

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Theresa P. Patel,

Appellant,

v.

Case No. 11-REC-03-0073

Department of Alcohol and Drug Addiction
and
Department of Administrative Services,

Appellees.

ORDER

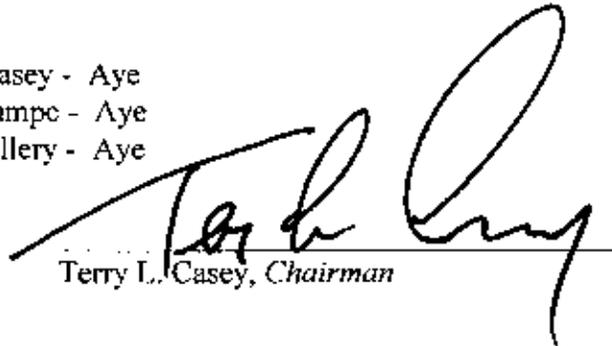
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

After a thorough examination of the 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 Appellee's determination that Appellant was properly classified as a Researcher 3, classification specification number 66923, be **AFFIRMED**, pursuant to O.R.C. §§ 124.03 and 124.14.



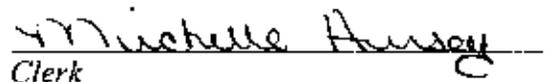
Casey - Aye
Lumpe - Aye
Tillery - Aye


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 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 27, 2011.


Michelle Aussey
Clerk

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

7-27-11mH

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

Theresa P. Patel,

Case No. 11-REC-03-0073

Appellant

v.

June 8, 2011

Dept. of Alcohol & Drug Addiction

and

Dept. of Administrative Services,

Appellees

Christopher R. Young
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause came on for record hearing on June 1, 2011 at 10:30 a.m. Present at the hearing was the Appellant, Theresa P. Patel, who appeared *pro se*. The Ohio Department of Alcohol and Drug Addiction Services was present through its designee, Sanford Starr, the Chief of the Division of Planning, Outcomes and Research who is the Appellant's supervisor and the Ohio Department of Administrative Services was present through its designee, Ms. Morgan Webb, a Human Capital Management Senior Analyst.

On or about December 30, 2010, the Appellee agency, the Ohio Department of Alcohol and Drug Addiction Services, requested an audit of Ms. Theresa P. Patel's position as a Management Analyst Supervisor 2, classification specification number 63216. Subsequently, on or about February 3, 2011, the Appellant received the results of the audit request which notified her that her proper classification for her position was that of a Researcher 3, classification specification number 66923. As a result of the audit, the Appellant was placed into a classification specification in a lower pay range, and as such the employee was placed into Step "X". After having received the Ohio Department of Administrative Service's decision, the Appellant timely filed her appeal to this Board on or about March 2, 2011. It should be noted that the aforementioned was stipulated too, as well as, the subject matter jurisdiction of this Board was established pursuant to O.R.C. sections 124.03 and 124.14.

Before proceeding onto the record hearing, the Appellant, Ms. Theresa P. Patel, stated that although she is presently classified as a Researcher 3, a classification in the lower pay range, she was seeking to be put back into her old classification as a Management Analyst Supervisor 2, or something that was equivalent in pay as her old position.

STATEMENT OF CASE

The first witness to testify was the Appellant, Ms. Theresa Patel, who currently holds the position of Researcher 3, a position she has held since January 2, 2011, with the Ohio Department of Alcohol and Drug Addiction. When questioned, the witness testified that she had previously held the position of Management Analyst Supervisor 2 since 2004, prior to the agency having requested an audit of her position during the last pay period in 2010. The witness explained that she was personally interviewed by someone from the Department of Administrative Services on January 25, 2011, received the results of the audit on February 3, 2011 which placed her retroactively back to the position of Researcher 3 as of January 2, 2011. The witness testified that she has been working for the Ohio Department of Alcohol and Drug Addiction for proximally the last 18 to 19 years while holding various positions within the agency, although Mr. Sanford Starr, the Chief of the Division of Planning Outcomes and Research, has been her supervisor for approximately last seven years, while she was a Management Analyst Supervisor 2, as well as a Researcher 3.

The witness's attention was then directed to review Joint Exhibit 1, the third page thereof, wherein she identified the table of organization dated December 4, 2010, and/or as it stood prior to her being reclassified from a Management Analyst Supervisor 2 to a Researcher 3. Moreover, the witness when questioned agreed that the table of organization is currently different but that she still has a direct reporting relationship to Mr. Sanford Starr, the Chief of the Division of Planning Outcomes and Research.

When questioned, the witness testified that she works within the Division of Planning, Outcomes and Research within the Ohio Department of Alcohol and Drug Addiction Services. The witness testified that the mission of the Division is to manage the block grant applications and processes with the federal funding and also to manage the community guidelines for local drug addiction services and

mental health boards. Further, the witness explained that there eight employees within her Division and that she is a full-time employee working 40 hours per week Monday through Friday from 7:30 a.m. to 4:00 p.m., although she can utilize flextime and/or get paid overtime. Moreover, when questioned, the witness testified that in her position as a Management Analyst Supervisor 2 or a Researcher 3 she did not provide supervision to any subordinate employees. Specifically, the witness testified that she did not complete performance evaluations, approve leave time or effectively recommend discipline, but that she did act on behalf of her supervisor and provide training from time to time.

The witness then identified Joint Exhibit 1, page 1 thereof, as a position description describing her job duties as a Management Analyst Supervisor 2, and agreed that under the 65% of the job duties listed thereon she was under the direct supervision from the Chief of the Division of Planning, Outcomes and Research, coordinated training, implementation, monitoring and evaluation of ODADAS performance management system. The witness also explained that she helped identify the needs of and plans/implements/administers contract program statewide for compliance and alignment with goals and priorities of the Department's strategic plan; participates in research on assigned program areas such as the Youth Risk Behavioral Survey and develops and designs methodologies/experimental approaches in areas of assigned responsibility; coordinates research design, implementation, operations and reporting relating to ODADAS programs or programs understudy with external entities; provides technical assistance to boards and programs regarding implementation of outcome framework and related functions; participates in review and synthesis of community plans with priority given to integration of outcome thinking and processes, reviewing all record/documentation/fiscal elements; serves as ODADAS informational resource person in areas of planning, outcomes research and evaluations. Moreover, the witness testified that she would characterize this part of her job duties as more of a quality improvement aspect of her job to ensure that others were complying with the block grants within the community guidelines.

Further, the witness testified that under the 25% of her job duties within the position description describing her job duties as a Management Analyst Supervisor 2 she did act as a consultant to other department divisions, ADAMHS/ADAS Boards and alcohol and drug programs; makes recommendations for improving the effectiveness and efficiency of program management, accountability, service delivery and data collection plans; interprets walls, regulations, administrative rules

and departmental policies and procedures relevant to federal, state and community plans.

Lastly, with regards to the 10% of the job duties listed under the Management Analyst Supervisor 2's position description, the witness testified that she did represent department and the Division at various meetings and workshops to transmit, interpret policies/procedures and/or exchange information to resolve concerns/issues/problems, all while working on various special projects for the year.

Moreover, the witness testified that she would from time to time direct the work of others, usually from people not within her division, but outside entities or contacts. When asked what her most important aspect of her job the witness explained that she believes her role as a problem solver is very important because she gets people together to solve problems and implement programs all while interpreting the grant application process as a team member and/or player.

The next witness to testify was Mr. Sanford Starr, the Chief of the Division of Planning, Outcomes and Research, who is classified as a Program Administrator 4, and who is the direct supervisor of the Appellant herein. When questioned, the witness explained that he has been Ms. Patel's supervisor for the last seven years or so while she was a Management Analyst Supervisor 2 and since she has become a Researcher 3 as a result of this agency's internal audit request. Specifically, when questioned if the Appellant's testimony regarding her job duties and responsibilities were accurate, Mr. Starr answered in the affirmative, as he was in the hearing room and heard the same. Mr. Starr explained that in addition to the Appellant's testimony he explained that Ms. Patel is an extremely hard worker with a "get it done attitude". Moreover, the witness testified he believes Ms. Patel is like a "project manager" and that the evaluation element of her work is very much like research.

The last witness to testify in Ms. Patel's case was Ms. Morgan Webb, a Human Capital Management Senior Analyst from the Ohio Department of Administrative Services, a position she has held since October 2010. When questioned, the witness testified that she has completed approximately 10 job audits since she became a Human Capital Management Senior Analyst, but that prior to holding that position she was a Human Capital Management Analyst where she completed approximately 70 job audits or more. The witness testified when questioned, that since this was an audit request from the agency she conducted a

face-to-face interview with the Appellant on or about January 25, 2011. The witness then identified Joint Exhibit 2 as her job audit report which she issued on or about February 3, 2011. When questioned, the witness testified that she reviewed the position description previously identified by the Appellant and after reviewing her duties thereon explained that when comparing her duties to those of a Management Analyst Supervisor 2 which calls for supervising subordinate employees that was not a good fit for her as she did not provide supervision, but only lead work. Moreover, the witness explained that Ms. Patel work with other departments and outside agencies plan, implement and administer research programs statewide relating to ODADAS programs or programs of study with external entities which more accurately was described by the Researcher 3 classification specification. Hence, the witness testified that she recommended that Ms. Patel be reclassified to a Researcher 3.

FINDINGS OF FACT

There was no real discrepancy between the Appellant's characterization and the duties that she performed and of the testimony of her direct supervisor, Mr. Sanford Starr, the Chief of the Division of Planning, Outcomes and Research. Therefore, I find as a matter of fact, the Appellant performed the duties about which she 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.

This Board must consider the relation between the classification specifications at hand and testimony presented and evidence admitted. This Board's consideration, however, is not limited solely to the duties contained in the classification specifications, but may also embrace other relevant facts submitted by any of the affected parties. *Gordon v. Dept. of Admin. Services*, No. 86AP-1022, slip op. (Ohio Ct. App. 10th Dist., March 31, 1988).

The classification specifications considered by the undersigned Administrative Law Judge were the Management Analyst Supervisor 2, classification specification number 63216, and the Researcher 3, classification specification number 66923, in making the determination on this instant reclassification appeal. Thus, one can look at the class concept functions of both of the above noted classifications to determine if the Appellant is properly classified as a Management Analyst Supervisor 2, or in the alternative a Researcher 3.

With respect to the classification specification of a Management Analyst Supervisor 2 the class concept states that this managerial level class works under the general direction and requires thorough knowledge of business and public administration in order to plan and direct the entire management evaluation and monitoring program for assigned agency **and supervises lower level management analyst supervisors.** (Emphasis Added) While the class concept for a Researcher 3 states that the second full performance level class works under direction requires considerable knowledge of research methods in order to act as a lead worker over lower-level researchers or **independently coordinates research efforts and projects with other departmental units, outside agencies and or consultants.** (Emphasis Added)

As previously mentioned, the Appellant, Theresa Patel, stated that although she is presently classified as a Researcher 3, she is seeking to be reclassified to the

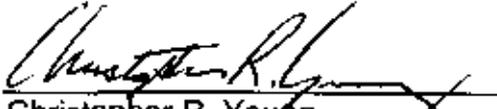
position of a Management Analyst Supervisor 2 or to a similar classification within the same pay range. After a thorough review of the above mentioned classifications, it is my recommendation that the Appellant was properly classified as a Researcher 3.

Based upon the testimonial and documentary evidence contained within the case file, the evidence clearly revealed that the Appellant did not provide supervision to any employees and that she had been classified in a classification specification of Management Analyst Supervisor 2, that required one holding that position to provide supervision, which she did not. Therefore, the undersigned Administrative Law Judge rejected the classification specification of a Management Analyst Supervisor 2 as being a proper fit for the Appellant herein.

With respect to the classification specification of a Researcher 3, the evidence revealed that the Appellant performed the duties of this classification to sufficiently meet what is called for in the specification of this classification, as the Appellant independently coordinated research efforts and projects with other departmental units and outside agencies and consultants for the most part on her job, all while acting as a lead worker for individuals and groups she would instruct from time to time. Thus, the undersigned after careful consideration of the evidence presented at the record hearing, and by preponderance thereof, concludes that the classification specification of a Researcher 3 best describes the duties which the Appellant, Theresa Patel, performed in her job.

RECOMMENDATION

Therefore, it is my **RECOMMENDATION** that the Appellant, Theresa Patel, was **PROPERLY CLASSIFIED** as a Researcher 32, during the relevant time period in question, and that the Appellant's appeal **DISMISSED**.


Christopher R. Young
Administrative Law Judge

CRY: