

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

Steven A. Meese,

*Appellant,*

v.

Case Nos. 2013-REC-01-0015  
2013-RED-01-0016

Department of Health, and  
Department of Administrative Services, Human Resources Division

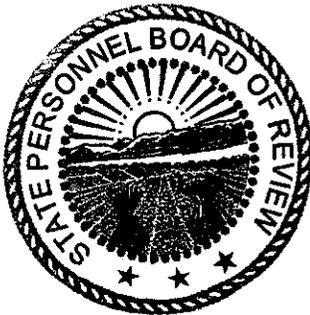
*Appellees,*

**ORDER**

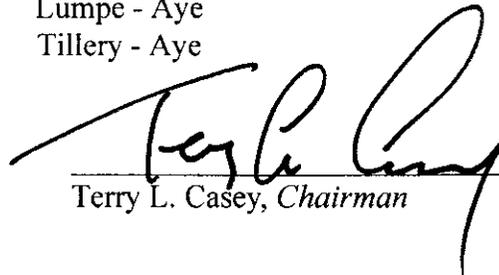
These matters came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeals.

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 DAS' determination is **AFFIRMED** and that Appellant's position be **RETAINED** in the Health Planning Administrator 1 classification.



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 18, 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**

Steven A. Meese

Case Nos. 2013-REC-01-0015  
2013-RED-01-0016

*Appellant*

v.

April 21, 2014

Department of Health,

and

Department of Administrative Services,  
Human Resource Division/Compensation  
and Workforce Planning,

*Appellees*

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 his 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 2, classification number 63216, to Health Planning Administrator 1, classification number 65246.

A record hearing was held in the instant appeal on September 19, 2013. Appellant was present at the hearing and was represented by John Herbert, attorney at law. Appellee Ohio Department of Health (ODH) was present at the record hearing through its designee, Arlene Kleiman, and was represented by Mahjabeen F. Qadir, attorney at law. Appellee Ohio Department of Administrative Services (DAS) was present at the record hearing through its designee, Bobbi Lind. Appellant's supervisor, Adriana Pust, was also present at record hearing.

Steven A. Meese

Case Nos. 2013-REC-01-0015 and 2013-RED-01-0016

Page 2

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

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

Appellant indicated that he is employed by ODH in the Bureau of Public Health Preparedness and oversees the Hospital Preparedness Program (HPP) unit. He confirmed that he is the individual responsible for administering federal grant money received by ODH from the U.S. Department of Health and Human Services' Assistant Secretary for Preparedness and Response (ASPR) subgrants. Appellant noted that he has held his present position since December 2006. He acknowledges that although the Hospital Preparedness Program is referred to as a program by the U.S. Department of Health and Human Services, it has not been designated as a program by journal entry by ODH.

The parties stipulated that the job duties outlined by Appellant in the employee information section of the Job Audit Questionnaire submitted to DAS were accurate at the time the questionnaire was completed. The parties further stipulated the information submitted by Appellant's supervisor, Adriana Pust, were also accurate at the time of submission.

Mr. Meese testified that although he does not have responsibility for developing new HPP program standards, he does monitor subgrantees' compliance with federal grant requirements. His supervisor, Ms. Pust, noted that Appellant has developed standards and policies for volunteer programs and the Disaster Response Unit, as well as the MARCs radio standards.

Bobbi Lind testified that she is employed by DAS as the Human Capital Manager of the Classification and Compensation Section. She indicated that, although she did not personally perform Appellant's position audit, she was familiar with the rationale used in making the determination that the position was most accurately classified as Health Planning Administrator 1. Ms. Lind noted that Appellant does not serve as a block grant administrator, and that he does not manage a public health program, as designated by journal entry of ODH's appointing authority.

### 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.

\* \* \* \* \*

In the matter at hand, there is no disagreement as to the duties performed by the Appellant, only disagreement as to how those duties fit within the definitions and options contained in the classification specification series of Health Planning Administrator. The parties agree that Appellant performs, at the very least, the duties of a HPA 1; therefore, this Board's review and analysis will focus on the classification specification for HPA 2, which Appellant believes more accurately reflects his job responsibilities.

The classification concept for the Health Planning Administrator 2 classification requires, in pertinent part, that an incumbent employee must work under general direction to:

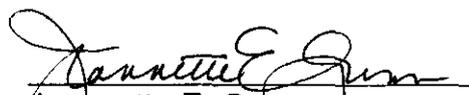
... manage one or more public health programs(s) as designated by journal entry of appointing authority in Ohio Department of Health, ...or ... serve as block grant administrator for assigned division, develop statewide policies & procedures on behalf of department for federal block grant (e.g., maternal & child health or preventive health & health services), develop division block grant application process & monitor division's annual report to federal government, & if assigned, supervise staff.

As previously noted, O.A.C. 123:1-7-15 states that the duties contained in the class concept of a classification title are mandatory. The HPA 2 class concept describes two methods by which ODH employees may fulfill the mandatory requirements of the class – an incumbent may either manage one or more public health program(s), or an incumbent may perform duties related to block grant administration. The classification specification materials specifically provide that a qualifying public health program must be designated as such by journal entry of the ODH appointing authority, and define a block grant within the class series glossary. Testimony presented and evidence admitted at record hearing establish that the Hospital Preparedness Program has not been designated as a public health

Steven A. Meese  
Case Nos. 2013-REC-01-0015 and 2013-RED-01-0016  
Page 5

program by a journal entry, and the federal grant money administered by Appellant is not a block grant.

Because Appellant does not perform the mandatory job duties contained in the class concept of the HPA 2 classification specification, I find that it would be improper to place his position in that classification; HPA 1 more accurately reflects Appellant's job responsibilities. Therefore, I respectfully **RECOMMEND** that Appellee DAS' determination be **AFFIRMED** and that Appellant's position be **RETAINED** in the Health Planning Administrator 1 classification.

  
Jeannette E. Gunn  
*Administrative Law Judge*