

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

Keianna Young,

*Appellant,*

v.

Case Nos. 2015-REC-01-0004  
2015-MIS-01-0005

Montgomery County Human Resources Department,

*Appellee,*

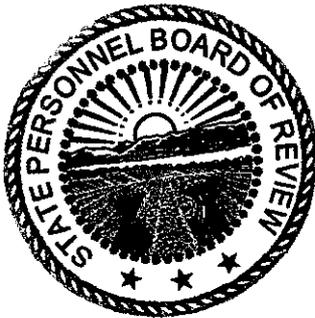
**ORDER**

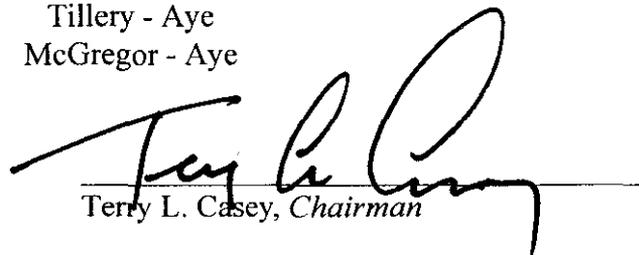
These matters came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeals.

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 Appellant's position be **RETAINED** in the classification of Human Resources Specialist, classification number 64622. Any remaining miscellaneous issues accompanying the appeals filed by Appellant are **DISMISSED**.

Casey - Aye  
Tillery - Aye  
McGregor - Aye

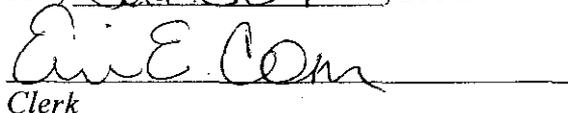


  
Terry L. Casey, *Chairman*

**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 09, 2016.

  
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 16, 2016. 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: 2015-REC-01-0004 and 2015-MIS-01-0005

Transcript Costs: \$55.50 Administrative Costs: \$25.00

Total Deposit Required: \* \$80.50

Notice of Appeal and Deposit Must  
Be Received by SPBR on or Before: June 24, 2016

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

Keianna Young,  
  
*Appellant*

Case Nos. 15-REC-01-0004  
15-MIS-01-0005

v.

March 15, 2016

Montgomery County Human Resources  
Department

*Appellee*

Jeannette E. Gunn  
*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

These causes came on for consideration upon Appellant's timely appeal of the results of her position audit. A record hearing was held on August 26, 2015. Appellant was present at record hearing and appeared *pro se*. Appellee Montgomery County Human Resources Department was present through its designee, Human Resources Representative Regina Marks, and was represented by Todd Ahearn, Assistant County Prosecuting Attorney.

The subject matter jurisdiction of the Board was established pursuant to sections 124.03 and 124.14 of the Ohio Revised Code.

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

Appellant is presently employed by Appellee in its Department of Job and Family Services (JFS) in a position classified as Human Resources Specialist. The parties stipulated at record hearing that her position is, at a minimum, correctly classified as such. Appellant's immediate supervisor is Human Resources Manager Michelle Mathews. Appellant does not supervise any other employees.

Appellant has occupied her present position since May 2013. Her primary job function is to audit and process time sheets, monitor daily coding for compliance

with personnel and payroll policies and procedures, and to administer Family Medical Leave Act (FMLA) requests for a majority of the major divisions of JFS. Appellant requested a position audit on October 22, 2014.

Appellant devotes the majority of her working time (60%) to JFS payroll related duties. She is responsible for preparing and processing a bi-weekly payroll, researching and analyzing payroll discrepancies and processing necessary corrections, reviewing and auditing timekeeping records, maintaining and creating JFS employee files, and providing customer service to supervisors/manager/JFS employees with payroll and payroll policy questions. JFS operates from three locations within Montgomery County – the Reibold Building, the Haines Building and the Montgomery County Job Center – and Appellant performs payroll tasks for the Job Center and the Reibold Building; she serves as backup for the Haines Building.

Appellant performs duties related to leave requests made by JFS employees pursuant to FMLA for approximately thirty percent of her working time. She responds to emails, telephone calls and other requests for FMLA paperwork, serves as point of contact for FMLA questions, obtains completed FMLA forms, determines employee qualification status based on U.S. Department of Labor requirements, corresponds as needed with requestors and supervisors, maintains related files, monitors and authorizes leave extensions, and prepares reports as needed.

Until January 7, 2015, Appellant had the authority to approve or deny FMLA leave for JFS employees, based upon her review of submitted information. That responsibility was removed from her job duties upon a determination by the county human resources office that the responsibility did not properly fall within her classification. Subsequent to Appellant's position audit, Appellee reviewed and restructured its procedures on a county-wide basis for FMLA leave request review. Review of materials for approval or disapproval of FMLA leave requests was reassigned either to employees at the supervisory or managerial level, or to a third-party vendor.

Appellant performs various other human resources tasks, such as completing employment verifications, preparing payroll information for new JFS employees, distributing W-2s, and processing the annual PPL payout. She works with the county human resources office to administer the leave donation program.

### 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*.

In the instant appeal there is no debate as to what comprises the pertinent classification specifications. Therefore, 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).

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 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 specifications considered by this Board were: Human Resources Specialist, classification number 64622 and Human Resources Officer, classification number 64624.

The class concept for Human Resources Specialist, the classification currently assigned to Appellant's position, provides that an incumbent performs:

... support functions and office management under general direction requiring considerable knowledge of human resources policies and procedures in order to assist higher-level human resources management in carrying out activities which enable compliance within division of all federal, state, and county regulations and rules as well as program requirements, policies and procedures, and bargaining unit contract requirements.

Because the parties stipulated at record hearing that Appellant performs, at a minimum, the duties of the Human Resources Specialist classification, further analysis of the classification specification is unnecessary.

The class concept for Human Resources Officer provides that an incumbent is:

... independently responsible for two or more human resources programs and responsible for ensuring compliance with federal, state, county and contract regulations and rules.

The job duties section of the classification specification describes the primary duties of an incumbent as defining and assisting in the development and establishment of broad training or educational programs, evaluating programs for effectiveness and continuous improvement, suggesting program alternatives or expansions, and assisting management in remaining compliant with policies, regulations and rules. Incumbents also assist in the recruitment process, maintain employee rosters, monitor the step process and certification for contract compliance, and perform similar duties.

I find that the job duties described in this section differ both in overall scope and nature from the payroll-centered and time-keeping functions Appellant performs for the majority of her working time. Because the testimony and evidence presented at record hearing is insufficient to establish that Appellant is independently responsible for two or more human resources programs, as required by the class concept for the Human Resources Officer classification, I find that her position may not be properly placed in that classification.

Keianna Young  
Case Nos. 15-REC-01-0004, 15-MIS-01-0005  
Page 5

The parties identified no other job classifications which they considered to be more appropriate for Appellant's classification. An independent review of the Montgomery County classification plan revealed no other relevant classifications.

Appellee has the authority to assign job duties to its employees, and the responsibility to assign duties commensurate with position classifications. I find that Appellee acted lawfully in reassigning the responsibility for reviewing FMLA leave requests for approval or disapproval.

Therefore, I respectfully **RECOMMEND** that Appellant's position be **RETAINED** in the classification of Human Resources Specialist, classification number 64622. I further **RECOMMEND** that any remaining miscellaneous issues accompanying the appeals filed by Appellant be **DISMISSED**.

  
Jeannette E. Gunn  
Administrative Law Judge