

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Marsha McDevitt-Stredney,

Appellant,

v.

Case No. 2013-REC-01-0005

State Library of Ohio, and
Department of Administrative Services,

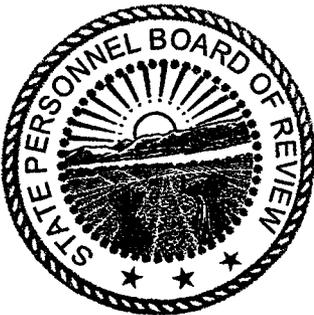
Appellees.

ORDER

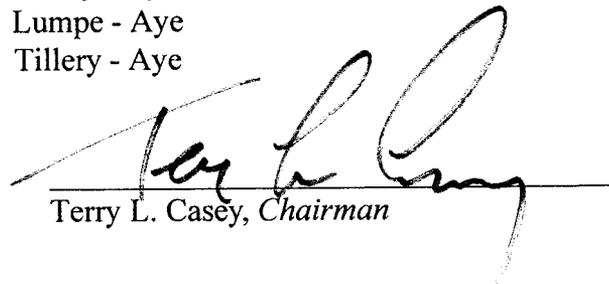
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 instant appeal is **DISMISSED** for lack of jurisdiction over the parties.



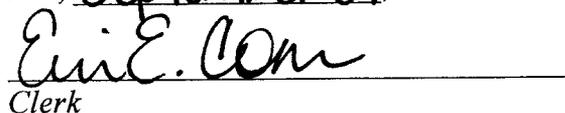
Casey - Aye
Lumpe - Aye
Tillery - Aye


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, September 04, 2013.


Erin E. Com
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**

Marsha McDevitt-Stredney,

Case No. 2013-REC-01-0005

Appellant

v.

August 6, 2013

State Library of Ohio,

and

Department of Administrative Services,

Jeannette E. Gunn

Appellees

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter comes on for consideration pursuant to Appellee's Motion to Dismiss, filed with this Board on July 26, 2013. Appellee asserts that this Board is without jurisdiction to consider Appellant's appeal because Appellant is an unclassified employee, pursuant to the operation of R.C. 124.11(A)(7)(b).

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

Appellant was employed by the State Library of Ohio in a position classified as Management Analyst Supervisor 1. Pursuant to a statewide review of the Management Analyst Supervisor classifications by the Department of Administrative Services, Appellant's position was reclassified as a Public Information Officer 1. Appellant filed a reclassification appeal with this Board on January 7, 2013.

Further, I take judicial notice that the State Library of Ohio is funded in part by general revenue funds (GRF) received from the State of Ohio.

CONCLUSIONS OF LAW

Civil service employment in the State of Ohio is divided into the classified and unclassified services; the division between these two types of public employment is outlined in R.C. 124.11(A), which describes a variety of positions in the public sector which are placed in the unclassified service. In this instance, Appellee alleges specifically that Appellant's position and job duties fall within the statutory exemption from the classified service found in R.C. 124.11(A)(7)(b), which states that the following positions are unclassified:

The library staff of any library in the state supported wholly or in part at public expense.

The State Library of Ohio is funded in part by general revenue funds (GRF) received from the State of Ohio and is, therefore, supported in part at public expense. Appellant is employed as a staff member of the State Library of Ohio. Accordingly, I find that Appellant's position is statutorily exempted from the classified civil service pursuant to R.C. 124.11(A)(7)(b).

Because R.C. 124.03 generally limits this Board's jurisdiction to actions concerning classified employees, this Board has no authority to consider a reclassification appeal brought by Appellant, a member of the unclassified civil service. Therefore, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED** for lack of jurisdiction over the parties.


Jeannette E. Gunn
Administrative Law Judge

JEG: