

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Colette Ramey,

Appellant,

v.

Case No. 2015-REC-07-0122

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

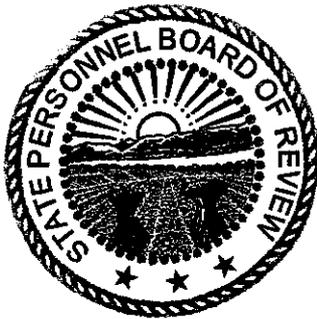
Appellees,

ORDER

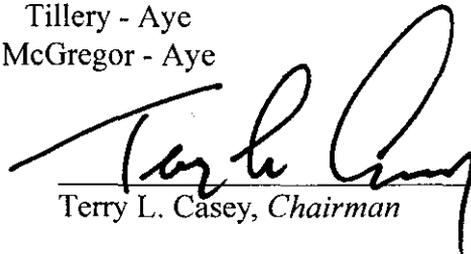
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 be **MODIFIED** and Appellant's position be **RECLASSIFIED** to Business Administrator 1, (63315), pursuant to R.C. 124.03 and R.C. 124.14.



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, July 14, 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 21, 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-07-0122

Transcript Costs: \$160.50 Administrative Costs: \$25.00

Total Deposit Required: * \$185.50

Notice of Appeal and Deposit Must
Be Received by SPBR on or Before: July 29, 2016

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

Colette Ramey

Case No. 2015-REC-07-0122

Appellant

v.

June 17, 2016

Dept. of Rehabilitation and Correction

and

Dept. of Administrative Services

James R. Sprague

Appellees

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

Appellant, Collette Ramey ("Ramey"), timely appeals her reclassification from Account Clerk Supervisor 2, Pay Range 10 to Financial Associate Supervisor (66565), also Pay Range 10.

The record hearing occurred May 23, 2016. Ms. Ramey appeared *pro se*. Ramey's Supervisor, Patti Capelety ("Capelety"), Business Administrator ("BA") 3 appeared on behalf of the Department of Rehabilitation and Correction ("DRC") and was represented by Ami Parmi, DRC Staff Counsel. Human Capital Management Senior Analyst Renee' Norris appeared on behalf of the Department of Administrative Services ("DAS"). By agreement of the parties, DRC filed a copy of Ramey's most recent annual Performance Evaluation ("PE") on or about May 24, 2016. The parties were given until June 21, 2016 to file optional commentary regarding that PE. DAS responded with comments on May 26, 2016. Ms. Ramey responded on June 16, 2016. DRC waived submission.

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

CONSOLIDATED STATEMENT OF THE CASE AND FINDINGS OF FACT

Ramey seeks reclassification to Business Administrator 1 (63315), Pay Range 12. Ramey was reclassified as a result of the "Fiscal Reclassification Project" which was part of a class plan review conducted by DAS in 2014-2015. Ramey's effective date of reclassification was July 26, 2015. At hearing, Ramey, Capelety, and Norris testified.

Colette Ramey, Appellant

Ramey testified that she works in the business office of Grafton Correctional Institution ("GCI") in Lorain County. Ramey is supervised by Patti Capelety, Business Administrator 3, who is the highest ranking official in the business office.

Ramey mentioned a long list of duties which can be categorized into purchasing, financing, budget administration, and accounting. She currently supervises two Financial Associates ("FAS"). She formerly supervised a third FAS but that person was recently reclassified to Financial Analyst ("FAN"). The FAN, who performs her duties exclusively for the Cashier's office, was then placed under the direct supervision of Capelety.

Ramey testified that her fiscal duties encompass non-allocated institutional funds such as inmate accounts and disbursements of allocated funds (budgeted capital and operational funds). For example, Ramey states she has approval authority for purchases from a vendor up to \$50,000. She checks to ensure that the money is present in the fund and then initiates approval. GCI's larger purchases are approved by her supervisor.

Ramey stated she assists Capelety with all business office duties except for assisting with the direct supervision of Capelety's other subordinates. These duties include: collecting ACA audit information, sales tax reports, general revenue reports, MBE reporting, utilities usage data, sustainability reports, budget adjustments, contract review, and encumbrances. She also supervises child support withholding, phone review, purchase orders, and vouchering. Ramey also handles inmate release reports when filling in for the cashier who, as noted, was recently reclassified to Financial Analyst.

Patti Capelety, Supervisor

Capelety listened to and commented upon Ramey's testimony. She stated: "[Ramey] is in every aspect an assistant to me." She further offered that Ramey fills in for her completely at least one day per week. Capelety noted she has held the position of Business Administrator 3 since 1998.

She noted that Grafton combined with another facility. Thus, Capelety declared, she is in charge of two institutions with twice as much capital infrastructure and twice as many problems.

Capelety maintained that Ramey's duties evolved and she assists Capelety with day to day operation of the business office. She noted that Ramey's work is

critical and that lower level incumbents do not have the skill or expertise to carry out the duties that she relies upon Ramey to perform.

Capelety noted Ramey routinely handles the majority of outside queries which would take up half of her day without Ramey. Ramey functions as the "second check" in order to segregate and separate fiscal duties between them as a financial control, consistent with Generally Accepted Accounting Principles. This includes signing checks and vouchers. Capelety states, you do not want one person in complete control of the office.

Capelety noted that Ramey performs other duties such as: writing justifications for IT equipment, ordering washing machines or copiers, and being "the overall go to person" for ordering equipment for facility maintenance. This includes coolers, freezers, and refuse handling.

According to Capelety, Ramey manages 14 internal funds and 37 other allocated funds as well as the Payment Card program. She does this for two facilities. Ramey is the only person that handles MBE/Edge. No one else has the know how, according to Capelety.

Capelety noted that Appellant's most recent annual PE specifically sets forth the opportunity and expectation that Appellant can and will cover any position in the fiscal area, based on operational need. Appellant's PE states, in pertinent part:

Section 8 - OVERALL PERFORMANCE RATINGS SUMMARY

OVERALL PERFORMANCE RATINGS SUMMARY
<p>Rating: 4. Exceeds Expectations</p> <p>Comments: Mrs. Ramey performs at a high level due to her extensive experience and knowledge. Her dedication to insuring the areas she supervises are in compliance with all standards and policies is critical to fiscal operations. Her abilities enable her to provide coverage for any position in the fiscal area. .</p>

Finally, Capelety stated that the evolution of Ramey's assistant duties were based on "survival" because of cuts over time.

Renee' Norris, DAS representative

Norris testified that she based her decision to affirm Ramey's reclassification to FAS Supervisor upon the Management Designee's finding that Ramey was not expressly named to be the Assistant Business Administrator.

She stated that she looked at the Business Administrator class series and found that a BA 1 must be a full assistant to the BA 3 by having managerial responsibilities in all areas of the business office.

Absent an express delegation, Norris questioned whether Ramey's duties rose to overall management. Norris further noted that the power to sign documents does not automatically equate with assistance in overall management. In response, the undersigned asked Norris, "...could [signature authority] be considered an indicia of delegation?" to which she replied, "Yeah, it could, it could."

In post hearing commentary, Norris argued that the PE did not establish that Ramey was an overall assistant to the BA 3. She noted that Ramey's employee training and development goals for Financial Associates working in the business and cashier's offices are encompassed within the major worker characteristics of the Financial Associate Supervisor.

CONCLUSIONS OF LAW

I take administrative notice of the classification specifications for the BA 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 Ramey is the *de facto* Assistant Business Administrator. Capelety's undisputed testimony shows that Ramey functions as the acting Business Administrator approximately one day per week when Capelety is offsite or about 20 percent of the time.

In order to be properly classified:

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

Additionally, Ramey's and Capeley's testimony agree that Ramey functionally assists in the overall management of the business office. Capeley testified that Ramey, and only Ramey, assists her in more than one program area. Her other department heads do not have knowledge of the business office. Capeley's Financial Analyst is limited to paying bills and does not monitor OAKS. Indeed, at hearing, Ramey's and Capeley's recitation of the myriad "assistant" duties that Ramey performs for Capeley went largely unrefuted.

It is understandable that Ms. Norris might, as a general practice, choose to place more weight on the opinion of agency management than on the responses of the supervisor and affected employee.

In this case, Norris' assessment appears to turn on the management designee's opinion. Yet, here, the management designee's opinion, no matter how well intended, is simply not as persuasive as is the testimony of Ramey and Capeley; since they have in-depth, personal knowledge of the duties being performed and delegated.

Because of this, it is appropriate for the undersigned to rely on the sworn testimony of Ramey and Capeley regarding duties actually being performed. Thus, after comparing those duties to the pertinent specifications, including to BA 1, I find that Ramey is an assistant to the overall management of the business office at Grafton Correctional Institution.

RECOMMENDATION

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **MODIFY** the review determination of the Department of Administrative Services and **RECLASSIFY** Appellant's position to Business Administrator 1, (63315), pursuant to R.C. 124.03 and R.C. 124.14.


James R. Sprague
Administrative Law Judge