

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Nanako Carroll,

Appellant,

v.

Case No. 08-SUS-04-0191

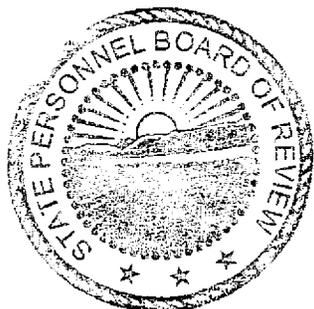
Department of Administrative Services,
Office of Employee Services,

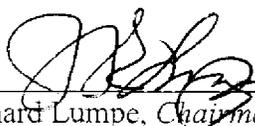
Appellee.

ORDER

This matter came on for consideration on the Response to Questionnaire Re: Appeal of No-Order Suspension. Exhibit A attached hereto is adopted as a Rescission. Being fully advised in the premises, the Board hereby orders that the attached rescission, incorporated herein by reference and made a part of the case file in this appeal, be **ADOPTED**, and that Appellant's appeal be **DISMISSED**.

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 Hursey
Clerk

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

9808

BEFORE THE STATE PERSONNEL BOARD OF REVIEW

STATE PERSONNEL
BOARD OF REVIEW
2008 AUG 12 PM 2:44

NANA KO CARROLL, :
Appellant, : CASE NO. 08-SUS-04-0191
v. : MARCIE M. SCHOLL
Administrative Law Judge
DEPARTMENT OF ADMINISTRATIVE :
SERVICES, OFFICE OF EMPLOYEE :
SERVICES, :
Appellee. :

RESPONSE TO QUESTIONNAIRE RE: APPEAL OF NO-ORDER SUSPENSION

1. As of April 23, 2008, what was Appellant's classification?
Appellant was an IT Manager 2, a classified position.

2. As of April 23, 2008, was Appellant's position subject to a collective bargaining agreement?
No, Appellant is exempt from collective bargaining.

3. Do you contend that, as of April 23, 2008, Appellant was an unclassified employee?
No, Appellant is a classified employee.

4. If you are not contending that Appellant was an unclassified employee, did you file a Revised Code 124.34 Order with this Board?
No, Appellee did not file a 124.34 Order with this Board.

If an Order was not filed, why not?
24-hour suspension issued to Appellant was rescinded on August 11, 2008, and discipline was reissued for a 23-hour fine. Please see *Attached Exhibit A*. An Order was not filed with this Board because it lacks jurisdiction over appeals of 23-hour fines.

ENTERED
8-12-08

5. As of April 23, 2008, was Appellant serving in a probationary period?

No. Appellant was not serving in a probationary period on April 23, 2008.

6. As of April 23, 2008, was Appellant designated as an overtime exempt employee?

No. Appellant was not designated as overtime exempt as of April 23, 2008.

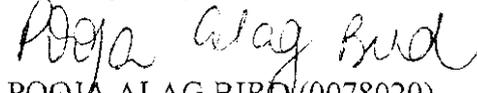
I swear all of the information supplied pursuant to his questionnaire is true and accurate to the best of my knowledge and belief at the time the questionnaire was completed. If it is necessary to clarify any information after conducting discovery in this matter, then such clarification will be made forthwith.

Date: Aug 12, 2008

Pooja Alag Bird
Pooja Alag Bird, AAG
Authorized Representative
Counsel for Appellee

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing *Response to Questionnaire Regarding Appeal of No-Order Suspension* was served upon John S. Marshall, 111 West Rich Street, Suite 430, Columbus, Ohio 43215 by ordinary U.S. Mail, postage prepaid this 12th day of August, 2008.



POQJA ALAG BIRD (0078020)

Assistant Attorney General

Ohio Department of Administrative Services
Ted Strickland, *Governor*
Hugh Quill, *Director*
Allison Shaeffer, *Human Resources Administrator*

Office of Employee Services
30 E. Broad St., Rm 4001
Columbus, Ohio 43215-3414

614.466.2136 voice
614.466.7949 fax
www.ohio.gov/das



August 11, 2008

Nanako Carroll
2350 Zollinger Road
Columbus Ohio 43221-2677

Dear Ms. Carroll:

Pursuant to the authority granted in the State of Ohio through the Ohio Revised Code, this letter is to advise you that your 3 day suspension which you served on April 16, 17, and 18, 2008 is rescinded. You will now be fined in the amount of 23 hours. You will receive \$51.47 in back pay, which represents the difference of 1 hour, between the 3 day suspension and the 23 hour fine. Only this fine will be recorded on your disciplinary record.

The discipline is based on violation of DAS 100-02: (K) (4) (d) Failure of Good Behavior. Specifically, during the period December 2007 or thereabout, you made a verbally abusive and intimidating statement to two of your subordinates, stating "If you fuck me, I'll hunt you down and kill you" or words to this effect. This statement was apparently related by you to discourage prospective departure of your employees. Also during this period, you tapped your subordinate on the forehead without privilege. These behaviors are unprofessional and inappropriate for a manager, and they will not be tolerated.

You are to report for work as usual. For purposes of progressive discipline, a fine carries the same weight as a suspension on an hour for hour basis. The effective date of this fine for purposes of disciplinary record keeping is August 18, 2008. Be advised that any future incidents will result in discipline up to and including termination.

Sincerely,

A handwritten signature in black ink that reads "Hugh Quill". The signature is written in a cursive style.

Hugh Quill
Director

C: File
Division: Patty Magazine (OIT); Greg Pennington



Ohio Department of Administrative Services
Ted Strickland, Governor
Hugh Quill, Director
Ailison Shaeffer, Human Resources Administrator

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Ohio **DAS**

August 11, 2008

Nanako Carroll
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Columbus Ohio 43221-2677

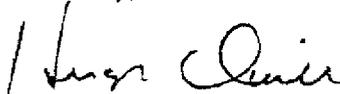
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Sincerely,



Hugh Quill
Director

C: File

Division: Patty Magazine (OIT); Greg Pennington

Received 8/11/08
MLC