

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

PATRICIA MILLER,

Appellant,

v.

Case No. 05-REC-03-0090

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

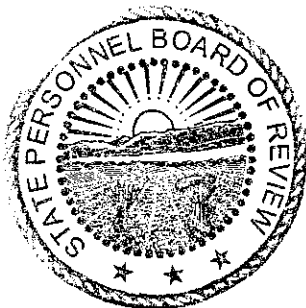
Appellees.

ORDER

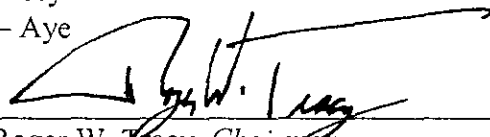
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 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 Appellees' determination that Appellant's position is most properly classified as Social Program Coordinator, classification number 1056311, be **AFFIRMED**, pursuant to O.R.C. §§ 124.03 and 124.14.



Tracy – Aye
Lumpe – Aye
Booth – Aye

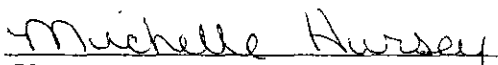


Roger W. Tracy, *Chairman*

CERTIFICATION

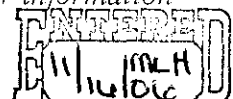
The State of Ohio, State Personnel Board of Review, ss:

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, November 16, 2006.



Michelle Hursey
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**

Patricia Miller,

Case No. 05-REC-03-0090

Appellant

v.

September 18, 2006

Cuyahoga County Board
of Commissioners
and
Cuyahoga County Office of
Human Resources,

Appellee

Jeannette E. Gunn
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause came on due to Appellant's timely appeal of the results of an audit conducted on her position. The audit resulted in a finding that the proper classification for Appellant's position was Social Program Coordinator, classification number 1056311.

A record hearing was held in the instant appeal on December 8, 2005. Appellant was present at the hearing and appeared *pro se*. Appellee Cuyahoga County Employment and Family Services was present at the record hearing through its designee, Mark Welty, Clinical Coordinator; Appellee Cuyahoga County Office of Human Resources was present at the record hearing through its designee, Personnel Manager Albert Bouchahine, and was represented by Assistant County Prosecutor Timothy J. Melena.

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

STATEMENT OF THE CASE

Appellant testified that she is presently employed by Appellee as a Social Program Coordinator in the Department of Justice Affairs, Youth Development

Center (YDC). She noted that she has been employed in that position for approximately five years. Appellant explained that the YDC is a minimum security facility that serves young people who have been placed there as the result of a juvenile court adjudication. She stated that the YDC houses boys and girls aged twelve to eighteen and their average stay is six months.

Appellant indicated that her immediate supervisor is Clinical Coordinator Mark Welty. She testified that she is directly responsible for the day to day supervision of one to five employees classified as Social Service Workers 3; another Social Program Coordinator, Calvin White, also supervises Social Service Workers 3. She explained that each cottage at YDC has a residential staff person and a social service person assigned to it.

Appellant testified that she requested a position audit on or about September 24, 2004. She confirmed that she personally completed the Comprehensive Position Questionnaire provided to her by the Cuyahoga County Office of Human Resources, and that the information she provided was accurate at the time she submitted it. Appellant noted that she stopped serving as chairperson for critical incident hearings in October 2005. She also explained that she is not the official school liaison, but does at times work closely with the school officials to meet the needs of youth.

Appellant noted that the results letter she received from OHR referenced her supervision of Social Counselors; she indicated that she does not supervise Social Counselors and believed the info she provided might have been misread.

Appellant confirmed that approximately twenty percent of her average work time is devoted to supervision of Social Service Workers 3. She indicated that she presently supervises two SSW3s, one for Kennedy Cottage and one for Adams Cottage; Appellant noted that the number of SSW3s she supervises could vary, based on the YDC population and number of staff needed. She stated that she conducts performance evaluations for the SSW3s she supervises, imposes discipline when necessary, and signs off on reports and scheduling.

Appellant testified that she devotes approximately ten percent of her time to cofacilitating therapeutic groups, which consists of reviewing the kids' interactive journals and working with them to change poor behaviors. She noted that Mr. Welty and Mr. White assign the journals, but she also works with the SSW3s to assist

them in determining which journals would benefit the kids and provides them with additional resource information. Appellant observed that she may assist them by identifying youth that need intervention or may mediate a conflict with family members or staff.

Appellant noted that she monitors parent-child conferences, follows up on student grievances and reviews critical incidents. She estimated that she spends approximately fifteen percent of her time dealing with these types of responsibilities.

Appellant indicated that she spends about ten percent of her time discussing disciplinary hearing notices with students. She stated that she talks with them about their role in what happened and explains the charges that have been made.

Appellant explained that a case conference is conducted every thirty days. She noted that staff meet to review the status of students and their progress toward their goals. Appellant indicated that she works with the Release Review Planning Committee and serves as a student advocate to help smooth the transition from YDC to the community. She estimated that fifteen percent of her time is spent performing these duties.

Appellant confirmed that approximately ten percent of her time is devoted to providing crisis intervention for students and staff, as needed. She noted that she mediates disputes between students, transports students to counseling and accompanies students on visits to relatives. Appellant stated that ten percent of her time is spent participating in team meetings, where the staff discusses the progress of individual students and methods to motivate them.

Mark Welty testified that he is employed at the YDC as Clinical Coordinator and explained that he supervises all clinicians and is responsible for all clinical work for the students on campus. He indicated that he completes psychological assessment and testing for students and reviews and signs off on all court order requests. The witness noted that he approves and signs off on vacation and sick leave requests for the employees he supervises. Mr. Welty stated that his immediate supervisor is Assistant Director Carla Brown.

The witness confirmed that he is Appellant's immediate supervisor and is familiar with her day-to-day job duties. Mr. Welty stated that Appellant's testimony accurately summarized her job duties, but noted that he believes she may actually

perform group work for approximately fifteen percent of her average work time. He noted that she also provides administrative briefing memos to him as necessary.

Albert Bouchahine testified that he is presently employed by the Cuyahoga County Board of Commissioners as Personnel Manager within the Office of Human Resources. He stated that, although he did not personally conduct the audit of Appellant's position, he is familiar with the result and rationale employed in reaching that result. The witness noted that the determination made by the consultant conducting the audit was that Appellant's position was correctly classified as Social Program Coordinator.

Mr. Bouchahine explained that the Social Program Administrator 1 classification was not appropriate for Appellant's position because an incumbent in that position is required to manage a "social services program." He stated that a program manager would typically be responsible for developing a program.

FINDINGS OF FACT

Based upon the testimony presented and evidence admitted at record hearing, I make the following findings of fact:

Appellant has been employed by Appellee in a position classified as Social Program Coordinator in the Department of Justice Affairs, Youth Development Center (YDC) for approximately five years. YDC is a minimum security facility serving boys and girls between the ages of twelve and eighteen, who have been placed there as the result of a juvenile court adjudication.

Appellant requested a position audit on or about September 24, 2004. Upon a review of the information submitted by Appellant, Appellee determined that her position was correctly classified as Social Program Coordinator and no change in classification was recommended. Appellant timely filed an appeal of the results of her audit to this Board.

Appellant's immediate supervisor is Clinical Coordinator Mark Welty. Depending on the number of staff employed at YDC, Appellant directly supervises one to five employees classified as Social Service Workers 3; another Social Program Coordinator, Calvin White, also supervises Social Service Workers 3. As

of the date of record hearing and at the time of her audit, Appellant supervised two SSW3s. Approximately twenty percent of her average work time is devoted to supervision of SSW3s.

Approximately ten percent of Appellant's time is spent in cofacilitating therapeutic groups, which consists of reviewing the kids' interactive journals and working with them to change poor behaviors. Mr. Welty and Mr. White are responsible for assigning the journals, but Appellant works with the SSW3s to assist them in determining which journals would benefit the kids and provides them with additional resource information. Appellant also assists SSW3s by identifying youth that need intervention or mediating conflicts with family members or staff.

Appellant devotes approximately fifteen percent to her time to monitoring parent-child conferences, following up on student grievances and reviewing critical incidents. About ten percent of Appellant's work time is spent discussing disciplinary hearing notices with students, talking with them about their role in what happened and explaining the charges that have been made.

Appellant participates in case conferences with staff to review the status of students and their progress toward their goals. She works with the Release Review Planning Committee and serves as a student advocate to help smooth the transition from YDC to the community. Approximately fifteen percent of Appellant's working time is spent performing these duties.

Approximately ten percent of Appellant's work time is devoted to providing crisis intervention for students and staff, as needed. She mediates disputes between students, transports students to counseling and accompanies students on visits to relatives. Ten percent of Appellant's time is spent participating in team meetings, where the staff discusses the progress of individual students and methods to motivate them.

Appellant provides administrative briefing memos to Mr. Welty as necessary and maintains informational records related to her responsibilities. As of October 2005, Appellant no longer serves as chairperson for critical incident hearings. Appellant works closely with school officials at times, in order to meet the needs of youth, but is not the official school liaison.

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*. Appellee's Rule 4, however notes that the employee must perform the mandatory duties stated in the classification function for at least twenty percent of his or her work time.

* * * * *

The classification specifications considered by this Board were: Social Program Coordinator, classification number 1056311; and Social Program Administrator 1, classification number 1056312.

The classification function section of the Social Program Administrator 1 classification specification provides that an incumbent is required to:

... manage a social service program with a budget of \$1 million or less and to supervise lower level social service employees.

As previously noted, an employee in this classification is required to perform these job duties for at least twenty percent of his or her working time.

The essential job functions section of the classification specification explains that management of a social service program entails the performance of tasks such as monitoring compliance with federal and state regulations, monitoring grant compliance, managing a budget and expenditures, developing program resources, designing and preparing descriptive written materials, and attending meetings and delivering speeches regarding the program. The job duties outlined by Appellant at record hearing and reflected in her written description of duties does not reflect that she performs duties of this nature. Appellant's responsibilities are focused primarily on facilitating the delivery of services and supervising lower level social service employees. While Appellant meets the requirement of the classification function section with regard to supervision, she does not meet the requirement of managing a social service program, therefore, her position may not be properly classified as Social Program Administrator 1.

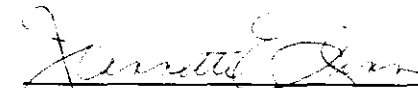
The classification function section of the Social Program Coordinator classification specification provides that an incumbent is required to:

... coordinate social program/unit and provide related services to meet client needs and supervise lower level social counselors.

The essential job functions section of the classification specification explains that coordination of a social program unit and related services associated with meeting client needs includes duties such as devising discharge programs for residents, completing functional and annual assessments of residents, overseeing staff in the provision of resident activities and assisting with scheduling of activities; and developing behavior intervention and charts for residents. As noted above, the job duties outlined by Appellant reflect that her duties are primarily related to the delivery of client services and supervision of lower level social service employees. Appellant noted at record hearing that the employees she supervises are classified

as Social Service Workers 3, rather than Social Counselors. The classification of Appellant's subordinates, however, does not preclude her position from being placed in the Social Program Coordinator classification. The classification function describes the minimum requirements to be met by an incumbent, and I find that the classification specification for Social Program Coordinator accurately describes the job duties performed by Appellant.

Therefore, pursuant to a full and complete review of the job duties performed by Appellant, the relevant classification specifications, and the above analysis, I respectfully **RECOMMEND** that Appellee's audit determination be **AFFIRMED** and that Appellant's position be retained in the classification of Social Program Coordinator, classification number 1056311.



Jeannette E. Gunn
Administrative Law Judge

JEG: