

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

Cheryl L. Wilson,

Appellant,

Case Nos. 08-REM-02-0037

08-MIS-02-0038

v.

Summit County Court of Common Pleas,

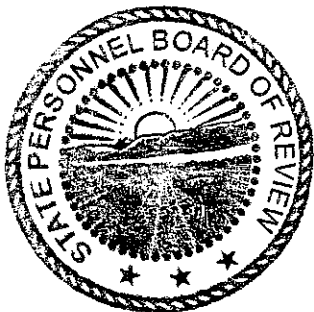
Appellee.

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 jurisdiction, pursuant to O.R.C. § 124.11(A)(10) and O.R.C. § 1907.201(C).



Lumpe - Aye

Booth - Aye

Sfalcin - Aye



J. Richard Lumpe, *Chairman*

CERTIFICATION

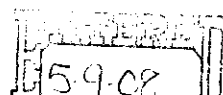
The State of Ohio, State Personnel Board of Review, ss:

I, the undersigned clerk of the State Personnel Board of Review, hereby certify that this document and any attachment thereto constitute ~~(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 9, 2008.



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**

Cheryl L. Wilson,

Case Nos.: 08-REM-02-0037
08-MIS-02-0038

Appellant

v.

April 9, 2008

Summit County Court of Common Pleas,

Elaine K. Stevenson
Hearing Officer

Appellee

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration due to Appellant's filing of a notice of appeal from her removal. In her notice of appeal, Appellant alleges that she was, "terminated because of harassment and discrimination." On February 22, 2008, a procedural order was issued, instructing Appellee to answer specific questions regarding the position Appellant held at the time of her removal. On March 24, 2008, Appellee filed Appellee's Response to Procedural Order. The information contained in the record indicates that, at the time of her removal, Appellant held the position of "official court stenographer/court reporter" and was appointed by the Summit County Court of Common Pleas General Division Judges. Appellee asserts that Appellant was in the unclassified service pursuant to R.C. § 124.11(A)(10) and R.C. § 1907.201(C). Appellant did not file a reply to Appellee's Response to Procedural Order.

R.C. § 124.11(A)(10) states, in pertinent part:

(A) The unclassified service shall comprise the following positions, which shall not be included in the classified service . . .

(10) Bailiffs, constables, *official stenographers*, and commissioners of courts of record, deputies of clerks of the courts of common pleas who supervisor or who handle public moneys or secured documents, and such officers and employees of courts of record and such deputies of clerks of courts of common pleas as the director of administrative services finds it impracticable to determine their fitness by competitive examination. (Emphasis added.)

R.C. § 1907.201 states, in pertinent part:

(A) The judge or judges of a county court may appoint an interpreter, one or more mental health professionals, one or more probation officers, an assignment commissioner, a deputy assignment commissioner, and other court aides on a full-time, part-time, per diem, hourly, or other basis, who shall serve at the pleasure of the appointing judge or judges


...

(C) A probation officer, assignment commissioner, or *official court reporter* appointed pursuant to this section is in the unclassified civil service. (Emphasis added.)

* * *

As can be seen from reading the above-mentioned provisions of the Ohio Revised Code, the position held by Appellant at the time of her removal, official court stenographer/court reporter for the Summit County Court of Common Pleas General Division Judges, is a position in the unclassified civil service. Since this Board's jurisdiction generally is limited to employees in the classified civil service, this Board does not have the authority to review the merits of Appellant's removal. With respect to Appellant's allegation that her removal was "because of harassment and discrimination," I note that this Board does not have the statutory authority to consider such a claim. The Ohio Civil Rights Commission is the entity charged with investigating allegations of discrimination.

Based on the foregoing, I respectfully **RECOMMEND** that the instant appeals be **DISMISSED** for lack of jurisdiction, pursuant to R.C. § 124.11(A)(10) and R.C. § 1907.201(C).


Elaine K. Stevenson
Hearing Officer

EKS:/