STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Hamilton County Sheriff,

Appellant,

v. Case No. 2016-REC-05-0083

Anna N. Freeman,

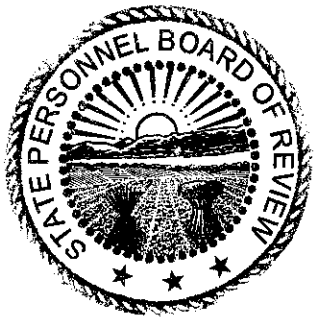
Appellee,

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 Appellee's position be **RETAINED** in the classification of Personnel Aide 2, Hamilton County classification number 53112.



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, November 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 November 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: 2016-REC-05-0083

Transcript Costs: $120.00 Administrative Costs: $25.00

Total Deposit Required: * $145.00

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

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Hamilton County Sheriff	Case No. 16-REC-05-0083
Appellant	
v.	October 13, 2016
Anna N. Freeman	
Appellee	Jeannette E. Gunn *Administrative Law Judge*

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause came on pursuant to an appeal of the results of an audit conducted on Appellee's position. A record hearing was held in the instant appeal on August 10, 2016. Appellant was present at the hearing through its designee, Fiscal Officer Kevin Horn and was represented by Assistant County Prosecutor Kathleen H. Bailey. Appellee Anna Freeman was present at the record hearing and appeared *pro se.*

Jurisdiction of the Board was established pursuant to R.C. 124.03 and 124.14.

CONSOLIDATED STATEMENT OF THE CASE AND FINDINGS OF FACT

Appellee Anna Freeman is presently employed by Appellant in a position classified as Personnel Aide 2. Ms. Freeman requested that the Hamilton County Human Resources Department (HRD) conduct an audit of her position in February 2016, following the reorganization of the Employee Services Unit; the Hamilton County HRD subsequently recommended that Appellee's position be reclassified to Personnel Aide 3. Appellant subsequently appealed the Hamilton County HRD's recommendation to this Board.

Testimony at record hearing was offered by Appellee Anna Freeman, her immediate supervisor Personnel Officer 2 Teresa Boyle, and Human Resource Analyst Evelyn Stephenson. Ms. Stephenson is the Hamilton County HRD conducted the audit of Appellee's position.

Appellee Freeman encumbers a position assigned to the Employee Services Unit, Administration Division, of Appellant Hamilton County Sheriff's Office. Her immediate supervisor is Teresa Boyle, whose position is classified as Personnel Officer 2. At the time of the position audit, Ms. Boyle had supervised Ms. Freeman for approximately seven months.

The Employee Services Unit is made up of five employees: Ms. Boyle, one individual whose position is classified as Personnel Aide 3 (Rhonda), Ms. Freeman, and two other individuals whose positions are classified as Personnel Aide 2 (Josie and Betty). Ms. Boyle supervises all of the other employees in the Unit.

In the months immediately prior to Appellee's request for a position audit, the Employee Services Unit had been restructured due to the reassignment of several employees and the retirement of the Unit's Compensation Manager. As a result of that restructuring, duties were redistributed among the remaining Unit employees; some of the duties previously performed by an individual classified as a Personnel Aide 3, as well as some duties previously performed by an individual classified as an Account Clerk 3 were assigned to Ms. Freeman. The responsibility for personnel budgeting was removed from personnel in the Employee Services Unit and transferred to the Fiscal Office.

Appellee confirmed that she completed and submitted a position analysis questionnaire to the Hamilton County Department of Human Resources as part of the job audit process. She stated that the information she provided regarding her job duties and the percentages of time she performed each duty was accurate both at the time she submitted the questionnaire and as of the date of record hearing.

Ms. Freeman's primary responsibility is recording and maintaining multiple system-generated reports associated with payroll. She is responsible for reconciling overtime and daily watch information that has been entered into the Time and Attendance computer program by supervisors with actual hard copy overtime and leave slips. Appellee works with supervisors as needed to correct information missing from the Time and Attendance program, or information that has been entered incorrectly. After Ms. Freeman has completed her check and/or reconciliation, either Ms. Boyle or Rhonda enter payroll information into the online payroll services software, PayCor; they are the only two individuals in the Unit with the authority to perform that function. Appellee also checks payroll after it has been entered to help ensure accuracy.

Ms. Freeman provides information as requested for employment verification purposes, but does not handle inquiries or maintain information of a sensitive or confidential nature. She provides employees with information about their benefits plans and assists them in completing paperwork associated with qualifying events, but she does not provide benefits counseling to employees. Ms. Freeman makes corrections in Time and Attendance to ensure that townships are accurately billed for services provided, but the actual billing is performed by the Fiscal Office.

Appellee Freeman suggests changes to office procedures as needed and works with her supervisor to improve and streamline business processes. She works with all of the staff in the Employee Services Unit to perform annual open enrollment tasks.

Ms. Freeman's work is generally assigned by Ms. Boyle and she works independently to complete tasks. She is required to use independent judgment in carrying out her assigned job duties. Appellee helped provide on-the-job training and guidance to new employees hired into the Unit and serves as a lead worker.

Ms. Freeman does not have discretion to either assign work to other employees or direct the operations of the Unit. She does not supervise any other employees and does not act on her supervisor's behalf in her absence.

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 class concept or 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.*

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*.

* * * * *

The classification specifications considered by this Board were: Personnel Aide 2, Hamilton County classification number 53112, and Personnel Aide 3, Hamilton County classification number 53113.

The Job Function Statement for the Personnel Aide 2 classification provides that an incumbent:

> Under general supervision, performs various clerical functions related to the administration of personnel; maintains personnel records, types forms and correspondence; ensures compliance with agency policies.

A review of the Illustrative Duties section of the classification specification indicates that the majority of an incumbent's time is typically devoted to verifying and processing benefit forms; reviewing documents for completeness and accuracy; reviewing, verifying and processing data needed for completion of biweekly payroll; ensuring compliance with agency policy, local and federal laws; assisting with annual health care open enrollment; and maintaining various files, such as sick leave and/or vacation. A Personnel Aide 2 may also provide general information to employees regarding benefits and perform related clerical functions.

The parties do not dispute that Appellee performs the duties of a Personnel Aide 2, which is the classification presently assigned to her position. Appellee maintains, however, that her position is more properly placed in the classification of Personnel Aide 3.

The Job Function Statement for the Personnel Aide 3 classification, which was the classification recommended for Appellee's position by the Hamilton County HRD following its audit, states that incumbent employees:

> Under direction, perform(s) various administrative and clerical functions related to the administration of personnel; records and maintains personnel records and reports; types and processes forms and correspondence; assists in preparation of annual personnel budget and payroll; maintains information of a confidential or sensitive nature.

The Illustrative Duties section of the classification specification provides that the majority of an incumbent's time is spent recording and maintaining agency reports such as overtime, holiday pay, sick and vacation leave balances, seniority listing, classification plan and leave donation, in accordance with established procedures; responding to inquiries from personnel, other agencies and/or attorneys about issues such as loss of time from work, leave, classification plan, or tuition reimbursement; assisting in the implementation of approved compensation plans; processing resignation and/or retirement documentation; maintaining information of a confidential or sensitive nature; and preparing monthly billings. An individual whose position is classified as a Personnel Aide 3 may also perform duties such as counseling employees about compensation and/or benefits in areas such as Workers Compensation, retirement, and health care and assisting them in resolving complicated situations. An incumbent may supervise other employees.

Although the Personnel Aide 2 and Personnel Aide 3 classification specifications are similar, the job duties performed by an incumbent in the higher classification require a greater level of expertise and involvement. A review of all of the testimony indicates that, while Appellee is certainly a valued and conscientious employee, Appellee does not presently perform the more difficult duties required of the Personnel Aide 3 classification.[1] Accordingly, I find that Appellee's position is most accurately classified as Personnel Aide 2.

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[1] I note that the testimony offered at record hearing indicates that the Employee Services Unit is in the process of restructuring and reorganization. As that process continue, Appellee's job duties may change to allow for more responsibility. In that event, Appellee would be well-advised to request another audit of her position.

Therefore, I respectfully **RECOMMEND** that Appellee's position be **RETAINED** in the classification of Personnel Aide 2, Hamilton County classification number 53112.

Jeannette E. Gunn
Administrative Law Judge