

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Wendy Cantrell,

Appellant,

v.

Case No. 2013-REC-11-0316

Department of Education,
and

Department of Administrative Services, Human Resources Division,

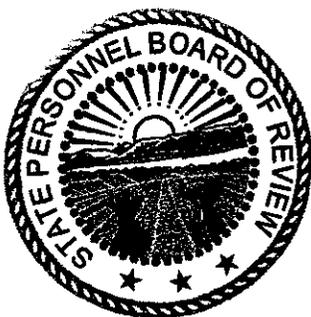
Appellees,

ORDER

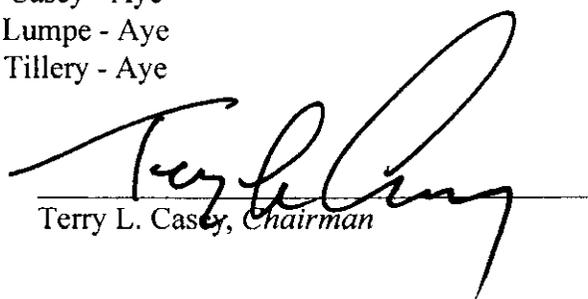
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 Appellant's position be **RECLASSIFIED** to Program Administrator 2, classification number 63123, effective the payroll period beginning October 20, 2013.



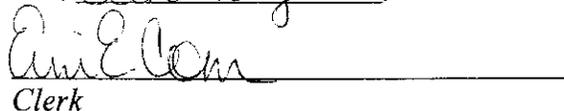
Casey - Aye
Lumpe - Aye
Tillery - Aye


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, January 28, 2015.


Ami E. Com
Clerk

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

NOTICE

Where applicable, this Order may be appealed under the provisions of Chapters 124 and 119 of Ohio Revised Code. An original written Notice of Appeal or a copy of your Notice of Appeal setting forth the Order appealed from and the grounds of appeal must be filed with this Board fifteen (15) days after the mailing of this Notice. Additionally, an original written Notice of Appeal or a copy of your Notice of Appeal must be filed with the appropriate court within fifteen (15) days after the mailing of this Notice. At the time of filing the Notice of Appeal or copy of your Notice of Appeal with this Board, the party appealing must provide a security deposit to the Board. In accordance with administrative rule 124-15-08 of the Ohio Administrative Code, the amount of deposit is based on the length of the digital recording of your hearing and the costs incurred by the Board in certifying your case to court. The length of the digital recording, the costs incurred, the corresponding amount of deposit required, and the final date that the Notice of Appeal or copy of your Notice of Appeal and the Deposit will be accepted by this Board are listed at the bottom of this Notice. If a full or partial transcript of the digital recording has been prepared prior to the filing of an appeal, the costs of a copy of that certified transcript will be accepted by this Board; transcript costs will be listed at the bottom of this Notice.

IF YOU ELECT TO APPEAL THIS BOARD'S FINAL ORDER, THEN YOU MUST PROVIDE THE DEPOSIT LISTED BELOW AT THE TIME YOU FILE YOUR NOTICE OF APPEAL OR COPY OF YOUR NOTICE OF APPEAL WITH THIS BOARD. Please note that the law provides that you have fifteen (15) calendar days from the mailing of the final Board Order to file your Notice of Appeal or copy of your Notice of Appeal both with this Board and with the Court of Common Pleas. The fifteenth day is the date that appears at the bottom of this Notice.

METHOD OF PAYMENT: for all entities other than State agencies, payment of the deposit must be by money order, certified check, or cashier's check. State agencies are required to use the Intra-State Transfer Voucher (ISTV) system (OBM Form 7205), which must be processed prior to the filing of an appeal. To initiate an ISTV, State agencies may call the State Personnel Board of Review Fiscal Office at 614/466-7046.

IF YOU MAINTAIN YOU CANNOT AFFORD TO PAY THE DEPOSIT LISTED BELOW, THEN YOU MUST COMPLETE THE BOARD'S "AFFIDAVIT OF INDIGENCE" FORM. YOU CAN OBTAIN THAT FORM BY CALLING 614/466-7046. THE COMPLETED AFFIDAVIT MUST BE RECEIVED BY THIS BOARD ON OR BEFORE February 4, 2015. You will be notified in writing of the Board's determination. If the Board determines you are indigent, you will be relieved of the responsibility to pay the deposit to the Board. However, if the Board determines you are NOT indigent, then **YOU MUST FILE YOUR NOTICE OF APPEAL OR A COPY OF YOUR NOTICE OF APPEAL AND PAY THE DEPOSIT BY THE DATE LISTED BELOW.**

If you have any questions regarding this notice, please contact the Board at 614/466-7046.

Case Number: 2013-REC-11-0316

Transcript Costs: \$63.00 Administrative Costs: \$25.00

Total Deposit Required: * \$88.00

Notice of Appeal and Deposit Must
Be Received by SPBR on or Before: February 12, 2015

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

Wendy Cantrell

Case No. 13-REC-11-0316

Appellant

v.

December 16, 2014

Department of Education,

and

Department of Administrative Services,
Human Resource Division,

Appellee

Jeannette E. Gunn
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause came on due to Appellant's timely appeal of the reclassification of her position. Pursuant to a study conducted by Appellee Department of Administrative Services (DAS), the classifications of Management Analyst Supervisor (MAS) 1 and 2 were removed from the state classification plan and incumbent employees' positions were subsequently reclassified. Appellant's position was reclassified from Management Analyst Supervisor 1, classification number 63215, to Administrative Professional 3, classification number 16873, effective the payroll period beginning October 20, 2013.

A record hearing was held in the instant appeal on May 28, 2014. Appellant was present at the hearing and appeared *pro se*. Appellee Department of Education (ODE) was present at record hearing through its designee, Human Capital Management (HCM) Senior Analyst Robert Greene; Appellee DAS was present at record hearing through its designee, Human Capital Management (HCM) Senior Analyst Morgan Webb.

Jurisdiction of the Board was established pursuant to R.C. 124.03 and 124.14.

CONSOLIDATED STATEMENT OF THE CASE AND FINDINGS OF FACT

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

Appellant Wendy Cantrell testified that she is presently employed by ODE in its Office of Quality School Choice and Funding, Finance Program Services, in a position classified as Administrative Professional 3. Appellant provided DAS with information regarding her job duties as part of the MAS study.

Appellant reports to the Director of Finance Program Services, Scott Bennington. The overall purpose of her position is to administer the programs assigned to her, which includes the District of Residency Change (DRC) process, the Auxiliary Services program, the School Foundation Payment System, and the Post-Secondary Enrollment Options (PSEO) program. Appellant also provides technical advice and support to staff in ODE's sixteen regional offices.

Appellant creates policy and procedures for each of the programs assigned to her. For some programs, such as Auxiliary Services and PSEO, general program policy is created by legislation or by the Board of Education. In these instances, Appellant is responsible for creating policies and procedures for customers applying for funding through the programs, as well as informational materials. Appellant reviews legislation to ensure that program policies are compliant and current and provides her supervisor with proposed revisions to administrative rules when necessary.

Appellant approves residency changes for the DRC process and makes final determinations of eligibility for Auxiliary Services and PSEO funding requests. She manages the School Foundation Payment System, is responsible for approval of enhancements and improvements and works with technical staff to ensure that the system is operational.

Appellant carries out her duties on behalf of her supervisor, who retains the ultimate responsibility for administering the DRC process, the Auxiliary Services program, the School Foundation Payment System, and the PSEO program. She

attends meetings on his behalf and works with regional coordinators as needed. Appellant works independently, under general direction from her supervisor.

CONCLUSIONS OF LAW

Pursuant to O.R.C. 124.03(A), this Board is empowered to hear appeals of employees in the classified state service from final decisions of appointing authorities or the director of administrative services relative to, *inter alia*, refusal of the director of administrative services, or anybody authorized to perform the director's functions, to reclassify an employee's position, with or without a job audit under O.R.C. 124.14(D). ORC 124.14(D)(2) provides that the Board is to consider anew reclassifications and may order the reclassification of an employee's position to such appropriate classification as the facts and evidence warrant. The Board's decision must be consistent with the applicable classification specifications.

The primary criteria for this Board to consider when determining the most proper classification for a position are classification specifications, including the class concept, 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 Dist., March 31, 1988). The Board will consider evidence related to the job duties performed by Appellant from the date the job audit was requested through the date of record hearing.

As a general rule, parties 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 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*.

O.A.C. 123:1-7-15, however, notes that the class concept 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 for Administrative Professional and Program Administrator were considered in conducting the review of Appellant's job duties.

The purpose of the Administrative Professional occupation is to function as principal clerical and administrative support for a supervisor and/or office staff, performing a variety of clerical, procedural and administrative tasks. The class concept for the Administrative Professional series states that incumbents relieve their superior of routine and non-routine administrative tasks and perform secretarial duties, with the higher levels providing supervision to other support staff.

The purpose of the Program Administrator occupation is to provide program direction by relieving an incumbent's superior of administrative duties. The class concept for the Program Administrator series states that incumbents at the lowest level relieve their superior of non-routine administrative duties; at the secondary level they relieve their superior of difficult duties; and at the highest level they relieve their supervisor of the most difficult administrative duties. At all levels, incumbents formulate and implement program policy.

At the time of her position audit, Appellant's primary responsibility was to manage and administer the District of Residency Change (DRC) process, the Auxiliary Services program, the School Foundation Payment System, and the Post-Secondary Enrollment Options (PSEO) program. Appellant created policy and procedures for each of the programs assigned to her. For some programs, such as Auxiliary Services and PSEO, general program policy is created by legislation or by the Board of Education. In these instances, Appellant is responsible for creating policies and procedures for customers applying for funding through the programs, as well as informational materials. Appellant reviews legislation to ensure that

program policies are compliant and current and provides her supervisor with proposed revisions to administrative rules when necessary.

Appellant's supervisor retains the ultimate responsibility for the programs administered by Appellant. While she solves commonplace problems within the programs without seeking prior approval from her supervisor, she does consult with him on situations that are out of the ordinary.

Appellant relieves her supervisor of non-routine administrative tasks, as referenced in both the Administrative Professional and Program Administrator classification specifications, but does so in furtherance of the programs assigned to her, rather than simply to provide clerical or administrative support to her supervisor. Upon a review of all of the testimony, I find that the tasks performed by Appellant are most accurately described by the Program Administrator classification series. The Administrative Professional classification series does not reflect the overall scope of duties performed by Appellant, including her responsibility for developing and implementing program policies and procedures.

The duties performed by Appellant on behalf of her supervisor are extensive and I find that they are sufficient to constitute "difficult" duties, as referenced by the Program Administrator 2 classification. Appellant develops and implements policies and procedures for those programs assigned to her. I find that she performs the mandatory job duties of the Program Administrator 2 classification for at least 20% of her work time.

Therefore, I find that Appellant's position is most properly classified as Program Administrator 2. I respectfully **RECOMMEND** that Appellant's position be **RECLASSIFIED** to Program Administrator 2, classification number 63123, effective the payroll period beginning October 20, 2013.


Jeannette E. Gunn
Administrative Law Judge