

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

JAQUETTA CURLEE,

*Appellant,*

v.

Case No. 06-REC-01-0013

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

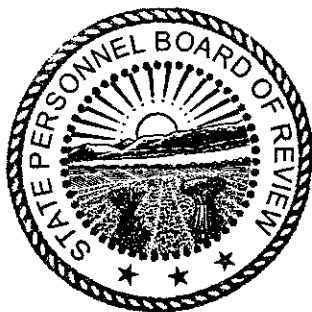
*Appellees.*

**ORDER**

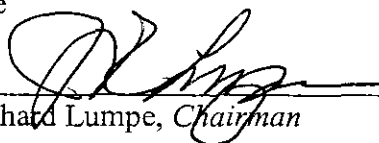
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 Appellant's position be **RECLASSIFIED** as Secretary, classification number 1011431, effective the first date of the first pay period following the submission of Appellant's request for a position audit. As a result of such reclassification, Appellant shall receive all back pay and benefits to which she may be entitled.



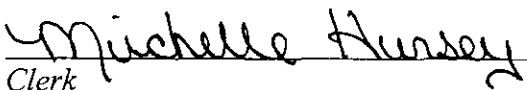
Lumpe – Aye  
Booth – Aye  
Tracy – Aye

  
\_\_\_\_\_  
J. Richard Lumpe, *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, April 5, 2007.

  
\_\_\_\_\_  
Michelle Hursey  
*Clerk*

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

4/5/07 MLH

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

Jaquetta Curlee,

Case No. 06-REC-01-0013

*Appellant*

v.

March 1, 2007

Cuyahoga County Board of Commissioners

and

Cuyahoga County Office of Human Resources,

Jeannette E. Gunn

*Appellee*

*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 ultimately resulted in a finding that the proper classification for Appellant's position was Clerk, classification number 1011111.

A record hearing was held in the instant appeal on July 13, 2006. Appellant was present at the hearing and appeared *pro se*. Appellee Cuyahoga County Board of Commissioners was present at record hearing through its designee, Personnel Administrator Albert Bouchahine, and was represented by Assistant County Prosecutor James Cochran.

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 in the Department of Justice Affairs, Treatment Alternative to Street Crime (TASC) Unit, and holds a position that is classified as Clerk. She recalled that she filed a request

for a position audit in July 2005, and was notified in January 2006, that the audit had determined her position was properly classified as Clerk.

Appellant explained that the TASC Unit is comprised of her position, two assessors, one supervisor and five case managers. She stated that the Unit conducts drug and alcohol assessments for clients referred through the county court system. Appellant indicated that she is primarily responsible for assisting the Second Chance Research Supervisor and maintaining the daily flow of office operations. She testified that her supervisor at the time of the audit was Mya Jenkins, but that Clinical Coordinator Brian Nowak became her supervisor in November 2005. Appellant noted that Mr. Nowak is supervised by Christine Rollins, the TASC Manager.

Appellant confirmed that she completed a position questionnaire as part of the audit process and identified the document. She indicated that the information contained in that questionnaire regarding her job duties and the percentages of time she performed those duties was substantially accurate, both at the time she completed the questionnaire and the time of this record hearing. Appellant noted that her responsibilities changed slightly in July 2006, when she was assigned to work the front desk window. She also noted that she is no longer responsible for conducting research interviews.

Appellant estimated that approximately ten percent of her work time was devoted to gathering information for a research project involving first-time offenders. She recalled that one portion of the project has since ended, but explained that she was responsible for obtaining client information, and then entering the data into the computer, tracking and organizing it as required. Appellant noted that she could provide information to respond to inquiries about the data, in her supervisor's absence. She acknowledged that she was not responsible for interpreting or evaluating the data collected, other than giving her opinion as to client demeanor.

Appellant estimated that fifteen percent of her work time involved dealing with referrals from courts and probation officers. She explained that she scheduled and monitored client appointments, created spreadsheets for managers showing numbers assessed, diagnosis, etc. and sent out discharge reports based on information received from her supervisor. Appellant indicated that she also ran routine weekly reports as requested.

Appellant estimated that she spent approximately nine percent of her time interacting with the courts, probation officers and referral sources who call the office to get data on clients in order to track client compliance with court-ordered participation in TASC activities, or to obtain information on diagnoses and referral availability.

Appellant indicated that she performed a variety of routine administrative support duties, such as copying documents, maintaining a filing system, preparing client case files, distributing interoffice documents and payroll, and preparing and sending correspondence. She noted that once she moved to the front desk window, her receptionist-type duties shifted to consume approximately twenty percent of her working time.

Appellant testified that although she does not make office policy or procedures, she has the ability to make suggestions regarding the office processes that she deals with. She noted that she might occasionally recommend that a particular client be transferred to another case worker.

Mya Jenkins testified that she has been employed by Appellee in the TASC Unit for approximately five years and has held the position of Clinical Coordinator for about three years. She confirmed that she was Appellant's immediate supervisor at the time she requested her position audit and was familiar with her day-to-day job duties.

The witness clarified that most of Appellant's responsibilities with regard to the research project were data collection and tracking. She noted that Appellant did not evaluate or analyze the data that was gathered. Ms. Jenkins testified that the primary purpose of Appellant's position was to gather information on referrals, entering the information and tracking those clients as far as scheduling appointments, sending out appropriate correspondence to the courts and clients, and following up with any missed or rescheduled appointments.

Albert Bouchahine testified that he is employed by Appellee in the Office of Human Resources as Personnel Manager and has held that position for approximately one and one-half years. He confirmed that he conducted Appellant's position audit and stated that it was his determination that the classification most appropriate for Appellant's position was Clerk.

Mr. Bouchahine reviewed a position description posting provided by Appellant for an Administrative Assistant 1 position, but stated that it was not one of the materials he considered in conducting his review. He noted that the posting Appellant had provided was for a position in the same overall TASC Unit, but was assigned to a different division within the Unit, and did not reference the position held by Appellant.

The witness observed that the majority of Appellant's duties are routine in nature. Mr. Bouchahine stated that although some of those job duties might also be required of an Administrative Assistant, the Administrative Assistant classification would also require an incumbent to perform non-routine or technical duties.

#### **FINDINGS OF FACT**

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

Appellant is employed by Appellee in the Department of Justice Affairs, Treatment Alternative to Street Crime (TASC) Unit, and holds a position that is classified as Clerk. She filed a request for a position audit in July 2005, and in January 2006 received notice that the audit had resulted in a determination that her position was properly classified. Appellant timely filed an appeal with this Board.

At the time of the audit, Appellant's immediate supervisor was Mya Jenkins; Brian Nowak became Appellant's immediate supervisor in November 2005. The primary purpose of Appellant's position is to assist the Second Chance Research Supervisor by gathering and entering client information, tracking clients by scheduling appointments and maintaining the daily flow of office operations.

Appellant completed a position questionnaire as part of the audit process. That questionnaire contained accurate information regarding her job duties and the percentages of time she performed those duties. Since she completed the questionnaire, Appellant's job responsibilities have changed slightly. Appellant is no longer responsible for conducting research interviews and in July 2006 was assigned to staff the front desk window.

At the time of the audit, approximately ten percent of Appellant's work time was devoted to gathering information for a research project involving first-time offenders, entering the data into the computer, tracking and organizing it as required. Appellant did not analyze or evaluate the data collected.

Approximately fifteen percent of Appellant's work time was spent scheduling and monitoring client appointments, creating spreadsheets for managers showing numbers assessed, diagnosis, etc. and sending out discharge reports based on information received from her supervisor. Appellant also ran routine reports as requested.

Appellant devoted approximately nine percent of her time to interacting with the courts, probation officers and referral sources who call the office to get data on clients in order to track client compliance with court-ordered participation in TASC activities, or to obtain information on diagnoses and referral availability.

Appellant performed a variety of routine administrative support duties, such as copying documents, maintaining a filing system, preparing client case files, distributing interoffice documents and payroll, and preparing and sending correspondence. Approximately twenty percent of her work time was devoted to this type of work after she moved to the front desk window in July 2006.

Appellant does not make office policy or procedures, but does have the ability to make suggestions regarding the office processes that she deals with.

### **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 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). Appellant referenced a job posting at record hearing for another position within a different division of TASC. Such information is not relevant to the matter before the Board, as evidence of disparity in the classification of co-workers is not admissible. O.A.C. 124-7-03(E).

County personnel departments may either devise and utilize their own classification plan, upon proper compliance with the requirements of the Ohio Revised Code and Administrative Code, or may utilize the classification plan established by the Department of Administrative Services for county use. Appellee has promulgated its own county classification plan, therefore, the classification specifications considered in this appeal are those promulgated by Appellee. Appellee's Rule 4, contained within its classification plan, notes that an employee must perform the mandatory duties stated in the classification function section of the classification specification for at least twenty percent of his or her work time.

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 Administrative Assistant 1, classification number 1052111; Secretary, classification number 1011431; and Clerk, classification number 1011111.

The classification function for the Administrative Assistant 1 classification states that the purpose of the classification is to:

. . . assist higher level administrator by researching and analyzing information to support division's program direction.

The essential job functions section of the classification indicates that the normal duties assigned to this classification require an incumbent to research and analyze information regarding a division's existing programs and to make recommendations for operations, policies and procedures.

The classification function for the Secretary classification states that the purpose of the classification is to:

. . . provide secretarial support by relieving supervisor of routine administrative tasks.

The essential job functions section of the classification indicates that the normal duties assigned to this classification require an incumbent to relieve his or her supervisor of routine administrative tasks, such as handling routine problems or details, responding to correspondence and requests for information, gathering information and preparing reports, scheduling meetings and appointments, and answering and screen telephone calls.

The classification function for the Clerk classification, Appellant's present classification, states that the purpose of the classification is to:

. . . provide routine clerical assistance to County departments.

The essential job functions section of the classification indicates that the normal duties assigned to this classification require an incumbent to prepare routine documents using typewriter or word processing equipment; prepare copies of documents using standard copier equipment; maintain filing system; maintain supply storage for office; answer telephone and direct visitors; and send and receive facsimiles.

\* \* \* \* \*

Testimony at record hearing established that although Appellant was involved in gathering, entering and organizing client information for the Unit's research

program, she did not research or analyze that information in order to support the division's program direction. Accordingly, Appellant's position may not be properly placed in the Administrative Assistant 1 classification, as she does not perform the mandatory duties set forth in the classification function for twenty percent of her average working time.

The purpose of positions in the Secretary classification is to provide secretarial support by relieving a supervisor of routine administrative tasks. Two of the specific examples of routine administrative tasks listed appear to be pertinent in the instant matter: responding to requests for information and gathering information and statistics and preparing reports. The classification specification for Secretary makes a distinction in the essential job functions section between responding to requests for information, which it designates as a routine administrative task, and responding to routine telephone inquiries, which it designates as a clerical task.

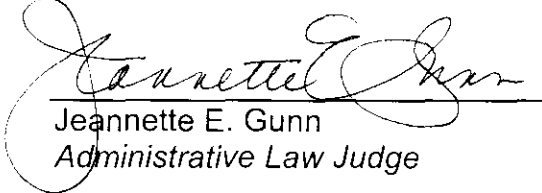
Appellant testified that she devoted approximately nine percent of her time to interacting with the courts, probation officers and referral sources who call the office to get data on clients in order to track client compliance with court-ordered participation in TASC activities, or to obtain information on diagnoses and referral availability for clients. I find that the nature of the information provided by Appellant is sufficient to make this job function an administrative task. Appellant also testified that she spent approximately ten percent of her time gathering, entering, organizing and tracking client information, and preparing routine reports utilizing that data. I find that these duties are sufficient to constitute a routine administrative task. Recognizing the difficulty of estimating the percentage of time that specific job duties are performed and considering Appellant's testimony regarding her job duties as a whole, I find that Appellant performs the above-referenced job duties for a sufficient amount of time to satisfy the mandatory duties set forth in the classification function of the Secretary classification. Therefore, it would not be error to place her position in this classification.

Appellant's position is presently classified as Clerk, and she undisputedly performs the job duties associated with that classification. Pertinent case law provides that where job classifications and duties overlap and the employee does not fit neatly into one category, but arguably fits into two or more categories, the employee should be placed in the job classification that most nearly matches his actual job duties. *Smathers v. Barklage*, (Feb. 14, 1978), Franklin App. No. 77AP-669, unreported. Given such a situation, where the employee could be classified in

Jaquetta Curlee  
Case No. 06-REC-01-0013  
Page 9

more than one classification, he should be placed in the higher of the classifications. *Nibert v. Ohio Dept. of Admin. Services*, (Jan. 17, 1992), Franklin Co., No. 91CVF-07-05825, unreported.

Therefore, based upon the above analysis of job duties and the pertinent classification specifications, I respectfully RECOMMEND that Appellee's determination that Appellant's position be retained in the Clerk classification, classification number 1011111, be **DISAFFIRMED** and that Appellant's position be **RECLASSIFIED** as Secretary, classification number 1011431, effective the first date of the first pay period following the submission of Appellant's request for a position audit. As a result of such reclassification, Appellant shall receive all back pay and benefits to which she may be entitled.

  
Jeannette E. Gunn  
Administrative Law Judge

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