

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

Parveen Joshi,

Appellant,

v.

Case No. 2015-REC-07-0125

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

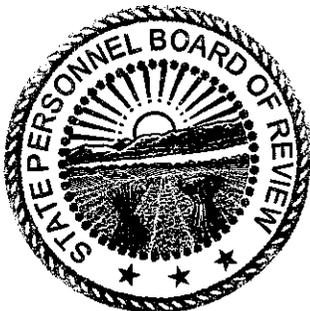
Appellees,

ORDER

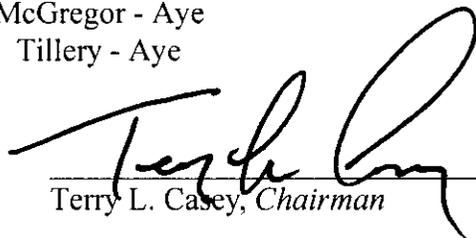
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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-07-0125

Transcript Costs: \$76.50 Administrative Costs: \$25.00

Total Deposit Required: * \$101.50

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

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

Parveen Joshi

Case No. 2015-REC-07-0125

Appellant

v.

May 24, 2016

Dept. of Rehabilitation and Correction,
Correctional Reception Center

and

Dept. of Administrative Services,
Human Resources Division

Appellee

Raymond M. Geis
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

Appellant, Parveen Joshi ("Joshi"), timely appeals his reclassification from Account Clerk Supervisor 2, Pay Range 10 to Financial Associate Supervisor (66565), also Pay Range 10.

The record hearing occurred May 11, 2016. Joshi appeared *Pro se*. Joshi's Supervisor, Karen Duffel, Business Administrator 3 ("Duffel") 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").

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

CONSOLIDATED STATEMENT OF THE CASE AND FINDINGS OF FACT

Joshi seeks reclassification to Business Administrator 1 (63315), Pay Range 12. Joshi was reclassified as a result of the "Fiscal Reclassification Project" which

was part of a class plan review conducted by DAS in 2014-2015. Joshi's effective date of reclassification was July 13, 2015.

At hearing, Joshi, Duffel, and Norris testified.

Praveen Joshi, Appellant

Joshi testified that he works in the business or administration office of the Correctional Reception Center ("CRC") headed by his supervisor Duffel, a Business Administrator ("BA") 3.

Joshi states that he spends 30% of his time supervising Financial Associates in the cashier's office. This includes overseeing bookkeeping, general revenue, petty cash, and commissary and entertainment transactions for inmates. He also trains his staff and reviews monthly bank reconciliations.

Next, Joshi testified that he spends 35% of his time assigning work to Financial Associates related to making payments, bank deposits, and administering the inmate grievance procedure, a.k.a. KITEs.

Another 25% of duties involve responding to inmate phone calls. Joshi recalls performing duties for vacant positions, essentially doubling his workload.

Finally, Joshi states he may spend up to 10% of his time updating procedures to conform to policy revisions from central office and filling in for his supervisor. He gave the example of a change in policy on inmate accounts exceeding \$400. He also stated that he conducts performance evaluations, assists with budgeting, creates requests to purchase (RTP) in OAKS and helps out in fleet.

He notes that his subordinates got a raise with the reclassification project, but he did not and that is why he is appealing. However, I note that O.A.C. 124-7-03 ("Procedure in reclassification appeals.") states at Section (E): "Evidence of disparity in the classification of co-workers is not admissible."

When asked to review his current position description ("PD"), Joshi noted that it does not list that he fills in for the Storekeeper 2 in the warehouse during absences, and that he administers the cash window and shoe shine on a daily basis. Joshi stated the PD was otherwise correct. Joshi acknowledged that the

BA3 is rarely absent for more than a day or two but that he answers questions for the Warden during this time while she is out.

Karen Duffel, Supervisor

Duffel listened to and commented upon Joshi's testimony. She stated that the cashier's office takes up virtually 100% of Joshi's duties. She stated that Joshi is a great employee and keeps up with the business of the cashier's office well. She noted that Joshi is the supervisor of record for three employees but that she maintains day to day functional supervision for the two of them who work in the business office because Joshi is so busy with the cashier's office.

Duffel testified that she oversees the whole business office which includes the cashier's office, warehouse, and commissary. She has also taken responsibility for Fleet which is a non-business function and noted that this duty can be performed by any classification.

Regarding her backup, she stated that she has not taken a vacation in three years and is never absent for more than a day or two. In the event of her absence, Joshi is instructed to call her on her cell phone for assistance.

Renee' Norris, DAS representative

Norris testified that she reviewed Joshi's duties as stated by him, and by his supervisor in the questionnaire which was part of the fiscal reclassification project process.

She stated that she looked at the BA 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. She notes that the assistant BA position is optional at each institution and it is up to the Appointing Authority to decide the matter.

She stated that CRC acted within its discretion to create a table of organization without an assistant BA. She noted that Joshi does not have significant and consistent managerial duties in all areas the business office. Further, she found that because Joshi supervises Financial Associates, and not higher level Financial Analysts, he was not a candidate for Financial Analyst Supervisor.

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

Though he may take phone calls from the Warden on occasion when Duffel is out, this does not rise to overall management of the Business Office. Too, Duffel's testimony establishes that she is available by cell phone during these times so that Joshi always has access to supervision. Finally, though Joshi fills in with fleet and the warehouse during absences, these are duties associated with lower level non-managerial classifications, such as Storekeeper 2.

Since the record establishes that Joshi is not a candidate for BA 1; I 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 Joshi is the supervisor of record for three Financial Associates, and that additionally he functionally supervises at least one Financial Associate on a daily basis.

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 Joshi does NOT supervise Financial Analysts.

Since the record demonstrates that Joshi cannot be a Financial Analyst Supervisor because he does not supervise analysts, the final analysis is whether Joshi's current position description 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)

Viewing facts most favorably to Joshi, I compare his undisputed position description duties and duties outside his PD, to which he testified, against his classification concept and major job duties:

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

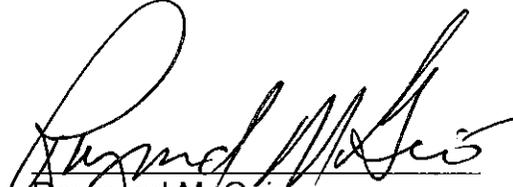
As written above, Joshi claims that he handles fleet duties, and performs duties of the Storekeeper 2 during times that others are absent. These duties are lower level, non-managerial duties. The record indicates that performance of this work is occasional and sporadic.

As to the rest of Joshi's testimony, these duties are squarely within the major job duties of the Financial Associate Supervisor. Joshi's supervisor had great praise for him during the hearing. His good work is valued. I understand why Joshi would want to look forward to a pay step increase when some of his bargaining unit subordinates advanced pay ranges when going from the former Account Clerk 2 to Financial Associate (which is equivalent in Pay Range to the former Account Clerk 3).

However, as I explained to Joshi, this Board is limited to correctly classifying Joshi and is restricted from awarding a classification on any other basis including merit. The record conclusively shows that Joshi is performing duties within his classification upward of 90% of the time.

RECOMMENDATION

Therefore, I 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, (Class Number here), pursuant to R.C. 124.03 and R.C. 124.14.


Raymond M. Geis
Administrative Law Judge