

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

NICOLETTE CRAWFORD,

*Appellant,*

v.

Case No. 11-REM-08-0262

CLARK COUNTY AUDITOR,

*Appellee*

**ORDER**

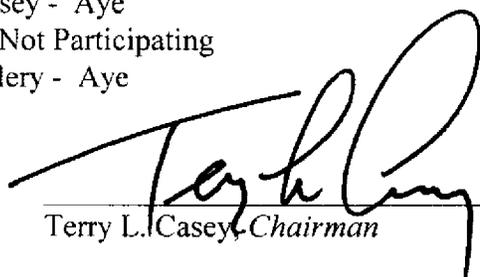
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 pursuant to Ohio Revised Code section 124.03.



Casey - Aye  
Lumpe - Not Participating  
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, January 05, 2012.



  
Eric E. Conner  
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**

Nicolette Crawford

Case No. 11-REM-08-0262

*Appellant*

v.

December 7, 2011

Clark County Auditor

Marcie M. Scholl

*Appellee*

*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This cause comes on for consideration on December 7, 2011, upon the response from the Appellee to a Procedural Order and Questionnaire that was issued by this Board on September 30, 2011. Appellee's response to the Questionnaire was filed on October 14, 2011. Appellant Crawford had ten days from that date to file an optional reply and to date, Appellant Crawford has not filed a reply.

According to Appellant Crawford's notice of appeal, she was removed from her position on July 8, 2011. Pursuant to the Appellee's responses and documentation attached to the responses, I find the following facts:

1. Appellant Crawford, at the time of her removal, was employed by Appellee as a Deputy County Auditor, Director of Appraisal Department.
2. Appellee was appointed to the unclassified service by the Appellee pursuant to section 124.11(A)(4) of the Ohio Revised Code.
3. In a memorandum to Appellant Crawford, dated March 14, 2011, Appellee notified her that she had been appointed to an unclassified Deputy County Auditor Director of Appraisal Department position. The memorandum contains a paragraph explaining that unclassified appointees serve at the pleasure of the appointing authority and are not subject to progressive discipline.

4. Appellant Crawford signed an Unclassified Service Acknowledgment Form on March 14, 2010, which stated as follows:

I, Nikki Crawford, acknowledge that the position of Deputy Auditor Appraisal Department Director that I occupy for the Clark County Auditor is exempted in (sic) the unclassified service per Ohio Revised Code Section 124.11(A)(4).

I also acknowledge that I serve at the pleasure of the appointing authority, and understand I have no protection under the civil service law.

5. In a letter dated April 11, 2011, Appellee sent to the Department of Administrative Services a list of unclassified exemptions pursuant to sections 124.11(A)(4), (8) and (9) of the Ohio Revised Code. Appellant Crawford's name was one of five names listed as being exempted pursuant to section 124.11(A)(4) of the Ohio Revised Code.
6. The Ohio Department of Administrative Services responded to Appellee in a letter dated April 25, 2011, that they received Appellee's exemptions and that they will maintain the Appellee's request in their files.

### CONCLUSIONS OF LAW

Pursuant to section 124.03 of the Ohio Revised Code, this Board does not possess jurisdiction over unclassified employees. Appellee has stated and has provided the necessary documentation to establish that Appellant Crawford was an unclassified employee pursuant to section 124.11(A)(4) of the Ohio Revised Code at the time of removal. That statute states as follows:

- (A) The unclassified service shall comprise the following positions, which shall not be included in the classified service, and which shall be exempt from all examinations required by this chapter:
  - (4) The members of county or district licensing boards or commissions and boards of revision, and **not more than five deputy county auditors**; (Emphasis added).

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The documentation Appellee sent to the Department of Administrative Services listed five deputy auditors designated as unclassified pursuant to section 124.11(A)(4) of the Ohio Revised Code and Appellant Crawford was one of them. Therefore, since the Appellee has established that Appellant Crawford was in the unclassified service at the time of her removal, it is my **RECOMMENDATION** that this appeal be **DISMISSED** for a lack of jurisdiction pursuant to section 124.03 of the Ohio Revised Code.



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Marcie M. Scholl  
*Administrative Law Judge*

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