

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

David S. French Sr.,

Case Nos. 08-ABL-06-0236
08-LAY-06-0237

Appellant,

v.

Department of Rehabilitation and Corrections,
Southeastern Correctional Institution,

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 abolishment of Appellant's position be **AFFIRMED**, pursuant to O.R.C. § 124.03 and 124.321, *et seq.*

Lumpe - Aye
Sfalcin - Aye
Tillery - Aye



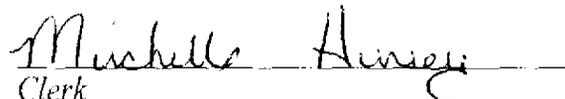


J. Richard Lumpe, *Chairman*

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, November 6, 2009.



Michelle Hunsley
Clerk

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

11-6-09 MSH

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David S. French Sr.,

Appellant

v.

Department of Rehabilitation and Correction,
Southeastern Correctional Institution

Appellee

Case Nos. 08-ABL-06-0236
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September 17, 2009

Marcie M. Scholl
Elaine K. Stevenson
Administrative Law Judges

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause came on for consideration upon Appellant French's timely filing of a notice of appeal in which he indicated that his position was abolished and he had been laid off. A record hearing in this matter was held on December 1 through December 3, 2008. Appellant French was present at record hearing and appeared *pro se*. Appellee Department of Rehabilitation and Correction was present through its designee, Human Resources Legal Counsel Amy C. Parmi, and was represented by Assistant Attorneys General Komlavi Atsou and Nicole S. Moss.

This Board's jurisdiction to hear these appeals was established pursuant to R.C. 124.03(A) and R.C. 124.328.

STATEMENT OF THE CASE

Appellee's first witness was Kevin Stockdale who testified he is presently employed by Appellee as Chief of Budget Planning and Analysis, and has held that position for approximately three months. He indicated that prior to accepting his present position, he was employed by the Office of Budget Management (OBM) as a Budget Management Analyst for approximately one year; in that position he was responsible for working with assigned agencies to prepare and monitor budgets. The witness noted that he worked with Appellee, Department of Youth Services and

the Department of Public Safety to prepare budgets and budget requests for the 2008-2009 budget cycle.

The witness recalled that on January 31, 2008, Governor Ted Strickland issued an Executive Order (Appellee's Exhibit 1), requiring state agencies receiving general revenue funds (GRF) to reduce their expenditures in order to close a budget deficit. Mr. Stockdale indicated that agencies were required to take a number of actions to reduce their budgets and that some agencies, such as Appellee, were required to reduce their payrolls, as payroll costs are generally the largest component of agency budgets. He explained that payroll costs include employees' base pay, along with additional costs, such as fringe benefits and step increases.

Mr. Stockdale recalled that his role as a Budget Management Analyst was to provide Appellee with guidelines regarding budget reductions; he noted that Appellee was required to cut its budget by six to ten percent. The witness stated he reviewed the plan submitted by Appellee to OBM for viability and impact, and submitted a report to his supervisor. He noted that Appellee was somewhat restricted in what it could and could not cut from its budget stating, for instance, that Appellee could not cut food service, and indicated that they discussed several alternatives.

The witness testified that Appellee's initial budget reduction plan was rejected by OBM. Mr. Stockdale indicated he worked with Appellee and OBM's Director provided Appellee with guidelines for budget reduction (Appellee's Exhibit 11, Book 3) to prepare a revised plan that implemented OBM's agency budget directives. He stated that the budget reduction plan submitted by Appellee and approved by OBM encompassed a total budget reduction of \$71.7M, which included a reduction in payroll of \$52M and affected institutional and administrative operations agency-wide.

On cross examination, Mr. Stockdale testified he did not prepare the documents which he testified about. He stated that the \$71.1M figure is lower than the six percent cut and he could not give a number as to where the Appellee is currently with their numbers. Mr. Stockdale stated he began his employ in Central Office in August 2008.

Appellee's next witness was Douglas Forbes. He has been employed by Appellee as Deputy Director of Administration for approximately three years and supervises approximately two hundred employees in that position. He indicated he

is responsible for Appellee's budget and supervises approximately seven employees who work on that budget. The witness confirmed that he prepares Appellee's biennial budget and prepares budget allocation plans for each year. Mr. Forbes explained that Appellee has three funding sources: General Revenue Funds (GRF), which comprise approximately eighty-five percent of Appellee's funding; Prisoner Program Funds; and OPI Funds.

Mr. Forbes explained that OPI (Ohio Penal Industries) makes items such as license plates, furniture, and clothing, and has its own budget; OPI is funded through customer sales to state agencies and local government agencies. He noted that OPI funds pay entirely for commissary staff salaries and no GRF funds are used. The witness observed that OPI sales decreased from \$3M to \$1M, and explained that Appellee purchases approximately eighty-five percent of the products OPI manufactures.

Mr. Forbes confirmed that he participated with the other Deputy Directors in the overall budget reduction planning process, but did not determine which positions should be cut at each institution. He recalled that Appellee saved approximately \$39M in payroll expenses and was able to save more than \$9M in areas other than payroll, such as reductions in ancillary services, lease agreements, and travel expenses, but still fell short of its \$71M goal. The witness observed that Appellee had also begun offering an Early Retirement Incentive in May of 2007 for approximately 1,400 eligible positions but, to date, only two hundred sixty employees had taken advantage of the incentive.

Mr. Forbes confirmed that payroll expenditures are Appellee's largest expense. He indicated that seven hundred and one positions were abolished, which included one hundred sixty-two positions that were vacant at the time of abolishment. Mr. Forbes stated that, in his opinion, Appellee had to cut positions in order to realize the necessary amount of savings mandated by the Governor's order to reduce the budget. He noted that Appellee looked to positions other than security and medical staffing when determining which positions should be abolished but, to his knowledge, no guidelines were provided to wardens.

Appellee's next witness was David Burrus. He was employed by Appellee for approximately twenty-seven years and retired from the position of Labor Relations Administrator in September 2008. In that position he administered three collective bargaining agreements and oversaw the disciplinary process for union employees.

The witness confirmed that he was familiar with and participated in the abolishment process; he oversaw the abolishment process for both union and exempt employees that resulted in the June 2008 layoffs.

Mr. Burrus stated that the directors and assistant directors made the decision that job abolishments were necessary, and observed that the abolishments affected all of Appellee's institutions. He explained that in Central Office and the Division of Parole and Community Services, the Deputy Director with oversight for each specific area made the determination as to which positions would be abolished. The witness recalled that Director Terry Collins notified each Warden or Regional Director of the number of positions to be eliminated at their facilities, and the Wardens and Regional Directors used their discretion to select specific positions, based upon their facilities' operational needs. He confirmed that Wardens were repeatedly counseled to choose positions for abolishment, rather than people.

Mr. Burrus stated that Appellee took additional efforts to reduce the agency's budget, including offering an Early Retirement Incentive program, consolidating some programs, and reviewing contractual obligations. He testified that one unclassified Deputy Warden position at each institution was eliminated, as well as other unclassified positions within Central Office and the Division of Parole & Community Services. The witness noted that some affected unclassified employees exercised their fallback rights to classified positions.

Mr. Burrus confirmed that unclassified position eliminations were implemented prior to the job abolishment of exempt positions because of the issue of fallback rights. He explained that when an unclassified employee exercises his or her fallback rights it is sometimes necessary to create a position for them to "fall back" into; the witness noted that this can lead to duplicative positions in some institutions, and when a job abolishment is undertaken, typically the most recently created duplicative position is the position eliminated. Mr. Burrus acknowledged that this practice sometimes resulted in a formerly unclassified employee being placed into a classified position and then laid off from that position shortly thereafter, but indicated that Appellee was legally required to proceed in that manner.

Mr. Burrus indicated that once the positions to be abolished had been identified, it was necessary for Appellee to identify the layoff jurisdiction for each position and calculate retention points for each of the incumbent employees. He noted that retention point lists were posted in several locations and any alleged

errors were checked by referring to information contained on the OAKS system; DAS also certified Appellee's calculations. The witness explained that retention points are calculated based on years of continuous service, with no break in service. He confirmed that prior service was also considered in the calculation of retention points, but that DAS would not consider the issue of an error in awarding prior service credit unless it was raised prior to or at the same time that the layoff rationale was submitted. Mr. Burrus testified that an employee may only challenge the calculation of his or her own retention points.

Mr. Burrus stated that once DAS had certified Appellee's retention point calculations, the next step was to determine how each of the affected employees would be impacted by the displacement process; a notification letter was sent to employees (Appellee's Exhibit 4B). He noted that an exempt employee could displace into a vacant bargaining unit position in their classification, but that employees already in the bargaining unit whose positions were abolished would take priority in filling those vacancies. The witness recalled that employees were also notified of some vacancies that would be filled, and were given the option of applying for those positions or for Corrections Officers openings.

The general rationale for the job abolishments and subsequent layoffs was for reasons of economy, which resulted from the projected budget shortfall. Mr. Burrus noted that a separate rationale was prepared for each abolished position, showing how the position's duties would be absorbed.

On cross examination Mr. Burrus confirmed that Appellant French told him he had problems working with Warden Saunders and that he believed the Warden was cleaning house and targeting people. Mr. Burrus explained that when a position is abolished, if all the duties of the position remain, then those duties should be divided among other employees, with each employee doing approximately thirty percent of the abolished position's duties. He also stated that all of the duties of an abolished position do not have to be retained.

Appellee's next witness, Chris Lambert, testified he is presently employed by Appellee as a Labor Relations Officer 3 and is responsible for working with labor unions regarding the grievance process, arbitration and mediation. He confirmed that he was assigned to write the general rationale for the June 2008 job abolishments and subsequent layoffs and indicated he reviewed examples of past abolishments and layoffs, and discussed specific issues with other staff members in

preparing the rationale. The witness noted he reviewed materials from OBM and met with Deputy Directors to learn how budget cuts would be made. Mr. Lambert stated that individual rationales for each position were created by the Warden of the institution at which the position was located.

Mr. Lambert recalled that Appellee did not have the option of closing institutions, due to an increase in inmate populations, and that the Director specified that no abolishments or layoffs should be made with regard to security and medical staff or parole officers. He observed that it was the Director's goal to preserve Appellee's core functions of security, medical services, parole services and education for rehabilitation.

The witness stated that the only basis for the job abolishments was the budget shortfall. He noted that the rationale addressed commissary staffing issues, the reduction of personal service contracts, and the increase in inmate population. Mr. Lambert testified that he was not involved in any determination as to which positions should be abolished.

Appellee's next witness, Rhonda Pickens, testified she is presently employed by the Department of Administrative Services as a Human Resources Analyst 2 and stated she is responsible for verifying retention points for agencies seeking to abolish positions. She indicated she works specifically with Appellee, the Department of Youth Services, the Rehabilitation Services Commission, the Department of Tax and other smaller agencies. The witness noted that the manner in which retention points are accrued and calculated is outlined by the Ohio Administrative Code. She observed that retention points are not accrued in certain situations, such as while an employee is on disability leave.

Ms. Pickens explained that continuous service means that an employee has had no more than a thirty-day break in service. She indicated that accrual of retention points starts over if an employee has a break in service. The witness noted that it is the agency's obligation to provide information regarding an employee's prior service to DAS, although agencies argue that it is onerous for employees to provide information regarding their prior service. She observed that prior service also affects the calculation of employees' vacation and sick leave.

The witness stated that DAS has to have a cut-off date for the submission of information regarding prior service credit in order to keep the abolishment and layoff

process on track and that information must be submitted prior to the submission of the rationale. She indicated that an employee can only challenge his or her own retention point calculation.

Appellee's next witness was Mark Saunders. He testified he is presently employed by Appellee as Warden of the Southeastern Correctional Institution (SCI) and indicated that he is responsible for overseeing the operations of the facility. The witness testified that the Executive Staff members report directly to him and he reports to Regional Director Ernie Moore.

Warden Saunders recalled that he met briefly on February 4, 2008, with exempt staff in pay range 12 to address the impending budget reduction and potential staff reductions. He discussed the need for employees to be more flexible and the possibility for increased job duties. He noted that the Accreditation Manager was concerned that taking on extra job duties could result in employees working outside their classifications.

Warden Saunders stated Director Collins told him he had to select seven exempt positions and seven bargaining unit positions for abolishment. He stated he examined the facility's operational needs and looked for positions having duties that were either less critical to the facility's operations or that could be absorbed by other employees. The witness noted he eventually selected thirteen positions to be abolished and prepared a layoff rationale for each of the positions he selected.

One of the positions selected for abolishment by Warden Saunders was an Institutional Investigator position, classified as a Correctional Warden Assistant 1. He noted that SCI had approximately 1,450 inmates at that time, and that Appellee's other Level 2 prisons of similar size had only one Investigator position. The witness stated there were two Investigator positions at SCI prior to the abolishment, with one position occupied by Appellant French and one position occupied by Appellant French's supervisor, Thomas Ratcliffe, who had more retention points than Appellant French. Warden Saunders noted that Mr. Ratcliffe retired in August 2008.

On cross examination, Warden Saunders testified he had a satisfactory professional working relationship with Appellant French and did not abolish Appellant French's position because he disliked him. Warden Saunders confirmed that Appellant French was a member of SCI's Executive Staff prior to 2005, when

he removed him from that designation. He confirmed that Appellant French was provided with a layoff notification letter and retention point calculation form (Appellee's Exhibit 4, Tab F, Book 2). Warden Saunders confirmed there is currently no Institution Investigator at SCI and stated that the facility is in the process of requesting to fill several positions.

Appellant French's witness, Thomas Ratcliffe, testified he was employed by Appellee as an Investigator at SCI prior to his retirement in August 2008. He confirmed he had worked with Appellant at SCI for approximately six and one-half years. He stated they received recognition for their conviction records. The witness stated they easily handled sixty investigations each year.

Mr. Ratcliffe stated Appellant French was removed from the SCI Executive Staff by Warden Saunders in 2005, and that the Warden told him that Appellant French would thereafter report to him. He acknowledged that Appellant French and Warden Saunders seemed to have had some conflicts, but stated he was never present when the alleged conflicts occurred. Mr. Ratcliffe testified Warden Saunders never indicated to him that he disliked Appellant French.

The witness confirmed that he thought about taking the Early Retirement Incentive, but did not make his decision to retire until May 2008. He recalled he told Warden Saunders he wanted to wait and see what happened at a PERS meeting before making his decision. Mr. Ratcliffe stated he told some employees, including Warden Saunders, about his decision in May 2008, but could not specifically remember who he told.

Walter Dillard was Appellant French's next witness and he testified he is presently employed by Appellee at SCI. He confirmed he has known Appellant French for six or seven years and has a good working relationship with him.

Mr. Dillard stated that during the February 4, 2008 meeting, Warden Saunders discussed the need for employees to "make themselves more valuable," but no positions or employees were singled out at the meeting. Mr. Dillard noted that he has worked for Appellee for thirty-three years and believed that it was a good thing for employees to make themselves "more valuable" to the institution.

Mr. Dillard confirmed there appeared to be some sort of issues between Appellant French and Warden Saunders. He testified that although Appellant

French told him that the Warden did not like him (Appellant French), Warden Saunders never indicated that to the witness. Mr. Dillard recalled that Appellant French was removed from the Executive Staff and stated he believed Appellant might have also received discipline in the past. The witness noted that he has also been disciplined and observed that discipline does not indicate that an individual is liked or disliked. He stated Warden Saunders has a right to discipline employees for misconduct and that the Warden has to answer to the Regional Director and the Director for the operations of the facility.

Appellant David French testified he believed his position was abolished because of his personal conflict with Warden Saunders. He indicated that approximately eighty percent of his job duties were distributed among other employees and it is his belief that Appellee did not realize any cost savings as a result of the abolishment of his position.

Appellant French stated that as a result of the abolishment of his position he was transferred to a position in the same classification at Pickaway Correctional Institution (PCI). He confirmed that although he is required to travel a greater distance to his job, he otherwise suffered no harm as a result of the abolishment of his position.

FINDINGS OF FACT

Based on the testimony presented and evidence admitted at record hearing, and the entirety of the information contained in the record, I make the following findings of fact:

The parties stipulated that Appellee complied with the relevant procedural and notice requirements of the Ohio Revised Code and Ohio Administrative Code in implementing the abolishment of Appellant French's position.

On January 31, 2008, The Governor of Ohio issued Executive Order 2008-10S, which instructed state agencies to implement General Revenue Fund (GRF) spending reductions within their agencies due to an impending state budget shortfall. The Governor also instructed the Office

of Budget and Management (OBM) to issue directives to guide agencies in implementing GRF spending reductions.

Appellee took steps to reduce the agency's budget, including offering an Early Retirement Incentive program, consolidating some programs, and reviewing contractual obligations.

Payroll expenditures are Appellee's largest expense and Appellee determined that it had to abolish positions in order to realize the necessary amounts of savings mandated by the Governor's order to reduce the budget. Appellee abolished positions other than security and medical staff positions.

The Director of the Department of Rehabilitation and Correction, Terry Collins, notified each Warden or Regional Director of the number of positions to be eliminated at their respective facilities. The Wardens and Regional Directors used their discretion to select specific positions, based upon their facilities' operation needs.

On April 8, 2008, Appellee submitted its rationale for job abolishments to the Ohio Department of Administrative Services (ODAS). Appellee's rationale contained the agency's budget information, general cost savings measures, and the proposed abolishment of 701 positions to save salary and benefits. Appellee's rationale contained several tables that outlined projected GRF savings based upon staff reductions and other cost savings measures.

Appellee calculated retention points for those employees affected by the abolishment and resultant layoffs. ODAS verified Appellee's calculation of retention points for all affected employees and authorized Appellee to proceed with the layoffs that resulted from the abolishment of positions.

In June 2008, Appellant French held a position classified as Correction Warden Assistant 1 at Southeastern Correctional Institution. On June 3, 2008, Appellant French received notice that his position was to be abolished effective June 22, 2008.

Appellant French exercised his displacement rights and, as a result, displaced into a Correction Warden Assistant 1 position at Pickaway Correctional Institution effective June 22, 2008.

CONCLUSIONS OF LAW

In the present appeals the Board must consider: (1) Whether Appellee has proven by a preponderance of the evidence that the abolishment of the position encumbered by Appellant French was for reasons of economy and was effectuated in accordance with sections 124.321 to 124.327 of the Ohio Revised Code and the rules of the Ohio Administrative Code Chapter 123:1-41 *et seq.*, and (2) whether Appellant French's displacement rights were effectuated in accordance with sections 124.321 to 124.327 of the Ohio Revised Code and the rules of Ohio Administrative Code Chapter 123:1-41 *et seq.*

Section 124.321 of the Ohio Revised Code governs the abolishment of positions. It states, in pertinent part:

(D)(1) Employees may be laid off as a result of abolishment of positions. As used in this division, "abolishment" means the deletion of a position or positions from the organization or structure of an appointing authority.

For purposes of this division, an appointing authority may abolish positions for any one or any combination of the following reasons: as a result of a reorganization for the efficient operation of the appointing authority, for reasons of economy, or for lack of work.

(2)(a) Reasons of economy permitting an appointing authority to abolish a position and to lay off the holder of that position under this division shall be determined at the time the appointing authority proposes to abolish the position. The reasons of economy shall be based on the appointing authority's estimated amount of savings with respect to salary, benefits, and other matters associated with the abolishment of the positions only, if:

- (i) Either the appointing authority's operating appropriation has been reduced by an executive or legislative action, or the appoint authority has a current or projected deficiency in funding to maintain current or projected levels of staffing and operations; and
- (ii) In the case of a position in the service of the state, it files a notice of the position's abolishment with the director of administrative services within one year of the occurrence of the applicable circumstance described in division (D)(2)(a)(i) of this section.

(b) The following principles apply when circumstance described in division (D)(2)(a)(i) of this section would serve to authorize an appointing authority to abolish a position and to lay off the holder of the position under this division based on the appointing authority's estimated amount of savings with respect to salary and benefits only:

- (i) The position's abolishment shall be done in good faith and not as a subterfuge for discipline.
- (ii) If a circumstance affects a specific program only, the appointing authority only may abolish a position within that program.
- (iii) If a circumstance does not affect a specific program only, the appointing authority may identify a position that it considers appropriate for abolishment based on the reasons of economy.

(3) Each appointing authority shall determine itself whether any position should be abolished. An appointing authority abolishing any position in the service of the state shall file a statement of rationale and supporting documentation with the director of administrative services prior to sending the notice of abolishment.

If an abolishment results in a reduction of the work force, the appointing authority shall follow the procedures for laying off employees, subject to the following modifications:

- (a) The employee whose position has been abolished shall have the right to fill an available vacancy within the employee's classification.
- (b) If the employee whose position has been abolished has more retention points than any other employee serving in the same classification, the employee with the fewest retention points shall be displaced.
- (c) If the employee whose position has been abolished has the fewest retention points in the classification, the employee shall have the right to fill an available vacancy in a lower classification in the classification series.
- (d) If the employee whose position has been abolished has the fewest retention points in the classification, the employee shall displace the employee with the fewest retention points in the next or successively lower classification in the classification series.

* * *

Appellee has met its burden of proving by a preponderance of the evidence that Appellant French's abolishment was due to reasons of economy and that all procedural requirements of effectuating such abolishment were satisfied. Prior to the record hearing, Appellant French stipulated that Appellee complied with the relevant procedural and notice requirements of the Ohio Revised Code and Ohio Administrative Code in implementing the abolishment of his position. The evidence established that on January 31, 2008, the Governor issued an Executive Order requiring agencies, Appellee included, to reduce their GRF expenditures. Specifically, Appellee was ordered by OBM to cut their expenditures by six to ten percent. The evidence also established that approximately eighty-five percent of Appellee's budget is made up of GRF funding.

Section 124.321(2)(a) of the Ohio Revised Code allows an appointing authority to abolish positions based on the estimated savings of an employee's salary and benefits if the appointing authority's operating appropriation has a projected deficiency or if the appropriation has been reduced by executive action.

Appellee proved that both of those are true. Appellant French offered no evidence to dispute either of those facts. Appellee abolished 701 positions in order to reduce its expenditures. The statute provides that the savings in salary and benefits can be the basis for an abolishment due to economy if the abolishment takes place within one year of such executive action and projected deficit. In the instant case, the Executive Order was issued in January 2008 and the abolishment of Appellant French's position took place in June 2008.

Warden Saunders testified he abolished Appellant French's position because there were two positions doing the same duties. In the rationale, the duties of Appellant French's position were split among three other employees and some of the duties were no longer needed. Obviously, the Appellee has realized a savings in terms of the salary and benefits that were paid to Appellant French in his abolished position.

Appellant French's primary argument at record hearing was that Warden Saunders selected his position for abolishment because of the personal conflict between himself and Warden Saunders. The evidence did not establish that assertion. Warden Saunders testified that he did not see a need for two positions doing the same duties. The duties of Appellant French's position were distributed or no longer needed. A monetary savings was realized. Appellant French was removed from Warden Saunders' executive staff in 2005, approximately three years prior to his abolishment. The time lag between that action and Appellant French's abolishment is not persuasive that the abolishment was done due to a personal conflict between Appellant French and the Warden. There is no evidence of bad faith on the part of Warden Saunders in abolishing Appellant French's position. The fact that the other employee decided to retire, leaving the institution with no investigator, is also not persuasive. The Warden had to make his decision on what he knew in February and March 2008. The date of the rationale created by Warden Saunders is March 10, 2008. Mr. Ratcliffe testified he did not begin telling people that he was going to retire until sometime in May 2008. Appellant French had the burden of proving bad faith and he did not meet his burden.

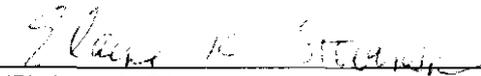
Appellant French exercised his displacement rights and did not argue that he did not displace correctly. The evidence establishes that Appellee effectuated Appellant French's displacement rights in accordance with the pertinent statutes and rules.

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Since Appellee has met its burden of proof and Appellant French has failed to show any bad faith on the part of the Appellee, it is our **RECOMMENDATION** that the abolishment of Appellant French's position by **AFFIRMED** pursuant to sections 124.03 and 124.321, et seq. of the Ohio Revised Code.



Marcie M. Scholl
Administrative Law Judge



Elaine K. Stevenson
Hearing Officer

MMS:mlh