

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Christine Sampson,

Case No. 11-REC-02-0033

Appellant,

v.

Department of Administrative Services Office of Employee Services
and
Bureau of Workers Compensation,

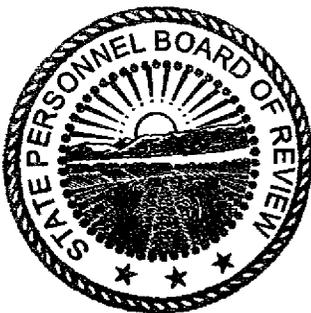
Appellee.

ORDER

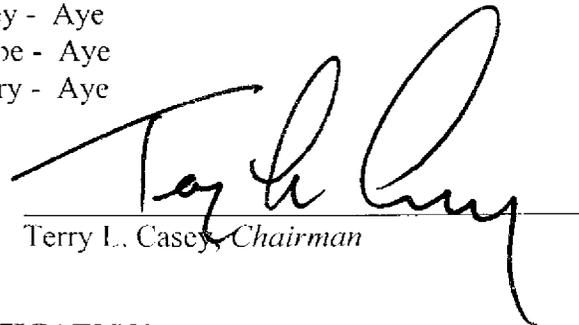
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 be **RECLASSIFIED** to a Management Analyst Supervisor 2, classification number 63216, pursuant to O.R.C. §§ 124.03 and 124.14.



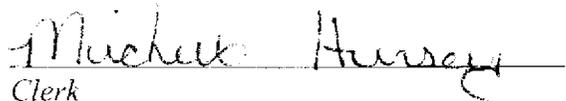
Casey - Aye
Lumpe - Aye
Tillery - Aye


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 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 2, 2011.


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**

CHRISTINE SAMPSON,

Case No. 2011-REC-02-0033

Appellant,

v.

May 11, 2011

BUREAU OF WORKERS' COMPENSATION

and

DEPARTMENT OF ADMINISTRATIVE
SERVICES,

Appellees.

BETH A. JEWELL
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This case came to be heard on May 2, 2011. Present at the hearing was Appellant, who represented herself. Appellees, Bureau of Workers' Compensation (BWC) and Department of Administrative Services (DAS), were represented at hearing by Lisa G. Whittaker, Assistant Attorney General for the State of Ohio.

This cause comes on due to an appeal timely filed by Appellant on January 31, 2011. That appeal was from a job audit result that Appellant received on January 3, 2011, from her job audit request dated October 18, 2010. Appellant's position was classified as a Management Analyst Supervisor 1 prior to the audit; the DAS audit result was that Appellant was properly classified.

At hearing, three witnesses testified: **Christine Sampson, Appellant;** **John Hanna**, BWC Pharmacy Program Director and Appellant's supervisor; and **Morgan Webb**, Human Capital Management Senior Analyst, the DAS employee who made the recommendation to DAS that Appellant is properly classified as a Management Analyst Supervisor 1, class number 63215.

A. Applicable Law

Jurisdiction over the subject matter of this appeal is established pursuant to R.C. 124.03 and R.C. 124.14. R.C. 124.03 provides in relevant part as follows:

(A) The state personnel board of review shall exercise the following powers and perform the following duties:

(1) Hear appeals, as provided by law, of employees in the classified state service from final decisions of appointing authorities or the director of administrative services relative to reduction in pay or position, job abolishments, layoff, suspension, discharge, assignment or reassignment to a new or different position classification, or refusal of the director, or anybody authorized to perform the director's functions, to reassign an employee to another classification or to reclassify the employee's position with or without a job audit under division (D) of section 124.14 of the Revised Code. As used in this division, "discharge" includes disability separations.

The state personnel board of review may affirm, disaffirm, or modify the decisions of the appointing authorities or the director, as the case may be, and its decision is final. The decisions of the state personnel board of review shall be consistent with the applicable classification specifications.

R.C. 124.14(D)(2) provides in relevant part as follows (emphasis added):

Upon the request of any classified employee who is not serving in a probationary period, the director shall perform a job audit to review the classification of the employee's position to determine whether the position is properly classified. The director shall give to the employee affected and to the employee's appointing authority a written notice of the director's determination whether or not to reclassify the position or to reassign the employee to another classification. An employee or appointing authority desiring a hearing shall file a written request for the hearing with the state personnel board of review within thirty days after receiving the notice. The board shall set the matter for a hearing and notify the employee and appointing authority of the time and place of the

hearing. The employee, the appointing authority, or any authorized representative of the employee who wishes to submit facts for the consideration of the board shall be afforded reasonable opportunity to do so. *After the hearing, the board shall consider anew the reclassification and may order the reclassification of the employee and require the director to assign the employee to such appropriate classification as the facts and evidence warrant.* As provided in division (A)(1) of section 124.03 of the Revised Code, the board may determine the *most appropriate classification* for the position of any employee coming before the board, with or without a job audit.

Ohio Adm. Code Rule 123:1-3-01, pertaining to the role of DAS in position audits, provides in part as follows:

- (A) General. The director may initiate and make continuing audits, inspections, and investigations of the positions, offices, and employments subject to sections 124.14, 124.15, and 124.152 of the Revised Code. In accordance with sections 124.14 and 124.20 of the Revised Code and Chapters 123:1-7 and 123:1-8 of the Administrative Code, the director may initiate and make continuing audits, inspections and investigations of positions, offices and employment in the classified service of the counties, where employees are paid under provisions other than section 124.15 or 124.152 of the Revised Code. Any employee or any appointing authority, desiring to submit facts for consideration of the director shall be afforded reasonable opportunity to do so. When the director finds that improper classifications of positions exist, the director may reallocate any position to the appropriate classification as is necessary.
- (B) Audits requested by employees. A classified employee of a state agency, including a board or a commission, or county office, or the employee's authorized representative, may request a review of the classification of his or her position, unless otherwise prohibited by law or a collective bargaining agreement.
- ***
- (D) Audit findings. The audit findings will be premised upon the information and statements provided. The information and statements submitted will be compared to the existing

classification specifications. If the duties being performed are not consistent with the existing classification, the classification which most accurately describes the duties performed shall be assigned to the position. The duties being performed must satisfy the class concept or function statement at least twenty percent of the time unless another percentage has been stated in the class concept or function statement. Other factors, including the table of organization of an agency, may be used to determine the classification of a position and to distinguish among classifications.

B. Findings of Fact

The findings of fact are derived from the testimony of the witnesses and the exhibits in the record. References to the exhibits are indicated parenthetically by "Exh.," followed by the exhibit number.

Ms. Sampson testified first. Ms. Sampson identified her current position description (Appellant Exh. 2, p.1; Appellee Exh. 3). Ms. Sampson's working title is Pharmacy Program Manager. Ms. Sampson confirmed, as set forth in her position description, that 85 percent of her job duties consist of the following:

Under general direction of BWC's Pharmacy Program Director, serves as agency manager in the formulation & administration of Pharmacy Program operations & contracts: serves as main point of contact for day-to-day management; formulates pharmacy program policies..., procedures & workflows & communicates approved drafts to appropriate BWC Departments and stakeholders; reviews, analyzes, develops & writes requirements, test scenarios, scripts & documentation for new systems functionality [BWC & vendor]; documents & maps data ... & workflow models; Reviews pharmacy system program operations reports to identify issues including services delays and other errors, researches fixes and develops solutions (i.e. policy changes, workflow changes, lack of service area training or system changes that might be needed...); receives & responds to processing inquiries received from Pharmacy Benefit Manager vendor (PBM); ... functions as technical expert & resource to internal & external entities & works with appropriate departmental staff for resolving issues (e.g. reimbursements & payment methodologies, injured worker benefit coverage eligibility, prior

authorizations & system overrides, physician reviews, policy workflows & procedures); manages & administers program contracts (i.e. PBM & Prescription Rebates Administrator [PRA]), tracks and monitors and validates contract reports pertaining to Service Level Agreements (SLAs) demonstrate required performance benchmarks, calculates monetary penalties for SLA failures, coordinates (i.e. via Legal and Finance Divisions) collections of owed moneys [sic]; analyzes PBM desk & onsite audit recommendations to select providers to be audited; facilitates & documents internal PBM monitoring group meetings & PBM weekly contract teleconferences; provides budget support to budget staff & Finance (i.e. annual program expenses such as correspondence, PBM system enhancements); manages & coordinates the bidding process (e.g. serves on development & selection committees, answers inquiries from potential bidders, evaluates & scores proposals, recommends selection of vendors, drafts Requests for Proposal & Invitations to Bid, actively participates in pre-bid conferences, attends vendor presentations, participates in contract negotiations, drafts final terms & agreements & assists in awarding vendor contracts); acts as subject matter expert assisting with onsite PBM reviews as requested by Compliance department (e.g. develops interview questions, evaluates & documents operational failures, develops risk assessments, creates testing criteria & plans, identifies test samples, performs analysis of data obtained at review, drafts reports, collects & reviews management responses & incorporates responses in final report.).

John Hanna, Appellant's supervisor, testified next and confirmed the accuracy of Ms. Sampson's description of her job duties.

Morgan Webb was last to testify. Ms. Webb stated that she concluded that Ms. Sampson's job duties are consistent with both the Management Analyst Supervisor 1 and Management Analyst Supervisor 2 classification specifications, and stated that she was constrained by Ohio Administrative Code Rule 123:1-3-01(D) to recommend that Ms. Sampson remain classified as a Management Analyst Supervisor 1.

C. Conclusions of Law

This case presents this Board with the question of whether Appellant's position with the Bureau of Workers' Compensation should remain classified as a Management Analyst Supervisor 1 or should be upgraded to a Management Analyst Supervisor 2. Based on the findings set forth above, and for the reasons set forth below, this Board should find that the most appropriate classification for Appellant is Management Analyst Supervisor 2, order the reclassification of Appellant, and require the DAS director to assign Appellant to the classification of Management Analyst Supervisor 2.

The class concept for Management Analyst Supervisor 1 reads as follows:

The supervisory level class works under general direction & requires considerable knowledge of business or public administration in order to supervise team or unit of management analysts responsible for monitoring specified operation, system, service or procedure of assigned agency or serve as agency manager (i.e., on behalf of agency, formulates & responsibly directs implementation of policy).

The class concept for Management Analyst Supervisor 2 reads as follows:

The managerial level class works under general direction & requires thorough knowledge of business or public administration in order to plan & direct entire management evaluation & monitoring program for assigned agency & supervise lower-level management analyst supervisors or plan, direct & coordinate activities of multiple teams or units of management analysts & supervise team/unit supervisors or serve as agency manager (i.e., on behalf of agency, formulates & responsibly directs implementation of policy).

In this proceeding, this Board is not bound by the job audit result propounded by DAS; nor is this Board constrained by Ohio Adm. Code Rule 123:1-3-01(D). Rather, under R.C. 124.14(D)(2), the question of Appellant's classification is considered anew, and the Board may determine the most appropriate classification for Appellant. In reviewing Ms. Sampson's job duties and comparing them with the classification specifications contained in Appellee's Exh. 4, the most appropriate classification is that of Management Analyst Supervisor 2. First, Ms. Sampson plans and directs the entire Pharmacy

CHRISTINE SAMPSON

Case No. 2011-REC-02-0033

Page 7

Program. She is responsible for the entire management and evaluation system for the pharmacy. She is responsible for the day-to-day operation of the program. These roles are more aligned with the Management Analyst Supervisor 2 classification, which refers to management of a specified agency program, while the Management Analyst Supervisor 1 classification contemplates responsibility for the evaluation of a specified operation, system, service or procedure. Ms. Sampson's multiple areas of responsibility make the position more aligned with that of the "managerial level class." She has responsibility for all operations of the pharmacy program, both internal and external, and she formulates and oversees the implementation of multiple procedures.

An examination of the illustrative "Job Duties in Order of Importance" contained in the classification specifications provides further support for this conclusion. The Management Analyst Supervisor 2 "[d]evelops & implements usage of various evaluation tools, instruments and methodologies needed for effective program assessment; prepares &/or revises manuals, policies, programs, proposed rules, regulations &/or directives." Ms. Sampson's job responsibilities include such higher-level duties. In contrast, the illustrative job duties for Management Analyst Supervisor 1 contemplate that the incumbent merely "makes recommendations on changes in policy & procedures," and "[e]stablishes guidelines & time frame for analysis of programs, operations or procedures."

In addition, Ms. Sampson's work involves serving as a liaison with both the BWC field offices and with the private PBM vendors, as contemplated in the illustrative job duties for Management Analyst Supervisor 2. Ms. Sampson provides direction and solves problems in her work with the field offices and PBM vendors. While the Management Analyst Supervisor 1 is described as "communicat[ing] with other departments & divisions, consultants &/or communities," Ms. Sampson's interactions with the field offices and PBM vendors are best described as work in the higher-level liaison role.

D. Recommendation

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review order the reclassification of Appellant, and require the DAS director to assign Appellant to the classification of Management Analyst Supervisor 2, class number 63216, pursuant to R.C. 124.03 and R.C. 124.14.



BETH A. JEWELL
Administrative Law Judge