

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

Cora Brown,

Appellant,

v.

Case No. 2014-REC-08-0210

Franklin County Board of Commissioners,

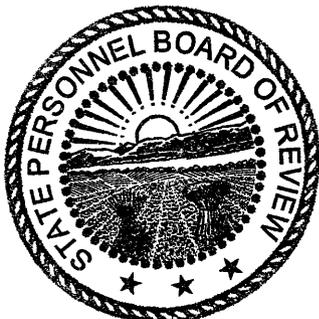
Appellee,

ORDER

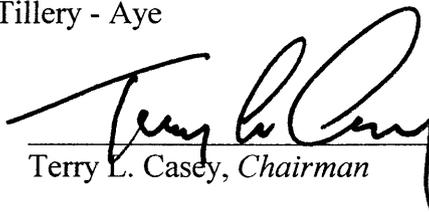
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal. On April 15, 2015, the Full Board conducted an oral argument in this matter, at which respective counsel did an excellent job in presenting the facts and law regarding this case. The Board then requested a supplementation of the record concerning certain pertinent classifications and the pay ranges assigned to those classifications. On April 16, 2015, Appellee timely and promptly filed its supplementation of the record regarding this requested information.

The Board has carefully and thoroughly examined the entirety of the record. This includes a review of the Report and Recommendation of the Administrative Law Judge, along with any objections to that report and responses thereto which have been timely and properly filed, respective counsel's statements at oral argument, and the supplementation of the record filed by Appellee. After conducting that review, the Board hereby adopts the Recommendation of the Administrative Law Judge. This is because the Board finds that Appellant's duties more closely approximate the requisite duties set forth in the Customer Service Specialist, 50108 classification specification than they do the duties set forth in the Administrative Assistant 1, 10251 classification specification. The Board appreciates that neither specification provides a "perfect" or "nearly perfect" fit with Appellant's somewhat unique job duties. However, pursuant to R.C. 124.03 (A) (2), the Board must issue a decision in this matter that is consistent with the applicable classification specifications. Since the Customer Service Specialist, 50108 specification appears best to fulfill that mandate, it is into this classification that the Board places Appellant's position.

Wherefore, it is hereby **ORDERED** that Appellant's position be **RECLASSIFIED** to Customer Service Specialist, 50108, pursuant to R.C. 124.03 (A) (2) and R.C. 124.14.



Casey - Aye
Lumpe - Nay
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, May 06, 2015.

Aime E. Con
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 May 13, 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: 2014-REC-08-0210

Transcript Costs: \$159.00 Administrative Costs: \$25.00

Total Deposit Required: * \$184.00

Notice of Appeal and Deposit Must
Be Received by SPBR on or Before: May 21, 2015

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

Cora Brown

Case No. 2014-REC-08-0210

Appellant

v.

February 12, 2015

Franklin County Board of Commissioners

James R. Sprague

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This case came to be heard on February 5, 2015. Present at the hearing was Appellant, who was represented by Marc E. Myers, Attorney at Law. Appellee, Franklin County Board of Commissioners (BOC), was present through its designee, Mike McCaman, Deputy Director (DD) of the Franklin County Department of Job and Family Services (FCDJFS), and was represented by Denise L. DePalma, Assistant Prosecuting Attorney.

This cause comes on due to Appellant's August 11, 2015 timely filing of an appeal from her July 23, 2014 notification of a job audit determination. Appellant filed her request for an audit on April 30, 2014. Based on the audit, Appellee determined that Appellant's position was properly classified as Administrative Assistant (AA) 1, 10251. Appellant believes her position would be more properly classified as Customer Service (CS) Specialist, 50108.

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.

First to testify was **Cora Brown**, the Appellant in this matter. Appellant has been employed by the FCDJFS since May, 2000. For the last three or four years, she has held a position classified as AA 1.

Next to testify was **Mike McCaman**, who serves as the DD of Customer Service for FCDJFS. Mr. McCaman also serves as Appellant's functional supervisor due to a vacancy and recent reorganization.

Last to testify was **Christopher Walter**, Senior Human Resources Administrator, who performed the review upon Appellant's position.

The parties are in agreement that Appellant's duties are generally reflected in the documents admitted into the record, with the exception of a few additional duties that Mr. McCaman, Appellant's functional supervisor, has recently assigned to Appellant. Further, Mr. McCaman agreed with the recitation of duties that Appellant provided at hearing.

Those duties include the following:

Appellant serves as the FCDJFS sole point-of-contact and as their Public Assistance Information Reporting System (PARIS) Coordinator for out-of-state and United States Department of Homeland Security inquiries regarding whether a particular client is a current recipient of public assistance benefits. Appellant also checks the CRIS-E system to help to ensure that public assistance benefit fraud does not appear to be occurring.

While Appellant does not have "eligibility access" privileges assigned to supervisors and case managers, Appellant does need to conduct research to fulfill the above-referenced functions, beyond what might be expected of the civil service and contract Public Inquiries Assistants who staff Appellee's Call Center. Further, Appellant is assigned to a dedicated route on Appellee's telephone system. Practically speaking, Appellant has a dedicated fax line and a dedicated telephone line.

Appellant also researches, answers questions, and provides information regarding county-to-county transfers of recipients receiving public assistance benefits.

Appellant refers calls and inquiries, as needed, to the appropriate "change unit", to take care of reassigning, revising, or terminating a client's benefits.

Appellant continues to receive referrals from contacts in the Office of the Franklin County Board of Commissioners, which contacts Appellant maintains and who rely on Appellant as a resource. Testimony reflects that two other individuals, Jovita Hornbuckle and Andrena Fadis, serve as the principal assigned liaisons with the BOC office. Ms. Hornbuckle's and Ms. Fadis' respective positions are assigned to the Customer Service Specialist classification with the working title of Ombudsman.

Appellant also fields general calls from customers/recipients when the voice mail of the Public Inquiries Assistants is full or when a caller wishes to have questions answered in a short amount of time (*i.e.* without waiting).

Appellant performs the above duties for about 80 percent of her time.

She performs various other miscellaneous duties for about 20 percent of her time.

Mr. McCaman has recently assigned Appellant to maintain a daily attendance log of the Call Center staff (both civil service and contract).

Mr. McCaman has also recently assigned Appellant the duty of assisting with large volume mailings.

Appellant's contact with DD McCaman is not particularly frequent. Appellant indicated that she sees Mr. McCaman when she sees him. Mr. McCaman agreed he does not have a lot of daily interaction with Appellant.

Mr. McCaman further agreed that Appellant does not make travel arrangements for him, does not schedule meetings for him, *et cetera*. Although perhaps only one or two times, Appellant has done a little room preparation and post-event clean-up for Mr. McCaman.

Mr. McCaman also agreed that Appellant does not function as his Administrative Assistant and that he has a dedicated AA, namely Judy Gaier, whom he identifies as his AA.

Based on the testimony presented and evidence admitted at hearing, I make the following Findings:

First, I note that I incorporate, by reference, any findings set forth, above, whether express or implied.

Next, I find that the parties basically agree on the duties that Appellant performs. The parties disagree on the level of complexity of Appellant's duties and on the level of discretion that she enjoys. As might be expected, then, they also disagree regarding the appropriate classification to assign to Appellant's position.

I find that Appellant's duties are somewhat unique and are often non-routine and complex in nature. Further, taken as a whole, Appellant appears to be the only FCDJFS employee who performs this basket of duties. In other words, she does considerably more than field calls in a call center or perform administrative tasks in

an office setting; she serves as the agency's dedicated point-of-contact for several important functions.

CONCLUSIONS OF LAW

This case presents this Board with the question of whether an employee, who performs non-routine functions that are, to a meaningful degree, not performed by other employees of the agency and who serves as the agency liaison for several functions, should be reclassified to Customer Service Specialist, 50108? Based on the findings set forth, above, and for the reasons set forth, below, this Board should so reclassify Appellant's position.

Appellant's current class is Administrative Assistant 1, 10251.

The Summary of Essential Duties for this specification states: "The primary purpose of the Administrative Assistant 1 classification is to perform routine and non-routine administrative tasks to support the assigned area of the department."

Rank 1 of the Duties section of the pertinent Specification calls for the AA 1 to serve as a liaison between assigned staff and other areas to relay decisions, directives, *et cetera* and coordinate information and activities.

Rank 2 calls for the AA 1 to analyze and address complaints, to monitor and act upon complaint referrals, and provide technical advice regarding administrative tasks.

Rank 3 calls for the AA 1 to prepare and process reports, agendas, correspondence, mail, related inquiries, *et cetera*.

Rank 4 calls for the AA 1 to copy, fax, file, perform research, order supplies, greet visitors, and provide assistance.

Appellant certainly does some of these duties, although by no means all. However, these duties do not seem to capture the complex and somewhat unique nature of Appellant's work. Further, Appellant's functional supervisor, DD McCaman, already has an AA (Judy Gaier) who is considered his AA. Therefore, the AA 1 specification provides an adequate, but not a very satisfactory, fit with the overall array of Appellant's duties.

Appellant believes the Customer Service Specialist, 50108 class provides a better fit with her duties.

The Summary of Essential Duties for this Specification states: "The primary purpose of the Customer Service Specialist classification is to represent the Jobs [sic] and Family Services Department and the Board of Commissioners Office in an ad vocational [sic] and informational capacity. ..."

Rank 1 calls for the CS Specialist to represent the department as an advocate to customers and calls for the CS Specialist to assist with resolving customer complaints and concerns.

Rank 2 calls for the CS Specialist to research, develop, and analyze quality control processes to access [sic] the accuracy of actions that are completed on a case.

Rank 3 calls for the CS Specialist to, among other things, provide technical assistance to customers and management staff concerning case actions and corrections, *et cetera*.

Rank 4 calls for the CS Specialist to communicate with State officials to determine written policy of government assistance, *et cetera*.

Appellant does not perform all the duties in the CS specification or all the duties in Rank 1. Yet, it appears that Appellant does perform Rank 1 duties for at least 30 percent of her time, satisfying the mandatory 30 percent requirement to hold this classification. She certainly represents her department (and by extension the BOC) when she liaises with government officials, helps to ensure quality control by guarding against benefits fraud, and performs customer service for clients, including those who wish to bypass (or insist upon bypassing) the standard call tree functions of Appellee.

Accordingly, the Customer Service Specialist class provides a satisfactory fit with Appellant's duties. Further, it more accurately reflects the qualitative components of Appellant's position and duties than does the Administrative Assistant 1 class.

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RECOMMENDATION

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **MODIFY** the instant job audit determination and **RECLASSIFY** Appellant's position to Customer Service Specialist, 50108, pursuant to R.C. 124.03 and R.C. 124.14.


James R. Sprague
Administrative Law Judge