

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

Deborah Hood
Carmen Hannah

Case Nos. 09-REC-05-0240
09-REC-05-0261

Appellants,

v.

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 appeals.

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 the determination of Appellee, Cuyahoga County Office of Human Resource's that both Appellants were **PROPERLY CLASSIFIED** as Information Processing Supervisors, classification number 10112214, during the relevant time period in question, be **AFFIRMED**.



Lumpe - Aye
Sfalcin - Aye
Tillery - Aye

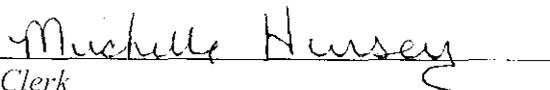


J. Richard Lumpe, *Chairman*

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 this document and any attachment thereto constitute (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, March 17, 2010.



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**

Deborah Hood,
Carmen Hannah
Appellant

Case No. 09-REC-05-0240
Case No. 09-REC-05-0261

v.

January 13, 2010

Cuyahoga Co., Board of Commissioners and
Cuyahoga Co. 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 January 6, 2010, at 10:30 a.m. Present at the hearing were the Appellants, Deborah Hood and Carmen Hannah, appearing *pro se* and the Appellees the Cuyahoga County Board of Commissioners and the Cuyahoga County Office of Human Resources were present through its designee, Albert Bouchahine, Personnel Manager and represented by Appellee's counsel Reno J. Oradini, Jr. The Appellants' indirect supervisor, Mr. Anthony R. Sharaba, the Deputy Director for Client Services of the Cuyahoga Support Enforcement Agency, was present at the hearing, as well.

On or about December 10, 2008, the Appellant, Deborah Hood filled out a Comprehensive Position Questionnaire of her position as an Information Processing Supervisor, classification specification number 10112214. On or about February 1, 2009, the Appellant, Carmen Hannah filled out a Comprehensive Position Questionnaire of her position as an Information Processing Supervisor, classification specification number 10112214. Subsequently, on or about April 10, 2009, and April 22, 2009, both of the Appellants received the results of the audit request which notified them that their proper classification for their positions was that of an Information Processing Supervisor, classification specification number 10112214. After receiving the Cuyahoga County Office of Human Resource's decision, the Appellants timely filed their appeals to this Board on or about May 1, 2009 and May 18, 2009, respectively. It should be noted that the aforementioned was stipulated to, as well as, the subject matter jurisdiction of this Board was established.

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Before proceeding onto the record hearing, Appellant Hood stated that although she is presently classified as an Information Processing Supervisor, she is seeking to be reclassified to the position of Senior Case Control Supervisor, classification specification number 1014414, or the Case Control Supervisor, classification specification number 1014413.

Further, before proceeding onto the record hearing, Appellant Hannah stated that although she is presently classified as an Information Processing Supervisor, she is seeking to be reclassified to the position of Legal Services Assistant Supervisor, a classification that does not exist in Cuyahoga County's Class Plan or to the position of Principal Support Officer Supervisor, classification specification number 1056613.

STATEMENT OF THE CASE

The first witness to testify was Ms. Deborah Hood, who is presently classified as an Information Processing Supervisor and has been so since 1987. As stated earlier, Ms. Hood stated that she is seeking to be reclassified into the position of Senior Case Control Supervisor or Case Control Supervisor. The witness testified that she works out of the Virgil E. Brown building which houses the Child Support Enforcement Agency. Further, the witness explained that she works within the Establishment Division and that her immediate supervisor is Michael Falatach and that Anthony Sharaba, the Deputy Director for Client Services is Mr. Falatach's supervisor. The witness also explained that Mr. Falatach's direct reports included Principal Support Officer Supervisors, Support Officer Supervisors and Information Processing Supervisors that included herself. Moreover, the witness explained that the mission of their department was to establish paternity and support orders. Specifically, the witness testified that the section in which she worked was known as the interface department where they work to link the CRIS-e system to the SETS system, and to correct any errors and update information and that they don't see clients, but only review cases online.

The witness testified she is a full-time employee working Monday through Friday, from 8:00 a.m. to 4:00 p.m., and that she supervises 6 Support Specialist

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2s, who were previously known as Information Processor 1s, that were recently upgraded through their collective bargaining agreement and that they process approximate 200 cases per day. Moreover, the witness testified that she does provide supervision of these employees as she does complete performance evaluations, approves their leave time, effectively recommend discipline, if needed, and that she does provide training. When asked what her most important job function, the witness testified that it is to allocate the federal, state and county monies correctly and efficiently.

The Appellant then identified Appellant's Exhibit A, the first tabbed section and/or the comprehensive position questionnaire and identified this was in fact what she filled out when she requested to do so by the county. When turning to page four of said questionnaire, the Appellant testified that her position purpose was to manage, organize, coordinate and direct and monitor the day to day operation of a unit of 10 workers to create the link between IV-A (EFS) or foster care and IV-D (CSEA) or support systems in order that monies are allocated to the proper payee correctly and in a timely manner. Additional responsibilities include service coordination, program development and implementation of communications, as well as a linkage and a liaison between state and county helpdesk and other county agencies and co-workers. Function as technical support to CSEA users.

When reviewing the essential position tasks which she filled out, the witness agreed that she did the tasks back in December 2008, as well as through today at the record hearing, the same type of tasks with the same amount of percentages listed on her questionnaire. The witness then went on the state that her essential functions included, but were not limited to;

- Providing direct supervision to a unit of workers.
- Determining the accuracy of each application from CRIS-E to SETS.
- Ensuring compliance with federal, state and county regulations.
- Preparing documentation and instructing CRIS-E CURE department to build, update and correct information.

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- Assisting managers, staff, EFS and other County agencies with resolving SETS helpdesk issues and other technical support.
- Assisting users with entering information in the SETS system.
- Establishing and implementing goals.
- Monitoring controls of unit activities.

When reviewing the essential job functions of the Senior Case-Control Supervisor classification specification the witness testified that she did not manage units comprised of case-control supervisors conducting quality assurance reviews of income maintenance cases, nor did she supervise units of comprised of case-control supervisors and case-control reviewers conducting quality assurance reviews of income maintenance cases and that she did not conduct quality assurance reviews of income maintenance cases, as well.

When reviewing the essential job functions of a Case Control Supervisor classification specification the witness testified that she did not supervise a unit of case-control reviewers conducting quality assurance reviews of income maintenance cases, as well.

Upon questioning by Appellee's counsel, the witness identified Appellee's Exhibit 1, and/or the letter dated April 10, 2009, to Ms. Deborah Hood which included her essential job functions sent to her by the Office of Human Resources, and agreed that she did perform the functions listed on said exhibit.

The next witness to testify was Mr. Anthony Sharaba, the Deputy Director for Client Services of the Cuyahoga Support Enforcement Agency. When questioned, the witness testified that he has held his position for approximately the last six years. Further, the witness testified he is in fact the indirect supervisor of the Appellant, as he supervises Ms. Hood's direct supervisor, Mr. Michael Falatach, but is familiar with Ms. Hood's job duties. Specifically, when questioned, if the Appellant's testimony regarding her job duties and/or responsibilities were accurate, Mr. Sharaba answered in the affirmative, as he was in the hearing room and heard the same. The witness only clarified one point with respect to the fact that the

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Cuyahoga Support Enforcement Agency does not utilize the classification specification of Senior Case Control Supervisor and/or Case Control Supervisor. Further, the witness stated that the job that Ms. Hood performs is essential in that she builds, corrects and deletes data in system to ensure credibility and accountability of the system.

The last witness to testify in Ms. Hood's case was Mr. Albert Bouchahine, the Personnel Manager for the Cuyahoga County Office of Human Resources, a position which he has held for approximately the last five years. The witness testified that initially the Archer Company performed the job audit of the Appellant's position in this case and that he reviewed the audit and is familiar with the rationale. The witness testified with respect to listing all the job duties therein, the Cuyahoga County Office of Human Resources determined that the Appellant was properly classified as Information Processing Supervisor on or about April 10, 2009.

The next witness to testify was Ms. Carmen Hannah who is presently classified as an Information Processing Supervisor and has been so since April 2008. As previously mentioned, the witness testified that she was seeking a reclassification of her position to that of a Principal Support Officer Supervisor. The witness testified that she works out of the Virgil E. Brown building which houses the Child Support Enforcement Agency. The witness testified she is a full-time employee working Monday through Friday, from 8:30 a.m. to 4:30 p.m. Further, the witness explained that she works within the Administrative Hearing Unit wherein her direct supervisor is Ms. Bonnie Gust, an Administrative Hearing Unit Manager, and that Mr. Anthony Sharaba is Ms. Gust's direct supervisor, and that he is familiar with her job duties. Moreover, the witness explained that Ms. Gust has been her supervisor since she began her employ at the agency.

The witness testified that as an Information Processing Supervisor she provided direct supervision for 13 Legal Service Assistants and/or employees who are covered under the collective bargaining agreement. Moreover, the witness testified that she does provide supervision of these employees as she does complete performance evaluations, approves their leave time, effectively recommend discipline, if needed, and that she does provide training. The Appellant then identified Appellant's Exhibit 1, the comprehensive position questionnaire and identified this was in fact what she filled out when she requested to do so by the

county. When turning to page four of said questionnaire, the Appellant testified that her position purpose was to supervise, evaluate and monitor the day to day activities of 13 legal service assistants, who schedule hearings and type legal documents that ultimately result in an original, modified or terminated child-support order. Further, the witness testified that the mission of her section was to work with the Establishment Unit to establish paternity and support through the administrative hearing process. The witness stated that this could be done by either a parent-child relationship filing and/or an application to determine support while issuing a post decree resulting in termination of support, a modification of support, a mistake of fact, suspension hearing and/or a non-hearing order.

When reviewing the essential position tasks which she filled out, the witness agreed that she did the tasks back in February 2009, as well as through today at the record hearing, the same type of tasks with the same amount of percentages listed on her questionnaire. The witness then went on to state that her essential functions included, but were not limited to;

- Assign and distribute all agency hearing requested files to LSA's for scheduling on their assigned hearing officers docket.
- Provide leadership, direction and coaching, discipline, job instruction and training, monitor the day to day activities of 13 LSA's
- Print reports monitor and track the AHU docket for LSA compliance on setting correct number of hearings for assigned hearing officers.
- Print reports, monitor and track the typing of orders by the LSA's after the scheduled hearing for compliance of performance standards.
- Log, forward, and print reports related to typed administrative findings, recommendations, orders and other documentation related to child support cases data
- Set hearings for employee confidential cases on AHU Supervisors docket, send hearing notices two parties, and law expedited process in SETS.

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- Monitor progress of newly implemented policies, procedures and reports to AHU Manager.
- Type findings for employee confidential cases and get AHU Supervisor's signature, send to parties, then forward to appropriate unit or court for processing.

When questioned about her most important duty, Ms. Hannah testified that it is to support her staff and the hearing officers to ensure the timely processing of the caseload.

Upon questioning, the witness testified that she did not supervise support officers and/or any other clerical support employees, nor did she coordinate any support enforcement unit, as well as research any federal and state rules, regulations, laws and requirements to assess the impact on local policies and procedures. Further, the witness testified that she did not coordinate any special projects and/or task forces and did not coordinate state and federal audit reviews, as well.

Upon questioning by Appellee's counsel, the witness identified Appellee's Exhibit 3, and/or the letter dated April 22, 2009, to Ms. Carmen Hannah which included her essential job functions sent to her by the Office of Human Resources, and agreed that she did perform the functions listed on said exhibit, with no exceptions. Further, it was noted that in early 2007 the Legal Service Assistants were reclassified from their previously held classification of Information Processor 1's.

The next witness to testify was Mr. Anthony Sharaba, the Deputy Director for Client Services of the Cuyahoga Support Enforcement Agency. Further, the witness testified he is in fact the indirect supervisor of the Appellant, as he supervises Ms. Hannah's direct supervisor, Ms. Bonnie Gust, but is familiar with Ms. Hannah's job duties. Specifically, when questioned, if the Appellant's testimony regarding her job duties and/or responsibilities were accurate, Mr. Sharaba answered in the affirmative, as he was in the hearing room and heard the same. Mr. Sharaba had no further comments or corrections to make regarding Ms. Hannah's testimony.

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The last witness to testify in Ms. Hannah's case was Mr. Albert Bouchahine, the Personnel Manager for the Cuyahoga County Office of Human Resources, a position which he has held for approximately the last five years. The witness testified that initially the Archer Company performed the job audit of the Appellant's position in this case and that he reviewed the audit and is familiar with the rationale. The witness testified with respect to listing all the job duties therein, the Cuyahoga County Office of Human Resources determined that the Appellant was properly classified as Information Processing Supervisor on or about April 22, 2009, and/or was apparently the "best fit" for the Appellant in this case.

FINDINGS OF FACT

There were no real discrepancy between the Appellants' characterization and the duties that they performed and those of the testimony of their indirect supervisor, Mr. Anthony Sharaba, the Deputy Director for Client Services of the Cuyahoga Support Enforcement Agency. Therefore, I find as a matter of fact, the Appellants performed the duties about which they 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 the 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. Ohio Department of Administrative Services* (May 19, 1988), Franklin Co. 87AP-306, unreported, 1988 WL54277. This Board's consideration is not solely limited to the duties contained within the classification specification, but may also embrace other relevant facts submitted by the effected parties. *Gordon v. Ohio Department of Administrative Services* (March 31, 1988), Franklin Co. 88AP-0122, unreported, 1988 WL37094.

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As a general rule, the Appellant seeking a reclassification to a higher position must demonstrate that his or her respective job duties substantially satisfy those of the higher classification. *Mounts v. Ohio Department of Administrative Services* (1984), 17 Ohio App. 3d 125; *Deist v. Kent State University* (May 23, 1987), Franklin Co. 87AP-28, unreported.

As was previously mentioned, both of the Appellants are currently classified as Information Processing Supervisors but are seeking to be reclassified to a Senior Case Control Supervisor or Case Control Supervisor, in Ms. Hood's case or a Principal Support Officer Supervisor, in Ms. Hannah's case. However, as was noted by the undersigned the Cuyahoga County Office of Human Resources found that both of the Appellants were found to be properly classified as Information Processing Supervisors as a result of the audit. After a through review of the above mentioned classifications, it is my recommendation that both of the Appellants were properly classified as Information Processing Supervisors.

In Ms. Hood's case, when reviewing the classification specification of Senior Case Control Supervisor classification specification number 1014414, it became apparent when reviewing the classification function that Ms. Hood did not manage and supervise units comprised of case-control supervisors, conducting quality assurance reviews of income maintenance cases, nor did she supervise units of comprised of case-control supervisors and case-control reviewers conducting quality assurance reviews of income maintenance cases and that she did not conduct quality assurance reviews of income maintenance cases, as well.

The Appellant's testimony revealed that her position purpose was to manage, organize, coordinate and direct and monitor the day to day operation of a unit of 10 workers to create the link between IV-A (EFS) or foster care and IV-D (CSEA) or support systems in order that monies are allocated to the proper payee correctly and in a timely manner. Additional responsibilities included service coordination, program development and implementation of communications, as well as a linkage and a liaison between state and county helpdesk and other county agencies and co-workers. Thus, the classification specification of a Senior Case Control Supervisor classification specification number 1014414 was rejected by the undersigned.

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When reviewing the essential job functions of a Case Control Supervisor classification specification the witness testified that she did not supervise a unit of case-control reviewers conducting quality assurance reviews of income maintenance cases, as well. Thus, the classification specification of a Case Control Supervisor classification specification number 1014413 was rejected by the undersigned, as well.

However, when reviewing the classification of Information Processing Supervisor, classification specification number 1011214, the classification function's purpose of this classification is to supervise a unit of employees responsible for the electronic processing of data and information, whose employees in that unit are to be classified as Information Processor 1, Information Processor 2 and/or Legal Assistants. The Appellant herein did satisfy most all of the essential job functions defined in the classification specification itself, but did not satisfy the that she should supervise Information Processor 1s, Information Processor 2s and/or Legal Assistants, but rather she supervised 6 Support Specialist 2s, who were previously known as Information Processor 1s, that were recently upgraded through their collective bargaining agreement. The undersigned concludes that this within itself is a fatal flaw in this reclassification appeal, as Ms. Hood essentially performs all of the duties listed under the classification specification of an Information Processing Supervisor which best describes the duties which the Appellant, Deborah Hood, performed in her job.

In Ms. Hannah's case, when reviewing the classification specification of Principal Support Officer Supervisor specification number 1056613, it became apparent when reviewing the classification function that Ms. Hannah did not supervise eleven or more support officers and clerical support employees, but only Legal Assistants. Further, the evidence revealed that Ms. Hannah did not coordinate a support enforcement unit, research federal and state rules, regulations, laws and requirements to assess the impact on local policy and procedures.

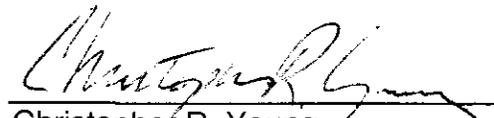
However, when reviewing the classification specification of Information Processing Supervisor, classification specification number 1011214, the classification function's purpose of this classification is to supervise a unit of employees responsible for the electronic processing of data and information, whose employees in that unit are to be classified as Information Processor 1, Information

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Processor 2 and/or Legal Assistants. The Appellant herein did satisfy most all of the essential job functions defined in the classification specification. Further, the Appellant satisfied and performed all the essential job functions listed under the Information Processing Supervisor's classification specification, by providing communication and administrative support to the child support enforcement casework function. Thus, the undersigned after careful consideration of the evidence presented at the record hearing, and by a preponderance thereof, concludes that the classification specification of an Information Processing Supervisor best describes the duties which the Appellant, Carmen Hannah, performed in her job.

RECOMMENDATION

Therefore, it is my **RECOMMENDATION** that both of the Appellants, Ms. Deborah Hood and Ms. Carmen Hannah, were **PROPERLY CLASSIFIED** as Information Processing Supervisors, during the relevant time period in question, and that the Appellants' appeal be **DISMISSED**.


Christopher R. Young
Administrative Law Judge

CRY: