

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

Ladan H. Williams,

*Appellant,*

v.

Case No. 09-MIS-09-0416

Department of Taxation,

*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 O.R.C. §§ 124.03 and 124.14.

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, December 10, 2009.

  
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**

Ladan H. Williams,

Case No. 09-MIS-09-0416

*Appellant*

v.

November 3, 2009

Department of Taxation,

Jeannette E. Gunn

*Appellee*

*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This cause comes on for consideration upon a review of the information contained in the record of the instant appeal. Appellant filed an initial appeal with this Board on the morning of September 14, 2009, of her removal from employment with Appellee. Later that same day, Appellant filed an amended appeal utilizing the Board's generic appeal form, selecting as the subject of her appeal not only "Removal," but also "Investigation," "Reduction in Pay of Position," "Retaliatory Discipline: OCRC" and "Other: Job Audit." A separate appeal was created for each of the subjects selected by Appellant; the instant appeal arises from her selection of "Other: Job Audit."

A Procedural Order and Questionnaire was issued to Appellant by this Board on September 17, 2009, in order to ascertain more specifically the issues included by Appellant in this particular appeal. Appellant noted in her response, filed with this Board on October 2, 2009, that her duties had been "slowly removed as of March 2008 and accelerated as of Oct[ober] 2008 thru my dismissal." She indicated that although her staff had been reclassified with her agreement in the spring and summer of 2007, she was verbally apprised at that time that her position would not be reclassified. Appellant confirmed that she had not filed a position audit and that her classification had not been changed.

The alleged removal of job duties from Appellant's position, beginning in March 2008 and continuing through her termination is properly the subject of a reduction appeal, such as the one filed separately by Appellant (SPBR Case No. 09-RED-09-0413). None of the remaining fact patterns asserted by Appellant presents an issue over which this Board may exercise its jurisdiction.

Pursuant to O.A.C. 123:1-3-01(B), a classified employee of a state agency, including a board or commission, may request a review of the classification of his or her position, unless otherwise prohibited by a collective bargaining agreement. The employee's request must be filed with the Director of the Department of Administrative Services or with an individual authorized to perform the director's functions. Pursuant to R.C. 124.03(A), a job classification decision rendered by the Director of the Department of Administrative Services or anybody authorized to perform the director's functions may be appealed to this Board.

Since the information provided by Appellant indicates that no job audit of her position was conducted, I find that Appellant has suffered no action over which this Board may exercise its jurisdiction. Therefore, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED** for lack of jurisdiction, pursuant to sections R.C. 124.03 and 124.14 of the Revised Code.

  
Jeannette E. Gunn  
Administrative Law Judge

JEG: