor policy & ensure compliance, & market benefits to organizations/executive management.

An employee seeking reclassification to a higher classification must demonstrate that his or her respective job duties substantially satisfy those of the higher classification. Mounts v. Ohio Department of Administrative Services, 17 Ohio App. 3d 125 (1984). This Board reviews the relevant classification specifications to determine which classification best describes the Appellant's actual job duties. Ford v. Ohio Department of Natural Resources, 67 Ohio App. 3d 755 (1990). However, this Board is not limited solely to the duties contained in the classification specifications, and may also embrace other relevant facts submitted by the affected parties. Gordon v. Ohio Department of Administrative Services (March 31, 1998), Franklin Co. 88AP-0122, unreported, 1988 WL37094.

It is the job of this Board to determine which classification most appropriately describes the duties performed by the employee. See Ohio Administrative Code Rule 124-7-03(D). Based on the Program Administrator 3 Class Concept and the testimony provided, Appellant has been properly classified. The Program Administrator 3 Class Concept best encapsulates Appellant's duties and responsibilities, as it includes all of the duties that Appellant currently performs. The record reflects that Appellant completes all of the job duties listed in the Program Administrator 3 position description. Appellant serves as the coordinator for the National Environmental Information Exchange Network (NEIEN). Appellant also serves as the intergovernmental liaison for

Ohio EPA within national and regional work groups and committees. Additionally, Appellant develops and formulates IT policies and procedures on behalf of her supervisor.

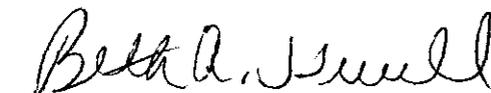
Appellant argues that because she spends twenty percent of her time completing duties in support of the Project Management Office, a classification of Project Manager/IT Project Manager 1 or Project Manager/IT Project Manager 2 would be more appropriate. Given the duties outlined in these Class Concepts, Appellant's position does not fall within these classifications. While Appellant's name may have been listed as Project Manager on documents pertaining to the DERR\_IC project, many of the duties she completed, including the work acting as an intergovernmental liaison and time spent working with the Exchange Network, are actually duties listed in the Program Administrator 3 position description. Additionally, Appellant admits that while all of the twenty percent listed in the questionnaire may be somehow related to the PMO, that is not time she exclusively spends managing projects.

To qualify for the Project Manager class series, an employee must complete temporary projects on a consistent basis. The record reflects that Appellant's duties are primarily ongoing, rather than short-term, in nature. Accordingly, neither the Project Manager/IT Project Manager 1 nor the Project Manager/IT Project Manager 2 Classes are appropriate for Appellant's current duties.

Therefore, because the scope and nature of the job duties performed by Appellant are most accurately described by the job description and Class Concept of Program Administrator 3, this Board should find that Appellant has been properly classified.

#### RECOMMENDATION

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **AFFIRM** the **CLASS PLAN REVIEW DETERMINATION** of the Department of Administrative Services that Appellant's position be reclassified to Program Administrator 3, pursuant to R.C. 124.03 and R.C. 124.14.



BETH A. JEWELL  
Administrative Law Judge

BAJ: