

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Kathleen Martin,

Appellant,

v.

Case Nos. 2013-REC-10-0325
2013-MIS-10-0326

Department of Job and Family Services,

and

Department of Administrative Services,

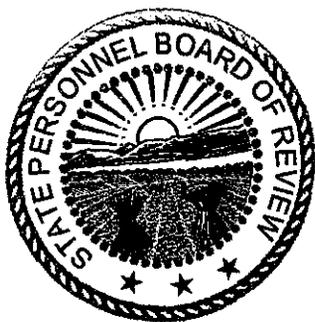
Appellees,

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. *It is noted that this Board did receive and discuss Appellant's handwritten note regarding the hearing in these matters.*

Wherefore, it is hereby **ORDERED** that the instant appeals be **DISMISSED**, pursuant to R.C. 124.03 and Am. Sub. H.B. No. 59.



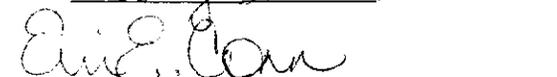
Casey - Aye
Lumpe - Aye
Tillery - Aye


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, July 31, 2014.


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**

Kathleen Martin,

Appellant

v.

Case Nos. 2013-REC-10-0325
2013-MIS-10-0326

June 20, 2014

Department of Job & Family Services,

and

Department of Administrative Services,
Human Resources Division,

Appellees

Jeannette E. Gunn
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

The above-referenced matters came on for consideration due to Appellant's appeal of the reclassification of her position. Pursuant to a study conducted by Appellee Ohio Department of Administrative Services (DAS), the classifications of Management Analyst Supervisor (MAS) 1 and 2 were removed from the state classification plan and incumbent employees' positions were subsequently reclassified. Appellant's position was reclassified from Management Analyst Supervisor 1 to Program Administrator 2, a lateral change in classification that resulted in no change to Appellant's pay range.

At the time the study was commenced, Appellant was employed by Appellee Ohio Department of Job and Family Services (ODJFS). At the time Appellant's position was reclassified, Appellant was employed by the Ohio Department of Medicaid (ODM).

FINDINGS OF FACT

Based upon the uncontested information contained in the record, I make the following findings of fact:

Am. Sub. H.B. No. 59 provided for the transfer of employees from ODJFS to ODM, as part of ODM's elevation to a cabinet level agency of the State of Ohio. Appellant was transferred from position number 20036679 with ODJFS to position number 20047447 with ODM, effective July 28, 2013, pursuant to Section 323.10.30 of Am. Sub. H.B. No. 59.

Appellant was notified by Appellee DAS on or about October 11, 2013, that her position would be reclassified from Management Analyst Supervisor 1 to Program Administrator 2 effective the pay period beginning October 20, 2013. Both the Management Analyst Supervisor 1 classification and the Program Administrator 2 classification are exempt from collective bargaining.

Appellant filed an appeal of the reclassification of her position with this Board on October 16, 2013.

CONCLUSIONS OF LAW

In materials submitted to this Board, Appellant asserts that her purpose in filing appeals with this Board was to address evidence and statements regarding her job duties and responsibilities that were provided by ODJFS during DAS' evaluation of the MAS 1 and 2 classifications. Appellant named ODJFS as the Appellee in her appeals.

I find that ODJFS took no employment action against Appellant over which this Board may assert jurisdiction. Appellant's position was classified as Management Analyst Supervisor 1 until the date of her transfer to ODM. Section 323.10.30(B)(2) of Am. Sub. H.B. No. 59 authorized the Director of ODJFS to transfer Appellant; Section 323.10.30(D) removed this Board's jurisdiction to consider an appeal of that action.

The record reflects that Appellant was employed by ODM as of the date of her position's reclassification to Program Administrator 2. The Director of ODM was

Kathleen Martin

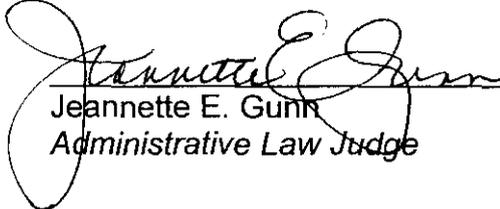
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authorized to reclassify Appellant's position by Section 323.10.30(B)(1) of Am. Sub. H.B. No. 59; Section 323.10.30(D) removed this Board's jurisdiction to consider an appeal of that action.

Although Appellant may dispute the information provided to DAS by ODJFS, the circumstances of the case and the provisions of Am. Sub. H.B. No. 59, Section 323.10.30 remove this Board's authority to consider the appeal. In the instant matter, it is significant to note that Appellant does not allege any detrimental effects in the nature of salary decreases or reduction in benefits as a result of the reclassification of her position.

Therefore, because there is no justiciable issue over which this Board may exercise jurisdiction, I respectfully **RECOMMEND** that the instant appeals be **DISMISSED** pursuant to R.C. 124.03 and Am. Sub. H.B. No. 59.


Jeannette E. Gunn
Administrative Law Judge