

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

Alan C. Hankey,

Appellant,

v.

Case No. 09-REC-12-0524

Youngstown State University,

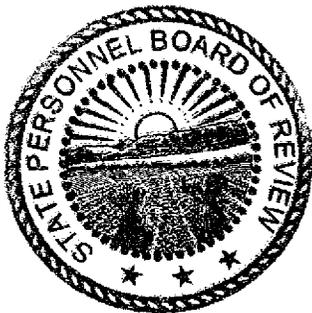
Appellee.

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 was **PROPERLY RECLASSIFIED** from a Systems Analyst 1 to a Network Services Technician 3, classification number 67193, during the relevant time period in question.



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, June 25, 2010.



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**

Alan C. Hankey,

Case No. 09-REC-12-0524

Appellant

v.

April 30, 2010

Youngstown State University,

Christopher R. Young

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause came on for record hearing on April 14, 2010 at 10:30 a.m. Present at the hearing was the Appellant, Alan Hankey, who was represented by Stanley J. Okusewsky III, Attorney at Law, and the Appellee, Youngstown State University, was present through its designee, Carol Trube, a Manager of Classification and Compensation, and was represented by Timothy M. Miller, an Assistant Attorney General. The Appellant, Alan Hankey and the Appellant's immediate supervisor, Robert Quigley, a Network Services Supervisor, along with Carol Trube, a Manager of Classification and Compensation who completed the audit offered testimony at this record hearing.

On or about March 4, 2009, the Appellee, Youngstown State University, requested an administrative review of Mr. Hankey's position as a Systems Analyst 1, classification specification number 64121. On or about November 17, 2009, the Appellant, Alan Hankey, received the results of the administrative review/audit request which notified him that his proper classification for his position was that of a Network Services Technician 3, classification specification number 67193. After receiving the results, the Appellant timely filed his appeal to this Board on or about December 17, 2009. It should be noted that the aforementioned was stipulated to, as well as, the subject matter jurisdiction of this Board was established.

Before proceeding onto the record hearing, the Appellant, Alan Hankey, stated that although he is presently classified as a Network Services Technician 3, he is seeking to be reclassified to the position of Network Services Technician 4.

STATEMENT OF THE CASE

The first witness to testify was Mr. Alan Hankey, an employee of Youngstown State University who is currently classified as a Network Services Technician 3, and has been so since November 2009. The witness explained that his previous employment with Youngstown State University was as a Systems Analyst 1, wherein he held that position for approximately 10 years. The witness, when questioned, identified Appellee's Exhibit A, as an administrative request for a position audit of his position that was sent in by Jason Rakers, the Network/Telecommunications Director on or about March 4, 2009.

When referring to the third page of Appellee's Exhibit A the witness testified with respect to the percentages of times and the accompanying duties which he performed in his job. Under the 50 to 70% of his duties the witness testified that he installs, test, repairs and maintains data communications/telecommunications network equipment and peripheral network materials. The witness in addition testified that he independently, and/or as a part of a team, analyzes, tests and resolves network problems, while using diagnostic software testing equipment to monitor and troubleshoot related network problems and troubleshoot connecting devices and media. Moreover, the witness testified that he also assist in activating new lines and connections and performs moves, additions and changes of network components and materials while implementing security priorities, as needed.

With respect to the 20% to 40% of his job duties identified on Appellee's Exhibit A, Mr. Hankey testified that he serves as the first point of contact for vendors and campus personnel in site preparation, installation and/or maintenance and assist in developing plans for installation, upgrade and/or removal of data communications/telecommunications equipment and/or services. The witness also testified that he provides complex level support and reviews trouble reports on support issues and provides assistance as needed, along with initiating startup and shutdown of network components, including backup and recovery of data. The witness, when questioned if whether or not he provides mentorship to lower level technology professionals, testified that he did not.

When referring to the 15 to 25% of his job duties identified on Appellee's Exhibit A, the witness testified that he maintains the inventory and records of equipment and labels and documents network environment and components and keeps this documentation up to date. Additionally, the witness testified that he

monitors and maintains network systems and services to ensure data and voice accessibility.

With respect to the 5 to 10% of his job duties identified on Appellee's Exhibit A, the witness explained that as part of a team he insists in assessing, designing, monitoring, and or maintaining telecommunications services and equipment and/or network support services. The witness also explained that he attends seminars and/or classes for training and data communications/telecommunications services and/or network system administration, while staying abreast of current trends in technology and performing other related duties and work on special projects, as assigned.

The witness when questioned testified that a lot of the time that he spends at work he works by himself. Further, the witness testified that he would often assist systems administrators to help them out, but that he would not consider that mentoring. Furthermore, the witness explained that there are no Network Services Technicians 1s and/or 2s.

When questioned, the witness explained that his office is physically located in Meshel Hall and that he reports to his direct supervisor Mr. Robert Quigley, a Network Services Supervisor. The witness testified that Mr. Quigley has been his supervisor for approximately the last 10 years and that Mr. Quigley also supervises another employee holding the position of Telecommunications Technician 1. See Appellee's Exhibit F

The witness testified that the department in which he works is named Network Telecommunications, and that it's mission is to provide and maintain network activity for faculty and students and outside users. Further, the witness explained that during a normal workday he typically works by himself and that he is a full-time employee working Monday through Friday, 40 hours per week from 6:00 AM to 2:30 PM, while being on call at other times. When questioned if he provides supervision, the witness testified that he did not, as he did not complete performance evaluations, approve leave time and/or effectively recommend discipline. However, the witness testified that he did act on behalf of his supervisor when having contact with various vendors. Moreover, the witness explained that his most important job function is to maintain the network.

Upon questioning by Counselor Okusewsky, the witness testified that prior to the merger of the network services and telecommunications departments that occurred around the same time that the administrative request for the job audit was put in, he was in Network Services, while Carl Pasquale was in Telecommunications.

The witness went on to state that when working with Mr. Pasquale he would be the lead worker when working on network issues, and that Mr. Pasquale would act as the lead worker when working on telecommunications issues. Furthermore, the witness went on to state that he is currently being cross-trained on telecommunications, while Mr. Pasquale is being cross-trained on network issues. The witness explained that approximately 3 to 4 times a year when there are group changes in the labs at the end of each semester is when they performed most of their work together. However, the witness testified that since the combining of both the Network and Telecommunications they are working together more on a daily basis. Additionally, the witness testified that he and Carl Pasquale are being cross-trained on each other's job.

Upon questioning by Counselor Miller, the witness testified that he works with Mr. Pasquale approximately 4 to 5 days a week currently. Furthermore, the witness testified that when they are troubleshooting a network problem or a telecommunications problem there has to be someone usually at the other end of the line to run checks.

The next witness to testify was Mr. Robert Quigley who is employed as a Network Services Supervisor for Youngstown State University for approximately the last one and 1/2 years, while having a total of 30 years employment with Youngstown State University. Specifically, when questioned, if the Appellant's testimony regarding his job duties and/or responsibilities were accurate, Mr. Quigley answered in the affirmative, as he was in the hearing room and heard the same. However, the witness clarified a couple points with respect to the fact that both Mr. Hankey and Mr. Pasquale both mentor each other at times and lead each other at times in his opinion and the performance of their jobs.

The last witness to testify was Ms. Carol Trube, a Manager of Classification and Compensation for Youngstown State University, who is held that position since July 2006, while being employed by the University since 1995. The witness, when questioned testified that Network Telecommunications around the time that they

merged into one department requested administrator review of the employees in that department, resulting in the job audits of both Mr. Hankey and Mr. Pasquale. The witness testified that it was her finding that Mr. Hankey was not properly classified as a Systems Analyst 1, and was found to be more properly classified as a Network Services Technician 3. The witness then identified Appellee's Exhibit D as her position report and analysis of Mr. Hankey's job, along with her recommendation.

The witness also identified Appellee's Exhibit C as the classification series for network services, which included among other things the series purpose, the classification specifications for a Network Services Technician 3 and a Network Services Technician 4. Upon questioning, the witness testified that the series purpose for Network Services explains that at the entry-level, incumbents learn network infrastructure through providing first level help desk support, and at the next two levels incumbents install, test, repair and maintain data communications/telecommunications services, equipment and network services either under the guidance of a higher-level network services technician or independently. Moreover, the witness explained with respect to the series purpose that at the mid-levels, incumbents lead or mentor lower-level technician(s) and assessing, designing, monitoring and maintaining data communications/telecommunications services and equipment and network services. The witness went on to explain that in Mr. Hankey's case he did not lead or mentor any lower-level technician, but only was being cross-trained with someone that was in the same position. Therefore, the witness testified that the proper classification specification for Mr. Hankey was that of a Network Services Technician 3.

Upon questioning by Counselor Miller, Mr. Trube explained that cross-training would not be considered as one of mentoring and or leading the work of another.

FINDINGS OF FACT

There were no real discrepancies between the Appellant's characterization and the duties he performed and those of the testimony of his direct supervisor, Mr. Robert Quigley, a Network Services Supervisor for Youngstown State University. Therefore, I find as a matter of fact, the appellant performed the duties about which he 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.

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 previously mentioned, the Appellant, Alan Hankey, stated that although he is presently classified as a Systems Analyst 1 who was reclassified to a Network Services Technician 3, he is seeking to be reclassified to the position of Network Services Technician 4. After a through review of the above mentioned classifications, it is my recommendation that the Appellant was properly classified as a Network Services Technician 3.

When reviewing the classification specification of a Systems Analyst 1 it calls for one that occupies that position to analyze and design small and or simple computer systems with assistance from higher-level systems analyst and assist in analysis and design of large and/or complex computer systems while providing ongoing system maintenance and evaluation. In the case at issue, the testimony revealed by a preponderance of the evidence that the Appellant installed, tested, repaired and maintained for the most part the data communications network equipment, while resolving any network problems using diagnostic software and test equipment to troubleshoot connecting services and media. Thus, the undersigned

Administrative Law Judge rejected the classification specification of a Systems Analyst 1 as being the most appropriate fit for the Appellant herein.

When reviewing the classification specification of a Network Services Technician 4 classification specification number 67194, it became apparent when reviewing the classification series purpose, as well as the specification itself, that the main difference for one to be reclassified to the Network Services Technician 4 from a position of a Network Services Technician 3 position is that incumbents are to participate on and/or leads a team or mentors lower level technicians in assessing, designing, monitoring and maintaining a data communications/telecommunications services and equipment and network services. Thus, the undersigned focused on the Appellant's testimony surrounding the issues of whether or not he was performing lead work and/or mentoring of lower-level technicians, to determine whether or not the Network Services Technician 4 was the most appropriate classification for the Appellant herein.

Lead work is defined by the State of Ohio classifications as follows:

"On a daily basis, provides work direction & training normally to lower-level employees assigned to the same work unit or adult inmates assigned to a work crew on a daily basis. A lead worker does not formally evaluate employees using DAS performance evaluation forms, recommend or authorize leave or initiate or recommend disciplinary action."

The Appellant's testimony revealed that Carl Pasquale, another Network Services Technician 3, and he worked together throughout the day at times, three to four days a week, but stated he mostly worked by himself. Further, the witness stated that Mr. Pasquale and he were cross-training each other, although they were physically located in two separate buildings. The witness explained that he had more of a networks/data communications background and would train and/or lead Mr. Pasquale on issues surrounding data communications, and that Mr. Pasquale, who had more of a telecommunications background, would in turn train and/or lead him on issues surrounding telecommunications. So the issue then became whether cross-training a co-worker would essentially place the trainer into a position of performing lead work or mentoring. The undersigned concludes that the cross-training of another employee within the same classification does not constitute one

performing lead work over another and/or mentoring for purposes of determining a job audit reclassification.

The evidence clearly indicated that the Appellant did not lead a team, as called for in the classification specification for a Network Services Technician 4, as that would be more than just one individual. There was no evidence introduced at the record hearing that the supervisor of the Appellant ever instructed the Appellant to specifically perform as a lead worker over Mr. Pasquale. Moreover, with respect to the definition of "lead work", it provides for daily work direction and training normally to a lower-level employee. In this instance, the Appellant and Mr. Pasquale were both classified as Systems Analyst 1s, and reclassified to the position of Network Services Technician 3s, thus not satisfying a requirement of providing work direction and training to a lower level employee. Additionally, one should also look into the ordinary meaning of "cross training" to gain insight into whether one who is cross-training could be considered to be performing lead work. The ordinary meaning of "cross-training" is defined by the Random House Dictionary to mean:

"to train a person to be proficient at different, usually related, tasks, jobs etc."

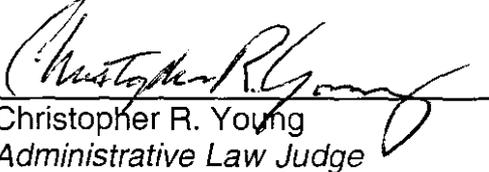
Taking the ordinary meaning of cross-training into consideration one can come to the conclusion that at some point the trainer and the trainee both should become proficient at different tasks and thus, one would no longer "lead" and/or "mentor" the other when that occurs. Thus, the classification specification of Network Services Technician 4 classification specification, number 67194, was rejected by the undersigned, as well, because at that point the Appellant then would not perform duties that are required to be performed by the position of a Network Services Technician 4.

However, when reviewing the classification of Network Services Technician 3, classification specification number 67193, that classification function's purpose is to install, test, repair and maintain data communications/telecommunications services, equipment and network services either under the guidance of a higher level network services technician or independently. In the case at issue, the testimony revealed by a preponderance of the evidence that the Appellant installed, tested, repaired and maintained, for the most, part the data communications network equipment, while resolving any network problems using diagnostic software and test equipment to troubleshoot connecting services and media. The Appellant herein did satisfy

most all of the essential job functions defined in the classification specification of a Network Services Technician 3 itself, thus, the undersigned, after careful consideration of the evidence presented at the record hearing, and by a preponderance of the evidence thereof, concludes that the classification specification of a Network Services Technician 3, classification specification number 67193, best describes the duties which the Appellant, Alan Hankey, performed in his job.

RECOMMENDATION

Therefore, it is my **RECOMMENDATION** that the Appellant, Mr. Alan Hankey was **PROPERLY RECLASSIFIED** from a Systems Analyst 1 to a Network Services Technician 3, classification specification number 67193, during the relevant time period in question, and that the Appellant's appeal be **DISMISSED**.


Christopher R. Young
Administrative Law Judge

CRY: