

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

Lori Beggs,

Case Nos. 11-TFR-06-0240
11-MIS-06-0241

Appellant,

v.

Department of Rehabilitation and Correction,
Ohio State Penitentiary,

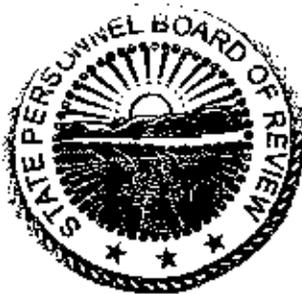
Appellee.

ORDER

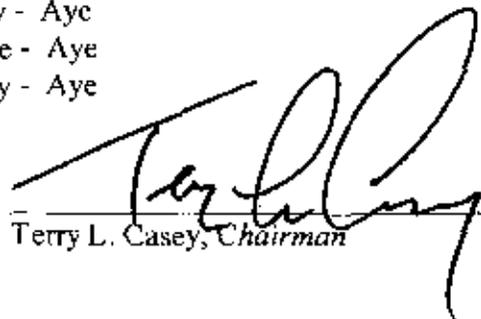
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeals.

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 appeals be **DISMISSED** for lack of jurisdiction, pursuant to O.R.C. § 4117.10.



Casey - Aye
Lumpe - Aye
Tillery - Aye

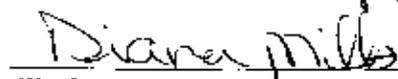


Terry L. Casey, *Chairman*

CERTIFICATION

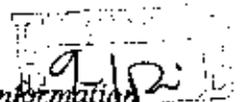
The State of Ohio, State Personnel Board of Review, ss:

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, September 1, 2011.



Diana Mills
Clerk

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



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Lori Beggs

Appellant

v.

Department of Rehabilitation & Correction,
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Appellee

Case Nos. 11-TFR-06-0240
11-MIS-06-0241

August 4, 2011

Marcie M. Scholl
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

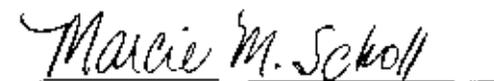
This matter came on for consideration on August 4, 2011, upon Appellant Beggs' notice of appeal, filed on June 20, 2011. In her notice of appeal, Appellant Beggs enclosed her notice letter from Appellee that she exercised her bumping/displacement rights and that such rights were governed by Article 18 of the OCSEA contract, since her position of Account Clerk 2 falls under the purview of the collective bargaining agreement.

I find that the Appellant is classified as a Account Clerk 2. The Account Clerk 2 classification is included in a bargaining unit which is represented by OCSEA. Appellee and 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 displaced; 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 pursuant to section 4117.10 of the Ohio Revised Code.



Marcie M. Scholl