

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

Latonya Sanford,

Appellant,

v.

Case Nos. 2013-RED-06-0160
2013-MIS-09-0161

Department of Developmental Disabilities,
Warrensville Developmental Center,

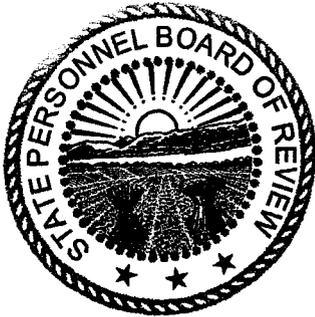
Appellee,

ORDER

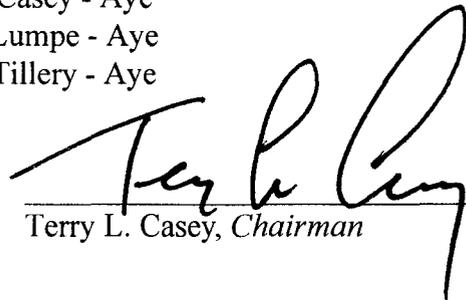
These matters came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeals.

After a thorough examination of the entirety of the records, 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. The parties should note that, in the future, Appellant may have an avenue of remedy through her collective bargaining agreement's grievance procedures or through the statutory provisions set forth in R.C. Chapter 4117.

Wherefore, it is hereby **ORDERED** that Appellee's motion is **GRANTED** and the appeals are **DISMISSED** for lack of subject matter jurisdiction, pursuant to R.C. 4117.10 (A).



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 09, 2014.


Erin E. Conner
Clerk

4-9-14

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**

Latonya Sanford

Appellant

v.

Department of Developmental Disabilities,
Warrensville Developmental Center

Appellee

Case Nos. 2013-RED-06-0160
2013-MIS-06-0161

February 5, 2014

Jeannette E. Gunn
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration upon Appellee's Motion to Dismiss for lack of jurisdiction. Appellee contends this Board lacks jurisdiction to consider the instant appeal because Appellant's position is covered by a collective bargaining agreement. Appellant filed a memorandum *contra*.

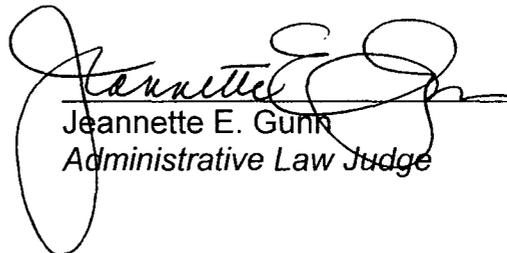
Information contained in the record indicates that Appellant was employed in a position classified as a Storekeeper 2. That position was abolished on August 10, 2012, and Appellant exercised her displacement rights to "bump" into a Storekeeper 1 position. Both positions are classified positions which are included in a bargaining unit represented by Ohio Civil Service Employee Association, AFSCME Local 11. Appellee and Ohio Civil Service Employee Association, AFSCME Local 11 have signed a collective bargaining agreement covering the Appellant's bargaining unit. That collective bargaining agreement provides a grievance procedure resulting in final and binding arbitration. Appellant alleged in her appeal to this Board that she had been reduced in pay and position as a result of the abolishment of her Storekeeper 2 position and her subsequent displacement into the Storekeeper 1 position. The record indicates that Appellant filed a grievance with Appellee regarding the job abolishment and her exercise of displacement rights in July 2012.

O.R.C. 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 to consider an appeal from an

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Case Nos. 2013-RED-06-0160, 2013-MIS-06-0161
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employee subject to such collective bargaining agreement. The collective bargaining agreement covering Appellant's position provides in Article 25 for such a procedure. Accordingly, I find that this Board does not have jurisdiction to consider the subject matter of this appeal.

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review grant Appellee's Motion and **DISMISS** this appeal for lack of subject matter jurisdiction, pursuant to R.C. 4117.10(A).



Jeannette E. Gunn
Administrative Law Judge