

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

NANCY HAMMOND,

*Appellant,*

v.

Case No. 11-LAY-12-0375

REHABILITATION SERVICES COMMISSION,

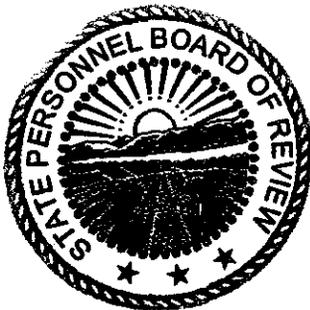
*Appellee*

**ORDER**

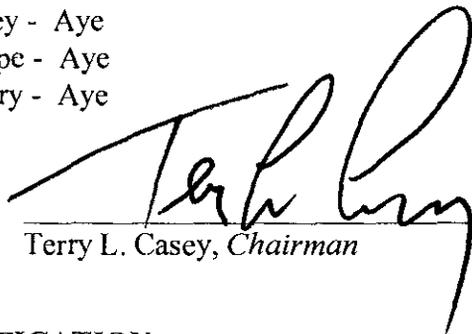
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

After a thorough examination of the entirety of the record, including 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 appeal is **DISMISSED** for lack of jurisdiction.



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 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, April 16, 2012.



  
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**

Nancy Hammond,

Case No. 11-LAY-12-0375

*Appellant*

v.

February 1, 2012

Rehabilitation Services Commission,

Christopher R. Young

*Appellee*

*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

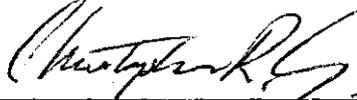
This matter came on for consideration on February 1, 2012, upon Appellee's Motion to Dismiss For Lack of Jurisdiction. Appellee contends this matter is properly resolved through the grievance procedure pursuant to a collective bargaining agreement and this Board lacks jurisdiction to consider the matter. To date, the Appellant did not file a memorandum *contra*.

I find that the Appellant is classified as an Office Assistant 3. The Office Assistant 3 classification is included in a bargaining unit which is represented by The Ohio Civil Service Employees Association Local 11, AFSCME, AFL-CIO (OCSEA) and the State of Ohio, including the Appellee, the Rehabilitation Services Commission and The Ohio Civil Service Employees Association Local 11, AFSCME, AFL-CIO (OCSEA) 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 laid off; and 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.

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

  
Christopher R Young  
Administrative Law Judge 

CRY: