

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

Dave Speakman *et al.*,
Arden Stannard
Ray Scott

Case Nos.: 09-LAY-05-0246
09-LAY-05-0247
09-LAY-05-0248

Appellants,

v.

Case No. 09-LAY-05-0246

Richland County,
Board of Commissioners,

Appellee.

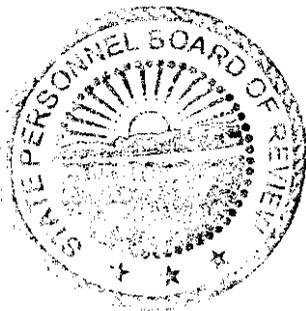
ORDER

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 over their respective subject matter, pursuant to O.R.C. § 4117.10(A).

Lumpe - Aye
Sfalcin - Aye
Tillery - Aye



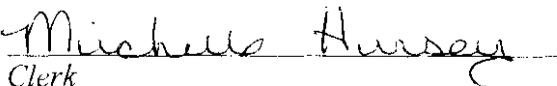


J. Richard Lumpe, *Chairman*

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 Hursey
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

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

DAVE SPEAKMAN, *et al.*

Appellant

Case Nos. 09-LAY-05-0246
09-LAY-05-0247
09-LAY-05-0248
(See Included List)

v.

September 18, 2009

RICHLAND COUNTY BOARD OF COMMISSIONERS,

Appellee

JAMES R. SPRAGUE
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

These matters came on for consideration upon Appellee's filing of a motion to dismiss for lack of jurisdiction over the subject matter of these appeals. Appellee contends these matters are properly resolved through the grievance procedure pursuant to a collective bargaining agreement and, accordingly, this Board lacks jurisdiction to consider these matters. Appellants timely filed a memorandum *contra*.

I find that Appellants are classified as Deputy Dog Wardens. The Deputy Dog Warden classification is included in a bargaining unit which is represented by the Fraternal Order of Police (FOP), William J. Taylor Lodge #32. Appellee, Richland County Board of Commissioners, and the FOP, William J. Taylor Lodge #32 have signed a collective bargaining contract that covers Appellants' bargaining unit.

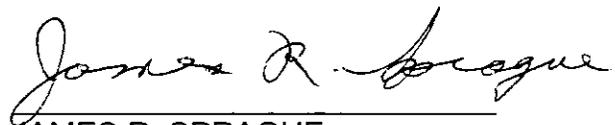
The above contract sets forth a grievance procedure that culminates in final and binding arbitration. Appellants were laid off; this action is covered by the contract grievance procedures. R.C. 4117.10(A) states that where a bargaining agreement sets forth a grievance procedure that culminates in final and binding arbitration, the State Personnel Board of Review is divested of jurisdiction to hear an appeal regarding that subject matter. This Board is, therefore, without jurisdiction to hear the instant appeals.

DAVE SPEAKMAN, *ET AL.*

Case Nos. 09-LAY-05-0246, 09-LAY-05-0247, and 09-LAY-05-0248

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Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **GRANT** Appellee's motion and **DISMISS** these consolidated appeals for lack of jurisdiction over their respective subject matter, pursuant to R.C. 4117.10 (A).



JAMES R. SPRAGUE
Administrative Law Judge

APPELLANTS

DAVE SPEAKMAN
ARDEN STANNARD
RAY SCOTT

CASE NUMBERS

Case No. 09-LAY-05-0246
Case No. 09-LAY-05-0247
Case No. 09-LAY-05-0248