

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

Donna J. Staten,

Appellant,

v.

Case No. 09-MIS-07-0343

Jackson County Health Department,

Appellee.

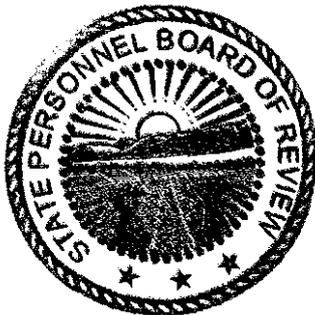
ORDER

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** for lack of jurisdiction.

Lumpe - Aye
Sfalcin - Aye
Tillery - Aye



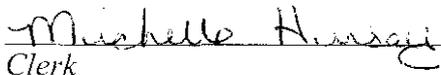


J. Richard Lumpe, *Chairman*

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, January 13, 2010.



Michelle Hunsberger
Clerk

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**

Donna J. Staten,

Case No. 09-MIS-07-0343

Appellant

v.

November 25, 2009

Jackson County Health Department,

Jeannette E. Gunn

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause comes on pursuant to Appellee's October 30, 2009, response to this Board's October 8, 2009, correspondence. Appellee was requested to provide this Board with a response to the issues raised by Appellant in her July 30, 2009, filing of an appeal with this Board. Appellant questioned Appellee's authority to implement a policy regarding payout for accrued vacation time upon termination of employment that prohibits reimbursement to employees with less than ten years of service.

As noted by Appellee in its response, Appellee is neither a state agency nor a county agency, but constitutes a general health district, which is a separate and distinct political subdivision of the state. The board of a general health district has the authority to set its own policies regarding vacation leave and payout for any accrued time upon termination of employment; its employees do not earn vacation under the provisions of R.C. 124.161 or 325.19.

Because it appears that Appellee has not abused its authority, but has acted within the scope of its authority in adopting its own policy regarding payout for accrued vacation time, I find that this Board is without jurisdiction to further consider this matter. Therefore, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED** for lack of jurisdiction.


Jeannette E. Gunn
Administrative Law Judge