

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

Janice Oriakhi,

Willie Rice,

and

Cynthia Dodge,

Appellants,

v.

Case Nos. 2013-REC-10-0347
2013-REC-10-0348
2013-REC-10-0349

Department of Mental Health and Addiction Services,

and

Department of Administrative Services,

Appellees,

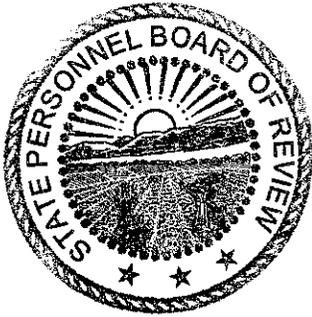
ORDER

These matters came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeals.

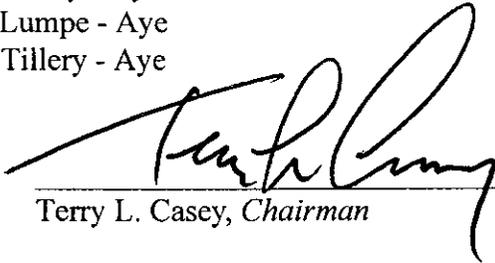
After a thorough examination of the entirety of the records, including a review of the Report and Recommendation of the Administrative Law Judge, along with any objections to that report which have been timely and properly filed, the Board hereby modifies the Recommendation of the Administrative Law Judge and, further, modifies the class plan review determination of Appellee, Department of Administrative Services. It is noted that Appellants were provided with the opportunity to file a response to Appellee, Ohio Department of Mental Health and Addiction Services' (ODMHAS) objections. However, Appellants chose not do so.

The records in these three appeals indicate that Appellants work in ODMHAS' Office of Financial Management (OFM) and that the OFM is not a part of ODMHAS' Office of Human Resources. Further, the records support a finding that Appellants do not perform any personnel sub-programs as are required by either the Human Capital Management (HCM) Associate or the HCM Analyst classifications. Conversely, the records do support a finding that Appellants' respective positions fit well into the Account Clerk 2 classification. Further, this classification is consistent with the functions performed by the OFM, in which Appellants work. Based on the entirety of the extant records, then, this Board finds that the Account Clerk 2 classification is the most appropriate classification for Appellants' respective positions.

Wherefore, it is hereby **ORDERED** that Appellants' respective positions be **RECLASSIFIED** to Account Clerk 2, pursuant to R.C. 124.03 and R.C. 124.14.



Casey - Aye
Lumpe - Aye
Tillery - Aye

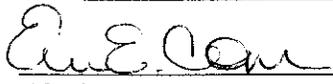


Terry L. Casey, *Chairman*

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, December 19, 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**

Janice Oriakhi
Willie Rice
Cynthia Dodge

Case Nos. 2013-REC-10-0347
2013-REC-10-0348
2013-REC-10-0349

Appellants

v.

October 16, 2014

Department of Mental Health,
Addiction Services

and

Department of Administrative Services,
Human Resource Division,

Appellees

Christopher R. Young
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause came to be heard following a pre-hearing held on March 5, 2014, and at the record hearing held on June 11, 2014. Present at the hearing were the Appellants, Ms. Janice Oriakhi, Mr. Willie Rice and Ms. Cynthia Dodge all presently classified as Human Capital Management Associates (64611),(Pay Range 8), who all appeared *pro se*, and offered testimony at the record hearing on their own behalf, with Mr. Willie Rice being the primary spokesperson. The Appellee, the Department of Mental Health and Addiction Services (DMHAS) was present though it Human Capital Management Senior Analyst, Ms. Kimberly Sheppard, who was Appellants' direct supervisor and was represented by Ohio Department of Mental Health and Addiction Legal Counsel, Ms. Julie Smith. The Appellee, the Ohio Department of Administrative Services (DAS) was present at record though its designee, Human Capital Management Manager, Ms. Bobbi Lind, offered testimony at the record hearing as the person who was familiar with the surveyed audit result.

This cause came on due to Appellants' October 25, 2013, timely filing of their respective appeals from the reclassification of their position from Management Analyst Supervisor 1 (MAS1) (63215) (Pay Range 12) to Human Capital Management Associates (64611) (Pay Range 8), effective with the payroll period beginning on October 11, 2013. This Class Plan Review Determination was a result of DAS's deletion of Appellant's former classification of Management Analyst Supervisor 1 from the State Class Plan. Because this downgrade would otherwise result in a diminution of Appellants' pay, the Appellants were placed in "Step X", pursuant to R.C. 124.14(A). It should be noted that the aforementioned was stipulated to, as well as, the subject matter jurisdiction of this Board was established pursuant to R.C. 124.03 and R.C. 124.14.

Before proceeding onto the record, the Appellants, Ms. Janice Oriakhi, Mr. Willie Rice and Ms. Cynthia Dodge, stated that although they are presently classified as Human Capital Management Associates (64611), they believe that they should have been placed into either the classification specification of a Human Capital Management Analyst (64612) (Pay Range 10) or a Human Capital Management Senior Analyst (64613) (Pay Range 12), as better classifications or a better fit for the reclassification from the Management Analyst Supervisor 1 position.

CONSOLIDATED STATEMENT OF THE CASE AND FINDINGS OF FACT

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

The individual cases of Ms. Cynthia Dodge, Mr. Willie Rice and Mr. Janice Oriakhi were consolidated into one hearing in which Mr. Rice was the main spokesperson for Ms. Dodge and Ms. Oriakhi. All three Appellants became Management Analyst Supervisor 1s in 2006 or 2007. All were reclassified to Human Capital Management Associates as a result of the instant reclassification. Again, the Appellants suggested they should be classified as Human Capital Management Analysts or Human Capital Management Senior Analysts.

As part of the Appellants' job duties, each of the Appellants were assigned one or two state mental health facilities for which each Appellant was responsible for monitoring the payroll for each of their assigned institutions. Mr. Rice testified that the mission of the payroll department is to process payroll, develop procedures

and policies for the correct implementation of payroll, process and solidify time keeping systems, and keeping track of certain programs within payroll.

Mr. Rice gave a description of Appellant's essential duties. Mr. Rice testified the Appellants complete bi-weekly OAKS payroll update for all DMH personnel staff and resolve payroll, human resource and benefits issues. Further, Mr. Rice indicated the Appellants train regional psychiatric hospitals staff on all aspects of payroll processing; OAKS payroll; Kronos payroll usage and specifically train managers and supervisors on the use of Kronos Timekeeping procedures, approvals; provides technical directions/oversight to hospital payroll officers on payroll policy/procedure changes for Ohio Department of Mental Health (ODMH). Mr. Rice testified the Appellants are also liaisons for several state agencies.

Moreover, Mr. Rice testified the Appellants process, track, monitor and act as advisors of information and payments for benefits such as Disability, Occupational Injury Leave (OIL), Workers' Compensation, Salary Continuation, FMLA and Childbirth/Adoption leave. Mr. Rice stated the Appellants act as advisors and support employees relative to employee benefits and processes. Further, Mr. Rice testified the Appellants monitor, interpret, and update employees about the rules and regulations relative to benefits programs.

Ms. Kim Sheppard was the next witness to testify after the Appellants all had a chance to explain their job duties and testified that she has been the direct supervisor to the Appellants for approximately the last seven to eight years. Ms. Sheppard stated specifically, when questioned, if the Appellants testimony regarding their job duties and/or responsibilities were accurate, answered in the affirmative, as she was in the hearing room and heard the same.

The last witness to testify was Ms. Bobbie Lind a Human Capital Management Manager at the Department of Administrative Services. When questioned, the witness explained that pursuant to Ohio Revised Code Section 124.14 the Department of Administrative Services sent out a survey in a class plan review determination regarding the deletion of the classification specifications of both the Management Analyst Supervisor 1 and Management Analyst Supervisor 2 positions in the second phase thereof, and is familiar with the results of the instant reclassification appeal. When questioned, Ms. Lind testified that she was the one that she performed the Appellants' job audits. The witness identified Appellee's Exhibit T, as a document which she authored which explained the rationale that she

found in placing the Appellants into the classification of Human Capital Management Associates. However, Ms. Lind testified that although she originally classified the Appellants as Human Capital Management Associates, after hearing the testimony of the Appellants today, she would now classify them as Account Clerk 2s.

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.

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 Appellants had suggested the Human Capital Management Analyst classification and/or Human Capital Management Senior Analyst classification could be more accurate designations for their positions. However, Ms. Lind suggested that the Account Clerk 2 classification is a more accurate designation for the Appellants.

The purpose of the Human Capital Management occupation is to perform, coordinate and/or manage human resources programs, with assignments increasing in the degree of complexity and independence as employees move through the series. The purpose of the Account Clerk occupation is to provide clerical support associated with accounting functions that prepare, process, and maintain accounting recording and summarize business or financial transactions. Based upon a review of the information contained in the record, I find that the Human Capital Management occupation is most reflective of the duties performed by Appellants.

The Classification specifications considered in conducting the review of Appellants' job duties were Account Clerk 2, classification specification number 16512, Human Capital Management Associate, classification specification number 64611, Human Capital Management Analyst, classification specification number 64612, and Human Capital Management Senior Analyst, classification specification number 64613.

The class concept for the Account Clerk 2 classification specification indicates that the employee works under general supervision and requires working knowledge of accounting support systems in order to prepare vouchers, invoices, remittances for receipt and disbursement of funds and other related materials, or to act as county/yard timekeeper (e.g. process activity reports, payroll overtime rosters, inventory, equipment usage and related reports which detail operational activities for assigned county or yard) in Ohio Department of Transportation. The job duties that were focused on during the record were prepares agency, institution or district bi-weekly payroll for submission to Auditor of State and Department of Administrative Services, Payroll Processing (e.g. verifies employees' bi-weekly payroll, sick vacation, personal leave or leave without pay; calculates adjustment regarding reclassification, promotion, demotion, longevity, step increases, tax withholding, health care, retirement; calculates and updates employee service time; verifies and computes retroactive pay due to court decisions, errors in prior payrolls

or legislation). Information contained in the record indicates the Appellants do these duties; however, the definition is too broad. Accordingly, I do not believe this position accurately describes the Appellants' job duties.

The class concept for the Human Capital Management Senior Analyst classification specification indicates that this advanced level class works under direction and requires thorough knowledge of resources function and civil service laws, rule, policies and procedures in order to serve as human resources coordinator for coordinator for agency, district, division or institution; completes assignments characterized by analysis of materials and application of professional HR principles in the performance of complex HR assignments, independently makes complex determinations and/or recommendations based on thorough analysis of facts or in the Department of Administrative Services, Human Resources Division, provide professional consultation in human resources best practices that support the state agencies, boards and/or commissions and elected officials in achieving enterprise business and strategic goals and objectives; provides input to set statewide policy direction; assists in the administration of humans resources at the statewide level; and ensures statewide consistency in the application of civil service laws, rules, collective bargaining agreements and related policies and procedures. An examination of the job duties of the section of the classification specification demonstrates that "senior analyst" of the human capital management programs requires the senior analyst to be the point of contact for class plan proposals; develops strategic initiatives to manage absenteeism; disability separations and reinstatements to return employee to work and timely and in compliance with application regulations; formulates and implements human resources program policies such as overtime, employee conduct, dress code. Information contained in the record indicates that the Appellants do not do any of these job duties and accordingly, I do not believe this position accurately describes the Appellants' job duties.

The class concept for Human Capital Management Associate classification specification indicates this first full performance level class works under supervision and requires working knowledge of human resources functions and civil service laws, rules, policies and procedures in order in perform one human resources sub-program for assigned agency, district, division or institution or , in Department of Administrative Service Human Resources Division to develop technical Human Resources skills, knowledge and abilities in the performance of basic HR assignments requiring application of HR practices to make decisions which have

prescribed outcomes. The job duties state that the associates perform one human resources sub-program for the institution. Specifically, the record indicates that the following sub-programs were more closely examined: tracks, monitors and advises employees regarding Family Medical Leave Act or Occupational Injury Leave; tracks, monitors compliance and advises regarding Americans with Disabilities Act. The record indicates the Appellants tracks and monitors more than one sub-program; therefore, I do not believe this is the appropriate classification.

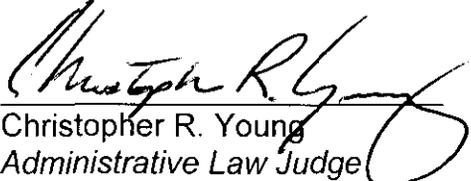
The Human Capital Management Analyst class concept indicates the second full performance level class works under general supervision and requires considerable knowledge of human resources functions and civil service laws, rules, policies and procedures in order to perform two or more human resources sub-programs for assigned agency, district, or institution or, in Department of Administrative Services Human Resources Division to complete assignment which require evaluation, selection and application of HR principles in the performance of standard HR assignments, using sound judgment to make determinations and/or recommendations. The difference between this position and the Human Capital Management Associates is the number of sub-programs that are performed. The record indicates that the Appellants handle the payroll responsibilities for their assigned mental institutions. These duties include tracking, monitoring and advising employee Family Medical Leave Act and Occupational Injury Leave. The record indicates the Appellants perform two sub-programs; therefore, I do believe this is the appropriate classification.

Appellees' audit recommendations were that Appellants' positions be reclassified as Human Capital Management Associates. Testimony and evidence presented at record hearing do not support that recommendation and I find that the classification specification which most accurately reflects the duties performed by Appellants is that of Human Capital Management Analysts, class number 64612.

No classification specification exists which encompasses all of the job duties performed by Appellants. Appellants' position could; however, be properly placed in any of the classification specifications identified within the above analysis. Case law provides that, where an employee's position could be classified in more than one classification, the employee should be placed in the higher of the positions. *Nibert v. Ohio Dept. of Administrative Services* (Jan. 17, 1992), Franklin Co., No. 91CVF-07-5825, unreported. In this instance, the Human Capital Management Analyst classification is assigned to the higher pay range.

RECOMMENDATION

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **OVERTURN** the **CLASS PLAN REVIEW DETERMINATION** of the Department of Administrative Services that Appellants' position be re-classified to the Human Capital Management Associate classification specification number 64611 and **RECLASSIFY** the Appellants to be position of Human Capital Management Analyst classification specification number 64612, effective with the payroll period beginning on October 11, 2013, the date the Appellants were notified of the class plan review determination.


Christopher R. Young
Administrative Law Judge