

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

JEFFREY RITTER,

Appellant,

v.

Case No. 12-REM-08-0184

CAPITOL SQUARE REVIEW & ADVISORY BOARD,

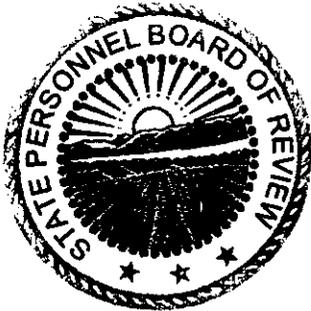
Appellee

ORDER

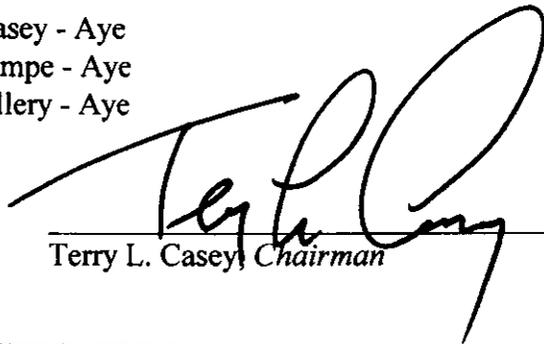
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 the provisions of Ohio Revised Code Sections 124.11(A)(32) and 105.41.



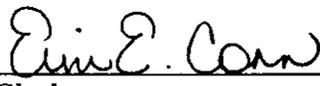
Casey - Aye
Lumpe - Aye
Tillery - Aye


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, January 16, 2013.


Erin 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**

Jeffrey Ritter,

Case No. 12-REM-08-0184

Appellant

v.

October 18, 2012

Capitol Square Review & Advisory Board,

Jeannette E. Gunn

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration pursuant to Appellee's Motion to Dismiss filed with this Board on October 4, 2012. Appellant was employed by Appellee as an Assistant Garage Supervisor prior to his termination, which was effective on August 16, 2012. Appellant filed an appeal of his removal from employment with this Board on August 21, 2012.

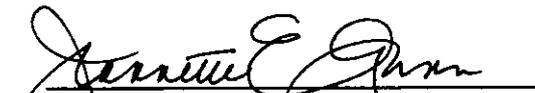
Uncontroverted information contained in the record indicates that Appellant was a member of the Ohio Civil Service Employees Association (OCSEA) from his hire until March 2008; he reentered the bargaining unit in March 2009 and remained a member until February 29, 2012, when the OCSEA collective bargaining agreement expired.

Appellee is an entity in the legislative branch of Ohio government, created pursuant to R.C. 105.41. The current version of the statute became effective in October 2011. R.C. 105.41(D)(1) provides that "all employees of the board are in the unclassified service and serve at the pleasure of the board." That section of the statute further provides that

"... employees who are covered by a collective bargaining agreement on September 29, 2011, shall remain subject to the agreement until the agreement expires on its terms, and the agreement shall not be extended or renewed. Upon expiration of the agreement, the employees are considered employees of the general assembly for purposes of section 4117.01 of the Revised Code and are in the unclassified service and serve at the pleasure of the board."

Jeffrey Ritter
Case No. 12-REM-08-0184
Page 2

Accordingly, I find that upon expiration of the OCSEA collective bargaining agreement on February 29, 2012, Appellant ceased to be a classified employee and became a member of the unclassified service. As this Board only has jurisdiction over classified employees, I respectfully **RECOMMEND** that the appeal be **DISMISSED** for lack of jurisdiction, pursuant to the provisions of Ohio Revised Code Sections 124.11(A)(32), and 105.41.


JEANNETTE E. GUNN
Administrative Law Judge

JEG: