

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

DEBRA S. CUNNINGHAM,

Appellant,

v.

Case No. 11-REC-01-0027

BOWLING GREEN STATE UNIVERSITY,

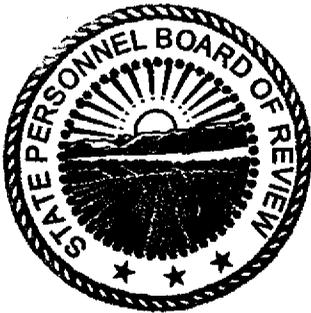
Appellee

ORDER

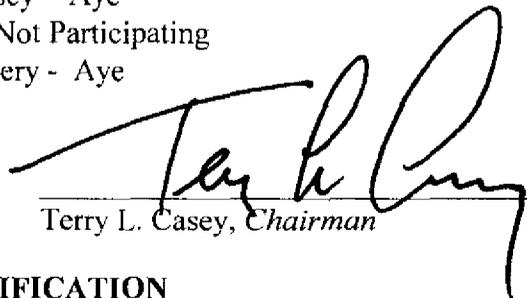
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

After a thorough examination of the entirety of the record, including 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 decision of the Appellee to retain Appellant Cunningham in the Secretary 2 classification is **DISAFFIRMED** and that she be **RECLASSIFIED** to an Administrative Assistant 1 effective the pay period immediately following the date of her audit request.



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, January 05, 2012.




Erin E. Conner
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**

Debra S. Cunningham

Case No. 11-REC-01-0027

Appellant

v.

November 23, 2011

Bowling Green State University

Marcie M. Scholl

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause came on for record hearing on August 24, 2011. Present at the hearing were the Appellant, Debra S. Cunningham, appearing pro se and Appellee Bowling Green State University designee Marsha Serio, Manager of Employment and Employee Relations, represented by Rema A. Ina, Assistant Attorney General.

The subject matter jurisdiction of the Board was established pursuant to sections 124.03 and 124.14 of the Ohio Revised Code.

STATEMENT OF THE CASE

Appellant Cunningham testified she has been employed by Appellee since approximately February, 1999 and she has been classified as a Secretary 2 since approximately August 1999. Her immediate supervisor is Dermot Forde, Director of Advising Services. She explained that Advising Services houses three different programs; Undecided, Post Secondary Enrollment Option (PSEOP) for high school students; and the University Program for Academic Success (UPAS) program for conditionally accepted students. There are eight advisors in Advising Services and Appellant Cunningham is the only secretary.

Appellant Cunningham testified that her most time consuming time is that of administrating the PSEOP program. She explained that she does not advise students regarding what classes to take but she does all of the administrative duties such as sending reports and documents to the Department of Education, working with schools, putting money in student accounts to buy books and conversing with parents, students and high school counselors.

Appellant Cunningham explained that a high school student will talk with his or her counselor and will complete an application which is sent to the admission office. That office will then admit or deny the high school student to the post secondary program. If admitted, the application is forwarded to Appellant Cunningham. She activates the student and ensures the student is properly enrolled. She sets up an appointment with all eight advisors. Appellant Cunningham stated there is a lot of communication between her and the students and she is responsible for creating the student's email and for enrolling the student in the blackboard community for orientation. After that, she sets up the pre-testing and looks at what is available for enrollment. All of this is done prior to the student meeting with an advisor. Appellant Cunningham stated the beginning and end of a semester is the busiest time and she stated there were approximately 148 students enrolled for the fall semester. She added that students must have money loaded into their account and that she does this on the computer.

The second most time consuming duty is that of the new student orientation. Appellant Cunningham testified there are approximately thirty to forty-five students daily for new orientation. She receives a weekly list with daily updates and she must create a file each student. Appellant Cunningham receives a profile sheet for each student and has to look up the testing scores and completes forms. She creates flyers and folders and ensures that her lists are accurate. As the students come in, Appellant Cunningham checks them in and they meet with an advisor. She then has to account for all the folders to ensure that all students met with an advisor. She also keeps track of all of the student's cell phone numbers and parent information of the students that are in the programs within her office.

Appellant Cunningham is also responsible for answering the telephone, which she stated is a constant job. She gives advice to students on dropping and adding classes, makes appointments for them and deals with student walk-ins. Appellant Cunningham is also responsible for keeping track of all expenses, monitoring the spending of the office and reconciling the budget report on a monthly basis. She is responsible for purchasing office supplies and taking care of the travel expenses. Appellant Cunningham testified she makes budget projections and turns those into Mr. Forde. She stated that her supervisor approves all of the purchases before she makes them.

Appellee's Exhibit 1 was identified by Appellant Cunningham as her audit questionnaire which she completed. She requested her audit on December 21, 2010 and she testified that the duties listed in the packet are still accurate. Appellant Cunningham testified that her supervisor does not assign her work on a daily basis, as the work is there and she knows what has to be done. She stated there is a lot of communicating in the office about how to do things better and she is responsible for letting everyone in the office know what changes took place in other departments. Appellant Cunningham testified she does not attend meetings on behalf of her supervisor and she does not create policy or do payroll. She stated she actually helps the students schedule and drop classes. She also processes bills for payments, as she can call the vendor and use a procurement card to make a payment over the phone. Other purchases have to be scanned and are sent to the payment office. Appellant Cunningham posts positions for the student workers and reviews the applications and conducts interviews for the student positions. She stated she hires the students and processes the paperwork.

Schedule developing was explained by Appellant Cunningham as receiving information from registration and records as to how many classes their department is teaching. She collects the information from the advisors on the days and time of the class and inputs the information into the system. Appellant Cunningham then assigns the classroom, lists how many students are in the class and maintains the wait list. She then notifies the bookstore as to what books will be needed for the courses.

On questioning by Appellee's counsel, Appellant Cunningham stated she has participated on interview panels for full-time employees. She also testified that she and her supervisor talk a lot and he asks her opinion on different things and he has adopted many of her ideas. She also proofreads much of her supervisor's and the advisor's work, such as flyers and marketing tools. Appellant Cunningham identified Appellee's Exhibit 6 as the table of organization containing her office and Appellee's Exhibit 2 as the classification specification for Secretary 2.

Dermot Forde testified he has been employed by Appellee for approximately seven years and is the Director of Advising Services. He is the direct supervisor of Appellant Cunningham. He confirmed that Appellant Cunningham coordinates the advising event by taking care of checking in the students, setting up the room and ensuring that everything is there that needs to be. Mr. Forde testified that Appellant Cunningham is the liaison to District 3 of the Department of Education and that she

has frequent contact with them. She also has significant communication on a daily basis with parents. Mr. Forde stated he meets with Appellant Cunningham daily to discuss the daily cap on student meetings and she is responsible for ensuring that the students they are responsible for all have an academic advisor. He stated Appellant Cunningham is responsible for coding approximately 800 or twenty percent of all incoming freshmen.

The budget is monitored daily by Appellant Cunningham and she completes a monthly report regarding the budget. Mr. Forde testified he wants Appellant Cunningham to fix and deal with the problems that she can so they do not get to an advisor. He stated there were hundreds of files in the office and Appellant Cunningham worked with archives to determine how long to keep the files and she shredded the ones that were no longer needed. Mr. Forde also testified Appellant Cunningham can approve re-admissions and remove holds in his absence. She also gives him reports and spreadsheets upon his request.

Mr. Forde testified that in the past year, Appellant Cunningham went on one "Admission road trip" and represented the department. He stated the administrative structure of the PSEOP is his responsibility but he trusts Appellant Cunningham to coordinate it. He also stated he has delegated components of his budgeting duties to Appellant Cunningham. Mr. Forde confirmed that he confers daily with Appellant Cunningham and they discuss issues and she makes recommendations on procedures, which he has implemented.

Upon questioning by Appellee's counsel, Mr. Forde testified he advises a smaller caseload of student compared to the other advisors and that he updates alert policies and others that pertain to students. He also reviews how his office is running and monitors the peer mentoring and appeals meetings. Mr. Forde works with the faculty on student issues, he markets the website and displays, interacts with parents on a daily basis and talks with campus offices regarding reinstatements.

Marsha Serio testified she is employed by Appellee as the Manager of Employment and Employee Relations and she was the person who conducted the audit of Appellant Cunningham's position. Ms. Serio stated she reviewed the classification specifications for Administrative Assistant 1 and Secretary 2 and it was her determination that eighty to eighty-five percent of Appellant Cunningham's duties fell within the Secretary 2 classification specification.

Appellee's Exhibit 4 was identified by Ms. Serio as a memo she wrote to Mr. Forde summarizing her conclusion. Appellee Exhibit 5 was identified as her notes and questions she asked during the face-to-face interview with Appellant Cunningham.

Upon questioning by Appellee's counsel, Ms. Serio testified she discounted the Administrative Assistant 1 classification as Appellant Cunningham does no research and analyzing, does not create any program policies and does not provide technical information and advice to aid administrators in decision making. Ms. Serio explained that she did not consider Administrative Secretary due to a 2007 decision from this Board that the function statement of the Administrative Secretary classification requires the incumbent to report to President or a Vice President. She testified that she found Appellant Cunningham to make recommendations on work flow and that she is a very conscientious employee who takes the initiative on things, but that her duties fell within the Secretary 2 classification.

FINDINGS OF FACT

There was no discrepancy in the testimony of the witnesses as to the actual duties performed by Appellant Cunningham, therefore it is my finding that her duties are those which were testified to.

CONCLUSIONS OF LAW

In looking at Appellant Cunningham's duties and comparing them with the classification specifications of Secretary 2 and Administrative Assistant 1 (AA1), it is my finding that Appellant Cunningham's proper classification is that of an AA1.

Appellant Cunningham does perform the duties listed in the Secretary 2 classification specification and those listed on the memorandum from Ms. Serio, dated January 12, 2011, of preparing and monitoring budgets, preparing payroll date and processing bills for payment, purchasing low cost supplies and maintaining personnel records; preparing reports, processing and typing correspondence and memos; greeting visitors and providing information, screening and directing calls, maintaining files and retrieving information; and serving as a liaison for her supervisor. The problem is that no where does that specification take into account the management that Appellant Cunningham does of the entire PSEOP program.

Mr. Forde testified that the program is his ultimate responsibility but stated that he trusts Appellant Cunningham to administer it. It appears that the audit completely ignored this aspect of Appellant Cunningham's duties and she testified that it is her most time consuming duty. The only task she does not complete in that program is the advising of students, as that is what the advisors do. Appellant Cunningham does everything else such as reporting to the Department of Education, working with the high school students and counselors, answering the questions of parents, dropping and adding classes for the students, establishing the students' emails, putting money into their accounts, setting up appointments for the students and advisors, scheduling pre-tests and activating and enrolling the students.

Those duties are certainly descriptive of a duty which has been delegated to Appellant Cunningham by her supervisor, Mr. Forde, and they are duties which have a broad scope and a great impact on the overall duties of the department. Therefore, Appellant Cunningham's duties of coordinating and administering the PSEOP program satisfies the function statement of the AA 1 classification specification. It also satisfies the rank one duties of researching and analyzing materials, as she has many documents to produce and coordinate in order to ensure that the students are properly enrolled in their classes and that they have met with their advisors. She provides technical advice to students and parents and provides all of the necessary information to the advisors so that they are ready to meet with the students. Mr. Forde testified that he and Appellant Cunningham meet daily to discuss items and that she makes recommendations to him on procedures, which he has implemented.

Mr. Forde and Appellant Cunningham testified that she distributes to the office any new policies and procedures and that she is Mr. Forde's liaison with the advisors in keeping them abreast of new policies and what is being implemented in the other departments. Appellant Cunningham is representing the office each time she speaks with a parent or student and she did attend one "road show" on behalf of the office. She manages the business functions, makes budget recommendations and monitors the budget, processes bills, purchases supplies, keeps records, prepares reports, researches and responds to complaints so that the advisors do not have to and does clerical functions.

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Appellant Cunningham's duties are broader than those described in the Secretary 2 classification specification and are best described by the classification specification of an AA1. While she does not perform all of the duties listed in that classification specification, she performs the duties of the function statement at least twenty percent of her time. Mr. Forde testified that he delegated the program coordination of PSEOP to Appellant Cunningham, and as such, she has relieved Mr. Forde of a routine duty.

Therefore, I respectfully **RECOMMEND** that the decision of the Appellee to retain Appellant Cunningham in the Secretary 2 classification be **DISAFFIRMED** and that she be **RECLASSIFIED** to an Administrative Assistant 1 effective the pay period immediately following the date of her audit request.



Marcie M. Scholl
Administrative Law Judge

:mms