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

JOSEPH ODDO,

*Appellant,*

v. Case No. 10-REC-12-0346

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 entirety 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 CPQ review determination of the Cuyahoga County Office of Human Resources that Appellant's position should be classified as Program Officer 2, 1052412, is **AFFIRMED**, pursuant to R.C. 124.03 and 124.14.

Casey - Aye
Lumpe - Not Participating
Tillery - Aye

Terry L. Casey, *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 constitutes (~~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, December 01, 2011.

ENTERED 12.01.11

*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**

JOSEPH ODDO, Case No. 10-REC-12-0346

*Appellant*

v. October 5, 2011

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

*Appellees*

JAMES R. SPRAGUE
*Administrative Law Judge*

## REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This case came to be heard on June 6, 2011. Present at the hearing was Appellant, who was represented by Robert E. Davis, Attorney at Law. Appellees, Cuyahoga County Board of Commissioners (BOC) and Cuyahoga County Office of Human Resources (OHR), were present through their respective designees, John Hunter, Interim Director of the Information Services Center (ISC), and Albert Bouchahine, OHR Personnel Manager. Appellees were represented by Dale F. Pelsozy, Assistant Prosecuting Attorney.

By agreement of the parties, the parties' respective post hearing closing arguments were filed on or before August 1, 2011 and the record was thereafter closed.

Jurisdiction over the subject matter of this appeal was established pursuant to R.C. 124.03 and R.C. 124.14.

## CONSOLIDATED STATEMENT OF THE CASE AND FINIDNGS OF FACT

At hearing, three witnesses testified.

First to testify was **Joseph Oddo, Appellant**, who serves in a position with the Cuyahoga County Information Services Center.

By way of background, Appellant's position was given a payroll title of Security Specialist. Appellant's business card has listed Appellant as a Network Administrator for a number of years.

It appears that in November, 2009, Appellant filed a Comprehensive Position Questionnaire (CPQ) review request with the OHR.

Prior to September 15, 2010, the ISC utilized its own classification plan.

However, on that date, the Cuyahoga County Automated Data Processing Board (ADPB), which functions as the governing board for the ISC, approved a new classification plan. Under the plan, any employee whose pay fell below step 1 of the new schedule received a pay increase. Further, no ISC employee's pay was to be adversely impacted by this classification plan change.

Appellant's Pay Range was amended from (the former ISC) Pay Range 7 to (the current BOC) Pay Range 8, but this change did not affect Appellant's actual pay.

Additionally, with this process, the position of each ISC employee was to be assigned to a classification that most closely resembled the duties the employee was performing at the time of the classification plan change. It is not entirely clear whether the adoption of the new classification plan either superseded or simply incorporated the analysis undertaken with Appellant's first CPQ filing.

In regard to the merits of this matter, it further appears that on October 5, 2010, Appellant filed another CPQ.

On December 9, 2010, Appellant received the results of the (second) CPQ review, namely that Appellant's position was to remain classified as a Program Officer (PO) 2, 1052412, Pay Range 08. In December 2010, Appellant's position was (re)classified to Program Officer 2.

*On December 10, 2010, Appellant timely filed his appeal with this Board. Appellant believes that his position should be reclassified to Network Administrator, 1053112, Pay Range 10.*

Next to testify was **John Hunter, ISC Interim Director**, who, as a Network Manager, served as Appellant's supervisor on a daily basis from January 2009 to May 26, 2011. Mr. Hunter also served as the ISC's designee at hearing. Following May 26, 2011 to the present, Appellant's supervisor is Cheri Kubit, Fiscal Officer (FO). However, at the time of hearing, FO Kubit had not yet assigned Appellant work.

Last to testify was **Albert Bouchahine**, OHR Personnel Manager, who also served as the OHR's designee at hearing. Mr. Bouchahine reviewed some of the procedural history of this matter and offered analysis regarding the OHR's rationale for (re)classifying Appellant's position to, or otherwise keeping Appellant's position classified as, PO 2.

Mr. Bouchahine noted that, while there is no perfect specification for the work that Appellant is performing, his opinion is that the PO 2 specification most closely resembles the largest percentage of work that Appellant is performing. Further, he indicated that Appellant's position could potentially have been downgraded. Yet, Mr. Bouchahine also indicated that such a downgrade would have been inconsistent with the goal to have no position negatively impacted by the ADPB's September 15, 2010 adoption of the new classification plan.

In the pertinent Abridged CPQ, Appellant offers a detailed percentage breakdown of the duties that he was performing at or prior to the October 5, 2010 filing date of same, as follows:

| | |
|---|---|
| Monitor temperature and moisture in server room | 2 percent |
| Answer Help Desk technical questions | 1 percent |
| Solve desktop and program errors | 5 percent |
| Monitor AAFIS server and backup power connections *[delete for CRIS functions]* | 2 percent |
| Training rooms software distribution | 3 percent |
| Monitor power and cooling to HP blade server | 1 percent |

| | |
|---|---|
| On call for Engineering Department | 1 percent |
| AFFIS Project (Hardware)<br>*[Substitute CRIS functions]* | 5 percent |
| InJail Project (Software) | 5 percent |
| Service and maintain Ombudsman agency network<br>*[Delete. Not performed since April 4, 2011, preceding audit]* | 4 percent |
| Install BRASS / Buyspeed State of Ohio budget and purchasing software | 1 percent |
| Test and research new OS software and programs | 5 percent |
| Update ATT Yellow Pages on Cuyahoga County Web site | 1 percent |
| On call 24/7 for Building Facilities | 2 percent |
| Maintain Fire Alarm System | 1 percent |
| Re-organize building facility (on-site) Training/ Conference Rooms | 54 percent |
| Research and input information to move to a new facility | 1 percent |
| Meet with contractors for building maintenance and supplies | 5 percent |
| Monitor Zinc Whiskers in server room | 1 percent |

(emphasis added)

Appellant's educational experience does not include achieving a four year degree. However, Appellant has been certified in a number of programs and

functions and has been performing his current duties or those quite similar thereto for at least the past 10 years.

Appellant admits he does not possess the educational attainment necessary to qualify for the educational requirements set forth in the Network Administrator specification. It may be possible that his 10 plus years of requisite work experience and attainments would qualify as an acceptable alternative equivalent of training and experience.

The Classification Function statement for the **Program Officer 2, 1052412** specification states:

"The purpose of this classification is to assist higher level administrators and/or function as County's representative on outside boards, committees or commissions to develop or revise operations, systems, policies and/or procedures of County programs."

The language of Rank 1 of this specification tracks the language in the Function Statement and offers a numbers of examples of same.

The operative language of Rank 2 states: "Researches, analyzes and evaluates existing operations, systems, policies and/or procedures to identify areas for improvement or enhancement ... ". Rank 2 offers a numbers of examples of same.

Rank 3 deals with operational assessments of proposed changes to programs, systems, policies, and/or procedures.

Rank 4 deals with performing administrative tasks in connection with the above duties and ranks.

The "Minimum Training and Experience Required to Perform Essential Job Functions" for the PO 2 specification requires a "Bachelor's degree in business administration or related field with one year of research and analysis experience; or any equivalent combination of training and experience."

The Classification Function statement for the **Network Administrator, 1053112** specification reads: "The purpose of this classification is to plan,

implement and maintain local area network (LAN) or wide area network (WAN) for a County department with less than 100 end-users in one department, or assist network manager in larger department or agency."

The language of Rank 1 of the specification tracks the language in the Function Statement and offers a number of examples of same.

The "Minimum Training and Experience Required to Perform Essential Job Functions" for the Network Administrator specification requires a "Bachelor's degree in computer science or related field with two years of computer information systems experience, or any equivalent combination of training and experience."

Based on the totality of the testimony presented and evidence admitted, it may be concluded, and I so find, that Appellant performs duties more aligned with building maintenance/physical plant operations, network connectivity, and administrative assistance, than aligned with actual network administration.

Based on the testimony presented and evidence admitted at hearing and upon the parties' respective submissions of post-hearing arguments, I make the following Findings:

First, I note that I incorporate, herein, any finding set forth above, whether express or implied.

Next, I find that the PO 2 specification offers the best fit, although far from a perfect fit, of the specifications presented in the instant matter to address Appellant's overall duties. Further, I find that Appellee OHR placed Appellant in a classification that would have no adverse impact on his pay. I find this was consistent with the ADPB's policy goal of not adversely affecting any employee's pay with the adoption of the ADPB's new classification plan/pay schedule.

## CONCLUSIONS OF LAW

This case presents this Board with the question of whether placing Appellant's position in a Program Officer 2 classification provides an acceptable fit, given not only the classifications presented for review but also given the totality of the circumstances in which Appellant performs his job? Based on the findings set forth, above, and for the reasons set forth, below, this Board should find that the PO 2

classification offers an acceptable fit for Appellant's duties and fulfills other important policy goals of the ADPB, the governing board for the Cuyahoga County Information Services Center.

Having so stated, we would be remiss if we did not recognize that placing Appellant's position in a PO 2 classification does present certain other issues. The first is that, as noted, above, the PO 2 classification hardly provides the optimum fit for Appellant's duties. However, it is consistent with Appellant's troubleshooting, administrative, and building maintenance duties. The Network Administrator specification presents even more of a challenge; since Appellant arguably does not perform duties at the level contemplated by that specification, especially regarding managerial decision-making and control of LAN and WAN for the requisite County departments.

We recognize that all county positions perform a valuable service for their customer base and for the residents of the county. In particular, Appellant's position helps Cuyahoga County to better position its employees to handle their duties in an increasingly digitized and information based workplace. Appellant's contribution is clearly valued and his long years of varied experience, combined with his enthusiasm for his job, make Appellant an asset for the County.

Looking forward, as of January 1, 2011, the entirety of Appellees' work forces became a component of the Cuyahoga County Executive. One consequence of this change is that the functions of adjudicatory review set forth in R.C. Chapter 124. are now performed by the Cuyahoga County Human Resource Commission. Moreover, it is ultimately up to the Office of Human Resources, the ADPB, and the Office of the Cuyahoga County Executive to ascertain whether any additional action should be taken concerning finding or perhaps promulgating a specification that may better fit the totality of Appellant's duties.

To summarize, the PO 2 classification provides the best fit of any classification presented to this Board for review in this matter. Further, utilization of the PO 2 classification for Appellant's position fulfills the goal of the Cuyahoga County Automated Data Processing Board that no employee would be adversely affected by its change to a new classification and pay schedule.

## RECOMMENDATION

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **AFFIRM** the CPQ review determination of the Cuyahoga County Office of Human Resources that Appellant's position should be classified as Program Officer 2, 1052412, pursuant to R.C. 124.03 and R.C. 124.14.

JAMES R. SPRAGUE
*Administrative Law Judge*

JRS: