

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

ROSETTA PEOPLES,

Appellant,

v.

Case No. 09-REM-11-0467

LUCAS COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES,

Appellee

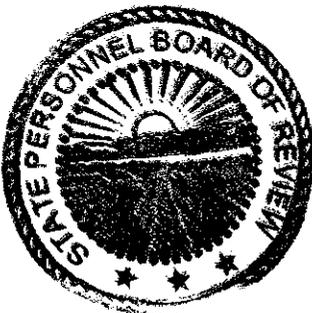
ORDER

This matter came on for consideration upon Appellee's filing of a motion to dismiss and accompanying documentation that includes pertinent pages from the collective bargaining agreement entered into between Appellee and the Lucas County Department of Job and Family Services Employee's Chapter, Local 544 of the Ohio Labor Council, AFSCME. That agreement appears both to address the subject matter at issue herein and to contain a grievance procedure that culminates in final and binding arbitration. Appellant was provided with the requisite time period in which to file a memorandum *contra* to Appellee's motion to dismiss but, to date, has not done so.

O.A.C 124-11-07 sets forth the motions practice before this Board. O.A.C. 124-11-07 (A)(2) calls for an adverse party to respond affirmatively to any dispositive motion and demonstrate that there is a genuine issue in dispute. O.A.C. 124-11-07 (C) sets forth a 10-day time frame in which to respond to dispositive motions such as the instant motion to dismiss. Appellant has failed to comply with the requirements set forth in O.A.C. 124-11-07. Further, it appears that the elements set forth in R.C. 4117.10 (A), that divest this Board of jurisdiction over a disputed collective bargaining matter, have all been satisfied. As a result, this Board is divested of jurisdiction to further consider this matter.

Wherefore, it is hereby **ORDERED** that the instant appeal be **DISMISSED** for lack of jurisdiction over its subject matter and for Appellant's failure to comply with the requirements set forth in O.A.C. 124-11-07.

Lumpe - Aye
Sfalcin - Aye
Tillery - Aye





J. Richard Lumpe, *Chairman*

12-31-09
1764

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 constitutes (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, December 31, 2009.

Michelle Hursey
Clerk

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