

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

EVANGELINE BURZYNSKI,

Appellant,

v.

Case No. 11-REC-05-0189

YOUNGSTOWN STATE UNIVERSITY,

Appellee

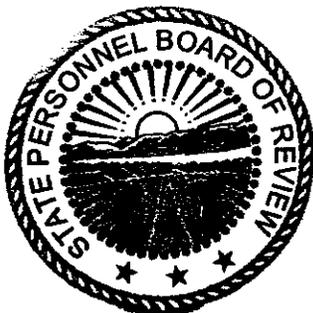
ORDER

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

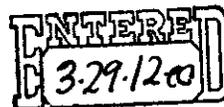
After a thorough examination of the entirety of the record, including a review of the Report and Recommendation of the Administrative Law Judge, along with any objections to that report and responses thereto which have been timely and properly filed, as well as the parties' respective responses and replies to this Board's Procedural Order to supplement the record, the Board hereby adopts the findings of the Administrative Law Judge but must modify the Recommendation of the Administrative Law Judge, as set forth, herein. The Board finds that the extant record in this matter, taken as a whole, supports Appellant's contention that she performs two or more personnel sub-programs on behalf of Appellee. Accordingly, Appellant's position should be reclassified to Human Capital Management Analyst, with an effective date consistent with the applicable Rules on same.

Wherefore, it is hereby **ORDERED** that Appellant's position be **RECLASSIFIED** to Human Capital Management Analyst, pursuant to R.C. 124.03 and R.C. 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, March 29, 2012.

Elin E. Conn
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**

EVANGELINE BURZYNSKI,

Case No. 11-REC-05-0189

Appellant

v.

October 12, 2011

YOUNGSTOWN STATE UNIVERSITY,

JAMES R. SPRAGUE

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This case came to be heard on August 8, 2011. Present at the hearing was Appellant, who was represented by Stanley J. Okusewsky, III, Attorney at Law. Appellee, Youngstown State University (YSU), was present through its designee, Steve Lucivjansky, Manager of Employment and Staffing, and was represented by Julie Smith and Rema Ina, Assistant Attorneys General.

This cause comes on due to Appellant's May 19, 2011 timely filing of an appeal from a job audit result that was issued on May 11, 2011 and received on May 12, 2011. Appellant's position was classified as a Human Resources Analyst 1.

Pursuant to the audit and a change in the State of Ohio class plan, Appellant's position was reclassified to a Human Capital Management (HCM) Associate, 64611 (Pay Range 8), which constitutes a change in class title but no change in pay. Appellant believes her position should have, instead, been reclassified upward to Human Capital Management Analyst, 64612 (Pay Range 10).

Jurisdiction over the subject matter of this appeal was established pursuant to R.C. 124.03 and R.C. 124.14.

CONSOLIDATED STATEMENT OF THE CASE AND FINDINGS OF FACT

At hearing, three witnesses testified.

First to testify was **Appellant, Evangeline Burzynski**, who serves in a position currently classified as Human Capital Management Associate, 64611, with YSU's Office of Human Resources.

Second to testify was **Steve Lucivjansky**, YSU Manager of Employment and Staffing, whose position is classified as Administrative Assistant 4 and who serves as Appellant's supervisor.

Last to testify was **Carol Trube**, YSU Manager of Classification and Compensation, who conducted the audit and who also works with Appellant at the YSU Office of Human Resources.

Appellee's Exhibit 7 is the YSU Classified Civil Service Position Audit Request Form pertinent to the audit performed on Appellant's position that constitutes the subject matter of the instant appeal.

On Page 4 of the Job Audit Request Form, Appellant indicates that her job involves responsibility for the safety and health of others. She further notes that she "Provide[s] documentation for all new employees on Declaration Regarding Material Assistance, Ethics Law, fire, tornado, Hazardous spill, etc."

She continues on Page 5 by noting some of her job responsibilities for records and/or reports and the types of materials involved and the actual operations performed. She explains those job components include:

FOP sick leave reports;

Seniority reports;

Eligibility lists for tested positions;

maintaining classified records;

the three month report to the Board of Trustees;

and preparing the Equal Employment and Diversity report.

Page 5 of the Job Audit Request Form also contains a section that asks the employee to "... explain any changes, additional duties, etc. that have now been indicated in the job duties section of this questionnaire vs. those listed in the existing position description."

In response to that request, Appellant notes that she performs the following duties. Appellant:

tracks and processes sick leave usage for YSU exempt and FOP bargaining unit employees;

assigns classifications to new applicants;

enters Personnel Actions in the "Banner" system and in M204;

processes new employee information into "Banner" and assigns a "Banner" ID;

assists her immediate supervisor on the special seniority report;

is responsible for providing information according to the YSU/ACE contract to all employees and for assisting the public;

on behalf of YSU, contacts the State for new civil service exams; receives documentation and new tests;

composes, manages and processes civil service tested positions;

advertizes job postings and exam announcements via e-mail (100+), hotline, and five surrounding counties;

orders and maintains applications and vouchers;

conducts preliminary screening for classified search committees;

provides assistance to her supervisor and, if her supervisor is unavailable, fills in for same on search committees;

provides job audit packs to employees so requesting and prepares paperwork;

gives presentations circa orientation for all new intermittent and classified employees along with documentation for ID, parking pass, time sheet, etc.

Based upon the testimony presented and evidence admitted at hearing, I make the following Findings:

First, I note that I incorporate, herein, any finding set forth, above, whether express or implied. Next, I adopt as a finding the duties that Appellant has delineated in her Job Audit Request Form and that have been set forth, above.

CONCLUSIONS OF LAW

This case presents this Board with the question of whether YSU properly reclassified Appellant's position to Human Capital Management Associate, 64611 or, alternatively, whether YSU should have further reclassified Appellant's position to Human Capital Management Analyst, 64612? Based on the findings set forth, above, and for the reasons set forth, below, this Board should find that YSU properly reclassified Appellant's position to HCM Associate and, so, should affirm YSU's instant job audit determination.

The Series Purpose language for the HCM class series states, in paragraph one:

The purpose of the Human Capital Management occupation is to perform, coordinate &/or manage human resources programs, with assignments increasing in the degree of complexity & independence as employees move through the series.

A further found in the pertinent Series Purpose language, the principal difference between the HCM Associate specification and the HCM Analyst specification is that, while the HCM Associate is to perform "*one human resources sub-program*" for the assigned entity, the HCM Analyst is to perform "*two or more human resources sub-programs*" for the assigned entity.

The Series Purpose language also contains a Glossary which provides numerous examples of pertinent qualifying human resources sub-programs.

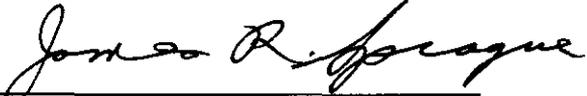
For our purposes, there appears to be the most consensus among the parties that Appellant's job activities fit the qualifying sub-program of "Organizational Design (e.g., maintaining table of organization, advising managers, *coordinating structures analyzing needs & succession planning*);". Moreover, the preponderance of the evidence in the record supports this assertion.

In addition, Appellant asserts that she performs one or more additional sub-programs. There is some evidence in the record to substantiate this assertion. However, the preponderance of the evidence in the record does not substantiate this assertion.

Accordingly, it appears that the HCM Associate classification provides the best fit for Appellant's overall job duties, and I so find.

RECOMMENDATION

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **AFFIRM** the job audit determination of Appellee that Appellant's position be reclassified to Human Capital Management Associate, 64611, pursuant to R.C. 124.03 and R.C. 124.14.



JAMES R. SPRAGUE
Administrative Law Judge

JRS:

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

EVANGELINE BURZYNSKI,

Appellant,

v.

Case No. 11-REC-05-0189

YOUNGSTOWN STATE UNIVERSITY,

Appellee

LIFTING OF STAY / ISSUANCE OF FINAL 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 and responses to objections to that report which have been timely and properly filed, the parties' supplementations of the record, and Appellee's motion for reconsideration and Appellant's memorandum *contra*, the Board hereby adopts the findings of the Administrative Law Judge but must modify the Recommendation of the Administrative Law Judge, for the reasons stated in this Board's March 29, 2012 issued final Order in this matter. This Board reiterates that the extant record, taken as a whole, supports a finding that Appellant performs two or more requisite personnel sub-programs and, accordingly, her proper classification should be Human Capital Management Analyst. Further, this Board expressly finds Appellant's statements and assessment of the law and facts of this case contained within Appellant's memorandum *contra* to be accurate and well-stated.

Wherefore, it is hereby **ORDERED** that this Board's final Order in this matter, issued March 29, 2012, **STANDS AS ORIGINALLY ISSUED** and, pursuant to same, Appellant's position should be **RECLASSIFIED** to Human Capital Management Analyst, consistent with the findings and instructions contained within that same March 29, 2012 issued final Order in this matter.

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, April 25, 2012.



Clerk

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