

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

ARTHUR J. ZIMPFER,

Appellant,

v.

Case No. 06-REM-01-0001

DEPARTMENT OF TRANSPORTATION,

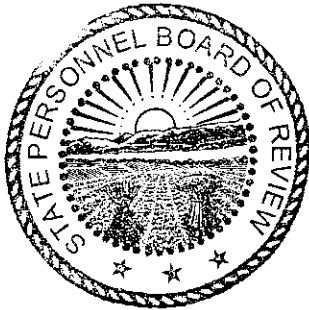
Appellee.

ORDER

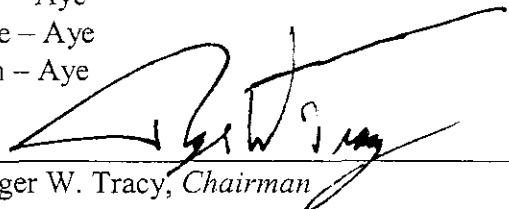
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 R.C. 4117.10(A).



Tracy – Aye
Lumpe – Aye
Booth – Aye

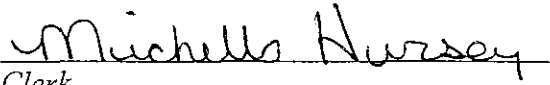


Roger W. Tracy, *Chairman*

CERTIFICATION

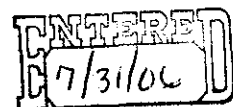
The State of Ohio, State Personnel Board of Review, ss:

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, July 31, 2006.



Michelle Hursey
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**

Arthur J. Zimpfer

Case No. 06-REM-01-0001

Appellant

v.

May 3, 2006

Department of Transportation

Marcie M. Scholl

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

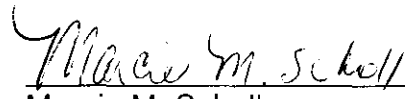
This matter came on for consideration on May 3, 2006, upon Appellee's Motion to Dismiss For Lack of Jurisdiction, filed with this Board on March 6, 2006. Appellee contends this matter is properly resolved through the grievance procedure pursuant to a collective bargaining agreement and this Board lacks jurisdiction to consider the matter. Appellant did not file a memorandum *contra*.

I find that the Appellant is classified as a Highway Technician 2. The Highway Technician 2 classification is included in a bargaining unit which is represented by the Ohio Civil Service Employees Association. Appellee and the Ohio Civil Service Employees Association 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 removed; this action is covered by the contract grievance procedures. Ohio Revised Code Section 4117.10(A) states that where a bargaining agreement provides a grievance procedure which 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.



Marcie M. Scholl
Administrative Law Judge

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