

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

Roger Weaks,

*Appellant,*

v.

Case No. 2015-REC-06-0077

Department of Rehabilitation & Correction,  
and  
Department of Administrative Services,

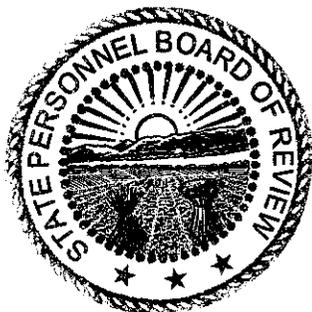
*Appellees,*

**ORDER**

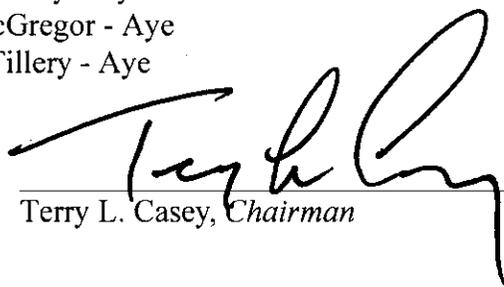
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 the review determination of the Department of Administrative Services to reclassify Appellant's position to Financial Associate Supervisor (66565) is **AFFIRMED** pursuant to R.C. 124.03 and R.C. 124.14.



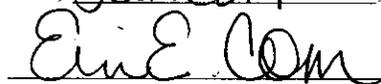
Casey - Aye  
McGregor - Aye  
Tillery - Aye

  
\_\_\_\_\_  
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 24, 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 July 1, 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 Number: 2015-REC-06-0077

Transcript Costs: \$192.00 Administrative Costs: \$25.00

Total Deposit Required: \* \$217.00

Notice of Appeal and Deposit Must  
Be Received by SPBR on or Before: July 11, 2016

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

Roger Weaks

Case No. 2015-REC-06-0077

*Appellant*

v.

May 24, 2016

Dept. of Rehabilitation and  
Correction, Southern Ohio  
Correctional Facility

and

Dept. of Administrative Services

*Appellee*

Raymond M. Geis  
*Administrative Law Judge*

James R. Sprague  
*Chief Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

Appellant, Robert Weaks ("Weaks"), timely appeals his reclassification from Account Clerk Supervisor (16515), Pay Range 10 to Financial Associate Supervisor (66565), also Pay Range 10.

The record hearing occurred May 8, 2016. Weaks appeared *Pro se*. Weaks' Supervisor, Nancy Behm, Business Administrator 3 ("Behm") appeared on behalf of the Department of Rehabilitation and Correction ("DRC") and was represented by Ami Parmi ("Parmi"), DRC Staff Counsel. Human Capital Management Senior Analyst Renee' Norris ("Norris") appeared on behalf of the Department of Administrative Services ("DAS").

Jurisdiction is established pursuant to R.C. 124.03 and R.C. 124.14.

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

Weaks seeks reclassification to Business Administrator 1 (63315), Pay Range 12. Weaks was reclassified as a result of the "Fiscal Reclassification Project" which was part of a class plan review conducted by DAS in 2014-2015. Weaks' effective date of reclassification was May 11, 2015. Prior to his June 8, 2015 appeal, Weaks requested a job audit on his old classification of Account Clerk Supervisor. The audit concluded that Weaks was correctly classified.

At hearing, Weaks, Behm, and Norris testified.

### Testimony of Roger Weaks

Weaks has served at the Southern Ohio Correctional Facility for over 29 years. He currently supervises 3 Financial Associates who were formerly classified as Account Clerk 2s. Weaks testified that he runs the cashier section which handles the institutional internal funds.

This includes inmates' trusts, vending, entertainment and petty cash. In addition, he monitors jail time credit, court filing fees, and inmate court restitution. He supervises usage of the asset management system and warehouse requisitions.

Weaks testified that the records office was abolished and some of the functions were transferred to within his group. He notes that he used to work under a Business Administrator 1. Much of his new work includes reconciling vouchers and payments for further processing by the Office of Shared Services.

Weaks offers that he trained the former BA 1 on how to do commissary duties. He generally conveyed that he is doing more now, and has had to learn the OAKS system. He touches MBE worksheets for set asides and reviews pay card logs.

For a time, Weaks was engaged in purchase order approval and vouchering though he was directed to stop in May 2015. He also was involved with inventory and noted the former BA 1 had this responsibility.

When asked for a breakdown of his daily duties, Weaks stated he spends 70-90 percent of his time processing his emails pertaining to funding and releases.

He may spend up to 15 percent of his time on policy. An overlapping 15 -20 percent is spent on internal accounting including inmate trusts and court debts. About 5 percent of the time Weaks serves as the chairman of the use of force committee.

When asked by Attorney Parmi about the accuracy of his current PD, he more or less agreed the duties were correct but noted that his OAKS duties were new and related to compiling work under the top 75 percent duties. Weaks acknowledged that he does not directly supervise anyone in warehouse, commissary, power, treatment, maintenance or IT.

In his closing statement, Weaks urged that he should be reclassified to a higher pay range because his subordinates received raises when they were reclassified. Also, Weaks stated his new duties include appropriated funds and that his overall workload has increased.

#### Supervisor Nancy Behm

Ms. Behm is the Business Administrator 3 at Southern Ohio Correctional Facility who directly supervises Weaks. Behm states that Weaks took on a lot of duties after reorganization but lost a lot too. She notes that the Deputy Warden is her backup. Weaks will help out when she is absent, but only if there is a matter that needs to be taken care of right away.

Behm retains overall budgeting duties including formulation and management. Weaks helps her with the MBE set aside only. This takes about one week per year.

With regard to inmate release, she noted that only central office can order release. She clarified this in response to Weaks' assertion that he performed duties in relation to verifying jail time.

#### DAS Representative Renee' Norris

Norris began her testimony noting that Weaks is not involved with overall management of the business office, and that this is necessary to qualify for the BA 1. She noted that Weaks supervised Financial Associates exclusively and that much of this work involved supervision of financial work as opposed to sourcing or budgeting.

Regarding the assertion that a BA 1 used to perform work that Weaks now does, Norris stated that the employer had the discretion to reorganize and choose not to backfill the BA 1.

Based on the testimony presented and evidence admitted, we make the following Findings:

We adopt by reference any findings set forth, above, as well as the percentages set forth by the witnesses, above.

### CONCLUSIONS OF LAW

I take administrative notice of the classification specifications for the Financial Analyst series and Business Administrator series.

The class concept for BA 1 states in pertinent part:

The first managerial level class works under general direction & requires considerable knowledge of accounting & business in order to **act as assistant** to business administrator 2 or 3 or institution deputy superintendent (i.e., only one assistant per agency/institution &/or in community) **in overall management of business office** or plan direct & coordinate all fiscal & support functions for clubhouse & in either case, supervise business office &/or support services employees. (emphasis added)

The record establishes that Weaks has not been designated the Assistant Business Administrator. The testimony of Weaks and Behm more or less agree that Weaks does not have consistent day to day duties in every area under Behm's supervision. Therefore, he does not assist in overall management of the business office.

Since the record establishes that Weaks is not a candidate for BA 1; We turn to the Financial Analyst series.

The class concept for Financial Associate Supervisor states in pertinent part:

The first supervisory level class works under general direction & requires thorough knowledge of accounting systems & procedures **in order to supervise financial associates** who perform payroll activities &/or prepare, compile & verify statistical, financial, accounting or auditing data, reports & tables related to accounts payable & accounts receivable in assigned institution or satellite, district, regional or other field office. (emphasis added)

It is undisputed that Weaks is the supervisor of record for three Financial Associates.

The class concept for Financial Analyst Supervisor states in pertinent part:

The supervisory level class works under general direction & requires thorough knowledge of accounting systems & procedures **in order to supervise financial analysts** who prepare, process &/or analyze accounting records, financial statements, &/or other financial reports & data.

Likewise, it is undisputed that Weaks does NOT supervise Financial Analysts.

Since the record demonstrates that Weaks cannot be a Financial Analyst Supervisor because he does not supervise analysts, the final analysis is whether Weaks' current position description ("PD") and actual duties substantially comport with the major job duties and class concept for the Financial Associate Supervisor.

The major illustrated job duties for the Financial Associate Supervisor state in pertinent part:

1. Supervises financial associates who perform payroll activities &/or prepare, compile & verify statistical, financial, accounting or auditing data, reports & tables

related to accounts payable & accounts receivable in assigned institution or satellite, district, regional or other field office:

- Provides guidance & training
  - Coaches & develops staff
  - Establishes work unit procedures
2. Analyzes & oversees preparation of invoices, encumbrances, remittances, vouchers, requisitions, auditing of accounts, time reports &/or inventory
  3. Answers inquiries & requests according to established procedures:
    - Resolves problems
    - Evaluates policies & procedures & makes recommendations for implementation to ensure efficient operation of financial associate activities
  4. Collects, analyzes & prepares financial reports
  5. Performs variety of related clerical tasks (e.g., correspondence, records)

To do this, we compare Weaks' actual duties against his classification series class concept and major illustrated job duties.

In order to arrive at actual duties, we first look at duties which are undisputed. If necessary, we conclude whether disputed duties are performed or not. In this case, Weaks does not dispute the accuracy of his PD:

The duties being performed must satisfy the class concept or function statement at least twenty percent of the time unless another percentage has been stated in the class concept or function statement. Other factors, including the table of organization of an agency, may be used to determine the classification of a position and to distinguish among classifications. OAC 123:1-3-01 (D)  
See also O.A.C. 123:1-7-15

Weaks' testimony supports that he is properly classified. Most of his duties involve the cashier's office section and relate to managing accounts including

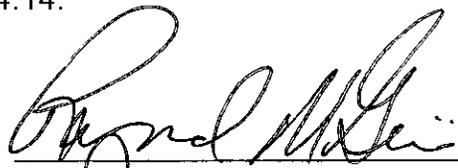
dispersements. This Board is limited to correctly classifying Weaks' position. The record conclusively shows that Weaks is performing duties within his classification.

The bases upon which Weaks urges this Board to reclassify him upward are not reasons allowed for in the Ohio Administrative Code. This Board cannot reclassify Weaks simply because his subordinates were upwardly reclassified. We note that O.A.C. 124-7-03 states: at Section (E): "Evidence of disparity in the classification of co-workers is not admissible." Though Weaks may commendably be working harder and faster, the categorization and typology of his duties has not changed. Similarly, adding duties relating to OAKS does not change the essence of the work. OAKS Financials a.k.a. "FIN" is a tool used to perform work, and is not the work itself.

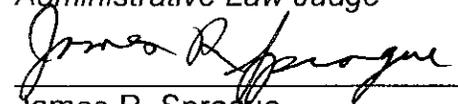
Likewise, dealing with appropriated funds is still part and parcel of accounts work. It makes no difference whether the funds are encumbered or not. In order to reclassify to a BA 1, this Board must find that Weaks' performs duties exclusive to that classification at least 20 percent of the time. In short, Weaks has not demonstrated that any of his duties are exclusive to the BA 1 and as a result his appeal must be denied.

#### RECOMMENDATION

Therefore, we respectfully **RECOMMEND** that the State Personnel Board of Review **AFFIRM** the review determination of the Department of Administrative Services to reclassify Appellant's position to Financial Associate Supervisor, (66565), pursuant to R.C. 124.03 and R.C. 124.14.



Raymond M. Geis  
Administrative Law Judge



James R. Sprague  
Chief Administrative Law Judge