

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

BONITA J. HARRIS,

Appellant,

v.

Case No. 11-REC-04-0089

YOUNGSTOWN STATE UNIVERSITY,

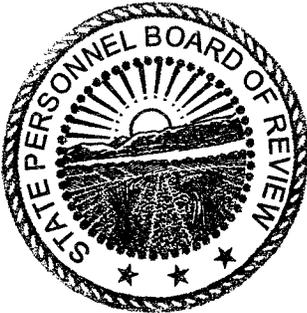
Appellee

ORDER

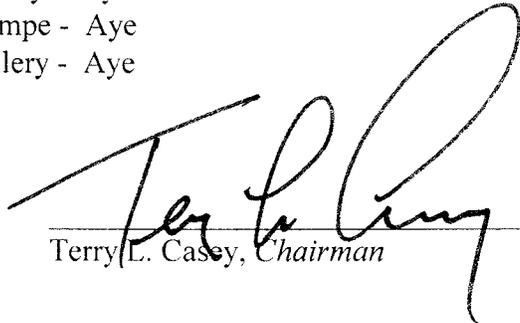
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 Appellee's determination that Appellant Harris is properly classified as an Administrative Assistant 3 is **AFFIRMED**.



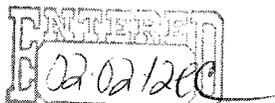
Casey - Aye
Lumpe - Aye
Tillery - Aye


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, February 02, 2012.




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**

Bonita J. Harris

Case No. 11-REC-04-0089

Appellant

v.

November 10, 2011

Youngstown 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 June, 22, 2011. Present at the hearing were the Appellant Bonita J. Harris, represented by Stanely J. Okusewsky III, Attorney at Law and Appellee Youngstown State University designee Carol Trube, Manager of Compensation and Classification, 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 Harris testified she has been employed at Youngstown State University ("YSU") for twenty-one years. Currently she is classified as an Administrative Assistant 3 ("AA3") and has held that position since October 2008. Her current supervisor is Dr. Martha Pallante. Appellant Harris explained she works in the History department and at the Youngstown Historical Center of Industry and Labor ("YHCIL"). She explained that the YHCIL is under the umbrella of the History department. The department of History has twelve full-time faculty, ten to twelve part-time employees, ten graduate assistants, and some student assistants. Appellant Harris stated she assumed the YHCIL duties in December 2009.

Appellant Harris testified she is the only Administrative Assistant in the department and, as such, she is responsible for the daily operations of the office, assisting the faculty members and managing the in and out traffic of students. She

is also responsible for coordinating movers for faculty members when needed and assists the faculty with computer programs and problems.

Appellant Harris is also responsible for all staffing at the YHCIL and office, which includes oversight of ten to twelve students. She posts jobs, conducts interviews, hires, and trains the students to complete time sheets. Appellant Harris testified she does not need to seek approval before hiring a student, stating that some of the students are work study students and others are student employees that have been accounted for in the department's budget. She is the only person who approves the student time sheets.

Appellant Harris also testified she is the regional coordinator for the History Day program. She explained that History Day involves between 500 and 700 students who compete, have projects, display exhibits, etc. The students come from five counties and then go on to compete in state and national programs. She testified she is responsible for scheduling the date a year in advance, maintaining a database of the approximately 500 different participating schools, reserving all rooms, sending out mailings, coordinating media and acquiring judges. Appellant Harris also meets with graduate students and assigns them tasks to help her with this program.

Appellee's Exhibit 6 was identified by Appellant Harris as her position audit request form which she signed on March 16, 2010. She stated it is an accurate description of her duties. Appellant Harris explained that she is responsible for distributing student assessments, which are to be filled out by students in survey courses to assess what the students have learned. She collects the data and completes a report for her supervisor.

Appellant Harris also testified she assists students in the department by working with them concerning instructor complaints, which involves obtaining information regarding the problem and referring to the Dean if necessary. She also helps register students and can override the department's registration system. She explained there are about 1000 students that need to register through the department. Finally, she testified she is responsible for ordering office and janitorial supplies.

Between August 2009 and May 2010, Dr. Pallante was on leave. Appellant Harris testified she attended a FERPA meeting in Dr. Pallante's absence and prepared a report for her. She also went to the state historical society for training for History Day and learned the Oracle system to reconcile accounts involving receipts. Her budgetary responsibilities consist of a daily review of the budget to look for deficits in supplies, equipment, and subscriptions. She further explained that she has no input into the overall budget. She testified she submits a monthly reconciliation and report for Dr. Pallante's review.

Appellant Harris also prepared the policies and procedures related to the museum, History Day, and for faculty use. As for the museum, she prepared policies regarding duties of the students and for History Day, she wrote procedures to inform graduate students about the day. As for faculty, she informs them of the policies for printing, sending mail and telephone use. Appellant Harris does not have any responsibilities with respect to legislation and there are no other clerical staff in the office. She schedules presentations during the History Day program.

On questioning by her counsel, Appellant Harris testified she is the only one who handles the budgets for the YHCIL and the department. She also testified she alone developed the FERPA policy for the department and also does History Day alone. Appellant Harris stated she is the one that implements programs and policies for the museum and supervises all the student employees for the department and YHCIL. She explained she also conducts the orientation for the new student workers and updates and troubleshoots the website.

Appellant Harris testified she is responsible for ordering supplies for the office and arranges for security at the YHCIL when needed. She stated she is in charge of watching over and maintaining the department in Dr. Pallante's absence.

Appellee's Exhibit 1 was identified by Appellant Harris as her new position description which she was given after completing her audit packet. She testified it is an accurate description of her job duties.

On cross-examination by Appellee, Appellant Harris identified Appellee's Exhibit 4 as the organizational chart for the History department and YHCIL. She testified she did not supervise the faculty in the department nor the staff at the YHCIL. She confirmed she has never conducted faculty staff meetings nor conducted staff meetings with YHCIL full time employees, only with student

workers. She also testified she does not have the authority to hire or fire faculty and that the members of the faculty do not report to her in Dr. Pallante's absence.

Appellant Harris testified that she did provide the faculty with information concerning software but did not provide the faculty information concerning more substantial questions concerning day to day operations. She testified that she once had to transfer money between accounts in Dr. Pallante's absence. Appellant Harris also testified she did not administer state-wide programs with the exception of History Day. She stated she has signature authority for Dr. Pallante in order to sign student incomplete grade forms as well as to transfer money. Appellant Harris could not think of any programs which she developed herself. The only time she represents Dr. Pallante outside of the university is at History Day meetings and that is also the only time she provides information to the public.

On re-examination by Appellant's counsel, Appellant Harris testified that she handles all the day to day ordinary activities of the office. She explained that if something extraordinary arose, she would seek direction from Dr. Pallante. She stated she completes the I9 form for the student workers and that she helped to create the student and employment handbooks.

On re-examination by Appellee, Appellant Harris testified that 35-40% of her work is with the museum and that 60% is for History Day.

Dr. Pallante testified she is the Chair of the History department at YSU and has had direct supervision of Appellant Harris since the summer of 1999. Dr. Pallante testified Appellant Harris coordinates the hiring of the student staff but lacks the authority to sign off on the hires. She confirmed Appellant Harris is responsible for the student assessments, but explained Appellant Harris assumed that duty in the fall of 2010, so it does not appear on the current position description.

Dr. Pallante confirmed Appellant Harris' testimony about her FERPA responsibilities. She testified Appellant Harris implemented the policy and made recommendations to correct the violations. She also stated Appellant Harris has implemented student policies. Dr. Pallante testified that the History department consists of a 42,000 square foot facility, oversight of which greatly complicates her and the administrative assistant's job responsibilities.

Appellant Harris the authority to override the department's registration system, as Dr. Pallante explained that Appellant Harris can perform regular and irregular overrides of the registration system. Dr. Pallante explained that irregular overrides were required when a student took a class out of sequence. She stated that Appellant Harris would not be given the responsibility to evaluate or hire faculty, but agreed that Appellant Harris responsibilities include the management of the office and reconciling the cash receipts from the YHCIL museum.

On questioning by Appellee, Dr. Pallante identified Appellee's Exhibit 5 as the duties of Academic Chairpersons, in conjunction with Faculty and Deans. She testified that the list accurately reflects her duties. Dr. Pallante explained that her duties include academic responsibilities as well as acting as a liaison between the students, the department, and the public. She testified that Appellant Harris does not assist with the academic responsibilities, but explained that Appellant Harris ensures that the faculty have what they need to do their job well. Dr. Pallante also testified that Appellant Harris does the majority of the museum work. She explained that this responsibility is extraordinarily complicated and not akin to other departments at the university. She stated that these duties include Appellant Harris taking care of water damage, mechanical problems, exhibits, etc.

Ms. Trube testified she is the Manager of Compensation and Classification at YSU. She stated she performed the audit of Appellant Harris and identified Appellee's Exhibit 10 as the notification to Appellant Harris that YSU determined her to be properly classified as an AA3. She explained that she evaluated Appellant Harris by comparing the duties in her job audit with the state specifications for AA3 and AA4. Specifically, Ms. Trube stated she looked at the Class Concept in the state specification and determined if Appellant Harris's duties accounted for more than 20% of the requirements listed in the Class Concept. If it did, Ms. Trube stated that Appellant Harris would qualify for that classification. She further explained that the only difference between the AA3 and AA4 Class Concepts was that an AA3 relieved the supervisor of difficult administrative duties and an AA4 relieved the supervisor of most difficult administrative duties. She further explained that a major difference between AA3 and AA4 job duties was that an AA3 relieve supervisors of authority and an AA4 relieves a supervisor of full authority.

Ms. Trube testified she evaluated Appellant Harris' responsibilities and found that she did not relieve her supervisor of full responsibility as required in the AA4 job duties. She further explained that Appellant Harris' duties fell more in line with

the AA3 job duties. As for the AA4 duties, she stated Appellant Harris did not give program direction to staff, did not implement state-wide programs, did not coordinate staff meetings, did not create policy statements, did not analyze programs and did not create legislative drafts. Furthermore, Ms. Trube testified Appellant Harris did not prepare budgets, did not perform faculty-staff orientation, and did not speak for the administrator on policy matters.

On examination by Appellant's counsel, Ms. Trube pointed out that the requirement that an AA4 relieve her supervisor of full authority is on line six under the job duties description. Ms. Trube identified Appellee's Exhibit 9 as the report she generated regarding Appellant Harris's audit. Ms. Trube testified that Appellant Harris does not act as an administrator because she does not supervise staff as student workers are not considered staff.

FINDINGS OF FACT

Since there was no discrepancy from the witnesses as to the job duties performed by Appellant Harris, I find that the duties as described by the witnesses are, in fact, the duties performed by Appellant Harris.

CONCLUSIONS OF LAW

In looking at the classification specifications for Administrative Assistant 3 (AA3) and Administrative Assistant 4 (AA4) and comparing Appellant Harris' duties to those specifications, it is clear that Appellant Harris is properly classified as an AA3.

There is little difference between the AA3 and AA4 class concepts in the classification specifications. The AA3 specification states that the AA3 relieves the superior of a variety of difficult administrative duties. The AA4 specification states that the AA4 relieves the superior of a variety of most difficult administrative duties. (Emphasis added).

Because the only difference between the Class Concepts of AA3 and AA4 is that of "difficult administrative duties" and "most difficult administrative duties", an analysis of the differences between the job duties within the class specifications is helpful and instructive. One major difference between the Job Duties of an AA3 and an AA4 is how the Administrative Assistant acts for the administrator. The AA3 acts for the administrator by responding to programmatic issues/needs of staff, leading or monitoring task forces, or planning, writing, and implementing departmental goals. In contrast, the AA4 acts for the administrator by providing program direction for staff, administering statewide agency programs, ensuring compliance with state & federal program requirements and advocating for legislation to enhance services/programs related to assigned specialty.

The testimony of both Appellant Harris and Dr. Pallante suggest that Appellant Harris' job duties fall within the AA3 specification with respect to acting for the administrator. Their testimony established that Appellant Harris responds to the needs of staff. In addition, her role in planning History Day fulfills the duty of leading a task force. As for the requirements of an AA4, the testimony of Appellant Harris, Dr. Pallante, and Ms. Trube establish that Appellant Harris does not act for her administrator in the capacity of an AA4. She does not relieve Dr. Pallante of program direction as she does not work programmatically with the faculty as does Dr. Pallante. In addition, Appellant Harris does not administer statewide agency programs, advocate for legislation, nor enhance services/programs related to a specialty. The History Day is more of an event instead of a program. It is an event taking place over a day or two as opposed to a program which takes place over a period of time and involves the continuing participation of the faculty.

The Job Duties under the AA4 class specification also lists that the individual provide regular direction to other staff members and division heads. Appellant Harris' testimony established that she does provide regular direction to the YSU student workers and volunteers, but these student workers and volunteers do not count as staff. Therefore, Appellant Harris does not fulfill this requirement.

The job duties of the AA4 class specification also require the incumbent to assume full responsibilities in the absence of the administrator. Dr. Pallante testified that she "wears many hats" with respect to her responsibilities. Dr. Pallante explained that she cannot delegate her academic duties but that she does delegate many of her administrative responsibilities to Appellant Harris. Therefore, Appellant Harris does not assume Dr. Pallante's full responsibilities in her absence.

There is an argument that the assumption of the administrator's full responsibilities is only an indicator, and therefore should not be determinative in the evaluation of an individual's classification as an AA4. However, in those situations, the duties that are assumed by the administrative assistant must be analyzed to determine if those duties rise to the level of AA4. As indicated previously, Appellant Harris does not assume duties beyond that of an AA3 in Dr. Pallante's absence. Appellant Harris does not supervise employees, administer state wide programs, advocate for legislation, nor enhance services/programs related to a specialty. Therefore, Appellant Harris assumption of duties in her administrator's absence does not raise her classification to the level of AA4.

Therefore, I respectfully **RECOMMEND** that the Appellee's determination that Appellant Harris is properly classified as an Administrative Assistant 3 be **AFFIRMED**.

Marcie M. Scholl

Marcie M. Scholl
Administrative Law Judge

:mms