

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Tracy M. Hammond,

Appellant,

v.

Case No. 11-REM-06-0213

Wood County,
Wood Soil and Water Conservation District,

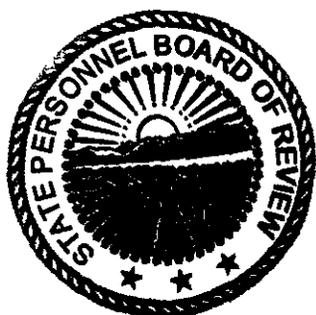
Appellee.

ORDER

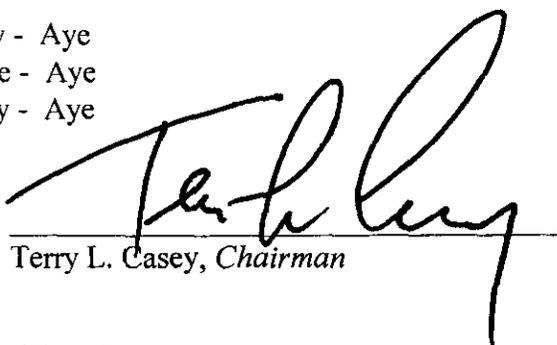
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 over the parties, pursuant to O.R.C. § 124.01 (B)-(C).



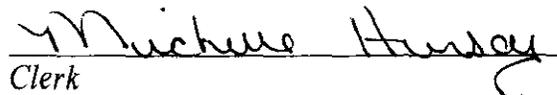
Casey - Aye
Lumpe - Aye
Tillery - Aye


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, July 29, 2011.


Clerk

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

7-29-11mH

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

Tracy M. Hammond,

Case No. 11-REM-06-0213

Appellant

v.

June 30, 2011

Wood County, Wood Soil and Water
Conservation District,

Appellee

Jeannette E. Gunn
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration on pursuant to a review of the information contained in the file.

The State Personnel Board of Review does not have jurisdiction to hear an appeal brought by an employee of a Soil and Water Conservation District. Ohio Revised Code Section 1515.03 provides that each county within the State of Ohio shall have a soil and water conservation district coextensive with the geographic area of the county, and that each district shall constitute a political subdivision of the State.

R.C. Section 124.03(A) provides generally that this Board has jurisdiction to consider appeals brought by employees in the "classified state service." R.C. Section 124.01 defines the following terms:

(B) "State service" includes all such offices and positions in the service of the state and the counties and general health districts of the state. "State service" does not include offices and positions in the service of the cities, city health districts, and city school districts of the state.

(C) "Classified service" means the competitive classified civil service of the state, the several counties, cities, city health districts, general health districts, and city school districts of the state, and civil service townships.

County soil and water conservation districts are not among the political subdivisions specifically named in R.C. Section 124.01(B)-(C), and case law has consistently held that employees in service to those political subdivisions not specifically named do not constitute employees in the classified state service over which this Board may exercise jurisdiction. See, *In re Ford* (1982), 67 Ohio App.3d 416. Similarly, this Board has held in its previous decisions that it lacks jurisdiction over employees of soil and water conservation districts, see, *Moore v. Champaign County Soil and Water Conservation District* (June 3, 1996), SPBR Case No. 96-REM-02-0058; *Crawford v. Paulding Soil and Water Conservation District* (November 9, 1988), SPBR Case No. 88-REM-08-0450.

Because Appellee's employees do not fall within the definition of employees in the "classified state service," I find that this Board is without authority to hear the instant appeal. Therefore, I respectfully **RECOMMEND** that the appeal be **DISMISSED** for lack of jurisdiction over the parties. I further suggest that Appellant contact the Wood County Court of Common Pleas to determine if that Court has jurisdiction over Appellant's removal.


Jeannette E. Gunn
Administrative Law Judge

JEG: