

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Peggy Martin,

Appellant,

v.

Case No. 2013-REC-10-0312

Department of Developmental Disabilities, and
Department of Administrative Services, Human Resources Division,

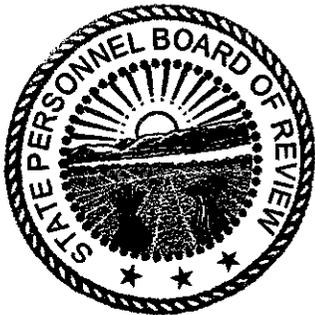
Appellees,

ORDER

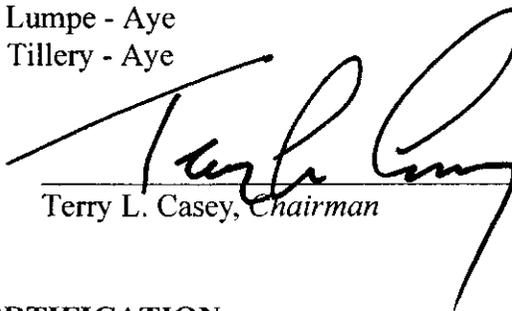
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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, July 17, 2014.


Eric E. Con
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**

Peggy Martin,

Case No. 2013-REC-10-0312

Appellant

v.

May 27, 2014

Department of Developmental Disabilities,

and

Department of Administrative Services,
Human Resource Division,

Appellee

Jeannette E. Gunn
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause came on due to Appellant's timely appeal of the reclassification of her position. Pursuant to a study conducted by Appellee Department of Administrative Services, 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 2, classification number 63216, to Public Information Officer 1, classification number 64421.

A record hearing was held in the instant appeal on May 21, 2014. Appellant was present at the hearing and appeared *pro se*. Appellee Department of Developmental Disabilities was present at record hearing through its designee, Alicia Conley; Appellee DAS was present at record hearing through its designee, HCM Manager Bobbi Lind.

Appellee DAS asserted at record hearing and Appellant did not dispute that the position occupied by Appellant was in the unclassified service.

CONCLUSIONS OF LAW

As a creature of statute, SPBR "possesses only such powers and duties as conferred on it by the provisions of the enabling statute," R.C. Chapter 124. *Kelron v. Ohio Dept. of Transp.*, (1991), 61 Ohio App. 3d 657, 659 (citing *Hansen v. State Personnel Bd. of Review*, (1977), 51 Ohio App.2d 7). This Board's primary enabling statute is R.C. Section 124.03(A) which provides that the Board shall hear appeals of employees in the classified state service. R.C. Section 124.01(C) defines "classified service" as follows:

* * *

(C) "Classified service" means the competitive classified civil service of the state, the several counties, cities, city health districts, general health districts, and city school districts of the state, and civil service townships.

* * *

This Board does not possess subject matter jurisdiction over unclassified employees. Neither R.C. Section 124.03, nor any other provision of the Ohio Revised Code grants the Board the authority to review a decision by the director of administrative services to reclassify a position in the unclassified civil service.

Uncontroverted evidence contained in the record establishes that Appellant occupied a position in 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