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- Conversation started May 31, 2011



5/31, 11:05pm

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David Bentkowski

Dear Pat - thanks for the add - my life is an open book so feel free to explore my page. You will see some of the fun things I do like the 100 Greatest Song countdown - that is to build a following. More important, check out my photo galleries - you will see that I visited over 100 cities last year as part of my book tour. I have finished a second book of the best city ideas from across the Country - I spoke to hundreds of mayors, councilmen, Congresspeople, etc. The book is a profile of what is working in America's cities. Those visits really opened my perspective and changed my life. I also helped seven Congressional candidates last year as part of the Speaker Education Project - I helped Renacci, Gibbs, Johnson, Kelley, Meehan, Barletta, and David McKinley - our kind of candidates. Long story short, I think you and I will be a great team and I hope we can make this happen. Let me know if you need anything else and thanks for everything. David

- June 1, 2011



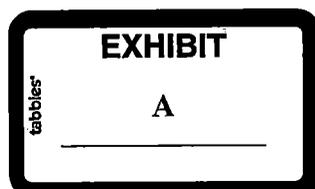
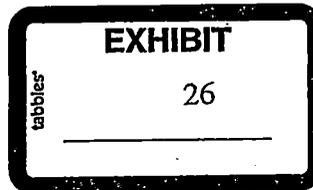
6/1, 7:44am

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Pat McDonald

Cool - looking forward to it. Have a great day.



- June 1, 2011



6/1, 9:42pm

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Pat McDonald

Hey there - Rob talked to me tonight at the Greenspan event in River about you. I told him I had a call from you in which I appreciated. Have you had a chance to call Debbie yet? I am hoping that we can get together to talk about the position real soon. Any chance you are able to meet for coffee tomorrow afternoon?



6/1, 10:22pm

Expand

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David Bentkowski

Dear Pat - coffee sounds great - I can do anytime after 12 - I have a 10:30 Director's Meeting. Let me know whatever time works for you - and where - and I will be there.

I left Debbie a message at City Hall - didn't want to bother her cell but might call that tomorrow if I don't hear from her. I talked to Jeff Hastings - I have known him for many years so I just gave him a heads up that I was applying. I would think he would be supportive of me. Let me know when and where tomorrow - Facebook messages come right to my phone or you can call/text my cell at 216.789.7525 - Thanks, David



6/1, 10:40pm

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Pat McDonald

Hi there Mayor - how is 2:45 at Cafe Ah Roma at 2230 Euclid by the BOE tomorrow? I am looking forward to talking with you - Gary, Jim and Rob speak highly of you bro.....

• 



6/1, 10:46pm

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David Bentkowski

Dear Pat - sounds great - I will be there. Thanks again for all of your consideration. It and you are greatly appreciated. David.

• June 2, 2011

• 



6/2, 7:12pm

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Pat McDonald

Hi David - it was very cool talking to you today. I informed Jeff of our discussion. Hope to talk to you soon.

• 



6/2, 7:44pm

Expand

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David Bentkowski

Dear Pat,

Likewise - it was great talking with you. I am even more excited about the job because I can tell we would work very well together. I spoke to Jim Trakas and he is going to call Debbie. Also, I am going to see if my friend Mayor Perciak will talk to her. Jim brought up a good point - the law really requires a balance of D's and R's - so Debbie or Jeff should point out that right now there is an imbalance in favor of he D's.

Again, thanks for all of your help and let's make this happen. We could have a great run together and really do a good thing for the party by getting Dell'Aquila in to replace me in Seven Hills.

Thanks again and talk to you soon,

David



6/2, 8:08pm

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Pat McDonald

You are fun. Although, ease up on citing the "law" in terms of balance. It is only mentioned in reference of those that "tabulate" election results which is narrowly focused on our Ballot and Tabulation Department. I agree with this concept but don't have someone take this as a banner in terms of pushing you. Let me do this.





6/2, 8:09pm

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Pat McDonald

I love Jim calling DS and having Perciak call.

A call from our new board member to Jane will work in my favor for this. Hey, any chance that we can play tennis in the near future?

- June 2, 2011



6/2, 11:21pm

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David Bentkowski

Dear Pat,

Sounds good - I will follow through with Perciak. I can't wait to play tennis - but let's give me two weeks to shake these allergies. I have never had them before - but this year - I have been coughing and sneezing up a storm. I feel like there is a light at the end of the tunnel - so in about 10 days or so, I should be good to go with chasing around a tennis ball.

Thanks again and I will let you know how it goes with Perciak.

David

- June 3, 2011



6/3, 3:10pm

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David Bentkowski

Dear Pat,

Bill Mason called Jane Platten on my behalf. Told her I was a hard-worker, non-political even though an R, and would be someone she could trust to do right by her at the BOE. He explained how I am getting married and just want to have a good career.

Then, I called Jane and told her of my interest. She said great - and that I would be one of the people she brought in to interview.

Mayor DePiero is also going to call her on my behalf. Hopefully, there isn't some big influence Democrat that applied - and everyone can just agree to hire me based on my abilities.

Just an update . . . thanks and have a good weekend. Let me know if there are any big name applicants. David.

• June 6, 2011



6/6, 5:26pm

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David Bentkowski

Dear Pat,

Just checking in . . . let me know how the other candidates looked and if I need to do anything else. Thanks, David



6/6, 5:54pm

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Pat McDonald

Hi David - it appears we have a few strong candidates along with yourself. Will be reviewing them this week and starting interviews next week. I am placing a call to Debbie and Jeff to discuss the candidates. Let me know if you get a chance to talk to Debbie. Will be in touch.

- June 15, 2011

- 



6/15, 4:51pm

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David Bentkowski

Dear Pat,

I had my interview today. I thought it went well - I really like Trevor - he totally seems like my kind of person. Tony was friendly as well. I had a thorough answer for everything they asked. The rapport was good and they even admitted to wondering why I would want the job. I explained how being mayor isn't as glamorous as everyone thinks - that I do not get the limo motorcade, etc. Once I explained how this was a good next step for me - and how I wanted a less political job while still being a public servant - I think they got it.

Let me know any intel - I think they want this all wrapped up at the July 17th Board Meeting.
Thanks, David

- June 16, 2011

- 



6/16, 1:38pm

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Pat McDonald

Great job - I know Trevor really liked you. We will be getting a briefing from them at the end of the day. Talk soon.

- June 22, 2011



6/22, 2:04pm

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David Bentkowski

Dear Pat,

Just checking in - haven't heard from anyone yet. I will probably file petitions for city council - June 30th deadline - but will obviously drop out if I get the job. I really wish I didn't even file - but I can't risk ending up with nothing. Thanks, David.

- June 23, 2011



6/23, 5:47pm

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Pat McDonald

That is a very good idea. Jane and I haven't even met on the first round of interviews with Tont and Trevor. I was off last Friday and this week we have been in Cols for an Ohio Elections

Conference. Tomorrow I have Ohio Lottery business so more than likely wont be even discussing this until Mon/Tue. I will keep you posted buddy.

- June 30, 2011



6/30, 4:25pm

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David Bentkowski

Okay, Pat, I filed for Council at Large today. Jane was there as I was doing it - and I said to her, "Don't worry, if you hire me, I am withdrawing as a candidate." I absolutely did not want to file - but now maybe the Democrats will think, "Hey, we can get Bentkowski out of office if we hire him." I just want to be hired because I know I would do a great job for you. Let me know any updates. Thanks, David.

- July 25, 2011



7/25, 9:53pm

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David Bentkowski

Hi Pat - thanks again for trying for me.



7/25, 9:54pm

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Pat McDonald

Hi David - I wish you the best this Sat. Congrats!



7/25, 9:54pm

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David Bentkowski

No panic button yet - so far so good.



7/25, 10:39pm

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Pat McDonald

Nice!

• September 19, 2011



9/19, 6:18pm

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Pat McDonald

David - what are you up to? I was thinking about you for a job at the Ohio Lottery..... How is everything?

▣



9/19, 6:39pm

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David Bentkowski

Hi Pat - Everything is great. The wedding and honeymoon came off without a hitch - the pictures are on my page. It was great to see Gary with his fancy hippy haircut:) I still need a job so absolutely, the lottery would be great for me.

I was able to survive the last month working for a healthcare client - but that task is over - so I was just about to start my job search again so this would be perfect timing. Let me know the details and if you want me to apply. Thanks again, David

▣



9/19, 6:41pm

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Pat McDonald

There are many jobs that need to be filled in my perspective but the one that the Governor's Office have approved is in Human Resources as our Labor Relations Officer. I think you would be great. Any thoughts on that industry?



9/19, 6:44pm

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David Bentkowski

I would be fine with that - I have extensive HR training from Law School - and, because Seven Hills is so cheap, I act as our HR person for 150 employees. We seriously do not have an HR person - so the Finance Director and I handle it. I do all negotiations, grievances, etc. We have three different unions - clerical, service and police and I handle all of them so it is right up my ally. I will gladly do it. David



9/19, 9:36pm

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Pat McDonald

I am not looking for you to be "fine with it" are you excited about a position such as this? Would this fit into your career path?



9/19, 9:43pm

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David Bentkowski

Oh, yes, of course - sorry for the choice of words - I absolutely would love it. I am assuming it is a decent pay range - the legal issues would be great for me because I always wanted to use my law background more - and it would be what I do best - dealing with people and problems. I am definitely in. Thanks - David

▮



9/19, 9:46pm

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David Bentkowski

I think my calmness is a big plus, also, I thrive on tense and stressful situations. I could handle very aggressive and combative situations with the best of them. I have seen it all and been through it all - there isn't anything that is going to rattle me or dilute my judgment.

▮



9/19, 9:51pm

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Pat McDonald

Nice - will call the Director in the morning. Start thinking of discussion points for an interview.

▮



9/19, 9:52pm

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David Bentkowski

Thanks so much - let me know if you need a catered resume. This will be a good fit. David.



9/19, 9:55pm

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Pat McDonald

Yes please - can you get me one soon focusing on Labor Relations? Don't go over board on the Labor side but a general Public Administration ...Human Resources with a focus in Labor Relations??? Does that make sense?? I have a call into Gov's office on it by the way...



9/19, 9:57pm

Expand

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David Bentkowski

Okay - will get a fresh one to you in the morning. Thanks again.



9/20, 12:53am

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David Bentkowski

Pat - I sent an updated resume to your private email of jpmcdonald61@gmail.com - Thanks, David.

- September 20, 2011

- 



9/20, 7:46am

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Pat McDonald

Can you send it to my aol at Pmcdol10042@aol.com

- 



9/20, 9:46am

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David Bentkowski

Done.

- September 20, 2011

- 



9/20, 4:50pm

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David Bentkowski

Okay Pat - had a good talk with Dennis - seems like a good guy. He is in Columbus tomorrow but will call me tomorrow or Thursday to set something up - he's checking to see if he is free Friday afternoon or next week. It seems like it would be a great fit - I would be thrilled to work in Cleveland and the labor relations/human resource functions are right up my alley. Thanks again, David.

- September 21, 2011

- 



9/21, 11:02pm

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David Bentkowski

Breakfast with you guys at 8 - meeting with Dennis at 10

Thanks, again

- September 25, 2011

- 



9/25, 6:47pm

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David Bentkowski

Hey Pat - hope you had a great weekend. I am waiting on pins and needles for news about the lottery job. Let me know as soon as you hear anything before I have a heart attack:)

Please also accept my sincerest thanks for all you have done for me. I will be forever grateful to you and will do an amazing job if this happens. It means the world to me. Thanks again, David



9/25, 7:29pm

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Pat McDonald

Hey Mayor - thanks for the nice email. I really hope I can make this happen for you. You will love the Ohio Lottery; it is a great agency. I have a call into Cols. I called on my way back from Michigan.

Since I have not heard back, I doubt he will call before tomorrow - lets keep our fingers crossed. Will let you know what I have connected with them. Hope you had a nice weekend - will be in touch.



9/25, 7:53pm

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David Bentkowski

Thanks again.



9/25, 8:01pm

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Pat McDonald

Just got a text from Jai for me to call him early next week to discuss. So there you have it.

• 



9/25, 9:24pm

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David Bentkowski

Hmm - don't want to read too much into it - but that doesn't sound too good. If it was good, he probably would green light quickly. But, he may also just be busy.

• September 26, 2011

• 



9/26, 7:25pm

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Pat McDonald

I honestly think it will be fine will know more tomorrow - and will be in touch.

• October 3, 2011

• 



10/3, 9:08pm

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David Bentkowski

Counting down the days . . . start Tuesday - and of course, I have a cold this week. I am taking 24 hours of legal CLE this week so I don't have to miss any days.



10/3, 9:11pm

Expand

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Pat McDonald

Sorry about the cold - many friends of mine have come down with it. Looking forward to you getting in there - do you know what floor your office will be on? I usually hang out on the Fourth Floor - so not familiar with the other areas.



10/3, 9:12pm

Expand

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David Bentkowski

If you walk in on the main floor, and then through the door in the corner to the right - I will be the first office on the left - Liz joked I am there to stop crazy gun-toting employees.

My office faces 6th street

It needs a clean up - it has all kinds of fluids and dirt on it - I think Charlie Sheen must have worked there before me - it was nasty.

I insist we do frequent lunches - I am a pro at Restaurant.com - we will be eating two-for-one-lunches at all the best places.

Okay, I am going to put more layers on so I stop shivering. Talk soon and thanks again for throwing me this life jacket. I'll do you proud.

- October 11, 2011



10/11, 6:41pm

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David Bentkowski

Hey Pat - Call my cell - want to give you some updates. Thanks, David - 216.789.7525



10/11, 6:46pm

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Pat McDonald

Will do - I have a 7:00 Kasich SB5 call but will connect afterward.



10/11, 6:47pm

Expand

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David Bentkowski

cool - like 9

- October 17, 2011



10/17, 8:28pm

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Pat McDonald

Hey - sorry that I didn't get a chance to talk to you after the meeting. Was focus on this Emergency Rules Issue - will be in there in the next few weeks and will stop in and say hi. What did you think about the meeting?

- October 17, 2011



10/17, 11:46pm

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David Bentkowski

No worries - it was a busy day for you guys - I could tell. So far, everything is going great. I am trying to fly low on the radar and just do a good job. Your instincts were right - this really is a great job for me. I am writing a strike plan, dealing with grievances, and reviewing the contract for potential problems. I could do this job in my sleep - it is perfect for my experience. I just

hope to get past this weird initial period where - get out of the paper and get to the point where Dennis and Liz can really use me. They might be suspicious of my arrival - but once they see my talent and good intentions, then hopefully they will feel free to utilize me - I can greatly help this organization and just what to do my part to help.

The meeting was fun - I am on a short leash, so I can't offer my ideas - but whenever I hear people talking, my instinct is to offer suggestions and try and help. For example, I know how to make web videos - Sandy's commercial was great - but I could envision making daily web videos for the Facebook page. But again - I am going to sit quiet and mind my "p's" and "q's" so no one thinks I am trying to take over the lottery:)

Okay, thanks as always - visit soon - and I'll keep you posted of my efforts. Thanks, David.

- October 31, 2011



10/31, 7:41pm

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Pat McDonald

Hey there - How is everything going? Dave tells me that you are getting 20 people for the Governor's Issue 2 event this week. Very nice! I hope all is well.



10/31, 8:50pm

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David Bentkowski

Hey Pat - everything is going great - yep, I just started making a few calls today and have 10 people already - so I will get 20-25 no problem. The lottery is great - I keep thinking of ideas that I will keep funneling to you. The other day, I was thinking the BMV is a great place where

people are "captured" and likely to play. I think we might already have the scratch off machines there - if so, great - bt is such a huge volume of people - with clerical help already in place.

You get the idea - everything is great and I will keep coming up with instinctual ideas. Thanks, David.



10/31, 9:11pm

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Pat McDonald

LOL....Atta Boy!

• November 2, 2011



11/2, 6:19pm

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David Bentkowski

Okay - I officially have 32 people coming tomorrow - by the way - I have a ton of ideas - I spent the day driving with a route salesman - I have a ton of great ideas but don't want to usurp anyone - can I send them to you.



11/2, 6:20pm

Expand

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Pat McDonald

Great idea and please do.



11/2, 6:20pm

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David Bentkowski

Okay - i will write them all up - just make sure when I make the lottery millions more they name a game after me:)

David Explosion - I like it - sounds like an adult film.



11/2, 6:20pm

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Pat McDonald

HA HA - I will..... Funny Guy!

• November 3, 2011



I think there are around 9 openings - all very needed - it's not like they are on a hiring binge - these are crucial, needed sales reps, MA's, etc. Just wanted to make sure you knew so quality candidates get a shot. David.

- August 1, 2012



8/1, 8:36pm

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David Bentkowski

Nice to see you today, Mr. Chairman:)



8/1, 8:57pm

Expand

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Pat McDonald

Thank you - as well as seeing you; was meeting up with Rob. You look good so things must be all good!

- August 23, 2012



8/23, 9:05pm

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David Bentkowski

Hi Pat - hope you are well - I was teasing Gary today that if he keeps this up . . . we won't be invited to the Governors Christmas Party.



8/23, 9:10pm

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Pat McDonald

What do you mean? His letters to the editor?



8/23, 9:11pm

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David Bentkowski

He was busting Kasich's chops in Plain Dealer stories today about Turnpike - nothing too bad - just Gary being awesome Gary.

I am almost done with the OCB Academy and I will complete Arb School in October. I am also getting my Labor Relations Masters at CSU - and scored 3 A's in my first three classes. I promised you I would work hard to excel:)



8/23, 9:13pm

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Pat McDonald

Nice- Didn't see the article; I will check it out. And Good for you!



8/23, 9:14pm

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David Bentkowski

Thanks - and as always - thanks for the chance:) Talk to you soon - David

Texts between Pat McDonald and David Bentkowski

September 27, 2011

Pat McDonald:

"You are going to owe me big dude. Still working on some details but things are moving along well. Will be in touch by end of day."

David Bentkowski:

"Deal – I will gladly return all support with un-ending loyalty. Thanks again, David."

Pat McDonald:

"Waiting to connect with Liz. Told Dennis I want u hired but still thinking through Mayor/Council thing. I am thinking to have u resign as Mayor but still be able to run for council. It is a non partisan race right?"

Pat McDonald:

"Just talked to Dennis. What is the time commitment, pay and the times of council meetings?"

David Bentkowski:

"Council pays \$4 thousand a year – it is one meeting a week – alternating either monday or tuesday."

Pat McDonald:

"What time do the begin?"

David Bentkowski:

"The official Monday meeting starts at 7 and ends by 8:30 twice a month. The Tuesday Caucus – also just twice a month – starts at 6 with committees til 9ish."

David Bentkowski:

"Four total meetings a month – one a week – and no day or weekend obligations."

Pat McDonald:

"If you resign as Mayor who would get the gig until election?"

David Bentkowski:

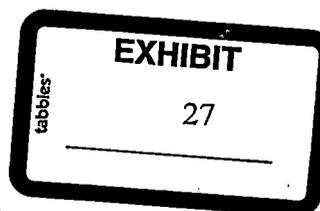
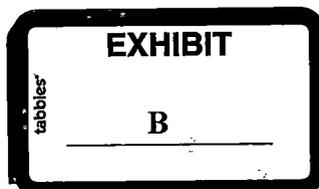
"Council Prez Dell'Aquila, my choice for mayor, would fill in and likely just be named acting mayor – probably not officially named mayor. Like how he covered in"

David Bentkowski:

"August when I was on my honeymoon."

Pat McDonald:

"Is he endorsed by Party or don't we weigh in?"



David Bentkowski:

"I don't believe the party weighs in – we are non-partisan. I believe he might technically be an independent – but he really is the clear choice for the job."

David Bentkowski:

"I have told the public in an April newsletter that I was trying to get a job with the state – and that obviously I could no longer live on \$14,000. The Dems"

Pat McDonald:

"I know Luktic likes him. How about Frost?"

David Bentkowski:

"Should be glad I am out of their and not in a position to use the office to assist any candidate – I am moving into a career."

David Bentkowski:

"Pretty much every person I know likes him – lawyer, chosen by his peers to be prez, intelligent, the great diplomat – tries to bring people together where I"

David Bentkowski:

"Would fight or step on them."

David Bentkowski:

"In this day and age of scandal, I just want to reiterate my desire to serve the governor of ohio. What happens after I leave will be up to the voters."

David Bentkowski:

"I strongly believe the people will vote for dellaquila in a route – he is clearly ahead."

Pat McDonald:

"What is ur email . . want to send u something."

David Bentkowski:

Bent959@aol.com - I will be speaking and out of reach from 7-9 tonight if you need me.

Pat McDonald:

"Just heard back from Jai and he likes the direction I recommended. Will sign off with Berg tonight and they will be calling in the morning."

David Bentkowski:

"Amazing – I am ready for war:)"

Pat McDonald:

"I just called Dennis and told him I approve of everything and to go a head with the offer. Let me know after u hear from them. Have a great night."

David Bentkowski:

"Thanks again – will read the email at 9. It is an honor to know you, Mr. McDonald!"

September 28, 2011

David Bentkowski:

"Okay, I digested all the rules you sent. Should I be doing something today? Just waiting to hear from Dennis I suppose?"

Pat McDonald:

"Ha. ha .. just wait for the offer. I thought they would have called by now. I will look into it if you haven't heard from them by 4:00"

David Bentkowski:

"Nothing yet ..."

David Bentkowski:

September 29, 2011

"No hurry – just keeping you in the loop – nothing yet. David."

Pat McDonald:

"I will give them another 30 minutes ..."

Pat McDonald:

"I just called him and told him I want closure on this today."

David Bentkowski:

"Thanks so much – I'm ready!"

David Bentkowski:

"It's official – my first child will be named Pat. It is done and I am on-board. I start October 11th and do my drug test tomorrow. Let's roll!!!!!"

Pat McDonald:

"Nice .. very happy."

November 4, 2011

David Bentkowski:

"Got it – I have been doing well as LRO – those ideas were just for you from my day in the field."

Pat McDonald:

"No problem"

November 9, 2011

David Bentkowski:

"I just had another great idea – this keeping quiet + being a robot is killing me. For branding, we should make license plates that have the "OH!" Lottery logo."

David Bentkowski:

"The \$35 fee for personalized plates should get you 35 lotto plays. I'm not saying anything – these ideas are for you:)"

Pat McDonald:

"I am not a fan of the logo. Are you?"

David Bentkowski:

"It's so-so – but on a license plate, it would bfit perfect – people who bought it would do so to get 35 tickets + be proud they were "players" – the state makes"

David Bentkowski:

"Cash on personalized plates – so the lottery selling the plates – made by prisoners – would only boost sales and branding. Plus, the "OH!" Of it has an Ohiofeel"

David Bentkowski:

"Think of how many non-lotto players would inquire as to what it is."

December 22, 2011

Pat McDonald:

"Hey – is the executive secretary for clev.region posted yet?"

David Bentkowski:

"Yes"

Pat McDonald:

"What is payrange andwhen will the posting close?"

David Bentkowski:

"Deadline Dec. 30th – pay range 10...\$19.19 an hour"

David Bentkowski:

"Reports to Mike Migielicz – regional sales manager"

Pat McDonald:

"Thanks Dave"

David Bentkowski:

"Anytime – Merry Christmas"

Pat McDonald:

"You two my friend"

David Bentkowski:

"Do you want an email PDF of the job posting?"

Pat McDonald:

"Please. Send it to my aol account. Thanks"

April 17, 2012

David Bentkowski:

"We post new positions every now + then. Mostly sales. Is someone keeping u in the loop? If not, I will.
New: Business Process Analyst – Strongsville – IT job."

Pat McDonald:

"Thank you"

October 21, 2012

David Bentkowski:

"Are you free – I have something urgent – can I call you?"

Pat McDonald:

"What is it?"

David Bentkowski:

"Want to give u a heads-up on a PD story – will take five minutes"

Commentary

MARK NAYMIK



EXHIBIT

23

Former mayor wins Kasich lottery

David Bentkowski just left his part-time job as mayor of Seven Hills, a Cleveland suburb of about 12,000 people.

His ego will linger through the November election.

The two-term Republican mayor — months from being term-limited out of office — resigned this week to work for the Ohio Lottery Commission. He has Gov. John Kasich to thank for a sweet deal. Bentkowski, who endorsed Kasich's gubernatorial bid last year, will get \$58,000 a year to be a labor relations officer 3.

Kasich fired the Democrat who held the position as part of his house cleaning in January. It's the very position that, as auditor, Lt. Gov. Mary Taylor said should be eliminated.

Though Bentkowski's been trying for a while to leave his mayoral job, he hasn't been going quietly.

He's running for one of three at-large council seats in the city. And on a recent Sunday — after learning people were distributing a newsletter critical of City Hall leadership — he grabbed his video camera and jumped into his car to record those with the audacity to question his record.

Bentkowski followed Seven Hills resident Tim Fraundorf, one of six authors of the newsletter. The mayor warned him to stop distributing the paper because it contained false and libelous information.

Bentkowski — who likes to remind people he is a lawyer who could have earned six figures but instead worked as mayor for \$14,000 — also called or emailed each of the six authors.

The authors — I'll call them the Seven Hills Six — first got under Bentkowski's thin skin in July with their first newsletter, which charged, among other things, that the city faces estimated budget deficits in 2011 and 2012. It also hit on such titillating topics as the suburb's "sewer maintenance fund."

Bentkowski fought back in a community newsletter mailed to residents at taxpayer expense.

"On July 29th, I went to bed dreaming about my wedding day," he wrote. "On July 30th, my wedding day, you and I awoke to a perverse driveway flier besmirching my good name and the names and performance of City Council members."

SEE NAYMIK I-B3

Former mayor off to lottery

His response ran four pages.

The second edition of the Seven Hills Reporter, distributed in late September, was more pointed, noting Bentkowski's friends and political allies who have been hired or received raises since he became mayor in 2003. It also devoted several pages to the recreation center, frequently blamed for the city's financial stress and the subject of a lawsuit.

I called Bentkowski last week to sort out the charges and ask why he chased Fraundorf with a camera.

"I think after you talk to me you will see this is a nonstory," a confident Bentkowski told me.

Bentkowski's explanation boils down to this:

- He is "bound" to defend the city and "stop employees from being defamed."
- He recorded his encounter as evidence for a lawsuit.
- The newsletter ignores how he and council made the suburb more efficient and staved off worse trouble.
- The newsletter states the incorrect hire date and salary of an employee named in it, among other errors.

Bentkowski also believes the Seven Hills Six are being directed by Matt Trafis, who is running for an at-large council seat, and by mayoral candidate and Councilman Frank Petro. Bentkowski backs Council President Richard Dell'Aquila for mayor.

Trafis, the son of Bentkowski's predecessor, received campaign donations from a couple of the authors in the last election, but he says he has nothing to do with them beyond agreeing with their sentiments.

The Seven Hills Six do have an agenda: They want new leadership. They are tired of Bentkowski's messianic tendencies. They have had enough of him using his part-time mayoral status to get close to celebrities in the name of the city. They are tired of his bullying newsletters and threats of lawsuits.

The time has finally arrived for Seven Hills City Hall to be rid of Bentkowski.

How long will it be before his ego shows up at the Lottery Commission?

To reach Mark Naymik:

EXHIBIT

C

Seven Hills' David Bentkowski still doesn't understand what it means to be a public official: Mark Naymik

Mark Naymik, Northeast Ohio Media Group By Mark Naymik, Northeast Ohio Media Group

Email the author | Follow on Twitter

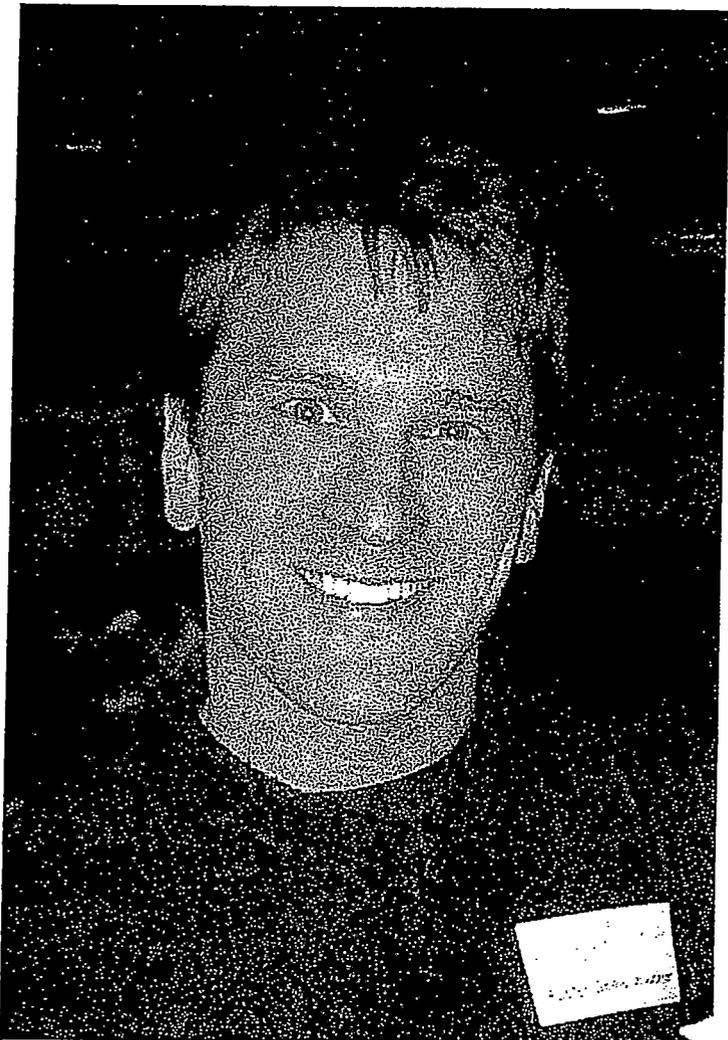
on October 23, 2012 at 5:40 AM, updated October 23, 2012 at 4:57 PM

Former Seven Hills Mayor David Bentkowski is hard to ignore, much less take seriously.

Though the now at-large councilman is largely inconsequential in the Cleveland suburb of about 12,000 people, his legacy begs for yet more attention – and outrage from taxpayers.

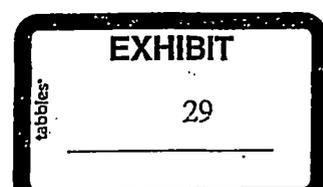
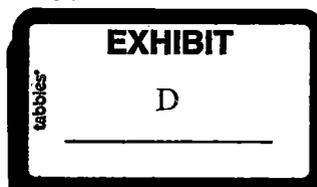
It came to light during a recent Seven Hills City Council caucus meeting that Bentkowski filed a police report in 2009 in the hope of determining the identities of people who made fun of him on the Internet.

He then pressed the Police Department and city Law Department to find out who was posting **anonymous comments on cleveland.com** and other websites. He declared that the contents of some comments constituted menacing by stalking. He also said that the person or people who used his name to create a fake Facebook page had committed identity fraud and needed to be brought to justice.



Former Seven Hills Mayor David Bentkowski doesn't like people posting mean things about him on the internet.

During his two terms as mayor, Bentkowski earned loads of critics for his lengthy, self-centered newsletters to the community and his **pursuit of photo opportunities with celebrities.**



Now, a review of the police file shows that Bentkowski had become obsessed with every comment posted about him online. He submitted hundreds of pages of comments to the police.

"I have genuine concerns for my physical and property safety, and I have already experienced significant mental distress as a result of their actions," he wrote in an October 2009 police report narrative he typed himself.

I can't knock Bentkowski for how he feels.

But I can call him out for displaying little respect for residents who surely don't want their tax money spent chasing his online critics. Sadly, the city invested time and resources in the matter, interviewing Bentkowski and others, researching the law, sending a subpoena to cleveland.com, and checking on whether comments were sent from City Hall computers.

Last November, Bentkowski -- who had just won his seat on council -- wasn't satisfied with the progress of the investigation and emailed the city law director and top police officials, who had long ago determined no crime had been committed.

The missive, marked "Bentkowski -- Priority," is as worthy as any conspiracy on the Internet.

"The days of you blowing smoke up my a-- are over," he wrote. "You are going to properly do your jobs and offer me the same protections as other citizens, or you will be held accountable.

"You all continue to fail me and fail in your police assignments . . . This is your last chance to do your jobs and pursue these leads. Otherwise, I will contact my attorney and ask him to work with the FBI to investigate the manner in which you are treating me."

Bentkowski, who resigned as mayor last October -- a few months early -- to take a job at the Ohio Lottery, went on to describe their performance on the matter as a "disgusting joke." He said it "makes me want to vomit."

Seven Hills Law Director Richard Pignatiello told me the investigation is closed.

"We took it seriously, but I can't help how Bentkowski feels," he said.

I contacted Bentkowski last week for an explanation. Predictably, Bentkowski argues in a lengthy email that there is ample evidence to support his claim that he has suffered threats beyond what any public official should accept. He says he is not satisfied with the outcome of the investigation but respects the city's decision not to pursue it further.

He says he never directed the police or authorized city resources be used. He also complains that Councilman Matt Trafis has ties to his chief critics, who he believes are behind some of the comments.

Trafis, who first publicly revealed the existence of the investigation last month, told me his only interest is ensuring the city wastes no more time on the matter.

Bentkowski insists that he is under attack.

"If the public was given a complete demonstration of the totality of what has been done to me, then you would not only find my reporting actions proper, they would vigorously support me," he told me in an email.

Seven Hills residents should take a look at the file – and then demand Bentkowski reimburse the city for every second it spent on the investigation.

Perhaps then, Bentkowski will learn the difference between the public's business and his own nonsense.

Follow me on Twitter: @marknaymik

To contact this reporter: mnaymik@plaind.com, or at 216-999-4849

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MEMO

TO: Kathleen Marshall
FROM: David Hewitt
DATE: October 3, 2011
Re: Bi-Weekly Report

Personnel Actions prepared for the period

<u>Eff. Date</u>	<u>Position #</u>	<u>Name</u>	<u>Action</u>	<u>Status</u>
11/01/11	20071352	Maureen McCrystal	Retirement	To be entered
10/08/11	20071293	Margaret Dier	Resignation	To be entered
09/30/11	20071154	Erskine Cade	End Term	At Gov's
10/03/11	20071345	Michael Migielicz	New Hire	At Gov's
10/11/11	20071207	David Bentkowski	New Hire	At Gov's

New Business:

Filed all paperwork as needed

Answered phone calls as needed

Updated PA log for the period

Updated the Monetary Change and Personnel Change spreadsheets for the period

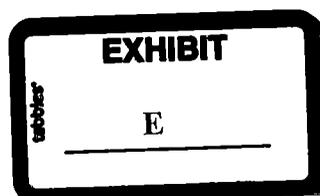
Updated Employee Information spreadsheet

Met with Commissioner Mingo to complete new hire paperwork

Informed sales of the status of Edge Training assessments

Completed employment verifications for Wanda Brown, William Gose, and Notre LaBeach

Coordinated "Securing the Human" training with OIT





9/22, 12:22am

Expand

Show Images

Jim Trakas

somewhat of a story here, background wise. the dopes have not filled any jobs at Lotto due to some Alex Arshinkoff inspired shenanigans where some of the staff were trying to bring all their friends in, unqualified Voinovich types who did nothing for Kasich. Jai got mad and shut down the hiring. More later, cause I am falling asleep!



EXHIBIT

tabbles

F

From: Popadiuk, Elizabeth </O=OHIO LOTTERY COMMISSION/OU=ALPHA/CN=RECIPIENTS/CN=EALEX>
Sent: Monday, October 17, 2011 9:33 AM
To:
Subject: RE: David Bentkowski

David –

WE will discuss this today (the schedule).

Liz Popadiuk
Director of Human Resources
The Ohio Lottery Commission
615 West Superior Avenue
Cleveland, Ohio 44113
216-774-5705 (phone)
216-787-5598 (facsimile)
Elizabeth.Popadiuk@olc.state.oh.us

This e-mail transmission may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. It is intended only for the use of the individual to whom it is addressed. If you have received this communication in error, please notify the sender at the above e-mail and delete this e-mail from your system. If you are not the intended recipient, you are hereby notified that any retention and/or dissemination of this information is strictly prohibited. This message and any response to it may constitute a public record and thus may be publicly available to anyone who requests it.

From: Bentkowski, David
Sent: Friday, October 14, 2011 8:03 AM
To: Popadiuk, Elizabeth
Subject: David Bentkowski

Hi Liz,

Hope you enjoy your day off.

Thanks again for all of your help this week. I know it has been crazy, but hopefully the storm has passed. I talked with some Columbus folks yesterday and I know my game plan – keep quiet, stay out of the headlines, and just work really hard at this job.

So far, so good – I love my job and know I am going to be a great resource for you. I already reviewed Bill's strike-plan – I have plenty of suggestions to add to it and will be working on it all day today. I will put them all in a nice format for you to review next week.

Switching gears, if possible and only with your blessing, I was wondering if I could try 4 ten-hour shifts next week. I know I am just getting started . . . but I am curious to see how it would feel to do them . . . and there is a personal event for a friend in Cincinnati on Friday night if I could make it.

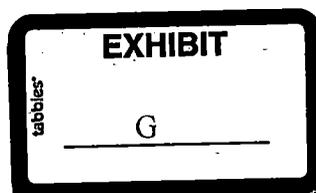
Again, it is absolutely no big deal if you don't want me to do the 4-10's next week. I just thought next week would be a good week for me to try them out since there is something I could attend in Cincinnati on Friday night. Heck, if you green light it, I would even visit the Regional Office on my own time during the day – off the clock – just to make the trip even more worth it.

You get the idea – as always, your wish is my command☺

Have a great day – and one more thing – I took my Blackberry home yesterday to practice with it and complete it's set-up – and I left the thing on the counter charging because I am not used to having two with me. So, if you need me, feel free to call my personal cell at 216.789.7525. Also, I will routinely check my Outlook mail today.

Thanks again for everything,

David



Lottery 251660

Self Evaluation



Support Staff

NAME: David Bentkowski
DATE: January 3, 2012
CLASS: Unclassified Exempt - LRO

OFFICE: Human Resources
BUREAU: _____
REVIEW TYPE: Mid-Probationary

PURPOSE

This Performance Evaluation is utilized to:

- Work toward attainment of the agency's mission, goals and objectives;
- Inform the employee of strengths, weaknesses and progress;
- Improve performance, productivity and develop employee skills;
- Strengthen work relationships;
- Develop the role of the supervisor as a supportive leader and counselor;
- Improve open communication;
- Recognize accomplishments and good work;
- Document employee performance;
- Encourage employee participation and joint input in the performance review process;
- Ensure that, agency policies and procedures are being consistently and fairly applied among all staff members.

RATING LEVEL DEFINITIONS

Outstanding (91-100)

Performance consistently exceeds job requirements. Outstanding employees are quality contributors who make a significant difference to the organization by achieving challenging objectives. Job performance is excellent and above and beyond what is expected of employees in this position. The employee is considered an essential contributor to the team's success. Employee requires minimal supervision.

Exceeds Expectations (81-90)

Performance exceeds job requirements. Employees that exceed expectations contribute to the organization at a level that is higher than what is expected for employees in this position. They are recognized as being essential to their job function. The employee requires less than standard supervision.

Meets Expectations (71-80)

Performance satisfies job requirements. Employees that meet expectations contribute to the organization at the level expected for this position. They are valued team members and individual contributors. The employee requires standard levels of supervision.

Needs Improvement (61-70)

Performance does not consistently satisfy job requirements. Employees that need improvement may understand the job requirements but do not consistently meet expectations, or their productivity for similar tasks is inconsistent. The employee requires standard to high levels of supervision depending on the particular task.

Unsatisfactory (51-60)

The employee consistently fails to satisfy job requirements. Unsatisfactory employees do not adequately contribute to the organization because they do not consistently meet the standards required for their job function. The employee consistently requires high levels of supervision.

If the total score of an entire category is unsatisfactory, a structured performance improvement plan, including a training itinerary, will be recommended.

All Employees:

THIS SELF-ASSESSMENT FORM MUST BE COMPLETED AND RETURNED TO YOUR RATER AT LEAST TWO WEEKS BEFORE YOUR SCHEDULED PERFORMANCE EVALUATION REVIEW DATE. Performance evaluations must be conducted annually and must be completed and signed by all parties by the review deadline.

Probationary Employees:

Performance of probationary employees will be reviewed twice. The first performance evaluation must be completed within thirty days of the conclusion of the first half of the probationary period. The second evaluation must be completed within thirty days of completion of the probationary period unless the employee is given a probationary removal or reduction in which case the final evaluation will be made at the time of removal or reduction. The final probationary evaluation must state whether the employee is to be retained or reduced.

Step Advancement:

The evaluation date for employees paid directly by warrant of the auditor of state shall be sixty days prior to the date on which the employee becomes eligible for step advancement consideration. An employee who is not recommended for step advancement shall not be reconsidered for step advancement sooner than six months from the date of the employee's most recent performance evaluation.

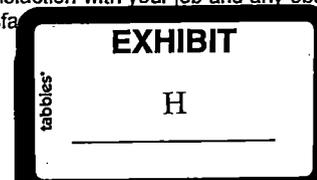
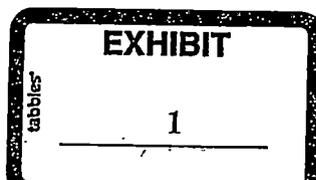
DIRECTIONS

Please evaluate yourself in the following categories based on the ratings as previously explained. Then, provide an explanation or cite a specific example in the comments section to substantiate your total score for each category. For example, an employee working in the IT department who satisfactorily assists another employee (an internal customer) with his/her complicated computer problem could write about this event in the "Customer Service" comments section.

The elements for each category have been carefully written to apply to all sales staff; therefore, a "not applicable" response, which would detrimentally affect the total score, will not be accepted. All parts of this form must be completed and returned to your rater at least two weeks prior to your scheduled annual review conference.

Also, be prepared to discuss the following topics during your annual review conference:

- Your overall performance as defined in your present position description, including tardiness, attendance and safety.
- Your present position description and any changes necessary to update it. If your present position description needs updating, you will need to bring suggested revisions to your annual review conference.
- Your demonstration of general adherence to agency policies, procedures and practices.
- Your professional strengths and weaknesses.
- The training programs that you attended during the last year and how they impacted your work performance and prepared you for future career goals.
- The training programs that you would like to attend during the upcoming performance evaluation year, and why you feel the training would improve your performance.
- Your satisfaction with your job and any obstacles that may hinder this satisfaction performance.



Part I

Read each element carefully. Rate the employee you supervise on a scale of 0-10 based on the rating level descriptions on the cover sheet. Tally all of the scores, and enter the total in the "Total Score" section. In the comments section, explain the reasoning for the total score. Finally, determine the percentage for each category by dividing the total score by the total points possible. Continue this process for all seven categories. Make sure a score for each element within each category is assigned because any "Not Applicable" (N/A) response will be counted as a zero, which will detrimentally affect the overall score and percentage. If completing electronically, use the drop down boxes to enter the scores. The file will automatically calculate the scores and percentage for each category and the overall score. If completing this form on-line, it must be printed upon completion. There is no provision to save the form while in process of completing or upon completion.

1. QUALITY AND EFFICIENCY

Recognizes problems and recommends solutions	9
Resolves conflicts professionally	9
Applies knowledge and judgement required for successful performance of job responsibilities	9
Completes work in an accurate, neat, well-organized and thorough manner with minimal supervision	10
Completes assignments in a timely manner and meets established deadlines	10
Is able to prioritize and perform multiple tasks	10
Demonstrates knowledge of the software packages required to perform job duties and gaming systems	9
	SCORE 66
	PERCENTAGE 94 %

COMMENTS: The very nature of my position is to assist with recognizing and solving problems in a professional, disciplined manner. Any difficulties I may have experienced can be attributed to being a "new" employee and the process of familiarizing myself with the particulars of the agency, the unique personalities I am meeting for the first time, etc. By and large, I feel I have "hit the ground running" and have been able to quickly acclimate to my new duties and position and immediately contribute. My ultimate goal is to be a resource for the agency. By offering a layer of experience and professionalism as the Labor Relations Officer, it should provide a level of consistency to rank and file employees that work rules, regulations and terms of the contract will be implemented and followed.

2. TEAMWORK & COOPERATION CATEGORY

Actively participates to contribute to the group effort	9
Cooperates with supervisors and responds well to direction and advice	9
Contributes suggestions to enhance overall productivity	9
Accepts and applies performance feedback	10
	SCORE 37
	PERCENTAGE 92 %

COMMENTS: As the "new" employee, I have certainly been in learning mode. My co-workers have been helpful in helping me learn the nuances of the agency. As a new employee, I have attempted to ask all kinds of questions and throw out all kinds of ideas with the simple desire to help if I can. The hope is that my "fresh eyes" can raise points that may be worth reviewing - but even more so, simply asking the question or raising the idea has enabled my co-workers the opportunity to help me achieve an understanding of why something may or may not be done. As the new employee, my understanding of lottery issues will not be at the level of my co-workers and my raising of ideas and questions has proactively been done to help shorten my learning curve as they bring me up to speed on various policies.

4. CUSTOMER SERVICE CATEGORY

Responds to internal and external customers in a respectful, accurate and timely manner	10
Develops and sustains productive customer relationships	9
Demonstrates willingness and ability to resolve customer's questions and concerns	10
	SCORE 29
	PERCENTAGE 96 %

COMMENTS: In my case, I do not deal with "customers" - so the scores I am supplying would relate to my interaction with lottery employees that I engage as the Labor Relations Officer. My position mandates that I be respectful and professional. I am mostly dealing with employees that are on the radar for possible discipline. As such, my top priority is to be fair, thorough, and respectful in how I interact with all interested parties because I would never want personality or emotion to interfere with a fair and technical application of the OLC work rules and guidelines for discipline.

I feel I am a good fit for this position and feel my approach is already paying off for the lottery by establishing a tone throughout the agency that I will be stern but fair. The hope is that this level of consistency from my position will serve as an extra incentive for employees to serve as model employees and adjust their performance and behavior to one that is proper with stated rules.

5. COMMUNICATION CATEGORY

Demonstrates the ability to listen	10
Communicates accurate, appropriate and clear information in written and oral form	10
Immediately asks for clarification when there is the possibility of confusion	10
	SCORE 30
	PERCENTAGE 100 %

COMMENTS: I view this as one of my strongest areas. Having been a manager of many employees in the past, I feel I have executive level experience and I know what supervisor's expect . . . and how to conduct myself in a manner to avoid miscommunication and any "dropping of the ball." I am fortunate that I work in a close, efficient and productive office so under the leadership of my direct supervisor, the entire office runs very smoothly and everyone knows their obligations and how to get their jobs done. The Human Resource office is made up of key players that need to rely on each other because many employee issues involve multiple components handled by the department. To date, this interaction appears fluid and the department personnel do a nice job of assisting each other.

6. FLEXIBILITY CATEGORY

Evaluates each situation and responds appropriately to the problems and issues involved	9
Adapts to new ideas and changes in the work environment	9
Is dependable and reliable	10
Demonstrates initiative and appropriately assumes ownership of situations	10

SCORE 38

PERCENTAGE 95 %

COMMENTS: The very nature of the Labor Relations Officer position is that it is someone that can assess and review unique situations. My experience as a lawyer is greatly assisting me in my employment because each matter that comes before me is its own "case" with a unique set of facts and considerations. I have been able to understand the key issues and appropriately apply OLC policies.

Part II

ADHERENCE TO SAFETY PROCEDURES

Check the following statements on the right to determine the employee's awareness and adherence of the agency's safety procedures.

Demonstrates awareness of the safety rules and regulations

Follows safety procedures without being reminded

OVERALL RATINGS

1. Quality & Efficiency	OUTSTANDING
2. Teamwork & Cooperation	OUTSTANDING
3. Customer Service	OUTSTANDING
4. Communication	OUTSTANDING
5. Flexibility	OUTSTANDING

SCORE	RATING
91 - 100:	OUTSTANDING
81 - 90:	EXCEEDS EXPECTATIONS
71 - 80:	MEETS EXPECTATIONS
61 - 70:	NEEDS IMPROVEMENT
51 - 60:	UNSATISFACTORY

Average Score: 95

OUTSTANDING

If unsatisfactory, Rater must create and attach a recommended training itinerary to notify the Human Resources Department of the employee's training needs. The itinerary should include a list of all subjects in which training is needed, as well as the target dates of completion for each subject.

Part III

Provide a short answer to each of the following:

1. What were your major accomplishments this past year? Include any training you might have taken, goals and objectives you've met, or other projects you're especially proud of.

I have only been on the job since October 11, 2011, but I would list as a major accomplishment my quick ability to mesh with my co-workers and project to the larger body of employees that the Labor Relations Officer position is now filled by a competent professional that will enforce OLC policies. My interactions so far with union representatives and employees have demonstrated to them that I know the law, procedures, and expectations associated with the position and that I will be successful during my tenure. My main goal continues to be to execute the directives of Director Dennis Berg and my immediate supervisor, Director of Human Resources Liz Popadiuk. I seek to be a resource for them and successfully complete anything they assign to me.

In just three short months, I have worked extensively on reviewing our labor contract, in updating our strike plan, in dealing with almost a dozen unique employee matters such as grievances, reprimands, etc., updating HR policies, updating forms, and educating myself about the vision and protocols of my supervisors.

2. How would you like to improve yourself in the upcoming year? Include suggestions for training you might like to take, job goals, special projects, and other enrichment opportunities.

I have expressed an interest in becoming a Certified Professional Manager. I will not be able to take this training until my probation expires in the summer. In my short tenure, I have already experienced that some of the employee discipline situations do have some relation to supervisory issues. The hope is that manager training will further empower me to interact with our key supervisory personnel to assist them in their employee affairs.

**PLEASE RETURN YOUR COMPLETED SELF-ASSESSMENT TO YOUR RATER
AT LEAST TWO WEEKS PRIOR TO YOU SCHEDULED EVALUATION DATE**

Self Evaluation



Support Staff

NAME: David Bentkowski - LRO 3

DATE: April 9, 2012

CLASS: _____

OFFICE: Human Resources

BUREAU: _____

REVIEW TYPE: Final Probationary

PURPOSE

This Performance Evaluation is utilized to:

- Work toward attainment of the agency's mission, goals and objectives;
- Inform the employee of strengths, weaknesses and progress;
- Improve performance, productivity and develop employee skills;
- Strengthen work relationships;
- Develop the role of the supervisor as a supportive leader and counselor;
- Improve open communication;
- Recognize accomplishments and good work;
- Document employee performance;
- Encourage employee participation and joint input in the performance review process;
- Ensure that agency policies and procedures are being consistently and fairly applied among all staff members.

RATING LEVEL DEFINITIONS

Outstanding (91-100)

Performance consistently exceeds job requirements. Outstanding employees are quality contributors who make a significant difference to the organization by achieving challenging objectives. Job performance is excellent and above and beyond what is expected of employees in this position. The employee is considered an essential contributor to the team's success. Employee requires minimal supervision.

Exceeds Expectations (81-90)

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Meets Expectations (71-80)

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Unsatisfactory (51-60)

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If the total score of an entire category is unsatisfactory, a structured performance improvement plan, including a training itinerary, will be recommended.

All Employees

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Step Advancement

The evaluation date for employees paid directly by warrant of the auditor of state shall be sixty days prior to the date on which the employee becomes eligible for step advancement consideration. An employee who is not recommended for step advancement shall not be reconsidered for step advancement sooner than six months from the date of the employee's most recent performance evaluation.

DIRECTIONS

Please evaluate yourself in the following categories based on the ratings as previously explained. Then, provide an explanation or cite a specific example in the comments section to substantiate your total score for each category. For example, an employee working in the IT department who satisfactorily assists another employee (an internal customer) with his/her complicated computer problem could write about this event in the "Customer Service" comments section.

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Also, be prepared to discuss the following topics during your annual review conference:

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- Your demonstration of general adherence to agency policies, procedures and practices.
- Your professional strengths and weaknesses.
- The training programs that you attended during the last year and how they impacted your work performance and prepared you for future career goals.
- The training programs that you would like to attend during the upcoming performance evaluation year, and why you feel the training would improve your performance.
- Your satisfaction with your job and any obstacles that may hinder this satisfaction or may cause unsatisfactory performance.

Part I

Read each element carefully. Rate the employee you supervise on a scale of 0-10 based on the rating level descriptions on the cover sheet. Tally all of the scores, and enter the total in the "Total Score" section. In the comments section, explain the reasoning for the total score. Finally, determine the percentage for each category by dividing the total score by the total points possible. Continue this process for all seven categories. Make sure a score for each element within each category is assigned because any "Not Applicable" (N/A) response will be counted as a zero, which will detrimentally affect the overall score and percentage. If completing electronically, use the drop down boxes to enter the scores. The file will automatically calculate the scores and percentage for each category and the overall score. If completing this form on-line, it must be printed upon completion. There is no provision to save the form while in process of completing or upon completion.

1. QUALITY AND EFFICIENCY

Recognizes problems and recommends solutions	9
Resolves conflicts professionally	9
Applies knowledge and judgement required for successful performance of job responsibilities	9
Completes work in an accurate, neat, well-organized and thorough manner with minimal supervision	10
Completes assignments in a timely manner and meets established deadlines	10
Is able to prioritize and perform multiple tasks	10
Demonstrates knowledge of the software packages required to perform job duties and gaming systems	9
	SCORE 66
	PERCENTAGE 94 %

COMMENTS: I hope a strong point of mine is that I am able to quickly turn-around any assignment given to me. Since the actions of employees control my workload to a degree, it is important for me to juggle a bunch of projects at once because I never know when even more items that need attention will arise.

2. TEAMWORK & COOPERATION CATEGORY

Actively participates to contribute to the group effort	9
Cooperates with supervisors and responds well to direction and advice	10
Contributes suggestions to enhance overall productivity	9
Accepts and applies performance feedback	9
	SCORE 37
	PERCENTAGE 92 %

COMMENTS: We have a small office so in general ... we have a bunch of team members that know their jobs and go about their daily business. I have tried to help others when possible such as processing Cash Explosion tickets, both sorting and labeling, and providing any assistance needed like during the On-Ramping Orientation. I am happy to assist any co-worker when they have an issue.

4. CUSTOMER SERVICE CATEGORY

Responds to internal and external customers in a respectful, accurate and timely manner	10
Develops and sustains productive customer relationships	10
Demonstrates willingness and ability to resolve customer's questions and concerns	10
	SCORE 30
	PERCENTAGE 100 %

COMMENTS: I have limited interaction with the public but at all times I try to be positive, supportive, and complimentary about the Ohio Lottery Commission. Even when I am dealing with "touchy" employee matters, I attempt to be professional with the affected employee.

5. COMMUNICATION CATEGORY

Demonstrates the ability to listen	9
Communicates accurate, appropriate and clear information in written and oral form	9
Immediately asks for clarification when there is the possibility of confusion	10
	SCORE 28
	PERCENTAGE 93 %

COMMENTS I am not shy about asking for clarification. Since I am a new employee, I have attempted to seek correct guidance on any issue that arises. On many of my functions, it has been my first time doing it - so I have sought out examples, drafts, and reviewed files to make sure my work is in line with other LRO's of the past.

6. FLEXIBILITY CATEGORY

Evaluates each situation and responds appropriately to the problems and issues involved	10
Adapts to new ideas and changes in the work environment	9
Is dependable and reliable	10
Demonstrates initiative and appropriately assumes ownership of situations	10

SCORE 39
PERCENTAGE 97 %

COMMENTS My number one goal has been to try and become a resource for the department. I sought to keep my learning curve short and assist my supervisor by successfully completing assignments so she could focus on other important functions. I didn't want to be an employee that had to be baby-sat and actually create a lot of work for my supervisor. Several of our more troublesome employee issues have been successfully resolved.

Part II

ADHERENCE TO SAFETY PROCEDURES

Check the following statements on the right to determine the employee's awareness and adherence of the agency's safety procedures.

Demonstrates awareness of the safety rules and regulations

Follows safety procedures without being reminded

OVERALL RATINGS

1. Quality & Efficiency

OUTSTANDING

2. Teamwork & Cooperation

OUTSTANDING

3. Customer Service

OUTSTANDING

4. Communication

OUTSTANDING

5. Flexibility

OUTSTANDING

SCORE	RATING
91 - 100:	OUTSTANDING
81 - 90:	EXCEEDS EXPECTATIONS
71 - 80:	MEETS EXPECTATIONS
61 - 70:	NEEDS IMPROVEMENT
51 - 60:	UNSATISFACTORY

Average Score: 95

OUTSTANDING

If unsatisfactory, Rater must create and attach a recommended training itinerary to notify the Human Resources Department of the employee's training needs. The itinerary should include a list of all subjects in which training is needed, as well as the target dates of completion for each subject.

Part III

Provide a short answer to each of the following:

1. What were your major accomplishments this past year? Include any training you might have taken, goals and objectives you've met, or other projects you're especially proud of.

I have just started training. I took one OCB class and I am currently signed up for several more. I want to graduate from the OCB Academy - which includes ARB school. Also, I want to begin taking Graduate School classes in May at Cleveland State for a Master's in Labor Relations and Human Resources. I have been accepted into the respected Monte Ahuja School of Business.

I reviewed and created a new draft document of all of our policies which is currently being reviewed by the law department. Also, I researched and drafted a new employee handbook. In just six months, there have been a wide variety of employee issues and I have been a party to oral and written reprimands and suspensions. Also, there have been Pre-D meetings and last chance agreements. As mentioned earlier, there has been some success in cleaning-up some ongoing employee issues. I handled my office's portion of the New Employee On-Boarding and I am almost ready to go with an important April 30th Manager Orientation.

Most important, now that there is actually a body in the LRO chair, I believe the employee's have taken notice and are attempting to modify their behavior in a positive way. Employees are calling for clarification on their leave balances and demonstrating other behaviors that indicate they know they will be held accountable for their actions.

2. How would you like to improve yourself in the upcoming year? Include suggestions for training you might like to take, job goals, special projects, and other enrichment opportunities.

As mentioned, my big focus is on continuing to handle any projects my supervisor gives me and on acquiring more skill sets by attending extensive training. I want to put an emphasis on developing an expertise on "lottery specifics" - the agency is unique and I want to make sure I am performing in line with my supervisor's directives.

**PLEASE RETURN YOUR COMPLETED SELF-ASSESSMENT TO YOUR RATER
AT LEAST TWO WEEKS PRIOR TO YOU SCHEDULED EVALUATION DATE**

Self Evaluation



Support Staff

NAME: David Bentkowski
DATE: Sep 25, 2012
CLASS: n/a

OFFICE: Human Resources
BUREAU: Labor Relations
REVIEW TYPE: Annual

PURPOSE

This Performance Evaluation is utilized to:

- Work toward attainment of the agency's mission, goals and objectives;
- Inform the employee of strengths, weaknesses and progress;
- Improve performance, productivity and develop employee skills;
- Strengthen work relationships;
- Develop the role of the supervisor as a supportive leader and counselor;
- Improve open communication;
- Recognize accomplishments and good work;
- Document employee performance;
- Encourage employee participation and joint input in the performance review process;
- Ensure that agency policies and procedures are being consistently and fairly applied among all staff members.

RATING LEVEL DEFINITIONS

Outstanding (91-100)

Performance consistently exceeds job requirements. Outstanding employees are quality contributors who make a significant difference to the organization by achieving challenging objectives. Job performance is excellent and above and beyond what is expected of employees in this position. The employee is considered an essential contributor to the team's success. Employee requires minimal supervision.

Exceeds Expectations (81-90)

Performance exceeds job requirements. Employees that exceed expectations contribute to the organization at a level that is higher than what is expected for employees in this position. They are recognized as being essential to their job function. The employee requires less than standard supervision.

Meets Expectations (71-80)

Performance satisfies job requirements. Employees that meet expectations contribute to the organization at the level expected for this position. They are valued team members and individual contributors. The employee requires standard levels of supervision.

Needs Improvement (61-70)

Performance does not consistently satisfy job requirements. Employees that need improvement may understand the job requirements but do not consistently meet expectations, or their productivity for similar tasks is inconsistent. The employee requires standard to high levels of supervision depending on the particular task.

Unsatisfactory (51-60)

The employee consistently fails to satisfy job requirements. Unsatisfactory employees do not adequately contribute to the organization because they do not consistently meet the standards required for their job function. The employee consistently requires high levels of supervision.

If the total score of an entire category is unsatisfactory, a structured performance improvement plan, including a training itinerary, will be recommended.

All Employees:
THIS SELF-ASSESSMENT FORM MUST BE COMPLETED AND RETURNED TO YOUR RATER AT LEAST TWO WEEKS BEFORE YOUR SCHEDULED PERFORMANCE EVALUATION REVIEW DATE. Performance evaluations must be conducted annually and must be completed and signed by all parties by their review deadline.

Probationary Employees:

Performance of probationary employees will be reviewed twice. The first performance evaluation must be completed within thirty days of the conclusion of the first half of the probationary period. The second evaluation must be completed within thirty days of completion of the probationary period, unless the employee is given a probationary removal or reduction, in which case the final evaluation will be made at the time of removal or reduction. The annual probationary evaluation must state whether the employee is to be retained or reduced.

Step Advancement:

The evaluation date for employees paid directly by warrant of the Auditor of State shall be sixty days prior to the date on which the employee becomes eligible for step advancement consideration. An employee who is not recommended for step advancement shall not be reconsidered for step advancement sooner than six months from the date of the employee's most recent performance evaluation.

DIRECTIONS

Please evaluate yourself in the following categories based on the ratings as previously explained. Then, provide an explanation or cite a specific example in the comments section to substantiate your total score for each category. For example, an employee working in the IT department who satisfactorily assists another employee (an internal customer) with his/her complicated computer problem could write about this event in the "Customer Service" comments section.

The elements for each category have been carefully written to apply to all sales staff; therefore, a "not applicable" response, which would detrimentally affect the total score, will not be accepted. All parts of this form must be completed and returned to your rater at least two weeks prior to your scheduled annual review conference.

Also, be prepared to discuss the following topics during your annual review conference:

- Your overall performance as defined in your present position description, including tardiness, attendance and safety.
- Your present position description and any changes necessary to update it. If your present position description needs updating, you will need to bring suggested revisions to your annual review conference.
- Your demonstration of general adherence to agency policies, procedures and practices.
- Your professional strengths and weaknesses.
- The training programs that you attended during the last year and how they impacted your work performance and prepared you for future career goals.
- The training programs that you would like to attend during the upcoming performance evaluation year, and why you feel the training would improve your performance.
- Your satisfaction with your job and any obstacles that may hinder this satisfaction or may cause unsatisfactory performance.

Part I

Read each element carefully. Rate the employee you supervise on a scale of 0-10 based on the rating level descriptions on the cover sheet. Tally all of the scores, and enter the total in the "Total Score" section. In the comments section, explain the reasoning for the total score. Finally, determine the percentage for each category by dividing the total score by the total points possible. Continue this process for all seven categories. Make sure a score for each element within each category is assigned because any "Not Applicable" (N/A) response will be counted as a zero, which will detrimentally affect the overall score and percentage. If completing electronically, use the drop down boxes to enter the scores. The file will automatically calculate the scores and percentage for each category and the overall score. If completing this form on-line, it must be printed upon completion. There is no provision to save the form while in process of completing or upon completion.

1. QUALITY AND EFFICIENCY

Recognizes problems and recommends solutions	9
Resolves conflicts professionally	9
Applies knowledge and judgement required for successful performance of job responsibilities	9
Completes work in an accurate, neat, well-organized and thorough manner with minimal supervision	10
Completes assignments in a timely manner and meets established deadlines	10
Is able to prioritize and perform multiple tasks	10
Demonstrates knowledge of the software packages required to perform job duties and gaming systems	9
	SCORE 66
	PERCENTAGE 94 %

COMMENTS:

The Human Resources department moves quickly and projects or issues can surface from moments of calm. Therefore, I try to emphasize staying ready and finishing projects as soon as they come in to make sure I can be available for any emergencies or more pressing issues. I like to keep a thorough log of my projects and at any given time I can give an accurate status report.

2. TEAMWORK & COOPERATION CATEGORY

Actively participates to contribute to the group effort	10
Cooperates with supervisors and responds well to direction and advice	10
Contributes suggestions to enhance overall productivity	9
Accepts and applies performance feedback	9
	SCORE 38
	PERCENTAGE 95 %

COMMENTS:

As I have stated before, we have a small office and the employees all know what they are doing. When we have to work together or interact, there are no problems. Everyone is a quality and steady worker and we have no problems meeting deadlines, juggling busy periods, etc.

As a group, we work together on various projects like new hire on-boarding. All employees seem willing to help each other.

4. CUSTOMER SERVICE CATEGORY

Responds to internal and external customers in a respectful, accurate and timely manner	10
Develops and sustains productive customer relationships	10
Demonstrates willingness and ability to resolve customer's questions and concerns	10
	SCORE 30
	PERCENTAGE 100 %

COMMENTS:

Knowing that I often deal with employees during difficult periods, such as them receiving discipline, I always try to go out of my way to be supportive, complimentary and positive.

I try to proactively help anyone that needs it and I try to do nice gestures of friendship to co-workers so they do not sour on me due to the nature of my work.

5. COMMUNICATION CATEGORY

Demonstrates the ability to listen	9
Communicates accurate, appropriate and clear information in written and oral form	9
Immediately asks for clarification when there is the possibility of confusion	10
	SCORE 28
	PERCENTAGE 93 %

COMMENTS

My supervisor has an open door policy and she encourages me to come to her with questions. I feel we have developed a good rapport where I try to quickly check in with her so as not to disrupt her busy day. I try to cover "hot button" or important issues with her so she can focus on juggling the many tasks that come her way daily. I am an independent worker that takes copious notes and does research before acting on an issue so as to avoid mistakes.

6. FLEXIBILITY CATEGORY

Evaluates each situation and responds appropriately to the problems and issues involved	10
Adapts to new ideas and changes in the work environment	10
Is dependable and reliable	10
Demonstrates initiative and appropriately assumes ownership of situations	10

SCORE 40

PERCENTAGE 100 %

COMMENTS

My main goal the past year has been to try and find ways where I can help the lottery and my co-workers. In addition to handling any tasks assigned to me, I remain ready, willing and able to assist in any other ways management deems appropriate. I have tried to share any prior experiences I have had if I find them to be relevant to a current issues.

Part II

ADHERENCE TO SAFETY PROCEDURES

Check the following statements on the right to determine the employee's awareness and adherence of the agency's safety procedures.

Demonstrates awareness of the safety rules and regulations

Follows safety procedures without being reminded

OVERALL RATINGS

1. Quality & Efficiency

OUTSTANDING

2. Teamwork & Cooperation

OUTSTANDING

3. Customer Service

OUTSTANDING

4. Communication

OUTSTANDING

5. Flexibility

OUTSTANDING

SCORE	RATING
91 - 100:	OUTSTANDING
81 - 90:	EXCEEDS EXPECTATIONS
71 - 80:	MEETS EXPECTATIONS
61 - 70:	NEEDS IMPROVEMENT
51 - 60:	UNSATISFACTORY

Average Score: 96

OUTSTANDING

If unsatisfactory, Rater must create and attach a recommended training itinerary to notify the Human Resources Department of the employee's training needs. The itinerary should include a list of all subjects in which training is needed, as well as the target dates of completion for each subject.

Part III

Provide a short answer to each of the following:

1. What were your major accomplishments this past year? Include any training you might have taken, goals and objectives you've met, or other projects you're especially proud of.

I have successfully complete 14 OCB training classes. I only have two more plus Arb School for graduation. This will all be completed in October of 2012.

I have gone back to school to achieve a Master's in Labor Relations. I have taken 3 classes already and received "A's in all three of them. I need a total of 12 classes to graduate and I will complete this by Summer of 2013.

I handled all discipline matters that came across my desk including verbal, written, and suspension reprimands. Also, I handled all advisories for automobile issues and sick leave policy abuses.

I answered any management inquiries about living within the contract and participated in many meetings and programs designed to help train staff.

I researched and reviewed our work policies as well as our work rules.

I have executed the Labor-Management Committee, written various settlements and memos of understanding, maintained seniority rosters, updated collateral, etc.

Most important, with my presence and consistency, I believe the employee's have taken notice and are attempting to modify their behavior in a positive way. Employees are calling for clarification on their leave balances or for policies demonstrating that they know they will be held accountable for their actions.

2. How would you like to improve yourself in the upcoming year? Include suggestions for training you might like to take, job goals, special projects, and other enrichment opportunities.

My main focus remains on doing whatever my supervisor tells me. I am very appreciative for my position and have the narrow focus of fulfilling any of her needs.

If I do graduate from Grad School in the summer, perhaps I would like to take the Certified Public Manager training because I have heard good things about the program and think any networking I do in Columbus is good for the Lottery because we are fairly isolated as the only agency headquartered in Cleveland. Many of the people I met through OCB training have become good resources.

**PLEASE RETURN YOUR COMPLETED SELF-ASSESSMENT TO YOUR RATER
AT LEAST TWO WEEKS PRIOR TO YOU SCHEDULED EVALUATION DATE**

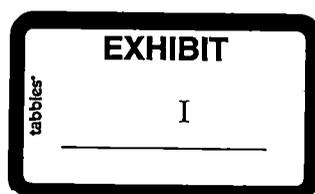
From: Bentkowski, David <David.Bentkowski@olc.state.oh.us>
Sent: Thursday, December 1, 2011 8:19 AM
To:
Subject: Bentkowski City Council Outside Work Affidavit
Attach: Bentkowski Work Affidavit.pdf

Hello everyone,

Attached is my Outside Work Affidavit for my City Council position. Even though this position was known and approved during my hire, Liz wisely wanted to make sure we had this form on file. I have given the original to Dave Hewitt.

Thank you,

David Bentkowski
Labor Relations Officer
216.774.5702



Lottery 253283

To: Dennis Berg, Director, Ohio Lottery Commission
Lawrence Miltner, Chief Legal Counsel, Ohio Lottery Commission
Liz Popadiuk, Director, Human Resources, Ohio Lottery Commission

From: David Bentkowski, Labor Relations Officer, Ohio Lottery Commission

RE: City Council Outside Employment

Dear Director Berg, Counsel Miltner, and Director Popadiuk,

Enclosed please find my Outside Employment Affidavit. As we discussed during my initial hire, I was running for a City Council seat in Seven Hills . . . which was deemed acceptable and not a conflict . . . and I was ultimately elected. As a condition of my hire, I did, indeed, resign my position as mayor.

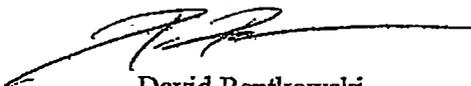
The City of Seven Hills is a non-partisan city. As far as the council seat, there was no partisan primary and I have no involvement with any partisan, city activities.

Our meetings happen once-a-week at night – and quite frankly, after serving the city since 1995 – I could do the job in my sleep the topics are so second nature to me.

Long story short, I do not anticipate any possible conflicts regarding my lottery position. In the 17 years I have been around Seven Hills, I don't recall ever having any interaction with anyone from the lottery. If any issue did arise, I would certainly recuse myself and put everyone on notice of its relation to me. Due to elected official ethics laws, I actually hold myself to a higher standard than anyone and always seek to avoid any appearance of impropriety.

Also, just so you are aware, I am an attorney by trade and will keep my law license active so it doesn't expire. This just involves my annual CLE classes which I complete on my own personal time. I do not envision accepting any large scale cases because I would not be able to control the need for me to be in court. Again, I just want you to be aware that I am keeping the license active simply because it took so much to establish and I may have to practice again in the future.

Thank you,



David Bentkowski
Labor Relations Officer
216.774.5702

From: Bentkowski, David <David.Bentkowski@olc.state.oh.us>
Sent: Monday, April 30, 2012 4:22 PM
To:
Subject: David Bentkowski
Attach: David April 30th Outside Work Affidavit.doc

To: Human Resource Director Elizabeth Popadiuk
From: David Bentkowski

RE: Outside employment affidavit/clarifications

Dear Liz,

Currently, I do not have any outside employment other than my City Council position in Seven Hills . . . which I previously reported. Any legal or consulting clients I had from when I started have all been previously closed/satisfied. These were also previously reported.

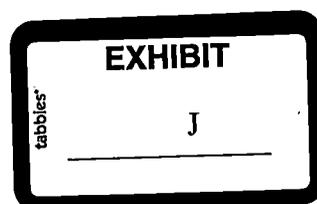
Going forward, I just wanted to highlight two things for you to make sure you knew about them.

1. Believe it or not, my friend George Clinton has asked me to help him with his publicity. This is an "unpaid" position – I am basically helping him out as a hobby and all it consists of is me sharing some of my ideas with him on how he can generate promotion for his music/concerts, etc. Every now and then, I might meet up with George at a concert on the weekend and help him score some publicity. For example, there is an upcoming show in New York on May 5th and I am trying to get George to throw out the first pitch at the Mets game. Again, I am not being paid for this – I have no hours or commitments – I can do as much or as little as I want to assist him at my leisure. I only mention this because you might see me listed as a "Publicist" for George Clinton somewhere – and I didn't want you to be caught off guard. It sounds fancy, but there is not much to it.
2. Second, for many years before I joined the lottery I worked with two clients that do lobbying and PR – Bob Schuman and Jeff Schmidt. This November is an Election year and they MAY have some side political work for me. Again – this is a MAY – and I do not have any projects with them now. They usually start up in September or October. Obviously, I wouldn't do anything that conflicted with my lottery position. For them, they might have a speaker come to town and I entertain them, set up their hotel, secure a venue, etc. Basically, I act like a "handler" locally because I know the area better than they do. Again, there is nothing brewing or present now – I am just trying to highlight a maybe for you since it is an election year.

I am not looking for work or advertising – I have been keeping busy with the lottery and my wife's "honey do" list at home. Bob and Jeff are old friends and if they need me for something, I just want to have given you a heads-up so I can help them. If they approach me with a project, I will advise.

Thanks,

David Bentkowski



Lottery 253312

David Bentkowski Bi-Weekly Report Ending October 18, 2011

GRIEVANCES:

Reviewed four binders relating to James Zimmerman in preparation for future meetings. Reviewed Zimmerman non-selection grievance from 2010 claiming he did not receive Database Analyst 3 position newly created. Also, reviewed additional binder that contains 3 more grievances from 7-9-10, 4-22-11, and 7-18-11. Finally, reviewed 2011-2012 Goals and Objectives binder for Zimmerman and recent binder involving Mike Kuchta.

Met with Liz and began reviewing materials related to Lora Tyner-Watts issue. We will wait until we hear back from all divisions before proceeding.

STRIKE PLAN

Reviewed Bruce Trakas 2006 and Bill Newsome's 2009 Strike Plans. Attempted to expand the scope of Strike Plans because of potential 2012 issues. Created a series of follow-up questions and a list of items that will need confirmation in preparation of new plan. Project is not ripe for completion yet because Deputy Directors still have time to forward key information. Reviewed relevant sections of ORC 4117

LABOR RELATIONS OFFICER PROCEDURAL MANUAL

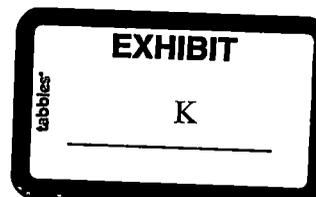
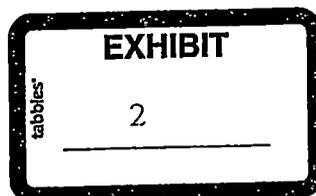
Reviewed exhaustive Labor Relations Officer Procedural Manual in an effort to acclimate myself with the document. This will be an ongoing occurrence as I attempt to familiarize myself with the particulars of OLC operations.

2009-2012 CONTRACT

Began reviewing the bargaining agreement for 2009-2012 with an emphasis on reacting to contract language with "first blush" ideas. Have attempted to use prior experiences to highlight areas of concern – such as vague contract language, or benefits that should be revisited, in an effort to help Liz provide feedback at October 27th meeting. I understand I have little role in those discussions – this effort was to familiarize me with the current contract and offer any suggestions that may assist others since I am a fresh set of outside eyes.

GENERAL

Successfully got up to speed on basic items like my new OLC Blackberry, laptop operation, use of OLC Intranet, establishing accounts and passwords, and other housekeeping items such as reading files and organizing office.



David Bentkowski Bi-Weekly Report Ending November 1, 2011

GRIEVANCES:

Jim Zimmerman

Met with Liz and Ron Green to discuss Verbal Reprimand of James Zimmerman for August 22nd incident. Worked with Ron Green to confirm information and ultimately wrote and issued Zimmerman Verbal Reprimand for failing to adequately fulfill his duties relating to Oracle Testing.

Zimmerman filed a grievance regarding his oral reprimand. Worked with Liz and Ron Green to review Zimmerman's concerns and prepared for grievance hearing. Had grievance hearing with Zimmerman, Liz and LaRocca. Made additional calls to Zimmerman and Steve Weber to flush out facts.

Met with Ron Green and Tom Schervish in Strongsville about Zimmerman. Flushed out more facts proving Ron Green's grievance invalid.

Also, had discussions with Liz about two other pending Zimmerman matters – the back-up tape incident and Zimmerman claiming Ron Green is intimidating him.

Notre Labeach

Spoke with Jeff Drlik about Notre LaBeach. He is having a series of issues with her involving start times, float, etc. Drlik has begun forwarding issues about LaBeach for review.

STRIKE PLAN

Began reviewing materials submitted by Deputy Directors for strike plan. Met with Danielle Frizzi-Baab and Stephanie Miller about their department strike plan issues. Worked on other aspects of plan such as securing information like building diagrams, discussions with security regarding staffing for regional offices, etc.

Worked with Shanicka to finalize Strike Plan. Delivered finished strike plan to OCB.

2009-2012 CONTRACT

Continued reviewing old contracts and created list of items that may be of interest to management for future discussion. Went to the DAS/OCB bargaining conference in Columbus. Received instruction on the Administrations plans for negotiations and received some practice draft materials about the strike plan and "performance pay".

LABOR-MANAGEMENT COMMITTEE

Organized and executed first L-M Committee Meeting. Agenda including several old items that stemmed from old contract negotiations and also new items such as sick time abuse and motor vehicle accident issues being reaffirmed by management. Worked with Shanicka to compile and distribute minutes.

GENERAL

Participated in a several office related meetings including a planning meeting with DAS staff and also a web-call regarding the OAKS system.

David Bentkowski Bi-Weekly Report Ending November 15, 2011

GRIEVANCES/PERSONNEL ISSUES:

Jim Zimmerman

Worked with Ron Green and Liz to answer Zimmerman grievance regarding verbal warning for failing to load and balance Test ODU's.

Had grievance meeting with Liz, Zimmerman and LaRocca regarding Zimmerman's new grievance alleging Ron Green intimidated and threatened him.

Met with Ron Green and Liz to discuss Zimmerman's claims and prepare for grievance reply.

Spoke with Ron Green about new Zimmerman issue – his speaking with technical consultant on lottery time.

Discussed Zimmerman back-up tape issue with Dave Hewitt and advised him of "add-on" consultant issue.

Notre LaBeach

Spoke with Jeff Drlik and wrote Notre LeBeach grievance. Waiting for Liz approval before issuance.

Laura Winland

Spoke with Chip Taylor and prepared "verbal reprimand" for Laure Winland stemming out of traffic accident.

Lora Tyner-Watts

Spoke with Liz and Dave Hewitt about Lorna Tyner-Watts disciplinary investigation and began reviewing file to assist Dave.

Alan Powell

Worked with Sam Erby to advise Alan Powell about his low sick leave balance and to document his wife's medical appointment.

2009-2012 CONTRACT

Reviewed all old Agency Specific Meeting notes in anticipation of new meetings. Drafted master list of old issues for Liz – currently, only have 1 option worth bringing up

during meetings. Will confirm committee members and quickly plan organizational meeting before December 2nd.

SALES TOUR

Spent a day with Mike Migielicz and Brian Patterson reviewing functions of sales reps. Visited about 10 retail outlets with Patterson and came up with new ideas for Liz.

LOW SICK LEAVE

Worked with Marian to develop protocols for her forwarding me sick time reports.

TRAFFIC ACCIDENT REPORTS

Began researching DAS and other state agencies for forms and protocols relating to sales rep traffic accidents. Goal is to create guide they can keep in their cars.

MISCELLANEOUS

Attended ethics training.

David Bentkowski Bi-Weekly Report Ending December 13, 2011

GRIEVANCES/PERSONNEL ISSUES:

Jim Zimmerman

Met with Zimmerman and LaRocca and Liz about grievance and two other ongoing investigation items. Was able to broker a deal where Zimmerman dismissed grievance and we didn't pursue outstanding disciplinary items regarding vendor. Spoke with Schervish and Green about seeking to deal positively with Zimmerman in the future.

Notre LaBeach

Received signed discipline from Notre LaBeach. Spoke with Jeff Drlik about her performance and reviewed new issues. New issue – participated in various matters regarding Notre's car accident involving Amish buggy. Reviewed police report. Continue to talk to Jeff regarding new issues re: float, route, etc.

Lora Tyner-Watts

Reviewed 72-page report about Watts and Taylor incident. Worked with Dave Hewitt to flush out details. Had a meeting with Liz, Sam Erby and Loretta Washington about other Watts performance issues. Met with Sam Erby twice separately to review materials. Composing discipline regarding these new issues.

UPDATING OLD POLICIES

Started comparing old policies for HR with contract/CBA. Looking for items that need to be updated and/or policies that need to be created. This is a long, tedious, ongoing project that will run through December.

Spoke with Amy Zerbocki at DAS about various policy nuances – trying to update ours while ensuring they mesh with DAS. Gave Amy some new ideas that she was eager to receive re: harassment policy.

MISCELLANEOUS

Listened to LRAC meeting with Liz.

Submitted two yearly goals for 2012 to Liz

LABOR MANAGEMENT

Had Labor Management meeting. Worked with Shanika to review minutes.

Began researching ideas brought up at the meeting. Ongoing effort.

David Bentkowski Bi-Weekly Report Ending November 29, 2011

GRIEVANCES/PERSONNEL ISSUES:

Jim Zimmerman

Wrote draft reply to Zimmerman grievance dealing with alleged employer intimidation. Had a phone meeting with Dave Long and Liz to further discuss. Had a follow-up discussion with Ron Green. Scheduled new meeting to revisit grievance remedy.

Helped Dave Hewitt flush out Zimmerman/vendor issue.

Had Zimmerman goals and objectives meeting.

Notre LaBeach

Issued reprimand to Notre Labeach. Also, issued goals and objectives. She signed goals and objectives. Still waiting for reprimand reply receipt. Spoke with Jeff Drlik about her performance and reviewed new issues.

Laura Winland

Issue verbal reprimand for her involvement in traffic accident. She promptly signed receipt of discipline. Matter closed.

Lora Tyner-Watts

Composed 20 questions for Lora Tyner-Watts interview. Will discuss with Liz and Dave Hewitt.

Alan Powell

Issued "low-sick-leave" memo to Alan Powell. Met with Mr. Powell to discuss and he signed discipline receipt. Matter closed. .

Mark Dennewitz

Sent report regarding Mark Dennewitz alleged dangerous driving to DAS.

2009-2012 CONTRACT

Schedule Labor Management Committee Meeting for December 2nd. Reviewed discussion topics put forth by the union. Larocca plans on sending more agenda items later.

LOW SICK LEAVE

Worked with Marian to develop protocols for her forwarding me sick time reports.
Worked with Stefanie to come up with plan regarding sick-leave "checking" – making sure by the time reports get to me they are accurate and that there are no FMLA issues.

TRAFFIC ACCIDENT REPORTS

Began researching DAS and other state agencies for forms and protocols relating to sales rep traffic accidents. Goal is to create guide they can keep in their cars.

UPDATING OLD POLICIES

Started comparing old policies for HR with contract/CBA. Looking for items that need to be updated and/or policies that need to be created. This is a long, tedious, ongoing project that will run through December.

David Bentkowski Bi-Weekly Report Ending December 15, 2011**GRIEVANCES/PERSONNEL ISSUES:****Melissa Bowen**

Reviewed accident report for Ms. Bowen. She was not at fault – she was struck from behind while sitting at stop light. No discipline issued – report filed with Shanika.

Notre LaBeach

Worked with Liz to follow-up regarding Notre's accident. Secured investigation report. Prepared to issue discipline at Liz's okay.

Lora Tyner-Watts

Met with Liz and Dave to discuss update of Watts issue and potential Garrity Issues. Met with Dave post investigation to further flush out issues. Read and reviewed Dave's various notices he prepared for Watts.

Jeff Evans

Reviewed extensive files for Jeff Evans, Ralph Roach and Kathy Ferz. These files contained hundreds of documents and I reviewed them all in an effort to prepare for Evans issue. Met with Liz to discuss Evans issue.

Sent Evans notice of Involuntary Disability Separation hearing.

Scheduled and executed Evans Involuntary Disability Separation hearing. Called Dr. Henderson and did follow-up review of matter. Typed up conference call minutes.

Aaron Lockhart

Issued Low Sick Time Activation discipline. Lockhart claims he was FMLA but admitted he didn't have proper paperwork in place. Spoke with him and referred him to Stefanie. Also spoke with LaRocca about this issue.

Jim Zimmerman

Spoke with LaRocca and secured a copy of Zimmerman's Grievance dismissal regarding alleged comments by Ron Green.

Mark Dennywitz

Sent reminder and information about his February 22, 2012, defensive driving course.

UPDATING OLD POLICIES

Started comparing old policies for HR with contract/CBA. Looking for items that need to be updated and/or policies that need to be created. This is a long, tedious, ongoing project that will run through December.

MISCELLANEOUS

Per Kathy Marshall's request, reviewing Lottery forms looking for updates.

LABOR MANAGEMENT

Began researching ideas brought up at the meeting. Ongoing effort.

David Bentkowski Bi-Weekly Report Ending January 10, 2012

GRIEVANCES/PERSONNEL ISSUES:

Rick Bohles

Reviewed accident report for Mr. Bohles. He was not at fault – he was struck from behind while sitting in traffic. No discipline issued – report filed with Shanika.

Jeff Evans

Made two calls to Alisha in Dr. Stern's office. She was concerned that Evans secured a stamp from Dr. Henderson's office – but she did confirm the stamp was valid and authorized by Dr. Henderson.

Lora Tyner-Watts

Met with Liz and Dave to review IG's report. Dave will continue to work on investigation. I completed review of issues raised by Sam Erby and assisted Liz in drafting a verbal warning to Watts for issues relating to bank authorization forms. Verbal issuance pending.

Notre LaBeach

Wrote and delivered verbal reprimand for Notre LaBeach re December 7th/Amish buggy crash. LaBeach was out last week but did read verbal per email receipt.

Jim Zimmerman

Spoke with Ron Green and Tom Schervish to prepare for and schedule Zimmerman's January goals and objectives meeting for January 10- at 10:00 a.m.

UPDATING OLD POLICIES

Completed making draft changes to all HR policies. This has been an ongoing effort. I have researched all documents from DAS, the contract, and the O.R.C. looking for grey or confusing areas. Scheduled to meet with Liz on January 26th to discuss – and then I will finalize text version of policies after any changes are approved.

Secured a copy of DAS' large file – Introduction to Contract Administration – which included all contract changes from previous versions. Review entire document looking for any other policy changes I may have missed.

MISCELLANEOUS

Gave Kathy Marshall thorough package of potential policy revue updates for OLC forms used by HR. There are not many "forms" used by my office – most are individually created on a case-by-case basis – so I reviewed and commented on all other HR forms available on the shared server with the hopes of assisting colleagues.

Completed Computer/Safety training video on-line per Dave Hewitt

Ordered 82 copies of the new contract – 74 standard and 8 spiral bound. This matches last year's order and I will work with Liz and Dave Hewitt on distribution.

LABOR MANAGEMENT

Spoke with Jim LaRocca several times and sent him a follow-up email reminding him of his action items from the December 2, 2011, Labor-Management meeting. Also, worked with Liz to identify any of our action items. The next meeting is not until the Spring so we have some time to secure answers to any pending questions.

EMPLOYEE HANDBOOK

Met with Shanika to review her initial effort in creating an Employee Handbook. Read her draft ideas and began searching online and through my legal materials for usable ideas to craft new handbook. Ongoing project.

MANAGER MEETING IN APRIL

Spoke with the Office of Collective Bargaining and began to discuss an April meeting for managers in Cleveland. OCB sent me various training outlines from prior efforts and I reviewed. Will meet with Liz to determine the course outline. OCB recommends avoiding SUE training – rather, a focus on implementing the contract for managers.

David Bentkowski Bi-Weekly Report Ending January 24, 2012

GRIEVANCES/PERSONNEL ISSUES:

Randall Daugherty

Reviewed accident report for Mr. Daugherty. He was not at fault – he was struck from behind while sitting in traffic. No discipline issued – report filed with Shanika.

Jeff Evans

Met with Jim Manley to discuss Evans coming back to work. Spoke with Chip Taylor and Jeff Evans about his return. Issued memo to all parties indicating matter was closed upon Evans return to work.

Lora Tyner-Watts

Issued Verbal Warning for Lora Tyner-Watts regarding bank errors on January 10, 2012. This reprimand was for her routine mistakes regarding the bank cashing slips. Sent her a follow-up email reminding her to return receipt of discipline. Still no reply.

Notre LaBeach

Review LaBeach's latest action of failing to start and stop work on time. Spoke with Jeff Drlik multiple times to explore issue. Spoke with Liz and worked to begin Pre-D hearing. Still need to meet with Liz to set-up Pre-D. Also, sent LaBeach reminder about her outstanding discipline receipt for her verbal (Amish buggy accident). She claimed she didn't receive it but that is false and we have the documentation. Also, spoke with Jeff Drlik about even newer issues including Notre starting work late 45-minutes because her van was "frozen".

Jim Zimmerman

Had Zimmerman's monthly Goals and Objectives meeting on January 10th. Ron Green and Tom Schervish had a few issues but not as bad as before because Zimmerman was out-of-the-office for a lot of the month.

Dan Price

Called and emailed Gwen Penn – trying to set up meeting to discuss Dan Price with Kathy Marshall. Penn indicated she had meetings and would be out of office for a few days. Will try to meet with her the week of January 23rd.

UPDATING OLD POLICIES

Completed making draft changes to all HR policies. This has been an ongoing effort. I have researched all documents from DAS, the contract, and the O.R.C. looking for grey or confusing areas. Scheduled to meet with Liz on January 26th to discuss – and then I will finalize text version of policies after any changes are approved. Need to make sure HR policies jive with new Employee Handbook.

Secured a copy of DAS' large file – Introduction to Contract Administration – which included all contract changes from previous versions. Review entire document looking for any other policy changes I may have missed.

MISCELLANEOUS

Spoke with Jeff Jianuzzi and advised him on contract provisions regarding union members wanting to meet in conference room.

Spoke with Rob Pike regarding Evan Saunders traffic accident. Saunders was involved in a minor traffic accident, not his fault, but was subpoenaed as a witness.

Took the Employee Satisfaction Survey on-line per Connie Miller.

LABOR MANAGEMENT

Met with Jim LaRocca to discuss posting meeting minutes on-line. I am opposed to this and told Jim we would discuss with group at next meeting. Worked with Shanicka to finalize minutes.

EMPLOYEE HANDBOOK

Finished a sizeable amount of the Employee Handbook – the last workable versions were from 2003 and 2005 and the Ohio Partner's Handbook was from 2000. New version is much more inclusive and contains a lot of new and updated policies. Won't finalize until after meeting with Liz on the 26th to make sure policy changes match with handbook.

MANAGER MEETING IN APRIL

Spoke with the Office of Collective Bargaining and began to discuss an April meeting for managers in Cleveland. OCB sent me various training outlines from prior efforts and I reviewed. Will meet with Liz to determine the course outline. OCB recommends avoiding SUE training – rather, a focus on implementing the contract for managers.