

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

Rosemarie Yako,

Appellant,

v.

Case No. 08-RED-05-0142

Department of Rehabilitation and Correction,
Parole and Community Services,

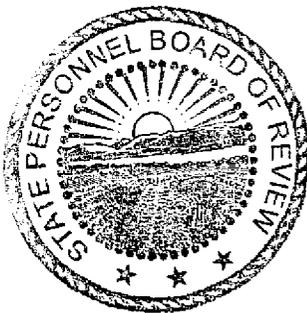
Appellee.

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 record and 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 instant appeal be **DISMISSED** since Appellant has not been reduced in either pay or position, pursuant to O.A.C. § 124-1-02(Z).



Lumpe - Aye
Booth - Aye
Sfalcin - Aye

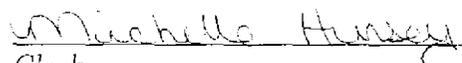


J. Richard Lumpe, *Chairman*

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 constitute ~~(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, August 21, 2008.



Michelle Hunsey
Clerk

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

08-11-08

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

Rosemarie Yako,

Case No. 08-RED-05-0142

Appellant

v.

May 23, 2008

Department of Rehabilitation & Correction,
Parole & Community Services,

Appellee

Jeannette E. Gunn
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause comes on due to Appellant's filing of a reduction appeal with this Board. Appellant presently occupies a position classified as Supervisory Secretary. Appellant asserts in her appeal that she does not perform the mandatory duties required by the Supervisory Secretary classification, specifically that she does not supervise at least one secretary, and that her position is, therefore, misclassified.

In order to constitute a reduction in position, Appellee must have taken an action to diminish Appellant's duties or responsibilities to an extent that an audit of the position would result in a reclassification to a classification assigned to a lower pay range. O.A.C. 124-1-02(Z). Appellant makes no assertion that she was at one time responsible for supervising at least one secretary, and that the job duty was subsequently removed by Appellee. Appellant further makes no assertion that she has been reduced in pay.

Accordingly, I find that Appellant has not been reduced in either pay or position, as defined by O.A.C. 124-1-02(Z). Therefore, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED**.


Jeannette E. Gunn
Administrative Law Judge