STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

PAMELA RICE,

Appellant,

v.

Case Nos. 12-RED-08-0183
12-REC-08-0188

STARK COUNTY
MULTI COUNTY JUVENILE ATTENTION SYSTEM,

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** as untimely filed pursuant to O.R.C. §§ 124.14 and 124.34 and Ohio Administrative Code §§ 124-1-03(C) and (E).

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, November 2, 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
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PAMELA RICE,

Appellant

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STARK COUNTY MULTI COUNTYJUVENILE ATTENTION SYSTEM,

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Cases Nos. 12-RED-08-0183
12-REC-08-0188

September 25, 2012

JAMES R. SPRAGUE
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

These matters came on due to Appellant's **August 13, 2012** filing of appeals concerning an alleged reduction in pay or position and a corresponding reclassification of her position. On September 5, 2012, this Board issued a Procedural Order and accompanying Questionnaire. On September 24, 2012, Appellant filed her extensive response to same.

From Appellant's response, it appears that Appellant's classification was changed from Personnel Assistant, 62102 to Clerk, 12101 and that her rate of pay has not changed. Appellant indicates in her response that she was notified of these changes in an office meeting and that, in **March, 2012**, these changes became effective. Appellant has also indicated, in her notice of appeal, that she was not aware of her appeal rights to this Board.

I find that the State Personnel Board of Review is without jurisdiction to hear these appeals because Appellant's reclassification appeal was not filed within 30 days following notice of the action, as required by O.A.C. 124-1-03 (C), nor was her alleged reduction appeal filed within 90 days following notice of the action, as required by O.A.C. 124-1-03 (E).

Even if we assume that Appellant was notified *on the last day* of March 2012, her August 13, 2012 appeal filings would fall nearly a month and a half outside of even the 90-day time limit set forth for appeals from alleged reductions in pay or position. However, it is noted that O.A.C. 124-1-03 (E) does provide this Board with discretion to extend the appeal time in cases of alleged reductions in pay or position. Accordingly, this Board could stay the reclassification appeal and remand

the alleged reduction appeal, if this Board sees merit in pursuing that matter at this point in time.

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **DISMISS** the instant appeals for untimely filing, pursuant to R.C. 124.03, R.C. 124.14, R.C. 124.34, O.A.C. 124-1-03 (C), and O.A.C. 124-1-03 (E).

JAMES R. SPRAGUE
Administrative Law Judge

JRS: