

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

KENT BELAU,

Appellant,

v.

Case No. 12-REM-01-0016

OHIO STATE UNIVERSITY,

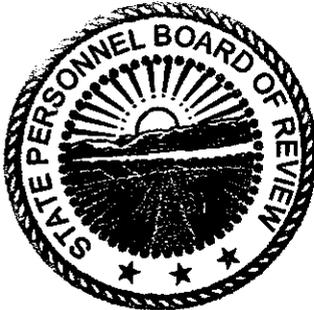
Appellee

ORDER

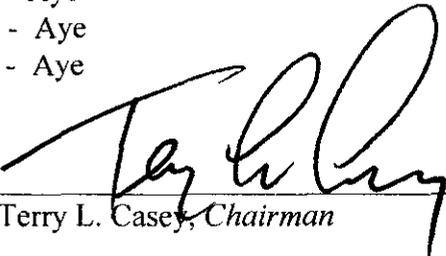
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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.




Eric E. Conn
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**

Kent Belau

Case No. 12-REM-01-0016

Appellant

v.

March 19, 2012

Ohio State University

Marcie M. Scholl

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

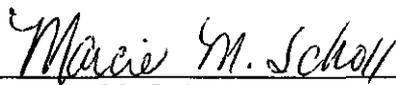
This matter came on for consideration on March 19, 2012, upon Appellee's Response to this Board's Procedural Order and Questionnaire. Appellee contends in its Response that this matter is properly resolved through the grievance procedure pursuant to a collective bargaining agreement and this Board lacks jurisdiction to consider the matter. Appellant did not file an optional reply to Appellee's response.

I find that the Appellant is classified as a Plumber 2. The Plumber 2 classification is included in a bargaining unit which is represented by Communications Workers of America (CWA) Local 4501. Appellee Ohio State University and Communications Workers of America Local 4501 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 removed; 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.



Marcie M. Scholl
Administrative Law Judge

:mms