

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

Deborah Cairl,

Appellant,

v.

Case No. 11-REC-02-0034

Bowling Green State University,

Appellee.

ORDER

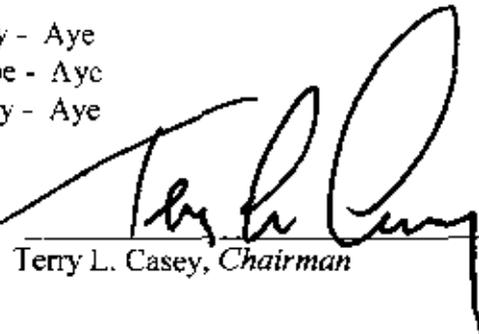
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

After a thorough examination of the 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's position be **RECLASSIFIED** to Fiscal Officer 1, classification number 66531C, pursuant to O.R.C. § 124.03.



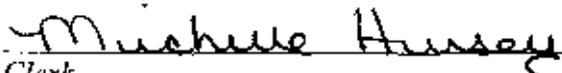
Casey - Aye
Lumpe - Aye
Tillery - Aye


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 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, July 22, 2011.


Michelle Hussey
Clerk

NOTE: Please see the reverse side of this Order or the attachment to this Order for information regarding your appeal rights.

7-22-11 mw

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

DEBORAH CAIRL,

Case No. 11-REC-02-0034

Appellant,

v.

June 9, 2011

BOWLING GREEN STATE UNIVERSITY,

BETH A. JEWELL

Appellee.

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

On January 31, 2011, Appellant filed an appeal from a job audit that she had requested from Appellee. Appellant's position was classified as a Sales Manager 4; the audit finding was that Appellant was properly classified. However, Appellant believes her position is more properly classified as a Fiscal Officer 1.

A record hearing was held on May 5, 2011. Appellant, Deborah Cairl, was present at the hearing and represented herself. Appellee, Bowling Green State University, was present through its designee, Leslie Fern, Employment/Employee Relations Specialist. Appellee was represented at hearing by Rema Ina, Assistant Ohio Attorney General.

APPLICABLE LAW

A. Jurisdiction

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

B. Unique Aspects of State-Supported University Classifications

The civil service law amendments enacted by the General Assembly in 2009 included several changes to the statutory framework for state universities. Some of these changes have particular significance in the recommended disposition of this appeal. Revised Code section 124.14, as amended effective October 16, 2009, provides in relevant part as follows:

(F)(1) Notwithstanding any contrary provision of sections 124.01 to 124.64 of the Revised Code, the board of trustees of each state university or college, as defined in section 3345.12 of the Revised Code, shall carry out all matters of governance involving the officers and employees of the university or college, including, but not limited to, the powers, duties, and functions of the department of administrative services and the director of administrative services specified in this chapter. Officers and employees of a state university or college shall have the right of appeal to the state personnel board of review as provided in this chapter.

(2) Each board of trustees shall adopt rules under section 111.15 of the Revised Code to carry out the matters of governance described in division (F)(1) of this section. Until the board of trustees adopts those rules, a state university or college shall continue to operate pursuant to the applicable rules adopted by the director of administrative services under this chapter.

Ohio Administrative Code (OAC) Rule 123:1-1-06 provides as follows:

State colleges and universities shall be covered by these rules governing personnel practices unless the university adopts other rules in accordance with Chapter 124 of the Revised Code and Sections 119.03 to 119.05 of the Revised Code.

Because Appellee has not yet adopted other rules governing personnel practices, Appellee remains covered by the rules set forth in OAC Division 123:1.

Chapter 123:1-7 of the OAC covers classification. The former version of OAC 123:1-7-17, in effect before April 26, 2009, provided classifications designated expressly for both county offices and state-supported colleges and universities. Former OAC 123:1-7-17 provided for a classification series including Sales Manager 1, 2, 3, and 4. Current OAC 123:1-7-17, effective April 26, 2009, no longer contains the classifications of Sales Manager 3 and 4. These two classifications no longer appear in Chapter 123:1-7.

FINDINGS OF FACT

The findings of fact are derived from the testimony of the witnesses and the exhibits in the record. At hearing, three witnesses testified: Deborah Cairl, Appellant, whose current classification is Sales Manager 4; Amy Thomson, Assistant Director, BGSU Bookstores; and Leslie Fern, Employment/Employee Relations Specialist, who is the employee who made the decision that Appellant is properly classified as a Sales Manager 4. Appellant's Exhibits A-L and Appellee's Exhibits 1-6 were admitted into the record. References to Appellant's exhibits are indicated parenthetically by "Exh.," followed by the exhibit letter. References to Appellee's exhibits are indicated parenthetically by "Exh.," followed by the exhibit number.

Ms. Cairl has worked for Appellee since July 2006. From November 2006 to April 2009, Ms. Cairl held the position of Account Clerk 3. In April 2009, Ms. Cairl accepted the position of Sales Manager 4, with the working title Cash Office Supervisor, in the University Bookstore. Ms. Cairl reports to Amy Thomson, Assistant Director, BGSU Bookstores. Ms. Thomson reports to Jeff Nelson, Director, Bookstores and Enterprise Services. The University Bookstore's annual sales total approximately 11 million dollars. (Appellee Exh. 6; Appellant Exhs. F, L)

The classification of Sales Manager 4, dated June 10, 1987, contained the following function statement: "Under general supervision from district sales supervisor, manages operations of state liquor store having \$1,250,000 to \$2,249,999 in annual sales & supervises store personnel, or manages operations of state liquor store having \$750,000 to \$1,249,999 in annual sales, supervises store personnel & acts as point of sale trainer." (Appellee Exh. 2) However, it is undisputed that Appellant's position is within Appellee's bookstore, not within a state liquor store.

As Cash Office Supervisor, Appellant performs a wide variety of cash handling and accounts payable duties. Appellant's duties involve working in the cash office in the lower level of the bookstore, as well as on its main level. In the mornings, Appellant typically starts her workdays in the cash office, where she posts the sales from the previous day, counts the cash register drawers, prepares the bank deposit, and balances the safe. Appellant also completes various financial reports. The remaining hours of Appellant's typical workdays involve handling the bookstore's accounts payable, overseeing the bookstore's customer service staff, and addressing issues that arise with the point-of-sale (POS) terminals.

As part of her job audit request, Appellant completed a Classified Staff Job Analysis Questionnaire (JAQ). (Appellant's Exh. A) At hearing, Appellant verified the accuracy of the description of her job duties contained in the JAQ, and testified that, in addition, she is responsible for hiring, training, and scheduling the student workers in several bookstore departments, including cashier, supplies, clothing, textbooks, general books, and office staff. Appellant has authority to discipline and discharge these student workers. Appellant supervises the position of Sales Manager 1, working title Customer Service Supervisor. The incumbent in this position has been on medical leave since September 2010. When Assistant Director Thomson is on vacation, she refers her telephone calls to Appellant. Appellant either handles the calls herself or directs the callers to the appropriate resources.

The JAQ and testimony at hearing established that Appellant's daily duties include the following: Reconciling cash boxes and balancing daily customer transactions to collected forms of payment tender in sales for the University Bookstore, Peregrine Shop and Firelands College Bookstore; utilizing the computerized financial accounting system to process sales transactions for use by the controller's office in posting daily sales and month-end closing entries; coordinating and assisting with sales and refund transaction data analysis for store management; working with the treasurer's office to ensure customers are properly

charged or credited for sales and refund transactions and on research and collection of credit card transactions denied or disputed; balancing and processing various bookstore financial reports; working with the bursar's office to adjust student accounts as funds are added to third-party accounts; working with students, departments, parents and the bursar's office in response to charge discrepancies and questions; monitoring and maintaining adequate cash on hand in the safe and at the registers to support daily cash transactions; making deposits of cash and checks; correcting errors in sales transactions and inventory control numbers; developing and implementing new programs for the POS terminals; working with campus safety on crime prevention and shoplifting; working with the Assistant Director on register and fund overage and shortage issues; troubleshooting problems with POS terminals; interacting with the MBS (bookstore management system) and information technology system support; assisting in troubleshooting problems in the Firelands branch bookstore; overseeing the customer service staff; updating procedures and attempting to ensure that policies and procedures are followed; preparing payment orders for expense invoices and prepay items; working with vendors to utilize the university purchasing card for payment of invoices and to receive credit; reviewing and approving purchasing card transactions through the web-based system to verify accuracy and to ensure corrections are processed; matching chargebacks with vendor credit memos to verify accuracy, resolve discrepancies, and ensure corrections are processed; entering and updating vendor information for the business office, the MBS, and the federal Financial Management Service (FMS) system; coordinating the work activities of accounts payable, including providing training, enforcing policies and procedures, and checking work for accuracy; coordinating, scanning, and indexing all accounts payable documentation; processing and verifying the accuracy of invoices and credit memos; communicating with vendors and publishers to resolve problems regarding merchandise and/or paperwork; coordinating the bookstore's mail delivery and phone transmittals; responding to customer inquiries; and opening and closing the bookstore on a rotating basis with other members of the bookstore leadership team.

Appellant maintains university gift card balance information and processes operating expenses by purchasing card and FMS on a weekly basis. Each month, Appellant monitors reports from the business office to ensure accurate accounts payable data entries; reconciles vendor statements, clears vendor credit balances and resolves discrepancies; backs up POS software and data files; schedules register maintenance; and assists with loading bookstore management software program releases.

On an annual basis, Appellant assists with the bookstore's inventory, prepares accounts payable reports for the business office for annual inventory and fiscal-year-end accounting entries, prepares documentation on annual sales transaction activity for the university's internal auditor, and provides other information in response to questions from the auditor's office.

CONCLUSIONS OF LAW

This case presents this Board with the question of how Appellant should be classified. Appellee has not yet adopted its own rules governing personnel practices, and Sales Manager 4 is no longer an available classification under OAC Chapter 123:1. Appellant, her supervisor, and Ms. Fern examined many classification specifications before and during the position audit process. Appellant asserts that the classification of Fiscal Officer 1 is the available classification that is most consistent with her job duties. Ms. Fern concluded that Sales Manager 4 was the most consistent classification. However, Sales Manager 4 is not an appropriate classification, as it no longer exists. Moreover, the Sales Manager 4 function statement explicitly applied to positions that managed the operations of state liquor stores. This function statement is not consistent with Appellant's work setting in Appellee's bookstore.

The function statement for Fiscal Officer 1 provides as follows:

Under general supervision from higher-level fiscal officer, administrative division chief, deputy director, business administrator or other administrative superior, directs, coordinates & monitors variety of fiscal activities for agency, institution, unit or specialized fiscal section of agency division or department, provides direct supervision to accounting, clerical or other support staff involved in fiscal & bookkeeping activities &/or assists higher-level fiscal officer or other administrative superior in fiscal control activities (e.g., fiscal planning & policy development, monitoring of bookkeeping operations)[.]

(Appellee Exh. 3)

Appellant asserts that 79 percent of her job duties fall under Rank 1 of the Fiscal Officer 1 classification specification. Rank 1 provides for 71 to 81 percent of the Fiscal Officer 1's job duties and reads as follows:

Directs, coordinates & monitors variety of fiscal management & control activities (e.g., authorizes obligations, purchases, expenditures & payments; manages fiscal & monitoring aspects of special grants; prepares & monitors agreements & contracts with consultants; monitors accounts payable & receivable, inventory, account allocation planning & payroll budget activities; reviews & approves travel expenses; maintains petty cash funds; establishes & implements accounting or auditing procedures; directs budget preparation per appropriation accounting guidelines, ensures compliance with applicable agency, state &/or federal regulations) for agency, institution, unit or specialized fiscal section of agency division or department, directly supervises subordinate employees involved in fiscal & bookkeeping activities & operations (e.g. auditing of accounts, recording of transactions, maintaining of control accounts, processing of requisitions or encumbrances, typing of vouchers, maintaining of ledgers preparing [sic] of remittances & payroll) & assists higher-level fiscal officer or other administrative superior in fiscal control activities (e.g., fiscal planning & policy development, monitoring of bookkeeping/operations).

The Latin abbreviation "e.g." means "for example"¹; consequently, to satisfy Rank 1, Appellant's job duties need not include any one specific duty or all the duties contained in the parenthetical descriptions above.

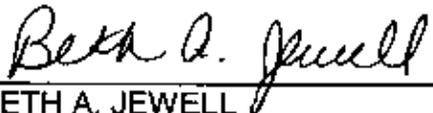
The bulk of Appellant's work does include directing, coordinating and monitoring a variety of fiscal control activities for the University Bookstore. The vast majority of Appellant's duties can be broadly defined as monitoring, checking and verifying the bookstore's revenues and expenditures. These duties fall within both the function statement of Fiscal Officer 1 and Rank 1, and comprise nearly 80 percent of Appellant's duties. (See Appellant's Exh. G) Appellant also satisfies Ranks 2 and 3 of the Fiscal Officer 1 classification specification. (Appellee Exh. 3, p. 2) Duties falling under Rank 2 include the preparation and maintenance of various bookstore financial records and reports. In examining Rank 3, Appellant interacts with her supervisor on an as-needed basis to report problems and provide information, Appellant assists in ensuring that policies and procedures governing bookstore operations are carried out, and Appellant oversees the maintenance of various types of office equipment, including the POS terminals and other computer equipment.

¹ BLACK'S LAW DICTIONARY 533 (Seventh Ed. 1999).

Ms. Fern's audit notes indicate that she reviewed and considered other possible classification specifications; Ms. Cairl and Ms. Thomson did so, as well. This Administrative Law Judge takes administrative notice of the classification specifications provided for in the Ohio Administrative Code, and she has not found another classification that is more consistent with Ms. Cairl's job duties than Fiscal Officer 1. Until such time as Appellee promulgates its own rules governing its personnel practices, the classification specification for Fiscal Officer 1 is the available classification most consistent with Appellant's job duties.

RECOMMENDATION

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review order the reclassification of Appellant, and require Appellee to assign Appellant to the classification of Fiscal Officer 1, class number 66531C, pursuant to R.C. 124.03.



BETH A. JEWELL
Administrative Law Judge

BAJ: