

# **State Personnel Board of Review**

**Senate Finance and Financial Institutions Committee**

*Jeremie Newman, Budget Analyst*

*Legislative Service Commission*

*May 6, 2003*

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# **LSC Redbook**

## **for the**

### **State Personnel Board of Review**

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**Attachments:**

**Compare Document: Permanent and Temporary Law,  
As Introduced to As Passed by the House**

***LSC Budget Spreadsheet, Executive to House Passed  
Comparison***

*May 6, 2003*

Note: The estimated General Revenue Fund (GRF) spending for FY 2003 used in this LSC Redbook reflects the 2.5% reduction made as a result of the Governor's January 22, 2003 budget cut order. The executive reduction was applied across-the-board to FY 2003 GRF appropriations, subject to certain exceptions. Subsequent to such reductions (and not reflected in the Redbook), state agencies were permitted to reallocate the amount that each of their GRF appropriation line items was reduced, while still absorbing the 2.5% budget cut within the total amount of their GRF appropriations.

# State Personnel Board Review

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## OVERVIEW

- FY 2004 funding increased by 3% over estimated FY 2003 expenditures
- FY 2005 funding increased by 4.5% of recommended FY 2004 appropriation
- Customer Service Program to be continued at reduced level

The State Personnel Board of Review (PBR) reviews appeals filed by classified exempt employees in the civil service at the state and local levels. The PBR's jurisdiction also includes university and general health districts. Appeals typically involve disputed layoffs, abolishments, displacements, removals, reductions, and reclassifications, but PBR also hears appeals filed by non-exempt classified employees who have not organized, and non-exempt employees whose bargaining agreement specifies a right to appeal to the Board. The Board has jurisdiction over investigations, whistle blower cases, and OSHA violations as well.

In addition to the three Board members, the agency operates with eight full-time staff, and one contract staff person who performs the duties of the Fiscal Officer.

The State Personnel Board of Review's core mission is to provide all parties appearing before the Board with a fair, comprehensive, and impartial review of their respective claims. The PBR's second core mission is to monitor and assist Ohio's municipal civil service commissions to ensure that Ohio's civil service laws are being uniformly interpreted. In order to complete these missions, PBR has developed a Customer Service Program. This program is an effort to provide education about civil service law and issues to individuals who work in the personnel area across the state. In the past, PBR was able to provide seminars and to travel across the state to present information. For example, in 2001, PBR held two one-day seminars, attended by 109 civil service commissioners, staff, attorneys, and human resources professionals. However, budget cuts have reduced their ability to provide this service. The Board plans to continue the Customer Service Program in the next biennium, but at a reduced level.

Recommended FY 2004 appropriations of \$1,054,430 are 3% higher than estimated FY 2003 spending of \$1,023,976. Recommended FY 2005 appropriations of \$1,102,170 are 4.5 % above FY 2004 levels.

## ANALYSIS OF EXECUTIVE PROPOSAL

### Personnel Board of Review

**Purpose:** The State Personnel Board of Review (PBR) reviews appeals filed by classified exempt employees in the civil service. The PBR also provides outreach programs to educate personnel officers at the state and local levels about employee laws.

The following table shows the line items that are used to fund the Personnel Board of Review, as well as the Governor's recommended funding levels.

Fund	ALI	Title	FY 2004	FY 2005
GRF	124-321	Operating Expenses	\$1,029,430	\$1,077,170
636	124-601	Transcript and Other	\$25,000	\$25,000
<b>Total funding: Personnel Board Of Review</b>			<b>\$1,054,430</b>	<b>\$1,102,170</b>

The Personnel Board of Review is a single program series agency.

**Program Description:** The State Personnel Board of Review (PBR) reviews appeals filed by classified exempt employees in the civil service. Appeals involve contested layoffs, abolishments, displacements, removals, reductions, reclassifications, and other related matters.

Data compiled by the Board shows that the Board received 513 new appeals in calendar year 2002, an increase of 11% over the 462 received in 2001. The Board anticipates an increase in caseload over the next biennium due to increased layoffs and other personnel adjustments occurring across the state. State and county agencies account for the lion's share of matters brought before the Board.

During the FY 2001-2002 biennium, PBR developed and implemented an automated Case Management Docketing System (CMDS). As well as scheduling hearings more efficiently, the system allows the Board to gather and analyze case statistics that the Board could use to make operational improvements. By way of customer service, appellants are able to review the disposition of their case files on the PBR website. However, PBR has not been able to purchase a service contract for this system and has not been able to update this system since its implementation.

**Funding Source:** GRF, security deposits and other payments made by appellants

**Line Items:** GRF 124-321, Operating Expenses; Fund 636 124-601, Transcript and Other

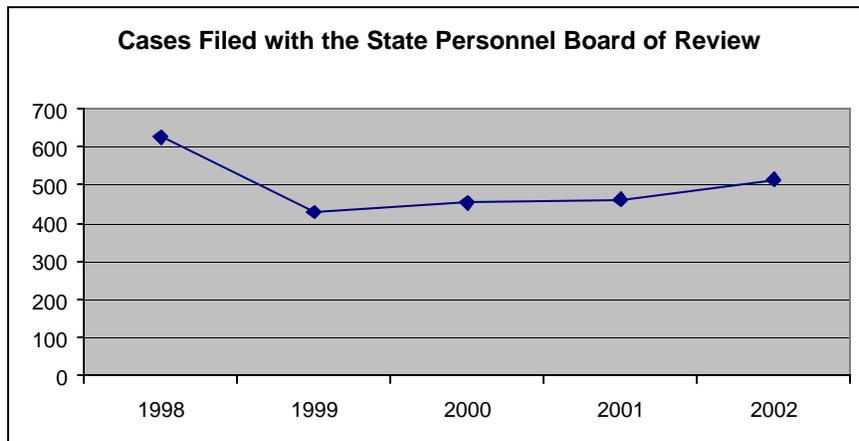
**Implication of the Executive Recommendation:** The executive recommendation allows services to continue at present levels. However, the recommendation does not allow for any computer upgrades or equipment. If any of PBR's equipment breaks down, recommended funding levels will not allow for servicing or repair.

**Permanent Law:** A permanent law provision specifies that the State Personnel Board of Review must use the money in the Transcript and Other Documents Fund to defray the cost of producing an "administrative record" (presumably related to the appeals it hears).

## ADDITIONAL FACTS AND FIGURES

State Personnel Board of Review: Staffing Levels						
Program Series/Division	FY 2000	FY 2001*	FY 2002*	FY 2003*	<i>Estimated</i>	
					FY 2004	FY 2005
Total Personnel Board Of Review	9	8	8	8	8	8

\* FYs 2000-2003 figures represent the full-time equivalent (FTE) count funded by the Governor's recommendations.



- The State Personnel Board of Review hears the following types of cases: appeals based on removal, suspension, fine, reclassification, reduction, involuntary disability separation, abolishment, layoffs, whistleblowing activities, or OSHA violations.
- It is expected that the number of appeals will increase during the next year as a result of dissipated layoffs, abolishments, and other public employer actions taken because of budget problems.

## **PERMANENT AND TEMPORARY LAW**

This section describes permanent and temporary law provisions contained in the executive budget that will affect the Board's activities and spending decisions during the next biennium.

There are no temporary law provisions with fiscal effects on the Board.

### **Permanent Law**

Transcript and Other Documents Fund (Section 124.03)

A permanent law provision specifies that the State Personnel Board of Review must use the money in the Transcript and Other Documents Fund to defray the cost of producing an "administrative record" (presumably related to the appeals it hears), rather than the current law stating that these funds are to be used to "defray the cost of furnishing or making available such copies, rule books, and transcriptions." The goal of this language is to clarify the use of these funds and will have little fiscal impact.

## REQUESTS NOT FUNDED

PERSONNEL BOARD OF REVIEW						
Fund Line Item	FY 2004 Requested	FY 2004 Recommended	Difference	FY 2005 Requested	FY 2005 Recommended	Difference
GRF 124-321	\$1,032,920	\$1,029,430	(\$3,490)	\$1,136,213	\$1,077,170	(\$59,043)
636 124-601	\$40,587	\$25,000	(\$15,587)	\$40,587	\$25,000	(\$15,587)
Total	\$1,073,507	\$1,054,430	(\$19,077)	\$1,176,800	\$1,102,170	(\$74,630)

The Board requested funding for four additional items not included in their base request. In sum, the executive recommendations appear to provide the Board with a continuation budget. Of the items listed below, only item two is fully funded by the executive recommendation. Adjustments could be made in order to fund the other desired items.

1. The Board requested an additional \$197,420 in FY 2004 and \$208,222 in FY 2005 to fund three current full time positions. This is fully funded for FY 2004, but the executive recommends \$18,309 less than the Board requested for FY 2005. The Board's priority is to maintain current staffing.
2. The Board requested \$8,000 in FY 2004 and \$26,500 in FY 2005 for purchased personal services, to fund a contract for a hearing officer. This is fully funded.
3. The Board requested \$145,666 in FY 2004 and \$177,157 in FY 2005 for system support and software updates for the automated docketing system (CMDS), and for various maintenance costs for data support, postage, phones, etc. The executive recommendation funded \$142,176 in FY 2004 and \$144,923 in FY 2005 for this request.
4. The Board requested \$8,500 over the biennium for equipment costs associated with the automated docketing system (CMDS) and current data processing equipment. The executive recommendation does not fund this request.

## General Revenue Fund

### GRF 124-321 Operating

2000	2001	2002	2003 Estimate	2004 House Passed	2005 House Passed
\$971,122	\$1,214,072	\$1,008,656	\$983,389	<b>\$1,029,430</b>	<b>\$1,077,170</b>
	25.0%	-16.9%	-2.5%	<b>4.7%</b>	<b>4.6%</b>

*Source:* GRF

*Legal Basis:* ORC 124.03

*Purpose:* This fund pays for the personnel, maintenance, and equipment costs of the Personnel Board of Review.

## General Services Fund Group

### 636 124-601 Transcript and Other

2000	2001	2002	2003 Estimate	2004 House Passed	2005 House Passed
\$11,031	\$7,848	\$5,404	\$40,587	<b>\$25,000</b>	<b>\$25,000</b>
	-28.9%	-31.2%	651.1%	<b>-38.4%</b>	<b>0.0%</b>

*Source:* GSF: Security deposits and other payments made by appellants

*Legal Basis:* ORC 124.03 creates the fund; ORC 119.12 authorizes the collection of security deposits from parties filing appeals

*Purpose:* This fund pays for copies, rule books, transcriptions, transcriptionists, and refunds of overpaid security deposits.

## As Introduced

## As Passed by the House

**Subject: Transcript and Other Documents Fund****R.C. 124.03**

Specifies that the State Personnel Board of Review may use the money in the Transcript and Other Documents Fund (Fund 636) to defray the cost of producing an "administrative record."

Fiscal effect: By allowing this fund to be used to cover costs of producing these records, there will likely be a minimal increase in expenditures from Fund 636 and a corresponding decrease in the agency's GRF expenditures.

**R.C. 124.03**

No change.

**As Introduced****As Passed by the House****Subject: Transcript and Other****Section: 80**

Specifies that the State Personnel Board of Review may use the money in the Transcript and Other Documents Fund (Fund 636) to defray the cost of producing an "administrative record."

Fiscal effect: By allowing this fund to be used to cover costs of producing these records, there will likely be a minimal increase in expenditures from Fund 636 and a corresponding decrease in the agency's GRF expenditures.

**Section: 80**

No change.

## LSC Budget Spreadsheet by Line Item, FY 2004 - FY 2005

<i>Fund ALI ALI Title</i>	<b>Estimated 2003</b>	<i>As Introduced 2004</i>	<i>House Sub Bill 2004</i>	<i>% Change Est. 2003 to House 2004</i>	<i>As Introduced 2005</i>	<i>House Sub Bill 2005</i>	<i>% Change House 2004 to House 2005</i>
<b><i>PBR State Personnel Board of Review</i></b>							
GRF 124-321 Operating	\$983,389	\$ 1,029,430	\$ 1,029,430	4.7%	\$ 1,077,170	\$ 1,077,170	4.6%
<b>General Revenue Fund Total</b>	<b>\$ 983,389</b>	<b>\$ 1,029,430</b>	<b>\$ 1,029,430</b>	<b>4.7%</b>	<b>\$ 1,077,170</b>	<b>\$ 1,077,170</b>	<b>4.6%</b>
636 124-601 Transcript and Other	\$40,587	\$ 25,000	\$ 25,000	-38.4%	\$ 25,000	\$ 25,000	0.0%
<b>General Services Fund Group Total</b>	<b>\$ 40,587</b>	<b>\$ 25,000</b>	<b>\$ 25,000</b>	<b>-38.4%</b>	<b>\$ 25,000</b>	<b>\$ 25,000</b>	<b>0.0%</b>
<hr/>							
<b><i>Total All Budget Fund Groups</i></b>	<b>\$ 1,023,976</b>	<b>\$ 1,054,430</b>	<b>\$ 1,054,430</b>	<b>3.0%</b>	<b>\$ 1,102,170</b>	<b>\$ 1,102,170</b>	<b>4.5%</b>