



State Personnel Board of Review

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September 21, 2007

Re: *v. Bowling Green Statue University*
Case No.

A copy of the hearing officer's Report and Recommendation in the above-captioned appeals is enclosed.

Any interested party may file written objections to this Report and Recommendation. Objections will be considered by the Board, along with this Report and Recommendation, in reaching a final determination in this case. *Written objections must be received by the Board within ten (10) calendar days after your receipt of the Report and Recommendation. If you wish to respond to an opposing party's objections, the reply must be filed with the Board within ten (10) calendar days of the date the opposing party's objections are filed with the Board. Objections will not be considered by the Board unless they are served on the opposing party.*

Enclosure

cc: Bowling Green State University

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

Case No.

Appellant

v.

September 21, 2007

Bowling Green State University,

Appellee

Elaine K. Stevenson
Hearing Officer

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause comes on due to Appellant's timely filing of an appeal of the results of the job audit conducted on her position. A record hearing in this matter was held on August 9, 2007. Appellant was present at the record hearing and appeared *pro se*. Appellee Bowling Green State University was present through its designees, Marsha Serio, Manager of Employment and Employee Relations, and Leslie Fern, Employment/Employee Relations Specialist.

The jurisdiction of the State Personnel Board of Review over the subject matter of this proceeding was established pursuant to sections 124.03 and 124.14 of the Ohio Revised Code.

FINDINGS OF FACT

Appellant is employed by Appellee and she is assigned to the _____ /
immediate supervisor is _____ . Appellant's
_____ holds the position of _____

At the time Appellant filed her job audit request, her position was classified as Office Manager 1. Appellee conducted a job audit of Appellant's position and determined that this position is most properly classified as Administrative Secretary 1. At record hearing, Appellant stated that she does not know which classification is the most appropriate classification for her position. Appellant confirmed that her job duties have remained the same from the date she filed her request for a job audit, to the present.

At record hearing, Appellant testified that Job Analysis Questionnaire (Appellee's Exhibit 2), which she completed for the audit of her position, represents a complete and accurate description of her job duties.

Appellant supervises one full-time position classified as Secretary 1 and one part-time position classified as Secretary 1. Appellant's Job Analysis Questionnaire indicates that Appellant sets work objectives, assigns work, trains employees, and handles personal personnel problems. Appellant also assists with preparing and conducting annual performance evaluations. Appellant organizes and conducts staff meetings and she created a procedure manual for the office staff. Appellant also assists in interviewing and hiring office staff.

Appellant testified that she spends approximately twenty-five percent of her work time managing the day-to-day office functions in the

. Appellant explained that the is the first contact for students who have academic issues. Appellant stated that the office staff schedules student appointments with academic advisors, and she noted that there are currently twenty-five academic advisors at Appellant stated that she also performs office duties, including screening and directing telephone calls and greeting visitors, opening and distributing mail, scheduling appointments, making copies, and filing documents. Appellant's job duties include maintaining and updating student academic records and providing information regarding student academic records, policies, and procedures.

Appellant testified that she assumes administrative functions when her supervisor is otherwise occupied, or in her supervisor's absence. When questioned regarding the extent of her authority, Appellant stated that she does not assume the full administrative responsibility and authority of her supervisor.

Appellant testified that she spends approximately five percent of her work time providing student academic statistics and preparing reports for faculty members, program directors, and for staff members in other departments. Appellant stated that she spends approximately ten percent of her work time planning and organizing events for special programs, including New and Transfer Student Orientation, Transition to Main Campus, and Graduation and Commencement. Appellant indicated that her duties regarding those programs include reserving rooms, ordering food and refreshments, requesting technical set-ups, inviting guests, and contacting speakers.

Appellant testified that she spends approximately ten percent of her work time preparing student academic files and correspondence for the three graduations that take place each academic year. Appellant testified that she spends approximately three to five

percent of her work time providing information to the _____, information such as deans lists. Appellant indicated that she prepares mailing labels and standard correspondence for _____, and she enters relevant information in student academic records.

_____ holds the position of _____. At record hearing, _____ confirmed that she is Appellant's immediate supervisor, and she indicated that Appellant's testimony regarding her job duties accurately described these duties. _____ noted that Appellant is her right hand and she indicated that she has complete confidence in Appellant's abilities.

At record hearing, Leslie Fern testified that she is employed by Appellee as an Employee Relations Specialist. Ms. Fern performed the job audit on Appellant's position and she indicated that Appellee's Exhibit 9 describes her rationale regarding the appropriate classification for Appellant's position. Ms. Fern stated that she analyzed Appellant's job duties and the relevant classification specifications and determined that Appellant's job duties were best described by the rank one illustrative job duties of the Administrative Secretary 1 classification specification.

CONCLUSIONS OF LAW

Pursuant to O.R.C. § 124.03(A), this Board is empowered to hear appeals of employees in the classified state service from final decisions of appointing authorities or the director of administrative services or anybody authorized to perform the director's functions, relative to, *inter alia*, refusal to reclassify an employee's position, with or without a job audit under O.R.C. § 124.14(D). O.R.C. § 124.14(D)(2) provides that the Board is to consider anew classification appeals and may order reclassification of an employee's position to such appropriate classification as the facts and evidence warrant. The Board's decision must be consistent with the applicable classification specifications. Therefore, the primary criteria for this Board to consider when performing its statutory duty with respect to reviewing job classification decisions are the classification specifications, including the function statement, job duties outlined, and the percentages of time devoted to each job duty.

Case law has established that employees seeking reclassification to a higher classification must demonstrate that they meet the function statement *and* perform substantially all of the first rank duties of the higher classification. See: *Harris v. Depart. of Admin. Services, No. 80AP-248, slip op. (Ohio Ct. App. 10th Dist. September 25, 1980)*; *Klug v. Depart. of Admin. Services (May 19, 1988), slip op. (Ohio Ct. App. 10th District., May 1988)*.

* * *

At the time Appellant filed her request for a job audit Appellant's position was classified as Office Manager 1. Appellee conducted a job audit of Appellant's position and determined that Appellant's position should be reclassified as Administrative Secretary 1. At record hearing, Appellant stated that she did not have an opinion regarding the proper classification for her position. Based on the testimony and documentary evidence presented, the following classifications were considered: Office Manager 1, classification number 16821C; Administrative Assistant 1 and 2, classification numbers 63121C and 63122C, and Administrative Secretary 1 and 2, classification numbers 16831C and 16832C.

The function statement for the Office Manager 1 classification provides that this is a position which works under general supervision from an administrator, providing direct supervision to six to fifteen office personnel performing clerical functions and developing and implementing routine procedures for clerical function of work unit of office (i.e., assumes responsibility for total clerical function and work flow of assigned office.)

As noted above, the Office Manager 1 classification requires incumbents to directly supervise six to fifteen office personnel performing clerical functions. Because the testimony and evidence established that Appellant only supervises two clerical employees, the Office Manager 1 classification is not appropriate for Appellant's position.

The function statement for the Administrative Assistant 1 classification provides that this is a position which works under general supervision from an administrator, assisting in program direction by relieving a supervisor of routine administrative duties. A note within the function statement for this classification specification directs that to determine whether a position is assigned duties of a routine nature, compare the duties assigned to the position in question with the duties assigned to the immediate supervisor's position, and identify duties that have been delegated to a subordinate and the scope and impact of those duties on the overall program activities of a unit, section, division, or bureau. The first rank illustrative duties reflect that the incumbent is to spend twenty-seven to forty-seven percent of his or her work time researching and analyzing materials, information, and programs, and providing technical assistance.

The function statement for the Administrative Assistant 2 classification provides that this is a position which works under general supervision from an administrator, assisting in program direction by relieving superior of non-routine administrative duties. A note within the function statement for this classification specification directs that to determine whether a position is assigned duties of a non-routine nature, compare the duties assigned to the position in question with the duties assigned to the immediate supervisor's position, and

identify duties that have been delegated to a subordinate and the scope and impact of those duties on the overall program activities of a unit, section, division, or bureau. The first rank illustrative duties reflect that the incumbent is to spend twenty-four to forty-four percent of his or her work time researching and analyzing programs, procedures, and polices, and developing project proposals and program plans.

Accordingly, the Administrative Assistant 1 and 2 classification specifications refer to duties of an administrative nature which are the responsibility of the supervisor of the Administrative Assistant position. The primary function and responsibilities of the Administrative Assistant 1 and 2 classifications concern research and analysis of programs, development of project proposals and program plans, assumption of responsibility and authority in an administrator's absence, and comprehensive management of budget functions of the office, including preparing and administering budgets and supervising maintenance of fiscal controls. These duties are performed to provide program direction by relieving supervisor of such duties.

There is no evidence establishing that Appellant's direct supervisor has delegated to her the tasks that would otherwise fall to her in the area of researching and analyzing multiple programs, developing project proposals and program plans. Although Appellant does act for her immediate supervisor by handling routine day-to-day administrative functions when her supervisor is otherwise occupied or in her supervisor's absence, I find that the testimony and evidence do not support a conclusion that Appellant assumes full administrative responsibility and authority in her supervisor's absence or that Appellant manages office business functions as contemplated by the Administrative Assistant classification series. It is noted that Appellant performs certain job duties listed in the Administrative Assistant class series, such as providing information, transmitting decisions to staff, and acting for administrator regarding certain administrative matters; however, I find that the evidence failed to establish that Appellant is responsible for comprehensive research and analysis of programs and the development of project proposals and program plans, as described by the Administrative Assistant classification specifications.

Therefore, because Appellant's responsibilities do not fulfill the function statement of the Administrative Assistant 1 classification or the function statement of the Administrative Assistant 2 classification and because Appellant does not perform substantially all of the first rank illustrative duties set forth in these classification specifications, Appellant's position should not be placed in either the Administrative Assistant 1 classification or Administrative Assistant 2 classification.

The function statement for the Administrative Secretary 1 classification specification describes a position with limited discretion, operating under general supervision from legal section, a division or bureau chief, or agency appointing authority, relieving supervisor of routine administrative tasks and assuming responsibility for administrative functions in

supervisor's absence, preparing typed copy and proofing copy. The first rank illustrative job duties include relieving supervisor of routine administrative tasks such as preparing responses to inquiries, coordinating work schedules, preparing budget narratives, representing supervisor at meetings or conferences, providing information, preparing reports, and aiding in program implementation.

The function statement for the Administrative Secretary 2 classification describes a position with a significant level of discretion, operating under general supervision from an assistant or deputy director, director, board/commission member, or legal division director, relieving the administrator of non-routine administrative tasks, assuming administrative responsibility and authority in the administrator's absence, preparing typed copy and proofing copy. The first rank illustrative duties indicate that an incumbent is to spend sixty-eight to seventy-eight percent of his or her work time relieving administrator of non-routine administrative duties such as assisting in the management and supervision of existing programs, coordinating department activities, participating in program development, making written and oral presentations, serving as liaison with news media, other governmental agencies and officials, and the general public, supervising fiscal expenditures, and participating in the formulations of policies and program development.

The evidence in this case describes a position from which Appellant currently works under the general supervision of

Appellant directly supervises two secretary positions and her primary function is to relieve her supervisor of routine administrative tasks by overseeing day-to-day administrative functions of the office. Appellant's primary job duties include responding to requests for information regarding student academic records; assuming responsibility for administrative functions when her supervisor is otherwise occupied and in her supervisor's absence; updating and maintaining student academic records; coordinating schedules for academic advising manager and staff academic advisers; distributing materials; assisting with the graduation process; and aiding in the implementation of programs related to new and transfer students, graduation, and transition to the main campus. Appellant also is responsible for preparing reports and correspondence; acting as liaison between academic advising manager and staff and other college offices; representing supervisor at meetings; consulting with supervisor on annual budget; making oral presentations; and screening and directing telephone calls.

After careful consideration of the scope and nature of the job duties assigned to Appellant's position and the relevant classification specifications, I find that Appellant's job duties are accurately described within the function statement and the illustrative duties of the Administrative Secretary 1 classification specification. Specifically, Appellant spends the majority of her work time providing administrative support by relieving her supervisor of routine administrative tasks, including providing information regarding student academic


records, preparing correspondence and responses to inquiries, supervising the work of clerical office staff, coordinating appointment schedules, aiding in the implementation of programs, and organizing meetings. Although the Administrative Secretary 1 classification specification does not specifically mention supervisory duties, I find that the evidence established that the function of Appellant's position is accurately described by this classification specification in that Appellant's primary function is to relieve her supervisor of routine administrative tasks and assume responsibility for administrative functions during her supervisor's absence, or when her supervisor is otherwise occupied.

The last classification considered was that of Administrative Secretary 2. As stated previously, the Administrative Secretary 2 classification specification describes a position that is focused on providing administrative assistance directly related to the management and supervision of programs and the development of programs. An incumbent in this classification provides administrative assistance through broad liaison activities and through oral and written presentations. Typically, an incumbent supervises fiscal activities and the activities of a department, and assumes full administrative responsibility and authority in an administrator's absence. The evidence presented in this case established that Appellant's responsibilities are not focused on program management or the development of programs; rather, Appellant's responsibilities are focused on performing administrative tasks that aid in the implementation of programs, routine tasks such as scheduling appointments with academic advisors, maintaining student academic records, and responding to requests for information regarding these records. Additionally, as noted previously, although Appellant supervises clerical staff and assumes responsibility for day-to-day administrative functions when her supervisor is otherwise occupied or in her supervisor's absence, the testimony and documentary evidence established that Appellant does not assume full administrative responsibility and authority. With respect to Appellant's liaison activities, I note that these activities are limited in scope in that Appellant does not act as a liaison with the news media, with other governmental agencies and officials, and with the general public, as described by the Administrative Secretary 2 classification specification. With respect to budgetary responsibilities, the evidence indicates that Appellant consults with her supervisor regarding the annual budget; however, the evidence does not support a conclusion that Appellant is responsible for the supervision of fiscal expenditures, as contemplated by the Administrative Secretary 2 classification specification. With respect to Appellant's development of an office procedure manual and various forms, I find that these activities do not rise to the level of policy formulation and program development, as contemplated by the Administrative Secretary 2 classification. Lastly, I note that although Appellant does make oral presentations, there is no evidence that Appellant has been assigned the task of making oral or written presentations on a level and at a frequency contemplated by the Administrative Secretary 2 classification specification.

Based on the foregoing analysis, I find that Appellant does not meet the function statement of the Administrative Secretary 2 classification, nor does Appellant substantially perform the first rank duties described in this classification specification. With regard to the job duties assigned to Appellant that may be considered to fall within the Administrative Secretary 2 classification, such as reviewing clerical procedures and recommending changes, handling personal personnel problems, and communicating decisions to staff, I find that these duties are insufficient to meet the requirements of the Administrative Secretary 2 classification's function statement.

To summarize, Appellant's position is assigned primarily routine administrative duties and secretarial duties that are most accurately described within the function statement and the illustrative duties of the Administrative Secretary 1 classification specification. Appellant spends the majority of her work time providing administrative support by relieving her supervisor of routine administrative tasks, including providing information, preparing correspondence and responses to inquiries, coordinating various work schedules, providing information and reports to aid in decision making, aiding in the implementation of programs, organizing meetings, and participating in meetings.

Therefore, because the scope and nature of the job duties assigned to Appellant are most accurately described within the function statement and illustrative job duties set forth in the Administrative Secretary 1 classification specification, I respectfully **RECOMMEND** that Appellee's reclassification of Appellant's position to the Administrative Secretary 1 classification be **AFFIRMED** and that Appellant's position be **RECLASSIFIED** as Administrative Secretary 1, classification number 16831C, pursuant to O.R.C. §§ 124.03 and 124.14.


Elaine K. Stevenson
Hearing Officer

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