

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Renee Maghes,

Appellant,

v.

Case No. 10-RED-11-0325

Department of Mental Health Central Office,

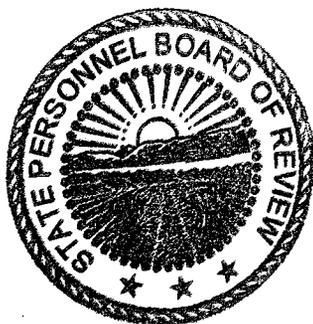
Appellee.

ORDER

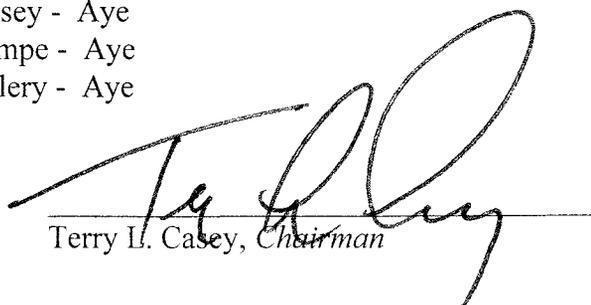
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 Appellant's reduction in position be **DISAFFIRMED** and that Appellee be Ordered to restore duties to Appellant which are commensurate with the Management Analyst Supervisor 2 classification, pursuant to O.A.C. § 124-1-01 (Z) and O.R.C. § 124.34.



Casey - Aye
Lumpe - Aye
Tillery - Aye


Terry L. Casey, *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, April 6, 2011.


Michelle Hursey
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**

Renee Maghes,

Case No. 10-RED-11-0325

Appellant

v.

February 18, 2011

Department of Mental Health,
Central Office,

Appellee

Jeannette E. Gunn
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause comes on for consideration pursuant to Appellant's timely appeal of her alleged reduction in position, filed with this Board on November 22, 2010. In her notice of appeal, Appellant indicated that she received a revised position description on September 10, 2010, reflecting a change in her job duties. Appellant was employed by Appellee and held a position classified as Management Analyst Supervisor 2.

Information contained in the record demonstrates that Appellee subsequently requested that the Department of Administrative Services (DAS) conduct an audit of the Management Analyst Supervisor 2 position encumbered by Appellant. In response to this Board's February 7, 2011, Procedural Order, Appellee supplemented the record with a copy of DAS' audit findings, which indicated that the duties assigned to Appellant's position more properly placed the position in the Human Capital Management Senior Analyst classification. This represented a downward change in classification of the position encumbered by Appellant.

O.A.C. 124-1-01(Z) defines a reduction in position as an action which diminishes an employee's duties or responsibilities to the extent that an audit of the employee's position would result in a reclassification to a classification assigned to a lower pay range. In this instance, DAS' audit findings clearly demonstrate that Appellant has been reduced in position, as referenced by O.A.C. 124-1-01(Z). R.C. 124.34 provides that no employee in the classified service of the state may be reduced in position except for disciplinary reasons. Appellee has made no

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assertions either that Appellant's position placed her in the unclassified civil service or that her job duties were changed due to a disciplinary action.

Therefore, I respectfully **RECOMMEND** that Appellant's reduction in position be **DISAFFIRMED**, and that Appellee be ordered to restore duties to Appellant which are commensurate with the Management Analyst Supervisor 2 classification.


Jeannette E. Gunn
Administrative Law Judge

JEG: