STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Greg Wight,

Appellant,

v. Case No. 2015-REC-01-0012
2015-MIS-01-0013

Montgomery County Environmental Services,

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.

Wherefore, it is hereby **ORDERED** that the instant appeals are **DISMISSED** for untimely filing and for lack of jurisdiction over the subject matter.

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 17, 2015.

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

Greg Wight	Case Nos. 15-REC-01-0012 15-MIS-01-0013
Appellant	
v.	March 23, 2015
Montgomery County Environmental Services	
Appellee	Jeannette E. Gunn *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. On January 21, 2015, Appellant filed a letter with this Board dated April 29, 2014. In that letter, Appellant requested that the Board review Appellee's job audit decision regarding the job classification and pay level assigned to his position. The matters requested for review were designated as the above-referenced appeals.

By questionnaire dated February 11, 2015, Appellee was asked to supplement the record with information regarding Appellant's classification title and number both before and after the job audit, as well as the date Appellant received notification of the results of his audit. In its February 26, 2015, response, Appellee indicated that the audit resulted in no change to the classification title or number of Appellant's position, Water and Wastewater Maintenance Services Supervisor, class number 54350. Appellee further indicated that Appellant was notified of the results of the audit on April 10, 2014. Appellant filed no memorandum *contra* or otherwise disputed the information provided by Appellee.

Ohio Administrative Code Section 124-1-03(C) provides that appeals of reclassifications must be filed within thirty calendar days after receiving notice of the results of a position audit. Appellant's appeal was filed with this Board more than eight months after receiving notice of the results of the position audit. Accordingly, I find that the State Personnel Board of Review is without jurisdiction to hear the

appeal because it was not filed within thirty calendar days after receiving notice of the position audit results.

I further find that this Board has no jurisdiction to review the pay level assigned to Appellant's position. Pursuant to R.C. 305.17, the Montgomery County Board of Commissioners is the body empowered to assign the compensation for Appellant's position, and this Board possesses no statutory authority to modify their determination.

Therefore, I respectfully **RECOMMEND** that the instant appeals be **DISMISSED** for untimely filing, and for lack of jurisdiction over the subject matter of the appeal.

Jeannette E. Gunn
Administrative Law Judge