

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

CHERYL TAYLOR,

*Appellant*

v.

Case No. 05-REC-01-0029

CUYAHOGA COUNTY BOARD OF COMMISSIONERS  
and  
CUYAHOGA COUNTY OFFICE OF HUMAN RESOURCES,

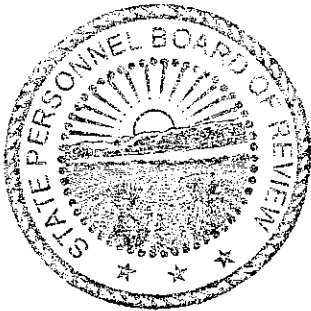
*Appellees*

**ORDER**

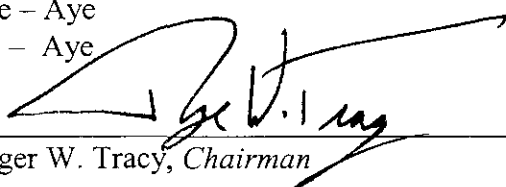
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

After a thorough examination of the record and a review of the Report and Recommendation of the Administrative Law Judge, along with any objections to this 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 Appellees' determination that Appellant's position is properly classified as Help Desk Technician Supervisor, classification number 1053152, be **AFFIRMED**, pursuant to O.R.C. 124.03 and O.R.C. 124.14.



Tracy – Aye  
Lumpe – Aye  
Booth – Aye

  
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Roger W. Tracy, *Chairman*

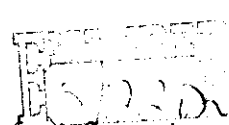
**CERTIFICATION**

The State of Ohio, State Personnel Board of Review, ss:

I, the undersigned clerk of the State Personnel Board of Review, hereby certify that the foregoing is ~~(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, May 22, 2006.

  
\_\_\_\_\_  
Diana Millz  
Clerk

**NOTE:** Please see the reverse side of this Order **or** the attachment to this Order for information regarding your appeal rights.



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

Cheryl Taylor,

Case No. 05-REC-01-0029

*Appellant*

v.

March 6, 2006

Cuyahoga County Board of Commissioners

and

Cuyahoga County Office of Human Resources,

*Appellees*

Christopher R. Young  
*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This cause came on for record hearing on October 3, 2005 at 10:00 a.m. Present at the hearing were the Appellant, Cheryl Taylor, represented by Marc E. Myers, Attorney at Law and the Appellees, the Cuyahoga County Board of Commissioners and the Cuyahoga County Office of Human Resources were present through its designee Don Gotsch, the Manager of Applications and Software Support, and was represented by Timothy J. Melena, Assistant Prosecuting Attorney for Cuyahoga County.

On or about September 24, 2004, the Appellant, Cheryl Taylor, requested a job audit of her Help Desk Technician Supervisor position. Subsequently, on or about January 29, 2004, the Appellant received the final results of her audit request that notified her that her proper classification for her position was that of a Help Desk Technician Supervisor. After receiving the Appellees' decision, the Appellant timely filed her appeal to this Board on January 26, 2005. The Appellant herein seeks the reclassification of her position from that of a Help Desk Technician Supervisor, classification specification number 1053152, to that of an Information Technology Project Manager, classification specification number 1053124. Further, the subject matter was established as well as being stipulated to prior to going on to the record.

### **STATEMENT OF THE CASE**

The Appellant, Cheryl Taylor, testified she is presently employed by the Cuyahoga County in the Employment and Family Services Department. Ms. Taylor testified she has held her present position as a Help Desk Technician Supervisor for approximately the last three years and that prior to holding that position she was a Senior Training Officer. She explained that her present supervisor and immediate supervisor is Mr. Don Gotsch, who is the Manager of Application of Software and Support. Ms. Taylor testified that Mr. Gotsch has approximately six direct reports and approximately twenty indirect reports, and that their unit name is the Management and Information Services Unit under the Employment and Family Services Department. When asked to describe the mission of their unit, Ms. Taylor explained it is to ensure that the systems are up and running, who could be various different county agencies, as well as state agencies that utilize the systems they use at the department.

Ms. Taylor was then questioned if she does supervise, to which she answered in the affirmative. The witness testified she directly supervises six individuals, that being three Help Desk Technicians, one Data Control Tech, and two Senior Data Processing Supervisors who in turn supervise Data Processors. Further, Ms. Taylor testified she does work full-time forty hours per week, Monday through Friday, from 9:00 a.m. to 5:00 p.m. Further, she testified she is pretty much autonomous in her activities throughout the day and that her workflow is simply ongoing where she would at first, when coming into the office, would retrieve phone or voicemail messages and follow-up on these items. Additionally, Ms. Taylor testified as she did previously state, she supervised individuals and that she actually performed performance evaluations, approved their leave time, effectively recommended discipline, and would and could act on the behalf of her supervisor, if given the say so on authority to do so. She also testified she helped train these individuals, as well. Moreover, Ms. Taylor testified Mr. Gotsch's other direct subordinates would be considered on the system's support side where they are employed as Programmers and Systems Analysts, reaffirming that individuals may come to her when they had a data processing problem, but not for something on the system's side of things.

Next, Ms. Taylor's attention was directed to the Cuyahoga County Classification Specification class title of Help Desk Technician Supervisor classification number 1053152. The witness when questioned about the essential job functions testified in the affirmative that she does supervise the Help Desk

Technician employees, and provides help desk technical support to CRIS-E users, as well. Further, the witness testified that she also does provide formal and informal training to agency staff. Moreover, Ms. Taylor testified she also participates in pilot conversion system implementations and makes recommendations to the department director and administrators, as well. The witness explained that the state recently went from a state mainframe system to a web base system and that is something that she has participated in recently, for example. Ms. Taylor testified she also does provide computer software technical support and assistance to any users in the county departments and she also communicates and maintains effective relationships within and outside the department not only within the county, but Ohio employees as well. When questioned as to what other duties she performs in her position, she testified she does from time to time provide support to various projects that come along in her department. Ms. Taylor stated for example, the ERIMS and/or the Electronic Record Imaging Management System was recently implemented to help scan records, just something that she had recently taken on in her position as a Help Desk Technician Supervisor. When questioned, the witness testified that she did not design the E-RIMS Program, but simply was there to help implement and support the users for this system.

Ms. Taylor was then questioned about the Cuyahoga County Classification Specification of an Information Technology Project Manager's position. When questioned if she in fact provides and/or facilitates the analysis, design, development, implementation, maintenance in support of a new or revised major information system, she testified she did not. Along this line of questioning, Ms. Taylor testified when for example when the new E-RIMS System was developed, she along with others just had input with a private consultant known as CGI, wherein they gathered the information and they created the system. Moreover, Ms. Taylor testified while she could provide support of the new system by answering questions, she could not fix it, as well. When asked about the second bullet point under the essential job functions of an Information Technology Project Manager, she testified she did not develop or monitor the consultant contract, as well. While Ms. Taylor did testify that she did provide computer software technical support and assistance to users, and miscellaneous administrative duties, she as far as the projects that would be developed did not gather and did not create the actual design of the system itself. When asked if there were any job duties which she may have missed, and/or what was the most important job function, she testified communication is the key to getting their work done.

Upon questioning by Appellant's counsel, Ms. Taylor testified she does supervise the Senior Data Processing individuals who in turn supervise approximately eight Data Processors. The witness testified that those Data Processors go over the Cuyahoga County Metropolitan Housing Authority's applications for verifications of who is receiving benefits or not, food stamps and/or utility benefits, to name just a few. With regards to the special projects such as E-RIMS, she testified she did get to utilize her input into the design of the scanning project and that it was approximately two to three times per month that they met, but agreed that she was not directly involved in actually designing the overall system. Further, Ms. Taylor testified the E-RIMS System is currently being utilized by income maintenance workers. Another special project the witness talked about was the Bridges Application, which has been in existence since early 2002. She testified under the Bridges Application software was created with the Cuyahoga County Information Center to combine and/or have five different agencies being able to utilize and share information back and forth. Ms. Taylor testified her specific area of concern was if anybody had questions they would contact her unit and she would be the person that would be able to do some problem solving, if needed. When questioned whether she in fact generated reports or made recommendations as to the tracking of the productivity of the system, Ms. Taylor testified she does not, but does have access to the reports themselves. One more special project, which Ms. Taylor testified that she was involved in was the By-In Ohio Medicaid System. Ms. Taylor testified that the Management Information System run by the state which was on a mainframe was converted to a web based system recently and that she is in fact the By-In "coordinator" for the agency. Further, Ms. Taylor stated that not necessarily is the "By-In" a project, but more of an ongoing process which is just recently been updated, and explained she did not create the software for this, as well. She testified she also acts as the CRIS-E liaison for the agency and that she meets quarterly to discuss what improvements if any can be made to the current system and to discuss the upcoming changes to the system which will take place.

The next witness to testify was Mr. Don Gotsch, the Manager of Application and Software Support for the Employment and Family Services Department within Cuyahoga County. When questioned, Mr. Gotsch testified he has held his present position since October 2002 and is the immediate supervisor for the Appellant herein. Further, Mr. Gotsch testified he was present in the hearing room and heard Ms. Taylor's testimony and agreed that her testimony was valid and correct and he had nothing to add. Mr. Gotsch when questioned by the undersigned testified the projects that the Appellant testified to were done by outside vendors, as well as

Since there was not any real discrepancy between the Appellant's characterization of her duties and/or responsibilities and that of the testimony of her supervisor, Mr. Don Gotsch, I find that, as a matter of fact, the Appellant performed the duties upon which she testified.

some in-house employees. The witness testified the help desk and/or the position that the Appellant holds helped in debugging the programs and did help in the analysis of the pilot implementation in the realm of debugging any problems that arose. Mr. Gotsch testified there are a group of individuals under his direct line of supervision that are called the Systems Group, who actually does designing, development and implementation of the programs if they arise.

Upon questioning by Appellees' counsel, Mr. Gotsch testified Ms. Taylor does not design the software utilized in any of the programs which are utilized by the Employment and Family Services Department.

However, upon questioning by Appellant's counsel, Mr. Gotsch testified in his opinion, Ms. Taylor helps facilitate in the design and analysis of the projects.

The next witness to testify was Mr. Albert Bouchahine, a Personnel Manager for the Cuyahoga County Office of Human Resources. Mr. Bouchahine testified he has held his present position for approximately the last four months and that prior to becoming the Personnel Manager he was an assistant to the Commissioners. He then identified Joint Exhibit 1 as Ms. Taylor's comprehensive position questionnaire which outlined the duties which she performed. Further, Mr. Bouchahine testified that although he did not actually complete for perform the analysis of the rationale that was used to determine if Ms. Taylor was properly classified, he is in fact familiar with it, and agrees with the same.

Upon questioning by Appellant's counsel, Mr. Bouchahine testified when reviewing the classification specification of the Help Desk Technician Supervisor there was no contemplation of that individual heading up the data processing unit and/or supervising the Senior Data Processing positions, to which he agreed.

There were no further questions asked by any party.

#### **FINDINGS OF FACT**

Since there was not any real discrepancy between the Appellant's characterization of her duties and/or responsibilities and that of the testimony of her supervisor, Mr. Don Gotsch, I find that, as a matter of fact, the Appellant performed the duties upon which she testified.

## CONCLUSIONS OF LAW

This Board is required to perform several functions when determining the most appropriate classification for an Appellant coming before it. The Board must always review relevant classification specifications to determine which classification best describes the Appellant's actual job duties for that pertinent period of time. *Ford v. Ohio Department of Natural Resources* (1990), 67 Ohio App. 3d 755. In making this determination, the Board considers the classification specification and the job duties outlined therein, as well as the percentages of time the Appellant devotes to each group of job duties. *Klug v. Department of Administrative Services* (May 19, 1988), Franklin County 87AP-306, unreported, 1988 WL54277. The Board's consideration, however, is not solely limited to the duties contained within the classification specification, but may also embrace other relevant facts by the affected parties. *Gordon v. Ohio Department of Administrative Services* (March 31, 1988), Franklin County 88AP-0122, unreported, 1988 WL37094.

As a general rule, the Appellant seeking reclassification to a higher position must demonstrate that his or her respective duties substantially satisfy those of the higher classification. *Mounts v. Ohio Department of Administrative Services* (1984), 7 Ohio App. 3d 125; *Deist v. Kent State University* (May 23, 1978), Franklin County 78AP-28 unreported.

As was previously mentioned, the Appellant is presently classified as a Help Desk Technician Supervisor, classification specification number 1053152, and is seeking to be reclassified to an Information Technology Manager, classification specification number 1053124.

The duties that the Appellant performed while at work were basically not controverted and/or contested and most of the duties without exception were agreed to, as that was the finding of fact. However, what turns in this case is the meaning of the essential job functions of that of an Information Technology Project Manager and that of the duties and tasks outlined under the Help Desk Technician Supervisor's classification specification.

The evidence revealed, by a preponderance thereof, that the Appellant herein supervised Help Desk Technician employees, as well as a couple of Senior Data Processors, who in turn supervised eight other employees in the data processing

unit. Further, the evidence revealed that the Appellant herein also provided help desk technical support to CRIS-E users, provided formal and informal training to agency staff, participated in pilot conversion, system implementations and while making recommendations to the department director and administrators and provided computer software technical support and assistance to end users and the accounting department, as well as communicating and maintaining effective working relationships with a variety of individuals within and outside the department, such as being a liaison with other agencies. This is almost an exact fit to the Help Desk Technician Supervisor classification.

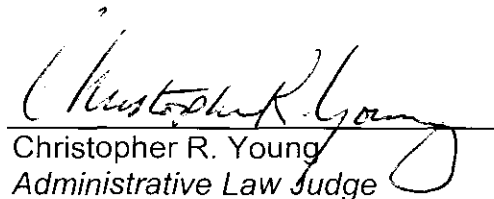
However, in reviewing this instant matter, the undersigned asked a variety of questions outlining and detailing the Information Technology Project Manager's classification specification, as well. It should be noted on the Information Technology Project Manager's classification it does not state whether there is a requirement to provide supervision at all on this classification. When questioned, the witness testified she did not provide and/or facilitate the analysis, design, development, implementation, maintenance and support of a new or revised major information system, as well. However, upon further questioning, the Appellant clarified her testimony by stating that she did support and/or facilitate matters in this concern by providing input, but that she did not gather nor did she create any programs as that was left to private vendors or the systems group employed by the agency. Further, as outlined by the Information Technology Project Manager's classification specification, she testified she did not also develop or monitor consultant contracts such as CGI, where it is a vendor to the agency. Thus, as was revealed by the evidence, by a preponderance thereof, the undersigned rejected the Information Technology Project Manager's position as being the best fit for the Appellant. Additionally, it should be noted when reviewing the classification specification of an Information Technology Project Manager's classification that under the first bullet point under the essential job functions wherein it states "provides and/or facilitate the analysis designed, development, implementation, maintenance and support of a new or revised major information system, the word **facilitate** should be read in its clear English meaning. Under the random house dictionary of the English Language, 2<sup>nd</sup> Edition at page 690, a "facilitator" is defined as "A person responsible for leading or coordinating the work of a group, as one who leads a discussion group." (Further citations omitted). As can be understood by defining the term facilitator as it relates to the term facilitate, which is defined by the same dictionary, "As to make easier or less difficult, that person who does this action needs to lead or coordinate a group effort in order to do this." Again, the

essential job function of a Information Technology Project Manager is one who would coordinate an action such as revising a major information system. While the evidence was clear that the Appellant herein provided much needed information and is a valuable asset to the organization, her level of activity and/or work did not put her up to the level of being a facilitator or coordinator in order to design, develop, implement, maintain and support a major information system. Again, the undersigned, based upon the evidence presented, rejected the Information Technology Project Manager classification specification.

On the other hand, as was previously mentioned, the Help Desk Technician Supervisor classification specification was almost an exact fit outside of the exception that she did provide some over and above duties such as supervising a couple of Senior Data Processors in the Data Processing Unit, and did act as someone that did have input in special projects.

### **RECOMMENDATION**

Therefore, it is my **RECOMMENDATION** that the Appellant was properly classified in the position of Help Desk Supervisor, and that her reclassification appeal should be **DENIED**.

  
Christopher R. Young  
Administrative Law Judge

CRY:dIm