

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

Tamara Franklin,

Appellant,

v.

Case No. 2014-REM-02-0025

Sinclair Community College,

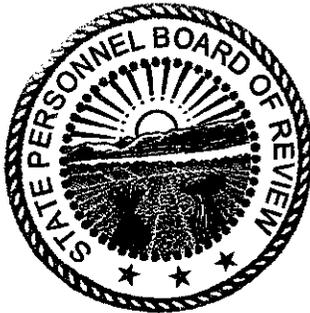
Appellee,

ORDER

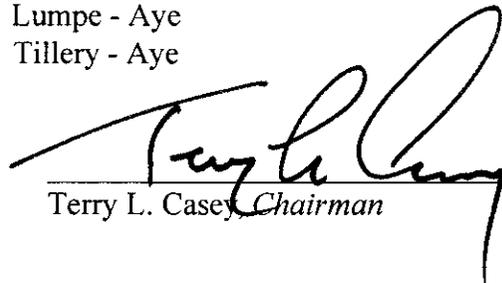
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 Appellee's motion to dismiss is **GRANTED** and the instant appeal is **DISMISSED** for lack of jurisdiction.



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, June 18, 2014.


Erin E. Conner
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**

Tamara Franklin

Case No. 2014-REM-02-0025

Appellant

v.

May 12, 2014

Sinclair Community College

Jeannette E. Gunn

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration upon Appellant's filing of an appeal with this Board of her removal from employment with Appellee. Appellee filed a Motion to Dismiss on March 27, 2014, alleging that the Board lacked jurisdiction over Appellant; Appellant filed a memorandum *contra* on April 18, 2014.

Information contained in the record indicates that Appellant was employed by Sinclair Community College prior to her removal. Sinclair Community College is a community college district governed by Ohio Revised Code Chapter 3354. and is a political subdivision of the State of Ohio. R.C. 3354.01, 3354.03.

R.C. 124.03(A) provides that this Board shall hear appeals of employees in the classified state service. R.C. 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.

"Civil service" is defined by R.C. 124.01(A) as:

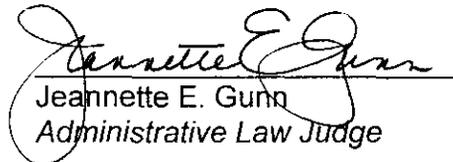
(A) "Civil service" includes all offices and positions of trust or employment in the service of the state and in the service of the counties, cities, city health districts, general health districts, and city school districts of the state.

R.C. 124.01(A) includes only specified political subdivisions within the definition of civil service; employment with a political subdivision of the state other than one specified by R.C. 124.01(A) does not constitute "civil service," see In re Appeal of Ford (1982) 3

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Ohio App.3d 416. An employee who is not a member of the competitive classified civil service defined by R.C. 124.01(C) does not have a statutory right, pursuant to R.C. Chapter 124. or any other section of the Ohio Revised Code, to appeal a removal action to this Board.

Therefore, I respectfully **RECOMMEND** that Appellee's Motion to Dismiss be **GRANTED** and the instant appeal be **DISMISSED** for lack of jurisdiction/


Jeannette E. Gunn
Administrative Law Judge