STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

ROBIN MONARCH,

Appellant,

v. Case No. 11-REC-11-0350

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 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 Appellee's determination that Appellant's position is properly classified as Secretary 2, 12552C, 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, February 02, 2012.

Clerk

ENTERED 02/02/12 ec

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

ROBIN MONARCH,	Case No. 11-REC-11-0350
Appellant	
v.	January 3, 2012
BOWLING GREEN STATE UNIVERSITY,	
Appellee	JAMES R. SPRAGUE *Administrative Law Judge*

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause came to be heard on November 28, 2011. Present at the hearing was Appellant, who appeared *pro se*. Appellee, Bowling Green State University (BGSU), was present through its designee, Leslie Fern, Employee Relations Employment Specialist, and was represented by Julie B. Smith, Assistant Attorney General.

This cause comes on due to Appellant's October 31, 2011 timely filing of an appeal from a job audit determination that found that Appellant's position was properly classified as Secretary 2, 12552C. Appellant's audit request was received during the time frame of July 21 through July 27, 2011 and Appellant received the results of same on or about October 21, 2011. Appellant indicated that she believed her position would be more properly classified as Administrative Assistant (AA) 1, 63121C.

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 **Robin Monarch, Appellant**. Ms. Monarch currently serves in a position classified as Secretary 2 with the BGSU Department of Communication Sciences and Disorders (CSD) within the College of Health and Human Services.

Second to testify was **Lynne Hewitt**, Ph.D., CCC-SLP, who serves as Chair of BGSU's CSD Department. Dr. Hewitt has served as Appellant's immediate supervisor for all times pertinent to this appeal.

Last to testify was **Leslie Fern**, BGSU Employee Relations Employment Specialist and Appellee's designee at hearing.

The record reflects that the CSD is divided into two primary parts: the Clinic and the academic component. Whereas the academic component represents the standard college undergraduate and graduate matriculation, the Clinic (where Appellant is mainly assigned) represents a separate fee-based assessment and treatment facility that is open to the public.

The Clinic is headed by the Clinic Director and the Graduate Program by the Graduate Coordinator. Dr. Hewitt oversees both components and all positions in the Department report to Dr. Hewitt.

Appellee's Exhibit 6 constitutes the pertinent Job Audit Questionnaire Packet regarding the instant appeal. Section B of that packet contains a detailed breakdown of Appellant's duties and an estimated percentage attached to each component therein. Appellant's written recitation of her duties is set forth, below, along with the percentage she has assigned to each group of tasks.

> Provides Clinic and/or Graduate program information, routine and non-routine support, procedure and policy interpretation to students, staff, faculty, and general pubic; responds to inquiries, resolves complaints/problems in-person, via telephone, email [10 percent]
>
> Oversees and coordinates day-to-day office operation/functions to maintain efficient and effective processes and services to both on- and off-campus constituents; trains and serves as lead worker to oversee duties of part-time Clinic secretary; ... [10 percent]

Analyzes needs and determines type of speech-language/hearing appointment needed based upon information supplied by on- and off-campus constituents/clients; schedules and coordinates confidential speech-language diagnostic evaluations and/or hearing [10 percent]

Reconciles daily income/revenue; prepares daily deposits to be sent to Bursar's Office; prepares, updates and maintains confidential Clinic client files and/or databases; prepares, updates and maintains graduate student academic and clinical files/databases [10 percent]

Gathers and organizes data to prepare invoices and statements for Clinic accounts receivable (may include insurance and or third party information); completes and processes third party forms and submits for payment (includes BCMH, RSC/BVR/BVSI. [10 percent]

Organizes and coordinates the graduate student application process for the CDIS Graduate Coordinator; collects doctoral/bridge/master's student applications and supporting documentation; regularly reviews and analyzes offices processes and needs. [10 percent]

(Nov – Feb) prepares graduate student applicant files for distribution to Graduate Admissions Committee members to review, rate, and return; prepares and sends admission decisions correspondence to graduate applicants/ candidates; ... [10percent]

Develops and implements changes and/or provides recommendations to the Department Chair and the Clinical Director to assist in forming and improving office management and offices procedures and policies for short-term and long-term planning; ... 10 percent]

Oversees retention and disposal schedules for academic and clinic records (hard-copy and on-line records); develops, updates, and maintains record keeping forms for Clinic and CDIS Graduate Program; gathers data for, provides printer counts, and maintains [5 percent]

Organizes, coordinates, and oversees Clinic start-up and check-out procedures; prepares, updates and maintains Clinic census and other

> client/Clinic databases; analyzes and projects needs for number of Clinic/Department client/visitor parking permits [5 percent]
>
> Develops, updates, and maintains record handbooks, and manuals for Clinic and CDIS Graduate Program; coordinates the recruitment, interviewing, hiring of 1-3 graduate student workers, prepares/modifies and submits on-line graduate assistantship contracts [5 percent]
>
> Attends relevant workshops, in-person and/or on-line, to stay current on individual program policies and guidelines; serves as committee member when recruiting, interviewing, and hiring candidates for part-time secretarial position; ... [3 percent]

In Section C, Appellant provides the following as an example of work performed independently with only general direction, *et cetera*.

> Gather confidential intake information provided by caller; analyze information and determine client type of disorder to be addressed; explain payment policy/guidelines (including eligibility requirements for sliding fee scale availability if therapy is warranted), assign appropriate supervisor/team of graduate clinicians based upon type of diagnostic needed; input assignment information on appointment schedule and in Clinic database; prepare appointment letter ...

In her testimony, Dr. Hewitt noted that she directly supervises all employees of the Department. Dr. Hewitt also noted in her portion of the Job Audit Questionnaire Packet the following:

> Robin/person in this position does not supervise any clerical staff. Student + p/t workers are occasionally supervised. All admin + clerical staff are supervised by the dept. chair in CDIS. Full time person (Clinic Sect'y 2) does train & guide/serve as a resource for part-time person but is not a supervisor.

Appellee's Exhibit 8 is a Memorandum from Leslie Fern to Dr. Hewitt regarding "Position Audit of Robin Monarch". In the memorandum, Ms. Fern includes a summary of Appellant's duties, and indicates:

> The recommendation [to leave Appellant's classification as Secretary 2] is made based upon duties, tasks and responsibilities described by Ms. Monarch during our meeting and in her job Analysis Questionnaire, such as:
>
> Provides Clinic and/or Graduate program information, routine & non-routine support, procedure & policy interpretation to students, staff, faculty and general public.
>
> Respond to inquiries and resolves complaints
>
> Oversees & coordinates day-to-day office operation/functions to maintain efficient and effective process and services.
>
> Analyze needs & determines type of speech-language/hearing appointment needed based upon information supplied by constituents/clients; schedules & coordinates diagnostic evaluations &/or hearing appointments.
>
> Reconciles daily income/revenue; prepares daily deposits to be sent to Bursar's office; prepares, updates and maintains client files and/or databases.
>
> Gathers & organizes data to prepare invoices & statements for clinic accounts
>
> Organizes & coordinates the graduate student application process; prepares files for distribution.

The parties focused on several areas of duties; to better delineate whether Appellant's position should be classified as a Secretary 2 or as an Administrative Assistant 1.

The **first** area concerns *Appellant's interaction with clients/customers regarding the intake and routing functions for the Clinic.* Appellant views these functions as performing research and analysis for her Chair. She stresses that these functions require analyzing the customer/client, his or her prior history or lack

thereof with the Clinic, and appropriately processing and directing the customer/client for diagnostics or treatment, based on the particular needs of that individual.

Appellee perceives this function as more of a greeting and routing function. While Appellee agrees that Appellant must make an initial assessment regarding the direction in which to route the individual, Appellee asserts that this function, while important, does not involve substantial discretion and does not constitute independent research and analysis on the part of Appellant.

It is difficult to properly categorize this area of duties. It would certainly appear that this area constitutes the most complex of Appellant's many duties.

At bottom, however, it appears that the routinized nature of this area of duties, while quite important, does not constitute research and analysis as much as scheduling, calendaring, routing, disseminating information, and greeting visitors, duties falling under the Secretary 2 class.

The **second** area concerns Appellant's duties of *coordinating the administrative component of the graduate student application process and gathering data and preparing memoranda for the Chair regarding graduate student stipend allocations*. Appellant notes that she essentially oversees the administrative component of graduate student recruitment and matriculation. Appellee sees this not as research and analysis or as interpretation but as scheduling, calendaring, and information gathering.

This, again, is a close call. However, it appears that this set of duties could reasonably be categorized as data collection/information retrieval, duties falling under the Secretary 2 class.

The **third** area concerns *Appellant's being assigned by her Chair to go out and research various filing systems for potential use in the Clinic*. Appellant did so and the Chair adopted the recommended system for use in the Clinic. Appellant sees this as research and analysis. Appellee sees this as collecting data and, from a budget perspective, an assessment of what the Department could afford.

Yet, again, this is a close call. Again, however, this set of duties can be seen as information retrieval and/or developing new office procedures, duties falling under the Secretary 2 class.

The **fourth** area concerns Appellant's problem-solving regarding a situation when *BGSU's on-campus Parking Services was alleged to have gotten "a little too enthusiastic" in ticketing Clinic clients using Handicapped Designated parking; during the Chair's absence.* Appellant contacted Parking Services and got the problem resolved. The problem later resurfaced and Appellant followed up. Subsequently, Dr. Hewitt send an e mail supporting Appellant's efforts and noting that she, too, wished to have resolution of the problem.

Appellant perceives this as research and analysis. Appellee perceived this as responding to complaints.

This set of duties appears to involve both non-legal interpretation of policies and procedures applying in a specific situation and responding to complaints, duties falling under the Secretary 2 class.

The **fifth** area *concerns the purchase of large items such as re-upholstering the Clinic furniture and some large ticket equipment items.* Appellant sees this as requiring research, while Appellee sees this as the purchase of large ticket items in the absence of budget authority.

The purchasing of large ticket items is a duty that falls under the Secretary 2 class.

The **sixth** area concerns *Appellant's review and assessment of the BGSU Printing Policy and the Department's students being exempted from certain restrictions of the policy due to their particular needs.* Appellant researched the policy, let Dr. Hewitt know the results of that research, and the policy was addressed. Appellant sees this as policy interpretation/ research and analysis. Yet, Appellee sees this as data gathering or providing non-legal interpretation of policies and procedures as they would apply in a given situation.

This set of duties appears to squarely constitute providing non-legal interpretation of policies and procedures applying in a given situation, a duty falling under the Secretary 2 class.

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 find that all six sets of duties, the categorization of which was expressly contested by the parties, constitute duties set forth in the Secretary 2 specification.

CONCLUSIONS OF LAW

This case presents this Board with the question of whether Appellant's position should remain classified as Secretary 2, 12552C or, alternatively, should be reclassified to Administrative Assistant 1, 63121C? Based on the findings set forth, above, and for the reasons set forth, below, this Board should answer and find that Appellant's position is properly classified as Secretary 2. Thus, this Board should affirm the job audit determination of Appellee, Bowling Green State University.

The Function Statement for the Secretary 2, 12552C specification states:

> Under general supervision form administrative supervisor, relieves supervisor of non-routine administrative tasks (i.e., responsibility for opening, sorting & distributing mail, greeting visitors, keeping time &/or attendance records does not qualify as non-routine administrative tasks) & prepares typed copy from rough written copy, oral instructions &/or dictation; may operate word processor to produce typewritten materials described in rank number 2; may take manual dictation;

Rank 1 of the Secretary 2 specification suggests that the incumbent spend 37 to 57 percent of the time performing the following tasks:

> Relieves supervisor of non-routine administrative tasks (e.g., independently composes answers to correspondence which involves providing non-legal interpretation of policies and procedures as it

> would apply to given situation; purchases high cost items such as mechanical equipment, drugs, or prepares personal service contracts through either agency purchasing agent or direct contact with established vendors; acts as liaison for supervisor; responds to complaints; reviews paperwork submitted by others for correctness; maintains office in supervisor's absence; develops new office procedures; assists in budget preparation) ...

The Function Statement for the Administrative Assistant 1, 63121C specification states:

> Under general supervision from administrator, assists in program direction by relieving superior of routine administrative duties:
>
> Note: In order to determine whether position is assigned duties of routine nature, compare duties assigned to position in question with those assigned to immediate supervisory position, identify duties that have been delegated to subordinate & scope & impact of those duties on overall program activities of unit, section, division or bureau.

Rank 1 of the Administrative Assistant 1 specification suggests that the incumbent spend 27 to 47 percent of the time performing the following tasks:

> Researches & analyzes materials, information & programs; provides technical information & advice to aid administrators in decision making; makes recommendations & assists in developing new procedures & programs.

As can be seen, and as is noted, above, Appellant performs tasks that appear to fall principally within the Secretary 2 specification.

Thus, unless this Board finds that Appellant's duties (especially those specifically directed to the operation and success of the Clinic) constitute research and analysis or constitute providing technical advice/interpretation to her administrators, then this Board should find that Appellant's position is properly classified as Secretary 2. Yet, if this Board does find that these duties constitute research and analysis or constitute providing technical advice *et cetera* to her

administrators, then this Board should find that Appellant's position should be reclassified to Administrative Assistant 1.

RECOMMENDATION

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **AFFIRM** Appellee, Bowling Green State University's, determination that Appellant's position is properly classified as Secretary 2, 12552C, pursuant to R.C. 124.03 and R.C. 124.14.

JAMES R. SPRAGUE
Administrative Law Judge

JRS: