

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

Terah Leonard,

Appellant,

v.

Case Nos. 2013-REC-11-0323
2013-RED-11-0324

Department of Job & Family Services, and
Department of Administrative Services,

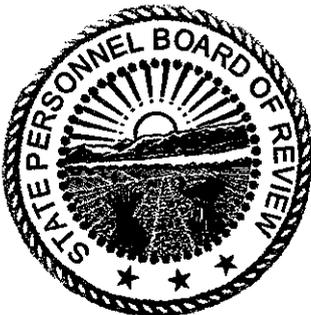
Appellees,

ORDER

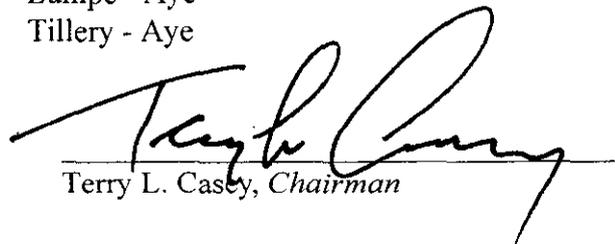
These matters came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeals.

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 adopts the Recommendation of the Administrative Law Judge.

Wherefore, it is hereby **ORDERED** that Appellee's position be **RECLASSIFIED** to Program Administrator 2.



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, June 17, 2015.


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 June 24, 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 Numbers: 2013-REC-11-0323 and 2013-RED-11-0324

Transcript Costs: \$72.00 Administrative Costs: \$25.00

Total Deposit Required: * \$97.00

Notice of Appeal and Deposit Must
Be Received by SPBR on or Before: July 2, 2015

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

Terah Leonard

Case Nos. 13-REC-11-0323
13-RED-11-0324

Appellant

v.

May 6, 2015

Department of Job & Family Services

and

Department of Administrative Services

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 and alleged reduction of her position. Pursuant to a study conducted by Appellee Department of Administrative Services, 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 Management Analyst, classification number 63211.

A record hearing was held in the instant appeal on June 16, 2014. Appellant was present at the hearing and appeared *pro se*. Appellee Department of Job & Family Services (ODJFS) was present at record hearing through its designees, ODJFS Field Coordinator Jeffrey Yaist and Human Capital Management (HCM) Manager Nancy Jancso, and was represented by Senior Staff Attorney Nicole S. Moss; Appellee DAS was present at record hearing through its designee, HCM Analyst Joanne Lucas.

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 Terah Leonard is presently employed by Appellee ODJFS in a position classified as Management Analyst. Her position was reclassified in October 2013 as a result of Appellee DAS' MAS study. Appellant provided DAS with information regarding her job duties as part of the MAS Study.

Appellant's position title is Program Monitor and she is assigned to the Office of Local Operations (OLO). Appellant is one of three Program Monitors who perform duties for their assigned regions within the State of Ohio. For administrative purposes such as timekeeping, Appellant's immediate supervisor is ODJFS Field Coordinator Jeffrey Yaist, however, Appellant receives the majority of her job assignments from Assistant Deputy Director Lisa Watson and acts on her behalf while performing those assignments.

The overall purpose of Appellant's position is to formulate and direct the implementation of program policy for service delivery operations/procedures of unemployment programs. Although overall program policy is federally mandated, it is necessary to develop a consistent local interpretation of those policies and Appellant works with the other two Program Monitors and various offices and departments within ODJFS to do so. Ms. Leonard also assists with the development of policy for new department initiatives and puts procedures in place to support those policies. Appellant performs these duties at the direction of and on behalf of Assistant Deputy Director Watson.

Appellant monitors service delivery operations, develops standards for evaluation of operations, identifies areas for improvement and assists in resolution of service delivery issues. She ensures program compliance with state and federal laws and regulations and serves as the technical expert for central and regional program supervisors and program staff. Appellant conducts training and serves as a liaison for Assistant Deputy Director Watson. She represents Ms. Watson at management meetings, staff meetings and conferences.

Appellant's primary job responsibilities have not changed from the time she completed her audit questionnaire, but the percentage of time she devotes to performing monitoring activities has decreased. Similarly, the percentage of time she devotes to gathering statistics to analyze productivity has decreased.

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, a party 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 Management Analyst and Program Administrator were considered in conducting the review of Appellant's job duties.

The purpose of the Management Analyst occupation is to ensure optimum productivity, efficiency and quality of agency operations and/or services. The class concept for the Management Analyst series states that incumbents monitor and analyze operations, systems or procedures of their assigned agency to determine needed improvements and research proposed programs, policies and/or legislation to determine feasibility or impact of implementation.

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.

Testimony at record hearing established that Appellant's primary job function is to formulate and direct the implementation of program policy for OLO service delivery operations. While federal mandates establish general policy, Appellant is responsible for framing and communicating the local interpretation of those guidelines. I find that this responsibility is sufficient to constitute "program policy." She works with the other Program Monitors and with other ODJFS offices and sections to ensure statewide consistency. Appellant also assists with the development of policy for new department initiatives and puts procedures in place to

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support those policies. Appellant devotes the majority of her work time to the performance of these duties and carries them out on behalf of Assistant Deputy Director Watson.

On Ms. Watson's behalf, Appellant also monitors and analyzes program operations and recommends improvements as needed. She conducts training and represents Assistant Deputy Director Watson at management meetings, staff meetings and conferences.

Upon a review of all of the testimony and consideration of the scope and nature of Appellant's job duties, I find that the tasks performed by Appellant as Program Monitor are most accurately described by the Program Administrator classification series. I further find that the duties performed by Appellant on behalf of Assistant Deputy Director Watson are sufficient to comprise "difficult" duties, as referenced by the Program Administrator 2 classification. Although the Management Analyst classification and the tasks outlined therein reflect a portion of Appellant's responsibilities, that classification does not encompass the most difficult duties performed by Appellant, which are those related to the formulation and implementation of program policies and procedures.

Therefore, I respectfully **RECOMMEND** that Appellant's position be **RECLASSIFIED** to Program Administrator 2.


Jeannette E. Gunn
Administrative Law Judge