

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

BRENDA M. PATTON
AND
VENITA M. WARD

Case Nos. 07-MIS-01-0026
07-MIS-01-0027
07-MIS-01-0028
07-MIS-01-0029

Appellants,

v.

CINCINNATI CIVIL SERVICE COMMISSION,

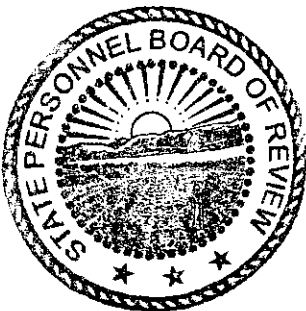
Appellee.

ORDER

This matter 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 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 appeals be **DISMISSED** for lack of subject matter jurisdiction, pursuant to O.R.C. §§ 124.03(A), 4112.05, 4117.11(D), and 4117.12.



Lumpe – Aye
Booth – Aye
Tracy – Aye

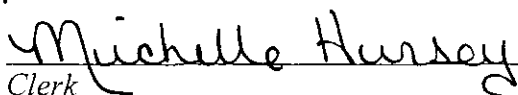


J. Richard Lumpe, *Chairman*

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, May 14, 2007.



Michelle Hursey
Clerk



NOTE: Please see the reverse side of this Order or the attachment to this Order for information regarding your appeal rights.

5-14-07

NOTICE

Where applicable, this Order may be appealed under the provision of Chapter 124. and 119. Ohio Revised Code. A written Notice of Appeal setting forth the Order appealed from and the grounds of appeal must be filed with this Board and the appropriate court within fifteen (15) days after the mailing of this Notice. At the time of filing the Notice of Appeal with this Board, the party appealing must provide a security deposit to the Board. In accordance with administrative rule 124-15-08 of the Ohio Administrative Code, the amount of deposit is based on the number of magnetic tapes used to record your hearing, and the costs incurred by the Board in certifying your case to court. The number of tapes, costs incurred, and the corresponding amount of deposit required, as well as the final date that the Notice of Appeal and Deposit will be accepted by this Board, are listed at the bottom of this Notice. If a full or partial transcript of the hearing tapes has been prepared prior to the filing of an appeal, the cost of a copy of that certified transcript will be accepted by this Board; transcript costs will be listed at the bottom of this Notice

IF YOU ELECT TO APPEAL THIS BOARD'S FINAL ORDER, THEN YOU MUST PROVIDE THE DEPOSIT LISTED BELOW AT THE TIME YOU FILE YOUR NOTICE OF APPEAL WITH THIS BOARD. Please note that the law provides that you have fifteen (15) calendar days from the mailing of the final Board Order to file your Notice of Appeal with this Board and with the Court of Common Pleas. The fifteenth day is the date that appears at the bottom of this Notice.

METHOD OF PAYMENT: For all entities other than State agencies, payment of the deposit must be by money order, certified check, or cashier's check. State agencies are required to use the Intra-State Transfer Voucher (ISTV) system (OBM Form 7205), which must be processed prior to the filing of an appeal. To initiate an ISTV, State agencies may call the State Personnel Board of Review's Fiscal Office at 614/466-7046.

IF YOU MAINTAIN YOU CANNOT AFFORD TO PAY THE DEPOSIT LISTED BELOW, THEN YOU MUST COMPLETE THE BOARD'S "AFFIDAVIT OF INDIGENCE" FORM. YOU CAN OBTAIN THAT FORM BY CALLING (614)466-7046. THE COMPLETED AFFIDAVIT MUST BE RECEIVED BY THIS BOARD ON OR BEFORE May 21, 2007. The Board will then determine if you are indigent and, therefore, relieved of responsibility of paying the deposit at this time. You will be notified in writing of the Board's determination. Please note that if the Board determines you are NOT indigent, then YOU MUST FILE YOUR NOTICE OF APPEAL AND PAY THE DEPOSIT BY THE DATE LISTED BELOW.

If you have any questions regarding this notice, please contact the Board at 614/466-7046.

Case Number 07-MIS-01-0026, 07-MIS-01-0027, 07-MIS-01-0028 And 07-MIS-01-0029

Transcript Costs NA Administrative Costs \$25.00

Total Deposit Required* \$25.00

Notice of Appeal and Deposit Must Be Received by SPBR On or Before May 29, 2007

*If the deposit paid exceeds the actual costs of certification...

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

Brenda M. Patton
and
Venita M. Ward,

Appellants

v.

Cincinnati Civil Service Commission
and
Cincinnati Health Department,

Appellees

Case Nos.: 07-MIS-01-0026
07-MIS-01-0027
07-MIS-01-0028
07-MIS-01-0029

April 10, 2007

Elaine K. Stevenson
Hearing Officer

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration upon a thorough review of the records in the above-referenced appeals. Appellants' appeals allege unfair labor practices under O.R.C. Chapter 4117. and racial discrimination under O.R.C. Chapter 4112. Pursuant to O.A.C. 124-11-04, the instant appeals are hereby CONSOLIDATED.

Appellants' letter to this Board states that: "I'm writing to the State Personnel Board of Review, charging the City of Cincinnati's Civil Service Commission and the City of Cincinnati's Health Department managers, with unfair labor practices under O.R.C. 4117.11(D) - Unfair Labor Practice Policy." Appellants allege that they were discriminated against based on their race because Appellee Cincinnati Civil Service Commission selectively applied its policies in a biased manner that allowed certain individuals to have an unfair advantage in regards to promoting incumbents into a reclassified position. Appellants also allege that Appellee Cincinnati Civil Service Commission has engaged in "systemic racism" in its decisions regarding promotions without exams, exceptional appointments, and disciplinary mediation. Appellants further allege that they were discriminated against based on their race because Appellee Cincinnati Health Department applied its appointment policies in a biased manner that allowed white individuals to have an unfair advantage in regards to appointments and promotions.

This Board's primary jurisdiction is found in Chapter 124. of the Ohio Revised Code. O.R.C. 124.03(A) provides that this Board shall hear appeals, as provided by law, of employees in the classified state service from final decisions of appointing authorities or the director of administrative services relative to specific actions, including reductions in

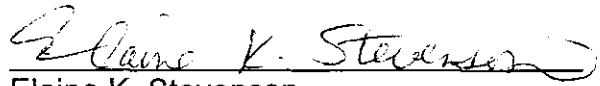
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pay or position, job abolishments, layoffs, suspensions, and discharges. This Board does not have statutory authority to investigate allegations of unfair labor practices or allegations of racial discrimination. Other state agencies are charged with those responsibilities. The State Employment Relations Board is charged with hearing jurisdictional work disputes, pursuant to O.R.C. 4117.11(D). The State Employment Relations Board also is charged with investigating complaints alleging unfair labor practices and conducting hearings on charges of unfair labor practices, pursuant to O.R.C. 4117.12. The Ohio Civil Rights Commission is charged with investigating complaints alleging unlawful discriminatory practices and conducting hearings on charges of unlawful discriminatory practices, pursuant to O.R.C. 4112.05. It is noted that the information contained in the record indicates that Appellants have filed claims with the Ohio Civil Rights Commission alleging that their employer, the City of Cincinnati, discriminated against them based on their race. Those claims appear to be directly related to the issues underlying the instant appeals.

Based on the foregoing, I respectfully **RECOMMEND** that the instant appeals be **DISMISSED** for lack of subject matter jurisdiction, pursuant to sections 124.03(A), 4112.05, 4117.11(D), and 4117.12 of the Ohio Revised Code.


Elaine K. Stevenson
Hearing Officer

EKS:/