

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

JACQUELINE MC GRADY,

Appellant,

v.

Case No. 06-RED-02-0041

FRANKLIN COUNTY,
DEPARTMENT OF JOB AND FAMILY SERVICES,

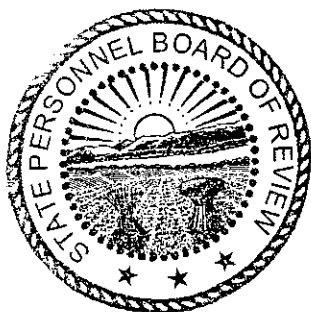
Appellee.

ORDER

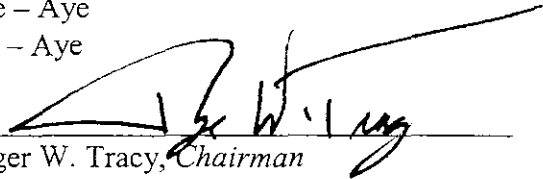
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

After a thorough examination of the record and 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 be **DISMISSED** for lack of jurisdiction, pursuant to O.R.C. 4117.10(A).



Tracy – Aye
Lumpe – Aye
Booth – Aye



Roger W. Tracy, *Chairman*

CERTIFICATION

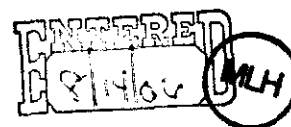
The State of Ohio, State Personnel Board of Review, ss:

I, the undersigned clerk of the State Personnel Board of Review, hereby certify that the foregoing is ~~(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, August 14, 2006.



Michelle Huzzey
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**

Jacqueline Mc Grady,

Case No. 06-RED-02-0041

Appellant

v.

June 7, 2006

Franklin Co., Dept. of Job & Family Services,

Christopher R. Young

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

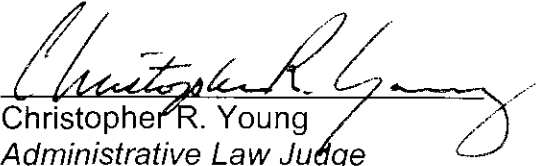
This matter came on for consideration on June 7, 2006, upon the Appellee's May 22, 2006, filing of its response to the May 10, 2006, Procedural Order and Questionnaire. The Appellee contends in its response that this matter is properly resolved through the grievance procedure pursuant to a collective bargaining agreement and this Board lacks jurisdiction to consider the matter. The Appellant did not file her optional reply to the Appellee's response.

I find that the Appellant is classified as a Job Opportunities Counselor/Total Case Manager. The Job Opportunities Counselor/Total Case Manager classification is included in a bargaining unit, which is represented by OCSEA AFSCME/Local 11, AFL-CIO. The Appellee, Franklin Co. Dept. of Job & Family Services and OCSEA AFSCME/Local 11, AFL-CIO have signed a collective bargaining contract, which covers the Appellant's bargaining unit.

The above contract provides a grievance procedure resulting in final and binding arbitration. The Appellant was allegedly reduced and action(s) such as these are covered by the contract grievance procedures. Ohio Revised Code Section 4117.10(A) states that where a bargaining agreement provides a grievance procedure that culminates in final and binding arbitration, the State Personnel Board of Review has no jurisdiction. This Board is, therefore, without jurisdiction to hear the instant appeal.

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Therefore, I respectfully **RECOMMEND** that this appeal be **DISMISSED** for lack of jurisdiction.


Christopher R. Young
Administrative Law Judge

CRY: