

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

HARRY A. STAPLES III,

Appellant,

v.

Case No. 11-REC-09-0309

DEPARTMENT OF PUBLIC SAFETY and
DEPARTMENT OF ADMINISTRATIVE SERVICES,

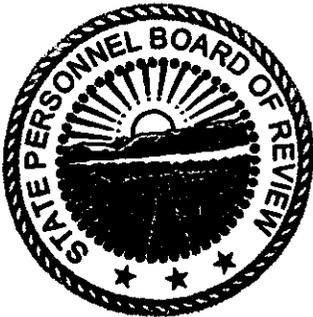
Appellee

ORDER

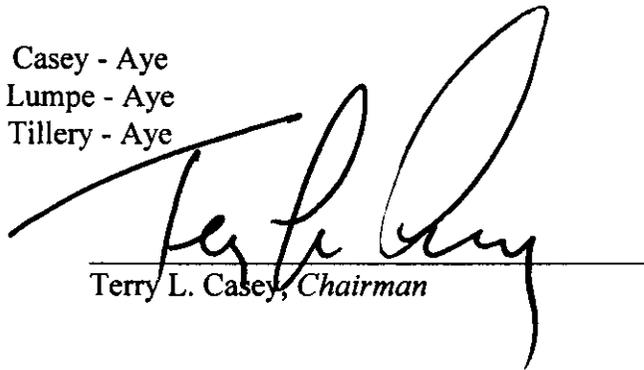
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 the job audit determination of the Department of Administrative Services that Appellant is properly classified as a Telecommunications Network Supervisor, 52485, pursuant to Ohio Revised Code Sections 124.03 and 124.14 is **AFFIRMED**.



Casey - Aye
Lumpe - Aye
Tillery - Aye

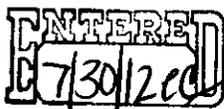


Terry L. Casey, *Chairman*

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, July 30, 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**

Harry A. Staples III

Case No. 11-REC-09-0309

Appellant

v.

June 28, 2012

Department of Public Safety and
Department of Administrative Services

Appellees

Marcie Scholl
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause came to be heard on February 22, 2012. Present at the hearing was Appellant Harry A. Staples III, who appeared *pro se*; Appellee Department of Public Safety's (DPS) designee, Julie Lee, Human Capital Management (HCM) Administrator, and James Hogan, Associate Legal Counsel; and Appellee Department of Administrative Services' (DAS) designee, Robin Lind, DAS Senior HCM Analyst.

This cause comes on due to Appellant Staples' September 1, 2011 filing of an appeal from a job audit determination that resulted in no change to his position as Telecommunications Network Supervisor (TNS), 52485.

Notice of the instant job audit determination was issued on August 1, 2011 and was received by Appellant Staples on the same day. Jurisdiction over the subject matter of this appeal was established pursuant to sections 124.03 and 124.14 of the Ohio Revised Code.

STATEMENT OF THE CASE

Appellant Staples stated he was employed with DPS for over nineteen years as of February, 2012 and has been classified as a TNS since 2006. Appellant Staples indicated that his immediate supervisor, as of February 12, 2012, is Lester Reel (Administrative Officer 3). Sergeant Gary Thompson was Appellant Staples'

immediate supervisor for a period of about three years prior to February 12, 2012, which includes the time of Appellant Staples' job audit.

Appellant Staples works with the Law Enforcement Automated Data Systems (LEADS) which falls under the Ohio State Highway Patrol Technology and Communications Services (TCS) section. As described by Appellant Staples, LEADS assists DPS, State Highway Patrol, sheriff, police, and local law enforcement agencies with various information technology issues including network monitoring, equipment troubleshooting, taking care of titling and deputy registrar sites, opening trouble tickets, and assisting agencies with making entries in the system such as warrants, missing persons, and stolen vehicles.

Appellant Staples testified he performs the job duties under the TNS classification and that the TNS Position Description (See Appellee's Exhibit I) is an accurate description of his duties, which are comprised of:

- 65% Provides direct supervision to the LEADS Control Room staff that monitors & troubleshoots the operation of the statewide communication network ([LEADS]) providing access to criminal justice agencies & network communication for [DPS], supporting multiple state agencies 24 hours per day, 7 days per week, all year.
- 20% Establishes goals & priorities for the Control Room Staff. Assigns & reviews work, sets work schedules to ensure minimum staffing levels, & trains staff & monitors the effectiveness of that training. Assists in selection of new employees, recommends changes in section policies &&/or [sic] procedures, assists in preparation of annual reports or forecasts, & other duties as assigned.
- 15% Assists staff in the [TCS] section Computer Operations in indentifying & resolving network &/or application problems of various state agencies with their interaction with the DPS network.

These duties are also described almost verbatim in the Job Audit Questionnaire (JAQ) packet Part I completed by Appellant Staples. See Appellee's Exhibit E at 14. Appellant Staples testified that the information regarding his duties is still accurate and that no duties have changed since completing the JAQ packet on July 13, 2011.

In describing his work, Appellant Staples stated he "pretty much runs a help desk." Appellant testified he directly supervises a staff of nine employees in the LEADS Control Room, explaining that he performs the duties of his staff when he is short-staffed, training staff members, and when his staff otherwise requires assistance in the performance of their duties.

Appellant Staples stated he and his staff support users (law enforcement and criminal justice agencies) by creating help tickets and addressing network, circuit, entry, or system testing problems. They first try to troubleshoot, identify, and solve the problem. Appellant Staples testified that if that is unsuccessful, he and his staff then contact infrastructure specialists (who generally take care of the DPS network) for further troubleshooting or the vendor (AT&T) if a circuit is down. Appellant Staples explained that he and his staff also help users with the application software and answer questions about the different types of entry codes used in the systems.

The TNS Class concept states, in relevant part:

The first supervisory level class works under direction & requires thorough knowledge of electronics & telecommunications network systems in order to supervise telecommunications network personnel on assigned shifts, operating 24 hours per day, 7 days per week, 365 days per year & which support multiple state agencies' communication needs & . . . in State Highway Patrol, to supervise personnel responsible for operation of statewide communications network ([LEADS]) providing access to criminal justice agencies

Appellee's Exhibit A at 1.

Appellant Staples testified he is seeking reclassification to an Information Technology Supervisor 1. He stated there is no Information Technology Supervisor 1 currently, nor is there a Network Services Supervisor. Appellant Staples supervises Information Technologist 2's and testified he wishes to get on the same managerial path as his subordinates.

The Information Technology Supervisor 1 class concept states, in relevant part:

The first supervisory class works under general direction . . . to supervise Information Technology Specialist 2's &/or 3's &/or Programmer Specialists whose primary duties involve writing, analyzing & designing computer programs &/or systems integration for personal computers

Appellee's Exhibit B at 2.

Of the duties listed on the Information Technology Supervisor 1 classification specification (see *id.* at 4), Appellant Staples stated he interviews job applicants, recommends hiring decisions, evaluates staff performance, recommends discipline, and performs training for his staff as needed. Appellant Staples assigns work to his staff if there are other specific projects to work on. Appellant Staples testified he analyzes the needs of users and analyzes hardware and software alternatives to the extent that if a site goes down he tries to reach the router or switch and has the circuit tested. If this is unsuccessful, Appellant Staples explained that he has someone (either the vendor or an infrastructure specialist) go out to replace the problem equipment. Appellant Staples testified he is a member of a committee which revises the LEADS manual annually. Appellant Staples averred that he works with programmers to test to see whether any errors occur when entries are made in the system.

Appellant Staples testified that neither he nor any of his staff write, analyze, or design computer programs in the course of their work and that there is a specific group that handles programming, which includes implementing upgrades, updates, and changes to the application. Appellant Staples stated he does not analyze or design large or complex computer systems. He also stated he does not contact or meet with DAS computer representatives to coordinate database storage, computer operations, or to exchange information. Appellant Staples testified his subordinates are not classified as "Information Technology Specialists".

Appellant Staples explained that, at the time he started in his current position as a TNS, his staff was under the Telecommunications Technician 2 classification. Appellant Staples further explained that his staff changed job classifications twice since he started in his current position; first in 2008 to Network Services Technician 1 after an employee grievance reclassification and second in 2010 to Information

Technologist 2 as the result of a statewide information technology reclassification. Appellant Staples testified all of his staff is currently classified in the Information Technologist 2 position but he feels his staff is currently performing the duties under the Network Services Technician 1 classification. Appellant Staples stated he does not supervise any other employees. Appellant Staples testified his staff performs the duties of Information Technologist 2's "to an extent."

The Position Description for the Information Technologist 2 position describes the job duties of Appellant's subordinates as follows:

- 90% Provides maintenance and documentation support to information system users and/or IT specialists (e.g., enters meta-data into repositories, performs loading validation, executes unit or system test scripts, provides maintenance support for application software, develops, organizes, files, and maintains platform specific documentation).
- 10% Generates enhancements for existing infrastructure, software or database systems in compliance with specifications and standards (e.g., creates and/or modifies program modules, creates database diagrams, writes standard queries, writes test cases and/or scripts for unit and systems testing, verifies unit and system test results to ensure software is producing desired results).

Appellant's Exhibit 6.

Jeremy Hansford is an Information Technology Manager 2 who works in the LEADS section of the Ohio State Highway Patrol under DPS. Mr. Hansford stated he has worked in LEADS for the past seven years. Mr. Hansford testified he is not Appellant Staples' direct supervisor, but they liaison on a daily basis regarding technology issues. Mr. Hansford stated he approves Appellant Staples' leave or schedule change requests if Appellant Staples' direct supervisor is not present.

Mr. Hansford explained that his direct subordinates are the technology staff, which is comprised of software development specialists, who handle programming, and infrastructure specialists who handle networking. Mr. Hansford further clarified that Appellant Staples and his staff escalate technology issues to Mr. Hansford's technology staff when troubleshooting alone does not solve the problem.

Mr. Hansford explained that Appellant Staples' direct subordinates serve dual roles. First they handle information support by explaining to users how to use the LEADS applications. Additionally, they handle technology support by addressing application, network, and circuit problems for law enforcement agencies.

Mr. Hansford stated that the testimony offered by Appellant Staples regarding his daily duties was "pretty accurate" and was not "a stretch." Mr. Hansford feels Appellant Staples is performing all the duties of the TNS classification. Mr. Hansford agreed that Appellant Staples does not do any programming. To Mr. Hansford's knowledge, there is no one in the LEADS control room that does any programming or software development or is classified as network services supervisor. In a separate section, Jeremy Ebert and Mauro Pereira are Network Services Supervisors and have different duties than Appellant Staples. Software development falls under Kathryn Pirwitz, who is classified as an IT Supervisor 3, according to Mr. Hansford. See Appellee's Exhibit J.

Robin Lind works in the DAS Human Resources Division. Ms. Lind averred that she completed Appellant Staples' job audit report (Appellee's Exhibit C) after reviewing the information submitted by Appellant Staples, Sgt. Gary Thompson, Appellant's supervisor, and Julianne Lee, the management designee.

Ms. Lind testified she did not look at the duties performed by Appellant Staples' subordinates beyond checking who he was supervising. Ms. Lind explained that she doesn't have to review other job classifications if the employee is properly classified at the time of the review. Ms. Lind stated she is unfamiliar with the prior reclassifications of Appellant's subordinates.

Ms. Lind testified her review only involved looking at the information submitted to determine whether Appellant met the requirements of his current class concept and whether Appellant was properly classified. This procedure is also detailed in O.A.C. 123:1-3-01(D) which provides that where the information and statements submitted are *not* consistent with the existing classification specifications, the classification that most accurately describes the duties performed shall be assigned. Ms. Lind testified she found the duties described by Appellant Staples in Part I of the JAQ packet (see Appellee's Exhibit E) *are* consistent with his current TNS classification and therefore no classification change is required.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on 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, by reference, the breakdown of duties offered by Appellant, as summarized by DAS in its job audit packet.

Further, I find that Appellant Staples' duties and responsibilities are consistent with the supervisory requirements set forth in the TNS classification specifications. The duties being performed satisfy the class concept for the TNS position according to the information in the job audit packet and testimony given at hearing. Even considering that Appellant Staples' subordinates are classified as Information Technologist 2's rather than Telecommunications Technician 2's or Network Services Technician 1's, they are "telecommunications network personnel" and "personnel responsible for the operation of statewide communications network". For this reason, DAS was not required to look any further into possible classifications that may be more consistent with Appellant Staples' job duties under O.A.C. 123:1-3-01(D).

Additionally, I find that Appellant Staples' duties and responsibilities do not comport with the various requirements set forth in the Information Technology Supervisor 1 class concept for two reasons.

First, the focus of the Information Technology Supervisor 1 class concept is on the work performed by – rather than the title of – the subordinates. The class concept lists a number of knowledge or coursework prerequisites "in order to" supervise employees whose primary duties involve writing, analyzing, and designing computer systems and/or systems integration. The specificity of the prerequisites and duties performed by the subordinates underscores the importance of programming and systems expertise in the Information Technology Supervisor 1 position. By contrast, the classifications of the potential subordinates are less specific; Information Technology Specialists at two different levels and Programmer Specialists at any level may be supervised by an Information Technology Supervisor

1. Here, the specifics of the work performed carry more significance than the list of the potential employees supervised by Information Technology Supervisor 1's.

With this in mind, Appellant Staples' duties do not satisfy the classification specifications for the Information Technology Supervisor 1 position. Neither Appellant Staples nor any of his subordinates perform any computer programming or systems integration in the course of their work. Even if working with programming staff to test entry errors is considered a programming duty, the evidence presented indicates that this, at most, comprises 15% of Appellant's duties. Additionally, the only reference to programming in the Information Technologist 2 Position Description is the job duty of generating enhancements for existing software which comprises only 10% of time spent. Therefore, the duties performed and noted in the classification specifications are insufficient to satisfy the Information Technology Supervisor 1 class concept.

Second, even if the subordinates' classification is significant, the evidence indicates that Information Technology Supervisors are expected to supervise employees that are distinct from Information Technologists. The Information Technology Supervisor 1 class concept refers to Information Technology *Specialists* and Programming *Specialists*. Also, the Information Technologist 2 Position Description provides that 90% of the job duties involve maintenance and documentation support to other employees, including "IT specialists." Using the word "specialists" suggests a higher level of mastery or a greater level of expertise within the job series. Furthermore, the reference in the Information Technologist 2 Position Description to IT specialists would be circular if Information Technologists and Information Technology Specialists were one and the same. The Information Technology Supervisor class concept appears to envision supervision of a classification of subordinates that is markedly different from those that currently work under Appellant.

In summary, Appellant Staples' duties and responsibilities meet the requirements of the TNS class. Additionally, Appellant Staples' duties and responsibilities do not meet the requirements of the Information Technology Supervisor 1 class.

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RECOMMENDATION

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **AFFIRM** the job audit determination of the Department of Administrative Services that Appellant Staples is properly classified as a Telecommunications Network Supervisor, 52485, pursuant to sections 124.03 and 124.14 of the Ohio Revised Code.

Marcie M. Scholl

Marcie Scholl
Administrative Law Judge

:mms