

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

Tracy Harrison,

Appellant,

Case Nos. 08-REM-05-0211
08-MIS-05-0212

v.

Public Utilities Commission of Ohio,

Appellee.

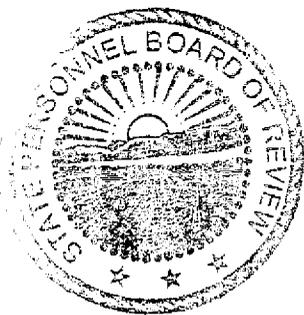
ORDER

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

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 appeals be **DISMISSED** for lack of jurisdiction, pursuant to O.R.C. § 4117.10(A).

Lumpe - Aye
Booth - Aye
Sfalcin - Aye



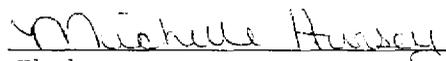


J. Richard Lumpe, *Chairman*

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, September 8, 2008.



Michelle Hussey
Clerk

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

9-8-08

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Tracy Harrison,

Appellant

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Public Utilities Commission of Ohio,

Appellee

Case No. 08-REM-05-0211

Case No. 08-MIS-05-0212

July 22, 2008

Christopher R. Young

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

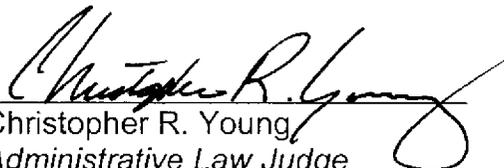
This matter came on for consideration on July 22, 2008, upon Appellant's response to the undersigned Administrative Law Judge's Procedural Order and Questionnaire issued on June 24, 2008, received by this Board on June 30, 2008, and upon the Appellee's response to the Procedural Order and Questionnaire received by this Board on July 21, 2008. To date, no additional commentary has been offered by either party or requested.

Both the Appellant and the Appellee answered that Appellant's employment and position was subject to a collective bargaining agreement, and had filed a grievance concerning her removal.

I find that the Appellant is classified as a Customer Service Assistant 2. The Customer Service Assistant 2 classification is included in a bargaining unit which is represented by Ohio Civil Service Employees Association AFSCME Local 11 AFL-CIO. The Appellee, Public Utilities Commission of Ohio and Ohio Civil Service Employees Association have signed a collective bargaining contract, which covers the Appellant's bargaining unit.

The above contract provides a grievance procedure resulting in final and binding arbitration. The Appellant was removed; this action is covered by the contract grievance procedures. Ohio Revised Code Section 4117.10(A) states that where a bargaining agreement provides a grievance procedure which culminates in final and binding arbitration, the State Personnel Board of Review has no jurisdiction. This Board is, therefore, without jurisdiction to hear the instant appeal.

Therefore, I respectfully **RECOMMEND** that this appeal be **DISMISSED** for lack of jurisdiction.


Christopher R. Young
Administrative Law Judge

CRY: