

David Bentkowski Bi-Weekly Report Ending February 7, 2012

GRIEVANCES/PERSONNEL ISSUES:

Evan Saunders

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

Eddie Banks

Reviewed accident report for Mr. Banks. He was not at fault – damage was done to his vehicle while he was on-duty and it was unattended in a parking lot. No discipline issued – report filed with Shanika.

David Stebelton

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

Jeff Evans

Prepped for Evans Grievance hearing. Evans dismissed Grievance on February 1, 2012. Met with Liz and Dave Hewitt to review broken computer. Prepared to issue discipline.

Lora Tyner-Watts

Met with Dave and Liz to discuss Watts harassment/phone/time abuse issue. Called Dave Long and discussed protocol. Dave will finish investigation and we will have hearing the week of February 13th hopefully – waiting to hear back from Long. Re other Watts matter, received back from Watts her “signed” written reprimand discipline receipt. She wrote on it “disagreed” and didn’t put her signature.

Notre LaBeach

Received LaBeach’s signed discipline receipt for Amish buggy accident. Set up Pre-D for February 8th for new issue – failure to maintain work/start/stop times. Worked with Liz to issue Pre-D notice to all parties involved. Also, still waiting to hear about LaBeach’s accident (red paint) and “frozen” vehicle issue. Spoke with Jack O’Donnell – he is reviewing the matter.

Alan Powell

Met with Loretta Washington and Sam Erby to discuss attendance of Alan Powell and his use of sick time. Called Powell’s doctor’s office to confirm that his sick leave notes were accurate. They were legitimate.

Dan Price

Unable to meet with Gwen Penn due to her schedule. Liz will handle.

UPDATING OLD POLICIES

Met with Liz to review all updated HR policies and employee handbook draft I created. Flushed out some additional changes and will incorporate those changes before forwarding to Liz to forward to Aaron Schmidt in legal. Will have final drafts reviewed by HR staff and LaRocca before Liz and Schmidt.

MISCELLANEOUS

Researched any mandatory training requirements for Liz.

Googled any information about Lottery Privatization for Debra Bailey. She called with rumors that lottery was privatizing and wanted to know if it was true. Reported to her that I had no knowledge of this.

Attended day-long Senior Staff Meeting with Liz in Strongsville.

EMPLOYEE HANDBOOK

Finished Employee Handbook – Liz is reviewing.

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 February 21, 2012

GRIEVANCES/PERSONNEL ISSUES:

Jeff Evans

Met with Liz and prepared Written Reprimand for Evans regarding broken laptop. Returned computer to Roman Popadiuk. Turned computer over to Lora Kelly. Will issue reprimand after receiving "repair report" from Lora Kelly.

Jim Zimmerman

Scheduled his Goals and Objectives meeting for February 24 at 9:00 a.m. Met with Ron Green and Liz to discuss two new potential discipline items – relating to a missed email instructing him to back up a tape and failing to execute a procedure/checklist.

Lora Tyner-Watts

Met with Liz and Dave to update plan regarding Watts. Scheduled Pre-D for February 22 at 10:00 am with Jim Night. Had multiple meeting with Liz, Dave Long, and Dave Hewitt regarding matter. Prepared and delivered Pre-D packet to all parties involved. Prepared for hearing by reviewing case file and preparing presentation to hearing officer.

Tim Weinraub

Met with Sam Erby to advise on employee matter. According to Sam, Tim Weinraub is taking excessive breaks while using the bathroom. Erby has requested a note from a doctor explaining the condition.

Notre LaBeach

Met with Justin/Canton regarding red paint incident. Also, conducted Pre-D meeting on 2-8-12 in Canton. Met with Jim LaRocca after and prepared ruling. Waiting on letter from LaRocca providing more information. Will issue discipline after receiving LaRocca's letter. Review police report regarding "red paint" on van. There is no proof LaBeach was in accident so no discipline. Gave Shankia report.

UPDATING OLD POLICIES

Finished Updating Policies – Liz is reviewing

EMPLOYEE HANDBOOK

Finished Employee Handbook – Liz is reviewing.

MANAGER MEETING IN APRIL

Checked calendar with Kathy Marshall – most of April is clear except the 8th – Easter.
Reviewing extensive slide presentation from OCB to determine if it would be good for
our training – yes, it is. Will supplement that presentation with OLC focus on Work
Rules, Managing Employees, etc.

David Bentkowski Bi-Weekly Report Ending March 6, 2012

GRIEVANCES/PERSONNEL ISSUES:

Jeff Evans

Talked with Liz and issued "Written Reprimand" for broken laptop. Evans signed reprimand.

Jim Zimmerman

Issued Zimmerman "Verbal Reprimand" for Backsys issue. Conducted Zimmerman's Goals and Objectives meeting. Investigated a couple issues Ron Green raised but there was nothing that rose to the level of discipline other than the Backsys issue. Zimmerman filed grievance regarding Backsys issue. Working with Tom Schervish to address.

Lora Tyner-Watts

Spoke with Dave Long regarding Watts Pre-D hearing. Participated in Pre-D hearing and in researching follow-up items. Met with Liz and LaRocca on settlement issue. Had follow-up meeting with Liz, LaRocca, and Watts. Watts signed settlement deal.

Notre LaBeach

Reviewed Jeff Green/Bruce Trakas Pre-D report as a guide. Wrote draft Pre-D reply regarding Notre. Liz is reviewing.

UPDATING OLD POLICIES

Finished Updating Policies – Liz is reviewing. Put copies on thumb drives for Liz and Larry Miltner. Met with LaRocca to walk him through each policy.

MANAGER MEETING IN APRIL

Worked with Kate Nicholson to plan our Supervisor Training for April 30, 2012, from 9:00 a.m.-Noon. Kate and I are working on our program. Reviewing presentation.

MISCELLANEOUS

Worked with Kathy Marshall to review contract requirements regarding drug-free workplace training. Spoke with the State to determine our needs and helped Kathy secure speaker.

Worked with Shanicka and Dave on orientation training. Met with Shanicka twice to create slide presentation and once with Dave to review and delegate tasks. Working on presentation.

Participated in LRAC conference call. Executed some follow-up inquiries from OCB.

Participated in HR Windows training with Roman Popadiuk.

Worked with Eric Slaback of OCB on some Lottery related issues about contact, grievance filing procedure, etc.

David Bentkowski Bi-Weekly Report Ending March 20, 2012

GRIEVANCES/PERSONNEL ISSUES:

Jim Zimmerman

Worked with Tom Schervish to coordinate and prepare for Zimmerman grievance Step 2 meeting. Schervish had meeting and wrote report. I discussed report with him and assisted in review. Schervish distributed.

Notre LaBeach

Reviewed Jeff Green/Bruce Trakas Pre-D report as a guide. Wrote draft Pre-D reply regarding Notre. Liz is reviewing.

Leslie Mallory

Spoke with Dave Long and Chip Taylor re Leslie Mallory. She indicated to Chip that she went to the Dr. and is always "exhausted". Chip called wanting to know what to do – such as requiring Dr.'s note, etc. I informed Chip that if she ever raises an issue – like she might fall asleep during work or while driving . . . then we would send her out for a fitness for duty exam. Right now, she just volunteered that she was always feeling exhausted. Will discuss with Liz upon her return. Spoke again with Chip Taylor on follow-up . . . Mallory is taking a new medication and is feeling fine.

New development: A day after claiming she was feeling fine, spoke with Chip again and now Mallory is claiming her back hurts – possibly from lifting items out of her vehicle. Chip had her fill out a work accident form. She hasn't missed any work yet.

Faith Kemp

Reviewed accident report from January 24, 2012 accident. Kemp was at fault. Verbal reprimand written and awaiting Liz's approval.

MANAGER MEETING IN APRIL

Worked with Kate Nicholson to plan our Supervisor Training for April 30, 2012, from 9:00 a.m.-Noon. Kate and I are working on our program. Reviewing presentation. Sent emails to Kate and Dave Long about meeting as part of April 19 LRAC meeting to finalize plans. Confirmed meeting with Kate after April 19th LRAC meeting in Columbus.

MISCELLANEOUS

Met with Dave Hewitt and Liz to review Orientation training. Made adjustments on presentation based on Liz feedback and expanded on Work Rule portion of training. Participated in staff "dry run" of training and worked on supplemental changes with Dave Hewitt.

Drove to Mansfield to meet with Dave Long to secure 84 contracts. Spoke with Long about attending ARB School. Followed up with Liz and Cassandra Nicholson about availability.

Secured manager/supervisor/deputy director list from Dave Hewitt and personally delivered new contracts.

Helped process Cash Explosion entries.

Spoke with Chip Taylor about legal issue he had regarding use of bathrooms. Forwarded his info to legal to allow them to answer for him. They did.

Spoke with Mary Kotynski about Child Nursing policy. Will discuss with Liz to formulate our accommodation.

Spoke with Chip Taylor about Bereavement Leave questions.

Spoke with Jim LaRocca about planning and scheduling next Labor Management Meeting for April.

Attended Floor Warden Meeting – I am the new Floor Warden replacing Ralph.

Spoke with Jeff Jianuzzi – he had a question about drug-testing an employee involved in auto accident.

Received Pat Vasil's Guidelines for Sales Representatives. Will review with Liz.

David Bentkowski Bi-Weekly Report Ending April 3, 2012

GRIEVANCES/PERSONNEL ISSUES:

Jim Zimmerman

Spoke to Jim LaRocca about Zimmerman's request for a Step 3 grievance. Spoke to Liz about not having that meeting and crafting a letter for LaRocca affirming that a verbal can not go beyond a Step 2. Also discussed with him confirming that in the future, all grievances go to me – for either their Step Two or Step 3 hearing, depending if they are verbal or written. Eliminate all Step 1's and use me for Step 2 and 3's. Gave Liz draft letter. She reviewed. Made changes and sent out letter.

Zimmerman April Goals and Objectives meeting set for April 13 at 10:00 a.m.

Stephen Perry

Sales Rep Stephen Perry was in an auto accident. I reviewed the report and it was not his fault. No discipline issued.

Notre LaBeach

Spoke with Liz regarding review of Pre-D Memo. Reviewed samples, contract and spoke with Jeff Drlik. Drafted one-day suspension letter taking effect April 9th, 2012 Liz is reviewing.

Faith Kemp

Had Liz sign and issued Verbal Reprimand. Waiting for Kemp to return discipline. She claims she sent it – but it hasn't arrived. Sent her follow-up request.

Aaron Lockhart

Discussed his current sick-leave balances. He was just over 16 hours and was inquiring about using more time. After our discussion, he decided to use vacation time.

Marie Dilgart

Reviewed accident report. Our employee was not at fault. No discipline issued. File given to Shanika.

MANAGER MEETING IN APRIL

Sent out event invitations to 52 managers/supervisors. Discussed with Liz in more detail the Lottery portion of the presentation. Created draft slide presentation for our portion.

Liz is reviewing. Spoke with Pat Vasil about the inclusion of her managers. To date, about 35 managers have accepted event invite.

MISCELLANEOUS

Attended all day OCB seminar in Columbus on March 28, 2012, dealing with Pre-Discipline issues. Part of OCB Academy.

Met with Dave Hewitt and Liz to review Orientation training. Made adjustments on presentation based on Liz feedback and expanded on Work Rule portion of training. Participated in staff "dry run" of training and worked on supplemental changes with Dave Hewitt. Did second staff dry run and incorporated more changes. Delivered presentation to new hires.

Spoke with Mary Kotynski about Child Nursing policy. Will discuss with Liz to formulate our accommodation.

Spoke with Jim LaRocca about planning and scheduling next Labor Management Meeting for April. Deborah Bailey couldn't make it -- new date is May 8th at 11:00 a.m. Reviewed old minutes and compiled a list of action items from last meeting that need to be addressed before May 8th meeting.

David Bentkowski Bi-Weekly Report Ending April 17, 2012

Short Report – I was on Vacation 1st-8th

GRIEVANCES/PERSONNEL ISSUES:

Jim Zimmerman

Spoke with LaRocca about our letter to Zimmerman denying a Step 3 meeting. LaRocca indicated Zimmerman accepted it. No further action planned to our knowledge. Had three hour Goals and Objectives Meeting on Friday, April 13th – all kinds of new issues with Zimmerman. Spoke for an hour with Tom Schervish about his concerns regarding Zimmerman after the meeting. Met with Liz and Ron Green about incident. Wrote incident letter explaining what happened.

Notre LaBeach

Issued Notre LaBeach her one day suspension and letter. She accepted suspension and served it on April 9th. There were no follow-up issues regarding her and the suspension.

Lora-Torna Watts

Drafted Internal Investigation Report to be submitted to the Office of Inspector General. Organized Watts file and made relevant copies for forwarding to IG.

Called Steve Kmiotek and Jim Bonnette to find out about new Watts incident. Read and listened to materials Bonnette sent me. Met with Bonnette and Sam Erby to discuss matter. Researched potential discipline. Will meet with Liz to discuss. Ready to draft discipline.

MISCELLANEOUS

Spoke with Mary Kotynski about Child Nursing policy. Will discuss with Liz to formulate our accommodation.

Spoke with Jim LaRocca about planning and scheduling next Labor Management Meeting for April. Deborah Bailey couldn't make it – new date is May 8th at 11:00 a.m. Reviewed old minutes and compiled a list of action items from last meeting that need to be addressed before May 8th meeting. Liz reviewed. Started working on satisfying action items from last meeting.

Spoke with Jim Manley and Steve Kmiotek regarding Memo of Understanding. Emailed Stephanie Miller about it as well.

Communicated with LaRocca about the unions concerns about Intralot. Asked him to get me the "list" of confusing situations involving the sales reps.

Spoke with Dave Hewitt about Safety Committee and Training issues.

Spoke with Chip Taylor about an employee who has a son that wants to work at grocery store. Spoke with Liz and confirmed it was okay.

Completed my Self Evaluation for 6-months. Delivered to Kathy to give to Liz/schedule review, etc.

Manager Meeting in April

So far, around 50 managers have accepted event invite. Worked with HR staff to incorporate them into program. Received their content and incorporated it into Power Point presentation. Will review with Liz before reviewing with Kate Nicholson and Dave Long in Columbus on April 19th at LRAC Meeting.

David Bentkowski Bi-Weekly Report Ending May 1, 2012

GRIEVANCES/PERSONNEL ISSUES:

Betty Noumoff

Issued Betty Noumoff letter about low sick leave. She is currently at 3.61 hours. She signed and returned receipt. Filed with Hewitt.

Jim Zimmerman

Spoke with Ron Green about three new, small Zimmerman issues. Told him to write them up for me and I would review. Talked with Liz about Zimmerman meeting outburst. Began reviewing discipline grid. Talked with Liz about Zimmerman interview. Helped Liz with some Zimmerman questions.

Lora-Torna Watts

Discussed new issue with Liz. Spoke with Dave Hewitt re: conducting investigation. Waiting on Hewitt to forward report to schedule Pre-D. Hewitt waiting on managers for responses.

Liz Embry

Spoke to TJ Brown about Liz Embry. She is having various problems including failing to close books over a year old. TJ was going to write-up report and forward to me. Received TJ's report and wrote up Verbal Reprimand. Liz will sign.

Vincent Copploe

Lottery agent was not responsible for accident. He parked his car properly outside and upon return – found it had been hit by someone else. No discipline issued – report given to Hewitt.

MISCELLANEOUS

Continued to satisfy requests from last Labor-Management meeting. Received and read Memo of Understanding re: Charitable Gaming. Spoke with LaRocca about potential issue – he wants to discuss the Call Center and what it means for the employees when they go down to five day work weeks instead of six.

Confirmed for Aaron Schmidt details about two policies as part of his policy review.

Attended LRAC with Liz in Columbus.

Attended OCB Academy Drug Testing/Training seminar and Mediation seminar.

Updated Medical Accommodation and Anti-Harassment Policies to incorporate items received by Stefanie Zackery from DAS.

Emailed Harry Colson at OCB to learn more about his efforts to get everyone using the same protocols for grievance tracking. Spoke with Harry. He is going to research what we currently do in his files – and then send me training materials to establish our proper procedures. He will also advise of future training with Kate so I can attend to see how OCB wants grievance tracking.

Reviewed email forms from Patel Hemangini. Filled out and returned to her to start setting us up in tracking database.

Manager Meeting in April

Met with Kate Nicholson in Columbus after LRAC and reviewed entire April 30th presentations. Made changes and finalized. Discussed with Liz. Met with Kate again and incorporated additional changes about dress code, sick leave discipline, etc. Training was held on April 30th.

David Bentkowski Bi-Weekly Report Ending May 15, 2012

GRIEVANCES/PERSONNEL ISSUES:

Jim Zimmerman

Spoke with Ron Green and Liz about matter where Zimmerman needed 4 hours to complete an ODU process – versus the normal 1 hour. Spoke further with Ron Green and there really was no way to demonstrate that Zimmerman was purposely or negligently slow in the process. There is no way to know how long any individual test should take.

Lora-Torna Watts

Received and reviewed AI packet from Dave Hewitt. Composed Pre-D packet and gave to Liz for approval.

Liz Embrey

Spoke with Liz and TJ Brown and determined that a verbal was proper. Liz signed and I delivered to Embrey's home via regular mail and email.

Stephen Perry

Received and reviewed all accident reports. Spoke to Steve Kmiotek about vehicle. Steve was perplexed how alleged injuries could be claimed with zero damage to car. Also spoke with Jack O'Donnell. No pending action. Impossible to prove any faking of accident or injury.

Leslie Mallory

Reviewed low sick leave totals and wrote-up Leslie Mallory for falling below 16 hours.

Matt Borgner

Reviewed materials regarding float issue and drafted "verbal" reprimand for Matt Borgner at Jeff Drlik's request.

MISCELLANEOUS

Continued to satisfy requests from last Labor-Management meeting. Received and read old Memo of Understanding re: Charitable Gaming. Spoke with LaRocca about potential issue – he wants to discuss the Call Center and what it means for the employees when they go down to five day work weeks instead of six. Completed agenda and gave to Liz. Had meeting on May 8, 2012 and had several post-meeting action items for the next meeting.

Attended OCB Academy Layoff and Screening and Selection seminars.

Filled out paperwork to enter us into OCB grievance tracking system. Discussed with Liz – she wants to make sure Hewitt, she and Shanicka are also signed-up. Forwarded their sign-up sheets so they could secure passwords.

Watched all 4 CPI training videos. After videos, reviewed files and logged several CPI occurrences relating to Zimmerman, Watts, Evans and LaBeach.

Talked with Marian, Liz and Stefanie and came up with some ideas to adjust the Low Sick Leave Policy and the Alternate Work Schedule policy. Updated both policies to reflect changes and forwarded to Liz for her approval.

After LM meeting, spoke with Gwen Penn about Joe Ganim's concerns about bad paper. Gwen was going to look into it and we would talk again.

David Bentkowski Bi-Weekly Report Ending May 29, 2012

GRIEVANCES/PERSONNEL ISSUES:

Jim Zimmerman

Continue to work on issues relating to Pre-D meeting now scheduled for June involving his last Goals and Objectives meeting outburst.

Lora-Torna Watts

Issued Pre-D packet to Watts on May 15, 2012 for May 24 Pre-D. Pre-D was rescheduled at LaRocca's request for May 29th at 1:00 p.m. Spoke with Sam Erby and others to make sure everyone is prepared.

Liz Embrey

Spoke with Liz Popadiuk and TJ Brown and determined that a verbal was proper. Liz signed and I delivered to Embrey's home via regular mail and email. Embrey signed and returned verbal.

Matt Borgner

Reviewed materials regarding float issue and drafted "verbal" reprimand for Matt Borgner at Jeff Drlik's request. Issued verbal reprimand. Borgner signed and returned verbal.

Huot Cheav

Spoke with Ray Guarino and drafted a verbal reprimand for Cheav re: a pool closing issue. Liz reviewed draft and I issued the verbal. Cheav signed and returned verbal.

Tim Weintraub

Spoke with Liz and Jeff Drlik about Weintraub and his interaction with retail locations. Waiting to hear back from Pat Vasil re: additional details.

Chris Ughrin

Spoke with Roman Popadiuk and flushed out Chris Ughrin issue. Drafted verbal reprimand that Liz reviewed and issued.

MISCELLANEOUS

Reviewed minutes from Labor-Management meeting and gave to Shanicka to give to LaRocca.

Attended OCB Academy Absence Management and PRS.

Met with Danielle Daley, Sam Erby, Jim Bonnette, Greg Bowers and Steve Kmiotek to discuss Call Center scheduling and removal of bank cashing function.

Participated in new hire on-boarding on May 21. Worked with Dave Hewitt to refresh our presentation.

Began reviewing work rules. This will be an extensive, ongoing project with a goal of finishing over the summer and incorporating any changes prompted by updated policies.

Worked with Liz and LaRocca to answer question about Article 26.04.

Began collecting, reviewing and ordering our required posters regarding various employment and labor laws. Ordered various free packets from federal government.

David Bentkowski Bi-Weekly Report Ending June 12, 2012

GRIEVANCES/PERSONNEL ISSUES:

Jim Zimmerman

Wrote draft discipline – written reprimand - for Liz to issue regarding Goals and Objectives meeting outburst. Liz reviewed and issued. Received and reviewed from Ron Green request for discipline regarding his failure to follow Test ICS standards regarding populating emails. Spoke to Liz about matter and am investigating. Also received another request for review from Ron Green regarding Jim's failure to file a daily report with Ron per his instruction. Investigating.

Lora-Torna Watts

Had Pre-D meeting. Followed up with additional research per Liz's request. Talked to Tom Schervish about getting BOS reports. Received and reviewed reports from Schervish. Sent meeting request to Loretta Washington. Met with Loretta Washington and Dave Hewitt on June 11, 2012. Received written statement from Washington. Will speak to Liz.

Tim Weintraub

Spoke with Liz and Jeff Drlik about Weintraub and his interaction with retail locations. Spoke with Pat Vasil and she didn't really have any glaring examples of Tim's negative attitude. She was going to touch base with Drlik and let me know if Tim was inappropriate – or if the retailer was just mad because Tim was properly enforcing the rules.

Chris Ughrin

Spoke with Roman Popadiuk and flushed out Chris Ughrin issue. Drafted verbal reprimand that Liz reviewed and issued. Followed-up with Roman and informed him Ughrin has yet to return signed discipline. Ughrin returned signed discipline on June 11, 2012.

MISCELLANEOUS

Attended OCB Academy Labor Management Committee Training – final training class until next fall.

Participated in new hire on-boarding on June 4. Presented my materials and Dave Hewitt's – he was in Columbus.

Attended the DAS 2012 Human Resource Conference May 30 in Columbus.

Began reviewing work rules. This will be an extensive, ongoing project with a goal of finishing over the summer and incorporating any changes prompted by updated policies.

Began collecting, reviewing and ordering our required posters regarding various employment and labor laws. Ordered various free packets from federal government. Received my batch of 5 free poster sets and then asked Chip Taylor and Mike Berger to order 5 each to complete our needs.

Attended two-hour Floor Manager meeting about bomb threats and suspicious packages.

Printed off and read 35-page guidance document on how to properly track and load Grievances for OCB. Working with Shanicka on this process and checking to make sure we upload all recent grievances.

Had computer updated to Windows 7.

Spoke to Jack O'Donnell about 24/7 Investigator employees. We will meet on June 12, 2012 to flush out any issues.

David Bentkowski Bi-Weekly Report Ending June 26, 2012

GRIEVANCES/PERSONNEL ISSUES:

Jim Zimmerman

Spoke to Tom Schervish about various Zimmerman issues. Schervish continues to have all kinds of performance issues with Zimmerman and emphasizes that no matter what mistake Zimmerman makes, he blames management for "picking on him." Met with Liz and talked about three Zimmerman issues. Researched Goals and Objectives minutes. Wrote Schervish and Green about not pursuing "status meeting" issue because Green didn't send follow-up email.

Received from Schervish details/emails about Zimmerman scheduling a meeting with Deborah Bailey during important training despite having notice of training. Compiled emails and gave to Liz.

Talked to Schervish and Liz about Zimmerman's FMLA filing and flushing out a procedure to advise us if he is feeling ill.

Received Zimmerman Grievance over written reprimand.

Received Zimmerman request for Step 2 on Grievance.

Received more materials from Ron Green regarding failure to load 18 emails issue.

Received information from Ron Green on new issue – failure to fill out ODU Test forms properly.

Received Zimmerman performance review materials and began reviewing.

Lora-Tyner Watts

Spoke with Tom Schervish again after he tried to flush out log-in issue more. He says he is 80% sure Watts never logged on – but there are some circumstances where maybe it could have happened – although doubtful. To be 100% sure, he stated we could ask Watts what type of reports she ran and then they could confirm that type of report. Met with Liz and Shanicka to discuss and Liz will make decision.

James Graven

Cited for accident – spoke to Bill Allen and requested materials. He will forward when he is done with them.

Leslie Mallory

Is still on the Low Sick Leave report. Followed up with Chip Taylor to make sure she is supplying notes from doctor. She is complying.

Tim Weintraub

Wrote Tim up for being on Low Sick Leave report.

Pam Petty

Wrote Pam up for being on Low Sick Leave report.

Mike Bush

Spoke with TJ Brown initially – he was going to secure more information. Received various correspondence from Liz, Pat Vasil, TJ Brown, etc., regarding Bush's various performance issues.

MISCELLANEOUS

Began reviewing work rules. This will be an extensive, ongoing project with a goal of finishing over the summer and incorporating any changes prompted by updated policies.

Received all posters poster packets from Chip Taylor and Mike Berger – they had ordered needed copies for me. Spoke with BWC, OEAP, Ohio Department of Commerce, and Deferred Comp to order any remaining posters not covered by Fed packets. Re-hung various posters in HR office as test demo for other offices. All posters are in except Ohio EAP.

Printed off and read 35-page guidance document on how to properly track and load Grievances for OCB. Working with Shanicka on this process and checking to make sure we upload all recent grievances.

Spoke to Jack O'Donnell about 24/7 Investigator employees. We met on June 13 and discussed potential issues. Talked to Liz, Dave Long and Jack again about various issues such as shift differential, 8 eight shifts with no lunches, seniority rank, etc. Also met with Jim LaRocca and talked about various issues to see his feedback. Reported back to Liz. Working on proposal for Liz.

Keno investigators – met with Liz and Jim LaRocca about moving part-time Keno investigators to full-time positions. Also discussed other issues with LaRocca.

On my off-day, went to a great legal seminar covering Social Media and appropriate company policies. Will share my course materials with Aaron Schmidt in legal.

Participated in LRAC committee conference call. Will follow-up on some Grievance database tracking issues raised by Henry.

Read a batch of arbitration award summaries Liz sent me.

David Bentkowski Bi-Weekly Report Ending July 10, 2012

GRIEVANCES/PERSONNEL ISSUES:

Jim Zimmerman

Received more materials from Ron Green regarding failure to load 18 emails issue. Prepared Pre-D packet – will issue on July 12, 2012.

Received information from Ron Green on new issue – failure to fill out ODU Test forms properly. Drafted written reprimand. Liz reviewed and I re-drafted. Issued discipline.

Received Zimmerman performance review materials and began reviewing. Spoke with Dave Long. Meeting scheduled for July 11, 2012. Spoke with Ron Green twice and received materials he used regarding Zimmerman review. Forwarded materials to Jackie Wright/Jim Zimmerman.

Talked to Ron Green about Zimmerman grievance re: alleged delay in receiving materials.

Lora-Tyner Watts

Wrote draft suspension letter and other documents for April 3 phone call incident – one-day working suspension. Began reviewing file to draft performance action plan. Will meet with Sam Erby and Loretta Washington.

James Graven

Cited for accident – spoke to Bill Allen and requested materials. Received report on July 9 and wrote Verbal Reprimand for accident/damage to state property. Gave to Liz for signature.

Mike Bush

Wrote written reprimand for Mike Bush after reviewing file. Also, wrote counseling note for TJ Brown regarding this issue. Liz reviewed Bush reprimand and I re-drafted. Issued discipline. Liz is handling TJ Brown issue with Pat.

MISCELLANEOUS

Began reviewing work rules. This will be an extensive, ongoing project with a goal of finishing over the summer and incorporating any changes prompted by updated policies.

Shipped out complete poster sets to all 9 regional offices, Scioto Downs, Strongsville and the warehouse. Started receiving back pictures of completed walls after pictures hung – forwarding to Stephanie.

Uploaded first batch of grievances given to me by Shanicka to OCB database – will load more as they are given to me.

Spoke to Jack O'Donnell re investigators – collected and reviewed Scioto Downs employees timesheets and marked what should be shift differential pay. Finalized policy. Spoke with Jack again after he met with workers and made sure he understood his need to forward schedule to Marian, post schedule at least 14 days in advance, have schedule in place for at least 28 days, etc.

Wrote a draft agreement re the Keno investigators going full-time. Will finalize with Dave Long.

Read a batch of arbitration award summaries Liz sent me.

Answered Nancy Couladis question about AWS.

Researched and answered Dave Pollick question about comp time/holiday.

David Bentkowski Bi-Weekly Report Ending July 24, 2012

GRIEVANCES/PERSONNEL ISSUES:

Jim Zimmerman

Spoke with Ron Green about Zimmerman Step One grievance. Green denied grievance. Prepped for Zimmerman Performance Review appeal by reading all materials given to me by Zimmerman and Ron Green. Held Performance Review appeal meeting on July 11, 2012 with Zimmerman and Dave Hewitt. Drafted response and issued to Zimmerman. Wrote and issued Zimmerman Pre-D packet for Elysm email population issue. Pre-D Meeting is scheduled for July 31. Green had Step One Grievance meeting re N/A/ issue with Zimmerman on July 23, 2012.

Lora-Tyner Watts

Drafted Performance Action Plan. Forwarded Liz copies of documents she needed regarding potential suspension issue. Met with Sam Erby to add anything he wanted in Performance Action Plan – Loretta Washington was on vacation. Drafted Written Reprimand, instead of suspension, for Liz regarding Sappel's incident.

James Graven

Issued graven verbal reprimand for traffic accident in which he was cited. He signed and returned receipt.

Mike Bush

Bush filed a grievance and met with TJ Brown and Jim Burleson for a Step One. Talked to TJ about protocols. Reviewed TJ's draft denial. Liz issued TJ's denial of Step One Grievance.

Pam Curry

Issued verbal for falling on Low Sick Leave list. Curry signed receipt and returned it.

Tony Krebs

Issued verbal for falling on Low Sick Leave list.

MISCELLANEOUS

Began reviewing work rules. This will be an extensive, ongoing project with a goal of finishing over the summer and incorporating any changes prompted by updated policies.

Continued following up on poster displays and securing pictures for Stephanie. All posters are hung and pictures forwarded to Stefanie.

Spoke with Roman Popadiuk about a potential discipline issue he had. He is going to handle it via a verbal counseling.

Met with Liz and Steve Kmiotek about gas card/voyager/receipt issue and potential of reissuing driver's handbook and safety checklist. Secured Ohio Lottery Vehicle Handbook from Steve – reissued March, 2012. Will review. Steve is out on vacation. Still need to get “sign-off” sheets from him.

Met with Liz, Kathy Marshall, and Jim Brown to orientate Jim on managing in a union environment.

Met with Liz to listen in on OCB conference call regarding CDL requirements and drug-testing issues regarding delivery workers.

Confirmed for Juanita Day that Liz and I are the only two that should be receiving OCB updates.

David Bentkowski Bi-Weekly Report Ending August 7, 2012

GRIEVANCES/PERSONNEL ISSUES:

Jim Zimmerman

Talked to Ron Green about Zimmerman N/A grievance. Green issued Step One denial. Zimmerman's time to appeal to Step 2 has passed. Also, Zimmerman's time to appeal to Step 2 regarding management's alleged lateness in supplying him evaluation review materials has also passed. Wrote Dave Long about 22.03 Appeals seeking clarification. Had Pre-D meeting. Worked with Roman Popadiuk and Ron Green to formulate review of follow-up materials. Roman is trying to determine if he can document whether or not Zimmerman really populated emails. Spoke with Ron Green – he had info from Roman. It is not possible to show if Zimmerman populated emails or if they were deleted. Spoke to Green about Green's concerns that Zimmerman keeps telling him private health information when he told him he is not to. Read minutes from Shanicka from Pre-D.

Lora-Tyner Watts

Received back signed receipt for Written Reprimand/Sappel's issue. Liz still has performance action plan for review.

Mike Bush

Bush's time to grieve to Step 2 has passed. Spoke to LaRoccca. He wanted to know if he could still go to Step 2. I said time had passed – ask Liz. LaRoccca hasn't followed-up.

Tony Krebs

Issued verbal for falling on Low Sick Leave list. Received signed Receipt of Notice and spoke with Krebs about his options due to his ongoing back issues.

Mark Dennewitz

Secured his driving school certificate and placed in appropriate files.

Irene Pagonis

Reviewed materials and wrote up draft discipline for her damaging the phone.

William Boston

Reviewed Boston accident file. No discipline – he was not at fault. Car sideswiped while parked in regional office parking lot.

MISCELLANEOUS

Began reviewing work rules. This will be an extensive, ongoing project with a goal of finishing over the summer and incorporating any changes prompted by updated policies.

Met with Liz and Steve Kmiotek about gas card/voyager/receipt issue and potential of reissuing driver's handbook and safety checklist. Secured Ohio Lottery Vehicle Handbook from Steve – reissued March, 2012. Met with Steve again and received sign-off sheets. There is not a cover document so I will verify separately that they are all there. Steve feels he doesn't need any action on the credit card documentation issue now – employees are following rules.

Met with Liz to listen in on OCB conference call regarding CDL requirements and drug-testing issues regarding delivery workers. Met with Liz and Steve and Stefanie to discuss issue. Steve will follow up with Liz about any position ideas he has.

Researched seniority credits issue for Scioto Downs employees. Spoke with Mike McCoy about ranking and also learned how to compile agency wide seniority lists. Gave report to Liz. Spoke with Mike McCoy and Liz and Dave Long and Jim LaRocca about sick time usage issue. Long advised me that we can have an agreement with the union – and that I should work with the union to discuss what might be agreeable. I called LaRocca and he was going to get back to me with some ideas after talking to his people. I called McCoy and told him to sit-tight for now.

Secured all signatures for the part-time Keno employees agreeing to go full-time. Copied document and gave to Liz.

Worked with Dave Hewitt to figure out how to generate current seniority rosters. It is an easy process that Dave can do quickly – gave Liz most current departmental report of seniority for OLC.

Talked to Steve Kmiotek about Saturday bank cashing update – all banks are not online yet and he wants to see the department in action for a couple of months once they are to see what his staffing needs are going to be.

David Bentkowski Bi-Weekly Report Ending August 21, 2012
Short report – I was on vacation from August 9-20

GRIEVANCES/PERSONNEL ISSUES:

Jim Zimmerman

Talked with Ron Green and Liz about Zimmerman missing meeting. Worked with Ron Green regarding Zimmerman Performance Action Plan for August 2012-August2013. Gave Liz draft for review.

Irene Pagonis

Reviewed materials, including talking to Tom Rakowsky, and wrote up draft discipline for her damaging the phone. Liz signed and written was issued on August 8. Pagonis signed and returned discipline receipt.

MISCELLANEOUS

Began reviewing work rules. This will be an extensive, ongoing project with a goal of finishing over the summer and incorporating any changes prompted by updated policies.

Asked Steve Kmiotek for master list so I could ensure that we have all “receipt” documents regarding sign-off on driving handbook reissued in March 2012. Kmiotek gave me a list he had – and I cross referenced all forms given to me. The list he gave me shows over 30 people have missing forms. I will touch base with Liz to see how she wants me to proceed in collecting those 30+ forms.

Participated with Kathy Marshall in Supervisor Training presentation for John Hanley.

David Bentkowski Bi-Weekly Report Ending September 4, 2012

GRIEVANCES/PERSONNEL ISSUES:

Jim Zimmerman

Received notice of a Step Two request for Jim Zimmerman regarding his July 10th grievance (the failure to include n/a on his checklists). Researched the contract and crafted a letter to Jackie Wright explaining that due to the delay in filing the Step Two, the grievance was considered withdrawn and there would be no Step Two.

Wrote a draft one-day suspension letter for Liz regarding Zimmerman Pre-D involving his failure to populate Elsym emails. Liz signed – suspension is set for Sept. 5th – suspension sent to Zimmerman on August 27.

Spoke to Deborah Bailey – she informed me that Zimmerman is filing a grievance over the suspension and she wants to meet in late September for Step 3. The meeting is scheduled for September 17th at 1:00 p.m.

Lora Watts

Spoke to Jim Bonnette and explained performance action plan to him. Sat in on meeting with Bonnette, LaRocca, Washington, Watts and Erby as action plan was explained to Watts. Made changes to Goals and Objectives form – redistributed – everyone signed – redelivered to everyone.

Notre LaBeach

Talked to Mike Berger and Jeff Drlik regarding Notre incident. She misplaced Powerball collateral – so manually made her own replacement materials and inserted them into displays. The materials were properly replaced and Drlik was going to verbally counsel her about “losing items” as a result of a lack of organization – her van is a mess, etc.

Charles Parise Accident

Reviewed accident report and drafted verbal reprimand for Liz to issue to Parise because he was potentially at fault in accident.

Patricia Harrington Accident

Reviewed accident report and drafted verbal reprimand for Liz to issue to Parise because he was potentially at fault in accident.

Judy Molinski Accident

I reviewed the report and our employee was not at fault. Her car was parked overnight and sideswiped by a hit and run. Therefore, no discipline issued and file given to Shanicka.

MISCELLANEOUS

Began reviewing work rules. This will be an extensive, ongoing project with a goal of finishing over the summer and incorporating any changes prompted by updated policies.

Asked Steve Kmiolek for master list so I could ensure that we have all "receipt" documents regarding sign-off on driving handbook reissued in March 2012. Kmiolek gave me a list he had – and I cross referenced all forms given to me. The list he gave me shows over 30 people have missing forms. I met with Steve again and we determined I would send out the handbook to all people in the districts that have not returned forms – and once that list is updated – then we will try and figure out if we are missing anyone at central or the warehouse. I sent out about 40 emails to people that had yet to turn in their form. Tracking them as they come in.

Spoke with Mike McCoy regarding sick leave call off procedures. Told him about my discussions with LaRocca and his effort to get feedback from his guys. We talked about some ideas and I will follow through with him after speaking with LaRocca.

Spoke with LaRocca twice about sick leave call of procedures. He has spoken to five of the six investigators and they are agreeable to a five-hour window of overtime for staying on after a call-off. Spoke to Jack O'Donnell to see how he felt about 15 hour shifts. He said that should be the maximum we would allow – anything more is too much. Spoke to LaRocca again and he is polling workers to see about the "second" five hours as to who should cover.

Talked to Dave Hewitt and Dave Long about LRAC meeting I missed while on vacation. There were no pressing issues because we are current on our grievance tracking effort.

Listened to the 3-hour DAS HR Webinar.

Participated with Dave Hewitt in new-hire onboarding training presentation.

Wrote Aaron Schmidt an updated Medical Accommodation Policy note with changes requested by Liz.

Met with LaRocca, Jack O'Donnell and Mary Niedert regarding overtime issues regarding the draw staff – Pat, Kathy, Chris, etc. Group had a good understanding and LaRocca was going to talk to three parties involved to help us come up with a plan depending on whether or not they are interested in overtime.

Attended OCB Intro to Collective Bargaining and Class Change Seminars on September 4. Also took Pre-class online course requirement.

David Bentkowski Bi-Weekly Report Ending September 18, 2012

GRIEVANCES/PERSONNEL ISSUES:

Jim Zimmerman

Received multiple emails from Zimmerman requesting a continuance of his July 31 Pre-D meeting and other materials. Sent a letter to Wright and Bailey seeking clarification. Sent draft G+O document to Liz, Ron and Tom for final approval before issuance. Had Zimmerman Step 3 Grievance regarding one-day suspension on September 17. Spoke to Ron Green about three more Zimmerman failures that were close to meriting discipline.

Richard Slaughter Accident April 17, 2012

I reviewed the report and our employee was not at fault. He was properly passing through an intersection when someone crashing a red light hit into him. Therefore, no discipline issued and file given to Shanicka.

Richard Slaughter Accident July 31, 2012

I reviewed the report and our employee was not at fault. He was sitting at a traffic light – the light changed green – and the car behind him bumped into him. Therefore, no discipline issued and file given to Shanicka.

Betty Noumoff Accident

Prepared draft verbal reprimand regarding traffic accident. Liz reviewed and signed. I issued verbal on September 5, 2012.

MISCELLANEOUS

Seniority Rosters – worked with Dave Hewitt to populate current list and notified each Supervisor of everyone below them in order of seniority. Fielded various inquiries from Danielle Daley, Luigi DiRienzo, Greg Bowers, Stephanie Miller and Mylinda Lawhun, etc. regarding their rosters.

Began reviewing work rules. This will be an extensive, ongoing project with a goal of finishing over the summer and incorporating any changes prompted by updated policies.

Complete secured all “sign-off” sheets regarding Employee Driving Handbook. The only two outstanding forms are for Liz Embry and Stephen Perry – they are out.

Spoke with LaRocca and confirmed that his people were agreeable to sick call-off procedure for Scioto Downs. Working on reducing to a writing. Gave Liz draft call-off agreement.

Communicated with Jack O'Donnell and LaRocca and came up with a final plan regarding overtime and draw staff. Worker must take "block" of overtime – not just individual shifts. New issues surfaced regarding Chris working Saturday's and not M-F. Spoke with Liz and she will explore further.

Answered Jeff Drlik about Ethics policies and supplied him various materials.

Advised Nancy Couladis about her Alternate Work Schedule options in requiring the secretary to go to a five-day week.

Spoke with Mike McCoy about advising his workers to properly enter Holiday Leave and calculate the overtime/comp time. We have a meeting schedule for Tuesday to address questions.

Received back MAS responses from employees and supervisors and redistributed for the next level of commentary.

Notified everyone of next Labor Management Committee meeting and began reviewing old action items – and gave Liz a rundown.

Went to OCB Grievance and Settlement Writing courses. Almost done with OCB academy.

Answered Ed Beaune's question about overtime and Woollybear festival workers.

Wrote Liz a review that Heather Thomas should not be allowed to participate in the political activity of Jefferson Activity.

David Bentkowski Bi-Weekly Report Ending October 2, 2012

GRIEVANCES/PERSONNEL ISSUES:

Jim Zimmerman

Did research on Zimmerman Step 3 – secured follow-up information from Ron Green. Talked to Ron Green and Tom Schervish about Goals and Objectives document and presentation. Talked to Schervish and Liz about Schervish's concerns about Zimmerman doing personal research on lottery time. Met with Ron Green again to review additional documentation for Grievance response. Prepared Step 3 response for Liz. Worked with Ron Green to issue Zimmerman 3 verbal counselings for his auditor of state mistake, failure to respond to auditor of state timely, and his meeting with LaRocca for a half-hour with no one knowing where he was. Counselings put in personnel file.

Had Zimmerman's Goals and Objectives meeting. Secured and distributed signed copy of document.

Notre LaBeach

Talked with Jeff Drlik about reducing verbal counseling into writing and reviewed his document and put into the file.

MISCELLANEOUS

Gave Liz hard copy of some proposed Work Rule changes to review. This is just a starting point before we meet to discuss and review.

Completely secured all "sign-off" sheets regarding Employee Driving Handbook. The only two outstanding forms are for Liz Embry and Stephen Perry – they are out.

Forwarded Scioto Downs call-off procedure to Dave Long for review. Received Long's changes – made them – met with Liz – she signed – and gave to LaRocca for agreement. He gave to Deborah Bailey for review.

Had a meeting with Liz, Mike McCoy, Jack O'Donnell, etc., about Scioto Downs holiday pay issue. Mike will forward Marian Heine adjusted schedule in advance.

Received back MAS responses from employees and supervisors and redistributed for the next level of commentary. Need to meet with Liz to do management designee portion by October 5th..

Went to OCB Grievance Tracking training and Administrative Investigation training. Only one class and ARB school left for graduation.

Met with Liz, Stefanie and Marian to discuss Stebleton sick leave.

Answered Ed Beaune about Wooly Bear overtime issue and supplied him his seniority roster again.

Advised Jim LaRocca and Jackie Wright about Call Center going down to one employee on Saturdays. They did not respond.

Worked with Mike McCoy to draft/review a Pick-a-Post memo. Reviewed contract language for consistency. Sent Pick-a-Post agreement to Dave Long for review. He is working with corrections to come up with a good document.

Completed my one-year annual review and delivered to Liz/Kathy.

Attended Calfee Halter EEO seminar with Liz.

Participated with Dave Hewitt in New-Hire onboarding on October 1, 2012.

David Bentkowski Bi-Weekly Report Ending October 16, 2012

GRIEVANCES/PERSONNEL ISSUES:

Jim Zimmerman

Met with Liz to discuss Zimmerman Step 3 response. I made changes and gave to Liz for review.

Richard Slaughter – Accident

Wrote verbal reprimand for Richard Slaughter for accident on August 30, 2012. A review of the accident report shows Mr. Slaughter may have been at fault. Mr. Slaughter was also involved in two other accidents, April 17, 2012, and July 31, 2012, that were not his fault. I just listed those in case the name sounded familiar to you. Again, he received a verbal for his August 30th accident.

Lora Watts

Watts was flagged as being on the low sick leave list. Issued her Notification. She signed and returned receipt.

MISCELLANEOUS

Gave Liz hard copy of some proposed Work Rule changes to review. This is just a starting point before we meet to discuss and review. Received from O.C.B., as part of training, a sample version of Work Rules. Will revisit my effort to make sure I have included everything they have.

Received feedback from LaRocca regarding Scioto Downs call-off agreement. Spoke with Dave Long about it. Made final changes and had Liz and LaRocca sign document. Gave Liz original and I kept copy.

Received back MAS responses from employees and supervisors and redistributed for the next level of commentary. Forwarded to Liz and she completed on October 5. I printed off replies and put them in a file.

Went to OCB Discipline class – this was my final class to graduate and all I need now is Arb School next week.

Talked to Dave Long about Pick-a-Post and why it is a bad idea for investigators. Talked to Mike McCoy. Talked to Liz and agreed to not do a pick-a-post – rather, follow language of contract.

Watched Problem Gambling Training Video per Liz's instructions.

Attended Floor Warden Meeting on October 3 with a special presentation from the Downtown Cleveland Alliance.

Talked to Mike McCoy about holiday pay issue/Scioto Downs several times. He was clear on scheduling – but his employees keep entering the hours wrong in Timesheet. Talked to Marian to try and figure out if employees did it right or not. Sent to Dave Long the question about “Do they get 8 hours or 10 hours if they take their holiday on a Wednesday instead of the Monday?” Reviewed employee timesheet entries after the holiday and worked with Marian to correct.

Had Quarterly Labor Management Meeting on October 15, 2012. There were several action items for next meeting in January of 2013.

Talked to LaRocca about Pam Strickland. Waiting to hear back from him about a meeting with her regarding cigarette issue. She was off on Monday.

In preparation for Arb School, read packet and case materials sent to me by Cassandra Richards.



Print Date: 05/24/2012
PERMANENT EXEMPT EMPLOYEES PGM
2012- Open Enrollment
LOT401200

DAVID BENTKOWSKI
6399 CROSSVIEW RD.
SEVEN HILLS, OH 44131

Employee ID: 10119715
BirthDate: 12/23/1971
Coverage
Effective Dt: 07/01/2012

This statement confirms your medical, dental, and vision benefits effective 07/01/2012. These benefits will remain in effect until next open enrollment unless you experience a change in status/qualifying event.

Please review this confirmation carefully and notify your Agency Human Resource office of any errors by June 15, 2012. No changes will be allowed beyond June 15, 2012, and no appeals will be accepted.

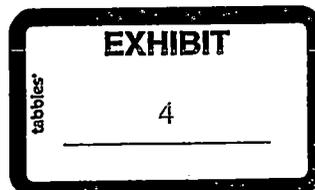
Note: Dependents who are pending documentation approval will not appear on the list below. Documentation must be submitted and approved by 5:00 p.m. July 31, 2012 for these dependents to be eligible for coverage. It is recommended that you submit all required documentation as soon as possible.

Dependents will not be enrolled in the health plans until required documentation is approved.

	<u>Benefit Option</u>	<u>Coverage</u>	<u>Employee Per Pay Cost</u>	<u>State Per Pay Cost</u>
Medical	Ohio Med PPO-MMO	Single	\$ 33.28	\$ 187.53

Total Per Pay Period Deduction

\$ 33.28 \$ 187.53



DAVID BENTKOWSKI

1



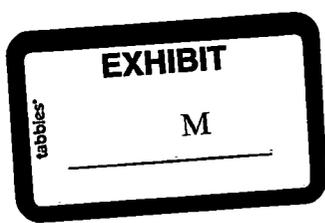
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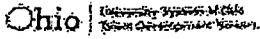
7-16-12

Epic Software
Alego Health
Optium Health

go in through Rankin

EMR: electronic medical records





Please enter the information below.

*First Name:

Enter

*Last Name:

in computer

*E-mail Address:

*Login ID:

Create your own

Alternate ID:

Leave Blank

Postal Code:

Leave Blank

Continue

Please do not enter the above information more than once. Upon clicking "Continue", your session will begin and an email will be sent to the email address above for re-entry information in the event your session is disrupted.



HEALTHWAYS

HEALTH SCREENING RESULTS



EVENT ID

FS669344

FS669344

LAB CODE

LAB CODE

For optimal accuracy, please write your response in PRINTED CAPITAL LETTERS without touching the sides of the boxes.

PARTICIPANT COMPLETE YELLOW AREA BELOW

LAST NAME

R E M T K S W A R E

DATE OF BIRTH

7 / 13 / 57

FIRST NAME

D A V I D

M M / D D / Y Y

MEMBER ID

PHONE NUMBER

703-507-0847

SCREENING LOCATION

VALLEY CENTER

GENDER M F

PAST MEDICAL HISTORY Heart Failure Coronary Artery Disease Asthma Diabetes Chronic Obstructive Pulmonary Disease

I, the above named participant, have read, understand and agree to the terms of the informed Consent and Release and the Critical Biometric Values on the reverse side of this form. No attempts by the participant to modify or amend this form will change such terms or will in any way be binding upon Healthways.

SIGNED

David Remtke

SCREENING DATE

6 / 17 / 15

M M / D D / Y Y

EXAMINER COMPLETE GREEN AREA BELOW DURING BIOMETRIC SCREENING

DO NOT VERBALIZE RESULTS

Measurements taken without shoes, bulky clothing and empty pockets.

HEIGHT

5 11 in 1/4 1/2 3/4 even

WEIGHT

157 lbs

WAIST (At naval, round down to nearest inch)

38 in

BMI

26.6

BLOOD PRESSURE

120 / 82

Fasting Tests

HOURS FASTED

12

TOTAL CHOLESTEROL

237

HDL

59

TRIGLYCERIDES

147

LDL

167

GLUCOSE

79

WBA

- Not applicable
- Declined
- Collected

PARTICIPANT'S INITIALS
INDICATE ACCEPTANCE OF
ALL MEASUREMENTS ABOVE

DR

EXAMINER/COLLECTOR COMPLETE PINK AREA BELOW

EXAMINER COMPANY/CLINIC NAME

HOOPER HOLMES

EXAMINER

WRENN WALKER

SIGNED

Wrenn Walker

DATE

6 / 13 / 15

TIME

4:00 PM

EXAMINER COM

EXHIBIT
tabbles
N

EXHIBIT
tabbles
6

From: Popadiuk, Elizabeth </O=OHIO LOTTERY
COMMISSION/OU=ALPHA/CN=RECIPIENTS/CN=EALEX>
Sent: Thursday, July 19, 2012 1:11 PM
To:
Subject: FW: Delivery Workers

Hi Megan:

Monday, July 23, 2012 10 AM works fine for me. I would like to include my LRO - David Bentkowski in the discussion, although I will remain the primary contact. DO you need us in Columbus or is teleconference sufficient?

Please let me know and we can move forward.

My direct line is 216-774-5705.

David Bentkowski's contact info:

David.Bentkowski@olc.state.oh.us
216-774-5702

Thanks for your assistance -

Liz

Liz Popadiuk
Director of Human Resources
The Ohio Lottery Commission

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-----Original Message-----

From: Long, David [mailto:David.Long@das.state.oh.us]
Sent: Thursday, July 19, 2012 11:05 AM
To: Popadiuk, Elizabeth
Subject: FW: Delivery Workers

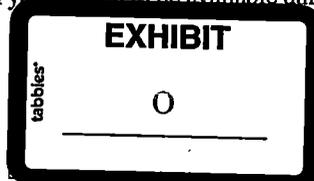
She is having trouble getting this through to you.

-----Original Message-----

From: Schenk, Megan
Sent: Thursday, July 19, 2012 10:48 AM
To: Elizabeth.Popadiuk@olc.state.oh.us
Cc: Long, David
Subject: Delivery Workers

Hi Liz,

I am working on setting up a meeting in regard to the class plan and drug testing changes for your delivery workers. This will be a management only meeting to nail down details and get everyone on the same page prior to meeting with the Union at a later date. It looks like the soonest all the necessary DAS staff can meet is Monday from 10-12. We probably won't need a full two hours, but everyone's calendar showed that block open. Would you happen to be available during that time? If not, could you please suggest



Lottery 252140

From: Popadiuk, Elizabeth </O=OHIO LOTTERY
COMMISSION/OU=ALPHA/CN=RECIPIENTS/CN=EALEX>
Sent: Friday, August 24, 2012 9:41 AM
To:
Subject: RE: David - OCB Academy and ARB School Reminder

Thanks, David!

Liz Popadiuk
Director of Human Resources
The Ohio Lottery Commission

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: Thursday, August 23, 2012 3:18 PM
To: Popadiuk, Elizabeth
Subject: David - OCB Academy and ARB School Reminder

Hi Chief,

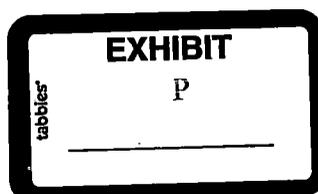
OCB Academy will be starting up again in September. The good news is I am almost done. Just as a reminder, here are the dates I will be out for various trainings:

Sept. 4: OCB
Sept. 12: OCB
Sept. 18: OCB
Sept. 26: OCB
October 9: OCB
October 11: OSBA Midwest Employment Law Conference
Oct. 22-26 OCB Arb School – the entire week

I am pretty excited . . . I will be completely done with the OCB Academy and ARB School by the end of October satisfying one of my goals this year.

Thanks,

David



Lottery 251890

Bentkowski, David

From: DAS HRD Events <DASHRD.HREvents@das.state.oh.us>
Sent: Thursday, August 09, 2012 10:46 AM
To: DAS HRD Events
Subject: DAS HRD Quarterly Update Webinar - 8/24/2012
Attachments: Agenda for 8-24-12 Webinar.pdf

Please join us for the DAS Human Resources Division Quarterly Update Webinar, Friday, August 24, 2012 from 10:00 a.m. to 12:30 p.m.

Reserve your Webinar seat now at:

<https://www3.gotomeeting.com/register/794234958>

After registering you will receive a confirmation email containing information about joining the Webinar.

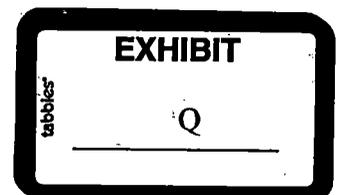
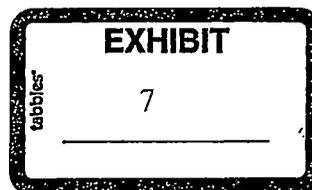
System Requirements

PC-based attendees

Required: Windows® 7, Vista, XP or 2003 Server

Macintosh®-based attendees

Required: Mac OS® X 10.5 or newer



Thank you for registering

Registration Complete

You have successfully registered for the following Webinar:

DAS Human Resources Division Quarterly Update
Friday, August 24, 2012 10:00 AM - 12:15 PM EDT

[Add to your Outlook calendar.](#)

A confirmation email has been sent to you.

1. At the time above, click this link to join the Webinar:
<https://www3.gotomeeting.com/join/794234958/106750881>

This link should not be shared with others; it is unique to you.

2. You will be connected to audio using your computer's microphone and speakers (VoIP). A headset is recommended.

Or, you may select Use Telephone after joining the Webinar.

Toll: +1 (480) 297-0023

Access Code: 757-770-703

Audio PIN: Shown after joining the Webinar

Webinar ID: 794-234-958

System Requirements

PC-based attendees

Required: Windows® 7, Vista, XP or 2003 Server

Macintosh®-based attendees

Required: Mac OS® X 10.5 or newer

Mobile attendees

Required: iPhone®/iPad®/Android™ smartphone or tablet

Read our [Audio Checklist](#) for tips on using your computer's microphone and speakers with GoToWebinar.

Bentkowski, David

From: Administrative Services HR Events <GoToWebinar.Notifications@citrixonline.com>
Sent: Thursday, August 23, 2012 9:13 AM
To: Bentkowski, David
Subject: Confirmation: "DAS Human Resources Division Quarterly Update"



DAS Human Resources Division Quarterly Update



Join us on Friday, Aug 24, 2012 10:00 AM - 12:15 PM EDT

Dear David,

Thank you for registering for:

DAS Human Resources Division Quarterly Update
Friday, Aug 24, 2012 10:00 AM - 12:15 PM EDT

1. Click here to join:

<https://www3.gotomeeting.com/join/794234958/106750881>

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2. You will be connected to audio using your computer's microphone and speakers (VoIP). A headset is recommended.

Or, you may select Use Telephone after joining the Webinar.

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Access Code: 757-770-703

Audio PIN: Shown after joining the Webinar

Webinar ID: 794-234-958

Please send your questions, comments and feedback to: dashrd.hrevents@das.state.oh.us.

System Requirements

PC-based attendees

Required: Windows® 7, Vista, XP or 2003 Server

Macintosh®-based attendees

Required: Mac OS® X 10.5 or newer

Mobile attendees

Required: iPhone®/iPad®/Android™ smartphone or tablet

Read our [Audio Checklist](#) for tips on using your computer's microphone and speakers with GoToWebinar.

RESET

ACCESS REQUEST FORM



REQUESTOR: Liz Popadiuk DATE: August 28, 2012
 EMPLOYEE NAME: Liz Popadiuk DEPARTMENT: Director
 OFFICE: Human Resources
 ACTION REQUESTOR: David Bentkowski OFFICE: Human Resources
 EMPLOYEE NAME: David Bentkowski

- CREATE NEW ADD ADDITIONAL CHANGE DEPARTMENT CHANGE NAME REMOVE ACCESS

Any system with a (CPI) designation contains CONFIDENTIAL PERSONAL INFORMATION and requires data owner approval.

SOFTWARE ACCESS	GRANT CPI ACCESS?	APPROVED	DENIED
<input type="checkbox"/> BOS (CPI) - Back Office System	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> CIS (CPI) - Claims Information System	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> EIS (CPI) - Employee Information System TIMESHEET	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Email	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> IAD (CPI) - Intergrated Agent Database	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Order Pad (CPI)	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> OTHER:	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>
HARDWARE ACCESS	GRANT CPI ACCESS?	APPROVED	DENIED
<input type="checkbox"/> Personal Computer	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Office Phone	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Mobile Device	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Laptop	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tablet PC	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> OTHER:	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>
DATA STORAGE/REMOVAL	GRANT CPI ACCESS?	SAVE	REMOVE
<input type="checkbox"/> Email	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Data	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>

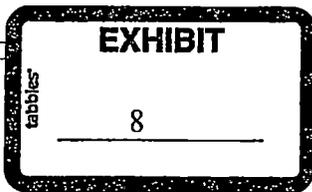
JUSTIFICATION: Describe why access is needed. Be sure to specify any restrictions to any application or data.
 David needs access to these materials while executing his duties as Labor Relations Officer.
 Please Give David Bentkowski Admin/VIEW Ability to VIEW ALL Employee ~~INFO~~ TIMESheets/Leave Requests

APPROVALS:
 Department Head: _____ Date: 8/28/12
 Deputy Director/Designee: [Signature] Date: 8/30/12
 Data Owner: _____ Date: _____

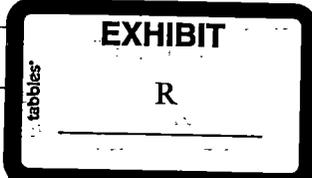
*new only
not
make changes*

Information Security Comments:

Administrator Comments:



Information Security: _____
 Completed By: _____



REQUEST NO.

RESET

ACCESS REQUEST FORM



REQUESTOR
 EMPLOYEE NAME: David Bentkowski DATE: July 10, 2012
 OFFICE: Labor Relations DEPARTMENT: Human Resources
 ACTION
 EMPLOYEE NAME: David Bentkowski OFFICE: Labor Relations

- CREATE NEW ADD ADDITIONAL CHANGE DEPARTMENT CHANGE NAME REMOVE ACCESS

Any system with a (CPI) designation contains CONFIDENTIAL PERSONAL INFORMATION and requires data owner approval.

SOFTWARE ACCESS	GRANT CPI ACCESS?	APPROVED	DENIED
<input type="checkbox"/> BOS (CPI) - Back Office System	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> CIS (CPI) - Claims Information System	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> EIS (CPI) - Employee Information System	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Email	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> IAD (CPI) - Intergrated Agent Database	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> OrderPad (CPI)	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> OTHER:	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>
HARDWARE ACCESS	GRANT CPI ACCESS?	APPROVED	DENIED
<input type="checkbox"/> Personal Computer	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Office Phone	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Mobile Device	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Laptop	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tablet PC	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> OTHER: Ability to post documents to all HR regions on Intranet	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>
DATA STORAGE/REMOVAL		SAVE	REMOVE
<input type="checkbox"/> Email	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Data	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input type="checkbox"/>

JUSTIFICATION: Describe why access is needed. Be sure to specify any restrictions to any application or data.
 I was instructed by my supervisor that I should have this access to allow me to post documents to all HR regions on the Intranet. It is an important tool in our ability to communicate important information, from OLC headquarters, across the State.

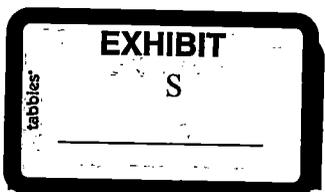
APPROVALS:
 Department Head: _____ Date: ___/___/___
 Deputy Director/Designee: [Signature] Date: 7, 10, 12
 Data Owner: _____ Date: ___/___/___

Information Security Comments:

Administrator Comments:

Information Security: _____ Date: ___/___/___
 Completed By: _____ Date: ___/___/___

REQUEST NO.



From: Popadiuk, Elizabeth </O=OHIO LOTTERY
COMMISSION/OU=ALPHA/CN=RECIPIENTS/CN=EALEX>
Sent: Tuesday, June 19, 2012 3:51 PM
To:
Subject: RE: Grievance Database Access Email

Excellent – David, thanks for the follow up!

L

From: Bentkowski, David
Sent: Tuesday, June 19, 2012 3:47 PM
To: Popadiuk, Elizabeth; Hardaway, Shanicka; Hewitt, David
Subject: Grievance Database Access Email

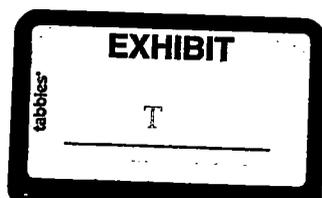
Hi Everyone –

Be on the lookout for an email from Hema Patel – she will be sending you an email with your access emails for the grievance database system. She didn't send it initially after we sent in your applications.

We only had four grievances last year – so it is not that big a deal – but you may need the access for other reasons.

Thanks,

David



Lottery 251880

Bentkowski, David

From: orderconfirmation@wageworks.com
Sent: Monday, October 29, 2012 6:49 PM
To: Bentkowski, David
Subject: Monthly Commuter Benefits Reminder

MONTHLY COMMUTER BENEFITS REMINDER

This email is being sent to you to confirm your order for the DECEMBER 2012 benefit month. If you do not wish to make any changes to your order, you do not need to take any action.

YOUR CURRENT / REMAINING ORDERS

All orders are subject to the terms and conditions of the user agreement.

Order # 1: Crittendon Court Garage - Pay My Provider

Unit Cost: \$91.80
Quantity: 1
Total Cost: \$91.80
First Benefit Month: September 2012
Frequency: Every Month
Upcoming Benefit Month: December 2012
Deadline to Change/Cancel: 05-Nov-2012 at 11:59 PM EST

Important Note(s) About This Order.

- We will send a payment to your Parking Provider at the address below. If this address or Payee Name is incorrect or needs to be updated, please notify us by logging into your account at <http://www.wageworks.com> and update this information before your monthly cutoff noted above.

Payee Name: Crittendon Court Garage

Payment Address: 955 West St. Clair Avenue 100, Cleveland, OH, 44113

Account #: Bentkowski

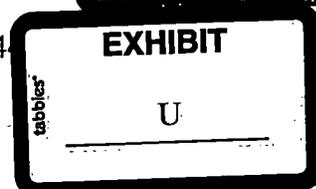
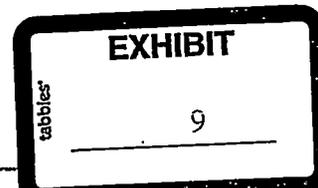
Key Card #: 299<tr

Location Name: Crittendon Court Garage

- If you want to stop paying for your parking at this facility for just a month or permanently, you must also cancel your parking payment order with WageWorks. Your parking provider or employer will not communicate your cancellation to WageWorks.

YOUR PROFILE

Your mailing address: 6399 CROSSVIEW RD., SEVEN HILLS, OH 44130 Phone: (216) 291-1234



774-5702. We may contact you by phone if there is an urgent issue regarding your order.

TO PLACE / CHANGE / CANCEL AN ORDER OR EDIT YOUR PROFILE, LOG INTO YOUR ACCOUNT AT: www.wageworks.com

Please do not reply to this automated email.



CALFEE

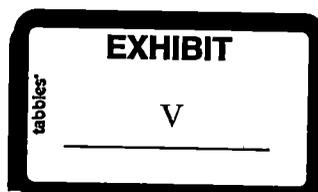
**2012 Developments
in EEO Law:
*How to Stay Ahead of
the Curve***

Presented by
Rick Goddard and P. Jason Dejelo



Calfee, Halter & Griswold LLP
September 27, 2012

Calfee.com



Calfee: Who We Are and What You Can Expect



We realize that our clients expect intellectual, sophisticated legal counsel - and *more*. They want responsive attorneys who take the time to understand their business, their industry, and *their* definition of a "win."

At Calfee, we strive to make our clients and their endeavors successful. We are proactive, strategic and comprehensive in counseling entrepreneurs and start-ups, Fortune 500 companies, government agencies and municipalities, and individuals. We understand the industries in which our clients work, allowing us to provide innovative legal solutions that also make business sense.

Ranked one of the top law firms in Ohio, our offices are in Cleveland, Columbus and Cincinnati, but our reach is much greater. Calfee is the sole Ohio member of Lex Mundi, the world's leading association of independent law firms. Comprised of 160 member firms with 15,000 attorneys, Lex Mundi offers representation in each state throughout the United States as well as international representation in more than 150 countries.

Always focused on our clients, we are committed to remaining accessible, communicating regularly, maintaining a mutual trust and respect, and developing strong, long-term relationships.

Simply stated: Your success is the highest priority of our firm.



Litigation &
Intellectual
Property



CALFEE SNAPSHOT

Comprehensive Areas of Service

- Business Services
- Business Transactions
- Government Relations/Lobbying
- Intellectual Property
(One of the largest IP groups within a corporate firm in the Midwest)
- Litigation

Industries We Serve

- Banking
- Construction
- Consumer Products
- Education
- Energy
(Renewable, Mining and Utilities)
- Financial
- Government
- Health Care and Life Sciences
- Hospitality
- Individuals
(White Collar Defense and Investigations, Estate Planning)
- Information Technology
- Insurance
- Manufacturing
- Medical Device
- Performance Materials
- Public/Private Partnerships
- TechTransfer
- Venture Capital/Private Equity

Offices

- Cleveland
- Columbus
- Cincinnati



Labor and Employment

Calfee's labor and employment attorneys represent publicly and privately held corporations, partnerships, and sole proprietorships, including unionized and non-union employers, and public-sector entities. Besides day-to-day employment counseling, we handle administrative complaints and litigation concerning state and federal discrimination laws, National Labor Relations Act, Family & Medical Leave Act, Fair Labor Standards Act, and state workers' compensation systems. Additionally, our lawyers provide aggressive, cost-effective defense of claims of wrongful discharge and violations of individual employment rights and excel in enforcing post-employment agreements, such as non-compete and confidentiality agreements.

In the union setting, our lawyers represent management in grievances, arbitrations, and collective bargaining negotiations. Calfee attorneys also provide labor and employment advice to clients in the context of mergers, acquisitions and other corporate transactions, including the potential effects of union agreements, severance programs, and state and federal plant closing/mass layoff laws.

With the continuing challenges presented by the increasing number and complexities of laws affecting the workplace, Calfee's labor and employment attorneys provide timely guidance and counsel to employers on all employment issues. We are committed to addressing workplace-related concerns and disputes that often arise on a moment's notice. Working with human resources professionals, our practitioners assist clients in avoiding potential liabilities and in maintaining working environments committed to the mutual respect and appreciation of individual contributions.

Representative Experience

Employment Counseling

- > Employment at-will
- > Personnel policies and employee handbooks
- > Employment agreements
- > Discipline, discharge and other personnel actions
- > Mergers, acquisitions, divestitures
- > Workforce restructurings, downsizings, force reductions

- > Post-employment covenants
- > Employment law compliance training

Workplace Discrimination

- > Title VII and state discrimination laws
- > Age Discrimination in Employment Act
- > Americans with Disabilities Act
- > Sexual and other workplace harassment

Continue >

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www.calfee.com

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1405 East Sixth Street
Cleveland, Ohio 44114-1607
216.622.8200

1100 Fifth Third Center
21 East State Street
Columbus, Ohio 43215-4243
614.621.1500

2800 First Financial Center
255 East Fifth Street
Cincinnati, Ohio 45202-4728
513.693.4880

020708



- > Prepared non-compete and non-disclosure agreements, assignments of proprietary rights, and various policies designed to protect trade secrets and safeguard confidential business information.

Discrimination and Workplace-related Litigation

- > Obtained dismissals:
 - o At trial of case alleging violation of whistleblower law, wrongful discharge in violation of public policy, and related state-law claims.
 - o At trial of case alleging breach of contract, wrongful termination, and defamation.
 - o Of case alleging same-sex sexual harassment.
 - o Of race discrimination case brought by probationary employee discharged for poor performance.
 - o Of age discrimination case brought by employee terminated from employment as part of management restructuring.
 - o Of case alleging disability discrimination.
 - o Of case alleging age, sex, and disability discrimination arising out of employer's decision to award promotion.
- > Obtained enforcement of non-competition agreement against former employee who had accepted employment with competitor, resulting in order barring employee from working for competitor for a two-year period.

Arbitrations

- > Defended employers in numerous cases in which employer discharged union employee, resulting in findings that employer discharged employee for just cause.
- > Represented employers in arbitrations upholding the terminations of employees guilty of engaging in wildcat or unauthorized strikes.
- > Represented employers in cases where union claimed the employer impermissibly had assigned bargaining unit work to supervisors or other non-bargaining unit employees.

Continue >



Richard P. Goddard

216.622.8313
rgoddard@calfee.com

RICK serves as co-chair of the firm's Labor, Employment and Workers' Compensation group and is a partner in the Litigation group. For nearly 30 years, he has served as an advisor and litigation counsel to employers in the public and private sector concerning all aspects of the employment relationship.

He has represented municipalities throughout Ohio in a broad range of civil rights litigation. Rick's construction industry representation includes that of owners, architects, general contractors, subcontractors and material men in public and private construction projects and litigation. He also evaluates and prosecutes claims on behalf of businesses.

Rick's three decades of experience at Calfee includes:

- > Representation of major public employer in sexual harassment investigation and termination of officer without litigation.
- > Successful jury trial defense against age discrimination claims by hospital senior staff professional.
- > Defense verdict in jury trial of age discrimination claims by multiple physician plaintiffs following reduction in staff and hospital reorganization.
- > Defense verdict in jury trial of wrongful arrest and excessive force claims by civil rights plaintiff against multiple police officers and municipality involving use of K-9 police dog.
- > Successful mediation of multi-million dollar claims in construction of new high school building complex resulting in payment of contractor client's claims and damages and dismissal of all claims by owner.
- > Successful negotiation of settlement and dismissal of intentional tort claims against structural steel erector by quadriplegic plaintiff injured in two story fall at construction site.



Partner

Principal Practices

- > Labor and Employment Litigation
- > Construction Litigation
- > Civil Rights Litigation
- > Business, Corporate and Commercial Litigation
- > Health Care and Life Sciences
- > Appellate Proceedings Litigation

Education

- > Washington & Lee University School of Law, J.D., *magna cum laude*, 1979
 - Order of the Coif
 - *Law Review* Research Editor
- > Oberlin College, B.A., 1974

Admissions

- > State of Ohio
- > U.S. District Courts (Northern and Southern Districts of Ohio)
- > U.S. Court of Appeals for the Sixth Circuit
- > U.S. Supreme Court

Continued on back >

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P. Jason Dejelo

216.622.8645
jdejelo@calfee.com

JASON represents employers in employment litigation before state and federal courts and administrative agencies. He advises employers on compliance with Title VII, ADA, ADEA, FMLA, FLSA and similar state and local laws.

Jason assists employers in drafting employee handbooks, employment policies and employment, independent contractor and severance agreements. In addition, he assists employers regarding labor issues and the negotiation and interpretation of collective bargaining agreements.

Jason is affiliated with the American, Ohio and Cleveland Metropolitan Bar Associations, and is the secretary on the board of directors for the Asian Pacific American Bar Association of Central Ohio.

He previously practiced law at Vorys, Sater, Seymour and Pease LLP before joining Calfee in 2007.



Principal Practices

> Labor & Employment

Education

> The Ohio State University Moritz College of Law, J.D., *cum laude*, 2003

- Judge Joseph M. Harter Memorial Award for outstanding achievement in trial practice

> University of Pennsylvania, B.A., 2000

Admissions

> State of Ohio

> U.S. District Court (Southern District of Ohio)

> U.S. Court of Appeals for the Sixth Circuit

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513.693.4880

Sources for Arrest and Conviction Records: CALFEE

Court Records - on site or on line

- Law Enforcement and Corrections Agency Records
- Registries or Watch Lists: sex offender registries
- State Criminal Record Repositories
- FBI's Interstate Identification Index

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Problems with Criminal Records: CALFEE

- Lack of Access
- Incomplete or inaccurate
- Not updated
- Lack of final disposition of charge

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Trap for the unwary: Fair Credit Reporting Act Violation CALFEE

Third Party Agencies are "consumer reporting agencies"

CRAs may not report arrests that did not result in conviction where the arrest occurred more than seven years ago.

CRAs may report convictions indefinitely.

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Disparate Treatment of Similarly Situated Persons: CALFEE

Examples

- Evidence of disparate treatment:
- Biased Statements
- Inconsistencies in hiring process
- Different treatment of similarly situated persons
- Employment testing
- Statistical evidence

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Disparate Impact and Criminal Records CALFEE

Does the covered employer's neutral policy or practice disproportionately screen out a Title VII-protected group?

Has the employer failed to demonstrate that the policy or practice is job related to the position in question and consistent with business necessity?

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Griggs v. Duke Power Company, 401 U.S. 424 (1971): CALFEE

Title VII proscribes ...practices that are fair in form, but discriminatory in operation. The touchstone is business necessity. If an employment practice which operates to exclude [African Americans] cannot be shown to be related to job performance, the practice is prohibited.

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Relevant Factors in Assessing Employer Data: CALFEE

- > Applicant flow information
- > Workforce data
- > Criminal history background check data
- > Demographic availability statistics
- > Incarceration/conviction data
- > Relevant labor market data

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Employer's evidence of a racially balanced workforce is insufficient to disprove disparate impact.

The ultimate issue is whether the challenged policy or practice deprives a disproportionate number of Title VII-protected individuals of employment opportunities.

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Possible Evidence of Discrimination: CALFEE

- > Employer reputation for excluding persons with criminal records
- > Evidence from ex-offender employment programs
- > Individual testimony
- > Employer statements
- > Employer recruitment practices
- > Publicly posted notices

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Consideration of the Relevant Factors: CALFEE

- > The nature and gravity of the offense or conduct;
- > The time that has passed since the offense/conduct and/or completion of sentence
- > The nature of the job held or sought.

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Factors to Consider in Individual Assessment: CALFEE

- > Facts or circumstances surrounding the offense or conduct
- > Number of offenses for which individual was convicted
- > Age at time of conviction or release from prison
- > Evidence that person performed same/similar work, post-conviction, with same or different employer without incident of criminal conduct
- > Length and consistency of employment history before and after offense or conduct
- > Rehabilitation efforts, education, and training
- > Employment or character references or other information on fitness for position
- > Bonding of person under federal, state, or local bonding program

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Certain Industries or Positions Might Preclude Employment by Law CALFEE

- > Security Screener at Airport
- > Federal law enforcement or security officer
- > Child care workers
- > Positions requiring occupational licenses or registrations

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Burden of Proof of Causation for ADA Claims? CALFEE

- > Sole cause?
- > Motivating factor?
- > Because of disability?
- > But for disability?

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ADA Amendments Act of 2008: CALFEE

No covered entity shall discriminate against a qualified individual **on the basis of disability** in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.

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Rehabilitation Act of 1973 (federal agencies and contractors) CALFEE

- > Sole cause standard

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No Similar Amendment to ADEA **CALFEE**

Mixed motive burden shifting and **motivating factor** standard rejected by Supreme Court in Gross v. FBL Financial Services, 557 U.S. 167 (2009). “But-for” causation standard applied to all age discrimination claims.

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Same Analysis Applied to ADA Claims by Sixth Circuit: **CALFEE**

The ADEA and the ADA bar discrimination “because of” an employee’s age or disability; they prohibit discrimination that is a “but-for” cause of the employer’s adverse decision.

- Not the sole cause.
- Not simply a motivating factor.
- Discrimination must be shown to have occurred because of the employee’s age or disability.

Deciding factor?

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To: Liz Popadiuk, Deputy Director
From: Stefanie Zackery, HCM Senior Analyst
Date: October 15, 2012
Re: Weekly Report

MEMORANDUM

BENEFITS PROCESSING & OAKS (GENERAL AND NEW HIRE)

DAS is assisting with Commissioner records and dental and vision issues. I am going to need your help with this.

Migielicz and Bentkowski are eligible for DVL.

Horvath, Bugansky, Saunders and Schiavone will be enrolling in medical.

Andrew Demjanczuk will be adding his son as a dependent.

DISABILITY/FMLA

Don Stinson filed for disability. Waiting period 6/27/12-7/10/12. Benefits approved 7/11/12-8/25/12. Extension approved 8/26/12-10/31/12. He filed for disability retirement.

Ella Phifer filed for disability. Her benefits were approved 5/11/12-6/30/12. Benefits extended 7/1/12-9/30/12. The Disability Unit no longer needs the OPERS Disability Retirement Application. Extension approved 10/1/12-12/31/12.

Scott Bean filed for disability. Waiting period 7/29/12-8/11/12. Benefits approved 8/12/12-10/7/12. Extension approved 10/8/12-10/31/12. Extension approved 11/1/12-11/18/12.

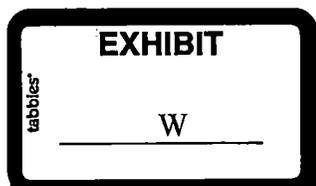
James Manley filed for disability. Waiting period 9/7/12-9/20/12. Benefits approved 9/21/12-12/7/12. I've been attempting to talk to Manley regarding two of his forms.

Upcoming Disability Claims-Keith Sokoloski and Kathy Clarich

EXIT PROCESSING

Exit packets recently given to the following people:

- Jeff Evans
- Notre LaBeach



Bentkowski, David

From: Popadiuk, Elizabeth
Sent: Monday, March 05, 2012 2:32 PM
To: Bentkowski, David
Subject: RE: David

David –

Pursuant to the AWS, you cannot end your work day earlier than 4:00 PM. Thus, if you start work at 7, you work until 4 with an hour lunch. If you start at 730 you still end at 4 – with a ½ hour lunch. I cannot make this exception for anyone unless they are required to work a non-traditional work schedule for operational need.

Liz Popadiuk
Director of Human Resources
The Ohio Lottery Commission
(PH) 216-774-5705

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: Monday, March 05, 2012 2:29 PM
To: Popadiuk, Elizabeth
Subject: David

Hi Chief,

When I come off probation April 11, 2012, can I start an Alternate Work Schedule of 7:00 a.m. to 3:30 p.m. I will still work five days a week, 8-hours a day, but the earlier start time will allow me to take a 4:00 p.m. labor relations class at Cleveland State which starts May 19, 2012. The class is daily from 4-5:30 p.m.

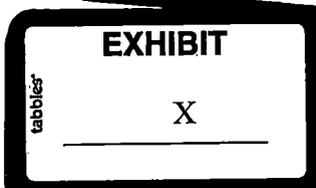
Let me know as soon as you approve this so I can register for the class.

Thank you,

David

PS – In about 90 minutes, you will be done with work and your next stop will be on a plane to sunny Florida☺

Enjoy it – you work hard at the Lottery and as a mom so you definitely deserve it!!!!!!!



3/21/2012

Bentkowski, David

From: Schmidt, Aaron
Sent: Friday, November 02, 2012 10:50 AM
To: Popadiuk, Elizabeth; Bentkowski, David
Subject: Employee Handbook Disclaimer

Liz and David,

Larry would like to add some language to the Lottery's employee handbook regarding employment at will. While there is currently language that disclaims permanent employment, the term "employee at will" is not used. It's my understanding that unclassified employees are employees at will and classified employees have certain protections. Is this correct?

Below is a disclaimer from an employment law manual that has held up in court. I only added the distinction for unclassified employees. Please let me know your thoughts on adding this or modifying an existing provision in the handbook to contain this language.

This handbook is presented for informational purposes only, and can be changed at any time by the Ohio Lottery with or without notice. This handbook is not an employment contract, express or implied. Ohio Lottery employees designated as unclassified are employees at will and either the employee or the Ohio Lottery can terminate the employment relationship at any time (for any reason). No representative of the Ohio Lottery has the authority to enter into an agreement with an employee that is contrary to the foregoing.

Thanks,

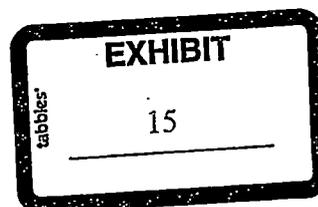
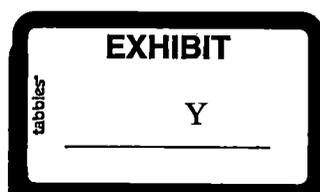
Aaron

AARON SCHMIDT
Ohio Lottery Commission
Assistant Legal Counsel
T: 216.774.5577
E: aaron.schmidt@olc.state.oh.us

615 WEST SUPERIOR AVENUE ▪ CLEVELAND, OHIO 44113

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Warrant Date: 02/05/2013

Vendor Number: 0000204201

Warrant No: 0022102288

Invoice Number	Voucher ID	Gross Amount	Discount Taken	Late Charge	Paid Amount
EDF132148	00200907	263.00	0.00	0.00	263.00

Call Ohio Shared Services 1-877-644-6771 with questions



INLET TOTAL

NO

REDTA

Warrant Number	Date	Total Gross Amount	Total Discounts	Total Late Charges	Total Paid Amount
0022102288	02/05/2013	\$263.00	\$0.00	\$0.00	\$263.00

PLEASE TEAR AT PERFORATION BEFORE CASHING CHECK.

Dept of Admin Services
 Ohio Shared Services
 P. O. Box 182880
 Columbus
 (877)644-6771

OH 43218-2880 92

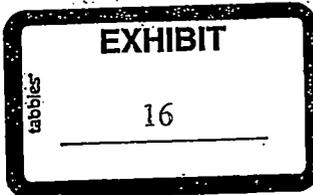
Date: 02/05/2013
 Fund: 503
 Warrant No: 0022102288
 29 R
 25-217/4

Pay Amount \$263.00***

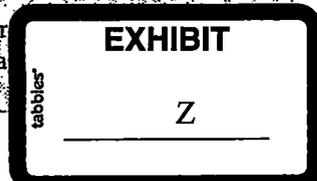
Pay ****TWO HUNDRED SIXTY-THREE AND 00/100 DOLLARS****

To The Order Of

DAVID A BENTKOWSKI
 6399 CROSSVIEW RD
 SEVEN HILLS, OH 44131



Timothy S. Keen
 Timothy S. Keen, Dir
 Office of Budget Mana



VOID AFTER 90 DAYS

0000 26 300 04400 2174 503 130 2210 22880 5 29

Warrant Date: 02/05/2013

Vendor Number: 0000204201

Warrant No: 0022102288

Invoice Number	Voucher ID	Gross Amount	Discount Taken	Late Charge	Paid Amount
EDF132148	00200907	263.00	0.00	0.00	263.00

Call Ohio Shared Services 1-877-644-6771 with questions

NOT NEGOTIABLE

NOT NEGOTIABLE

NOT NEGOTIABLE



Warrant Number	Date	Total Gross Amount	Total Discounts	Total Late Charges	Total Paid Amount
0022102288	02/05/2013	\$263.00	\$0.00	\$0.00	\$263.00

PLEASE TEAR AT PERFORATION BEFORE CASHING CHECK.

MEETING CONFIRMATION

November 15, 2012

David Anthony Bentkowski Esq.
6399 Crossview Rd
Seven Hills, OH 44131-3117

Order # 1,161,253

This confirmation serves as your receipt and registration confirmation for the following event:

Event: **How to Handle Intense Emotional Situations and Clients**
Location: **The Ritz Carlton**
1515 West Third St.
Cleveland, OH 44113
Date: **11/8/2012**
Time: **Program begins at 8:30 a.m. and concludes at 4:30 p.m.**

Name	Meeting	Registration Type	Fee
David Anthony Bentkowski Esq.	12-097CLEV		\$263.00
David Anthony Bentkowski Esq.		Order Total	\$263.00
Member Number: 37926		Total Paid	\$263.00
Supreme Court Number: 0067920		Balance Due	\$0.00

P.O. Box 16562
Columbus, Ohio
43216-6562
614/487-8585
614/487-8808 fax
800/232-7124

Certificate of Attendance

This certifies that

David Anthony Bentkowski
Name

0067920
Attorney Registration Number

6399 Crossview Rd
Seven Hills, Ohio 44131
Street Address/City/State/Zip

attended the following seminar(s) sponsored by the Ohio State Bar Association:

Seminar Title	Date and Location	Credit Hours
How to Handle Intense Emotional Situations and Clients	11/8/2012 Cleveland	5.50 General 1.00 Ethics

Sue Frazier

For the OSBA CLE Institute



OHIO STATE BAR
ASSOCIATION
CLE INSTITUTE

OSBA CLE Institute
1700 Lake Shore Drive
P.O. Box 16562
Columbus, Ohio 43216-6562
Phone: 614-487-8585
800-232-7124
Fax: 614-487-8808

HP Officejet Pro 8600 N911a Series

Fax Log for
David Bentkowski
2169010269
Jan-00-00 00:00AM

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
				Digital Fax		
Jan 00	00:00AM	Fax Sent	16147289464	1:50 N/A	3	OK



Employee
Development
Funds

Please Note:
Your application will not be processed
unless all information is completed,
the application signed and dated

APPLICATION FOR TUITION/EVENT REIMBURSEMENT

Check One: Exempt FOP OSTA SCOPE OEA SEIU 1199

APPLICATION INFORMATION			
Last Name	Bentkowski	First Name	David
Middle Initial	A	Date	11/13/2012
Agency	Ohio Lottery Commission	Work E-mail	david.bentkowski@olc.state.oh.us
Work Phone	216.774.5702	Alternate Phone	
Home Address	6399 Crossview Road	City	Seven Hills
State	OH	ZIP	44131

<input type="checkbox"/>	COLLEGE/SCHOOL & COURSE INFORMATION (enter only one course per application)					
College/School Name						
Degree Type: <input type="checkbox"/> Associate <input type="checkbox"/> Bachelor <input type="checkbox"/> Graduate <input type="checkbox"/> Doctoral <input type="checkbox"/> Continuing Ed.						
Course No.		Course Name		Start Date	End Date	
Total Credit Hours	Cost Per Credit Hour	Book Fees	Lab Fees	Technology Fees	COURSE TOTAL COST	
	\$	\$	\$	\$	\$	
Other Financial Assistance Rec'd					\$	
TOTAL AMOUNT REQUESTED					\$	

Check one box only

<input checked="" type="checkbox"/>	EVENT INFORMATION			
Event Provider	Ohio State Bar Association		Type of Event	Seminar/workshop
Event Name	How to Handle Intense Emotional Situations		Event Start Date	11/08/2012
			Event End Date	11/08/2012
Event City	Cleveland		Event State	Ohio

<p>** FOP, OSTA 1 & 15 Members Only: If the event, seminar, workshop or conference is NOT job-related, it must be approved by management to receive reimbursement. Your manager must submit this application by his/her e-mail to indicate approval.</p> <p>Enter manager's name: _____</p>	Event Cost	\$ 263.00
	Other Financial Assistance Rec'd	\$
	TOTAL AMOUNT REQUESTED	\$ 263.00

For pre-approval submit only this application. If your course/event is completed include the following documents with this application. Submit electronically to EDFunds@das.ohio.gov

For Seminars: Proof of payment	For Tuition: Proof of payment/book receipt
Proof of attendance/certificate	Invoice showing charges
Brochure or description of seminar	Final grade

I certify and agree that my participation in this program is to further my professional development as an employee of the State of Ohio, and courses taken will relate to any of the major job classifications currently used in the State of Ohio. By entering my name and employee ID number below, I certify that the information contained in this application is correct and I agree to the terms outlined in the EDF policies.

David Bentkowski	1	0	1	1	9	7	1	5	11/13/2012
Employee Name	Employee ID								Date

SUBMIT BY EMAIL



Ohio State Bar Association

RECEIPT

Date: 11/8/12

Received of: Marvin Benthowski

Amount: 263.00 Cash Check Credit Card

For: How To Handle Intense Emot. & Stressors & Clients

By: Pat Buehler
OSBA CLE

Note: Receipt is *not* verification that check or credit card charge has been processed or approved by bank, and does not prevent the OSBA from pursuing unpaid accounts.

FRANK SANITATE ASSOCIATES
1152 Camino Manadero • Santa Barbara, CA 93111-1063
805-967-7899 • FAX 805-967-5488 • www.franksanitate.com

Jorge Rubio-Vollert

000-1-99-969
APR #
11-8-11
15

HOW TO HANDLE INTENSE
EMOTIONAL SITUATIONS
AND CLIENTS





Ohio State Bar Association

RECEIPT

Date: 11/8/12

Received of: David Bouthowski

Amount: 263.00 Cash Check Credit Card

For: Fee To Handle Intense Emul. & Retainers & Clients

By: Bar Buskin
OSBA CLE

Note: Receipt is *not* verification that check or credit card charge has been processed or approved by bank, and does not prevent the OSBA from pursuing unpaid accounts.

From: Bentkowski, David <David.Bentkowski@olc.state.oh.us>
Sent: Thursday, November 8, 2012 9:57 AM
To:
Subject: Re: Assignment

Yes - we are on our break

From: Popadiuk, Elizabeth
Sent: Thursday, November 08, 2012 09:55 AM
To: Bentkowski, David
Subject: RE: Assignment

Aren't you at traing?

Liz Popadiuk
Director of Human Resources
The Ohio Lottery Commission

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From: Bentkowski, David
Sent: Thursday, November 08, 2012 9:56 AM
To: Popadiuk, Elizabeth
Subject: Re: Assignment

Got it

From: Popadiuk, Elizabeth
Sent: Thursday, November 08, 2012 09:48 AM
To: Bentkowski, David
Subject: Assignment

Hey David –

We are going to “decentralize” the shift 2 payments to the employees entitled (by contract definition). You will be responsible for drafting an internal procedure that will be shared with affected employees, supervisors and managers. As you are in training today, off Friday and Monday is a holiday, we will meet briefly on Tuesday to discuss the particulars.

Thanks,



Lottery 253473

Liz

Liz Popadiuk
Director of Human Resources
The Ohio Lottery Commission

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Lottery 253474

WEEKLY REPORT – HUMAN RESOURCES
WEEK END NOVEMBER 9, 2012

TO: DENNIS BERG, DIRECTOR

FROM: LIZ POPADIUK, DEPUTY DIRECTOR

THIS DOCUMENT MAY CONTAIN CONFIDENTIAL, SENSITIVE OR MEDICAL INFORMATION.

RED FLAGS/IMPORTANT ITEMS:

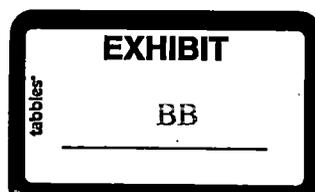
REORIENTATION PROGRAM: I would like to move forward with the re-orientation program for ALL CURRENT staff (central and regional). I will send the details under separate cover.

Multi Game How to Play – I have the details and will proceed with the discipline; however after a review of all information, I believe a written reprimand is more appropriate level of action. Please advise if you would like to discuss. I will confirm with you before finalizing. I also think that at the very least, I should advise Gwen BEFORE issuance. Please let me know if you would rather handle. Remove?

OLD BUSINESS

Earlier this year, OCSEA (the union) informed the Office of Collective Bargaining about the union's intent to file a petition with SERB to accrete the classifications of Management Analyst Supervisor 1 and 2 into the bargaining unit. Recently, an agreement has been reached with OCSEA in regard to the Management Analyst Supervisor (MAS) 1 and 2 classifications. this agreement is in lieu of OCSEA filing a petition with SERB to accrete these classifications into the bargaining unit.

The end result of the agreement is that the MAS 1 and 2 classifications will be deleted and employees currently occupying those classifications will be reallocated. DAS - Office of Workforce Administration (DAS/FWA) has developed a timeline and a process for reallocating affected employees. Please note that the timeline is flexible and any adjustments to the timeline will be communicated as the need arises. The process for allocating employees begins with an initial survey which began on August 22, 2012. I am completing the Management Responses which will be submitted to DAS on Friday, 10/5/12. Affected Lottery Employees:



Lottery 252275

WEEKLY REPORT

- Dennis Timco, MA Sprv. 1 – Product Development – Gwen Penn
- Doug Machles, MA Sprv. 1 – Finance/Purchasing – Greg Bowers
- John Hanley, MA Sprv. 1 – General Services/Office Services – Steve Kmiotek

Inventory Control Specialist 2/Office Service (General Services) – (A. Demjanczuk backfill – John Hanley has selected 7 candidates for interview – including a physical ability test (due to the weight requirement in the job description). I would like to discuss this position with you before moving forward. Interviews have been conducted and a candidate has been selected.

Commissioners: Everything for Commissioner (new) appointment and re-appointments are in progress. All paperwork finally received from the Governor's Office. Remove?

Internship Program – I would like to submit changes to the current internship program – I will draft and send to you via email for your comment & consideration.

Personnel Ceilings – I was able to negotiate the following ceilings. If we need to make hires that exceed these ceilings, we would be required to go through a formal request process.

Full Time Permanent: 438 (current 320)

Part Time Permanent: 10 (current 6)

Intermittent: 4 (current 4) – cannot make additional hires in this category at this time. Remove?

Zimmerman – Jim Zimmerman recently received a 1 day suspension for failure to follow policies. He filed a grievance – step 3 meeting was heard on Monday, 9/17/12 by LRO David Bentkowski. He will issue decision next week. Step 3 response was issued by David on 10/16/12.

VLT Staffing – Connie & I will meet the week of October 8, 2012 to discuss in greater detail the VLT staffing plan. Ill keep you posted. Thistledown Investigators were posted on 10/23/12-11/2/12. There are 202 applicants and 4 internals- Pat Ginley and Chris Robakowski, Scott Pollick and Allen Travis.

Thistledown Investigation Supervisor- Posted on 10/23/12-11/2/12. There are 55 applicants with 4 internals Scott Pollick, Chris Robakowski, Allen Travis and Rochelle Weathers.

Information Technology Supervisor 1 – (Kelly backfill) – I will interview 4 candidates with Roman Popadiuk & Jim Brown on Wednesday, 10/3/12. Joe Ramey no longer interested in the position.

From: Popadiuk, Elizabeth </O=OHIO LOTTERY
COMMISSION/OU=ALPHA/CN=RECIPIENTS/CN=EALEX>
Sent: Monday, November 5, 2012 12:38 PM
To:
Subject: RE: Food Show

And I am fine with you volunteering.

Liz Popadiuk
Director of Human Resources
The Ohio Lottery Commission

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From: Bentkowski, David
Sent: Monday, November 05, 2012 12:37 PM
To: Popadiuk, Elizabeth
Subject: Food Show

Hi Chief,

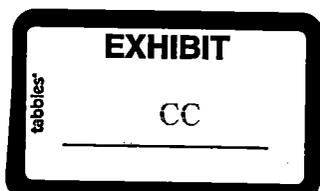
If I volunteered to help Sponsorships work the Fabulous Food Show this Friday or Sunday, how does that work? Do I get Comp Time or something?

I am free those days – so if they need someone and you are cool with it, I wouldn't mind helping.

Let me know . . .

David

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Lottery 251855

From: Popadiuk, Elizabeth </O=OHIO LOTTERY
COMMISSION/OU=ALPHA/CN=RECIPIENTS/CN=EALEX>
Sent: Monday, November 5, 2012 12:37 PM
To:
Subject: RE: Food Show

Yes, you would get comp time.

Liz Popadiuk
Director of Human Resources
The Ohio Lottery Commission

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From: Bentkowski, David
Sent: Monday, November 05, 2012 12:37 PM
To: Popadiuk, Elizabeth
Subject: Food Show

Hi Chief,

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Let me know . . .

David

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From: Bentkowski, David <David.Bentkowski@olc.state.oh.us>
Sent: Wednesday, October 24, 2012 6:50 AM
To:
Subject: David

Hi Chief,

I am so sorry we had to endure that story yesterday. It was a gross misrepresentation of me - just as we discussed it would be.

The truth is, I am required by law to report potential crimes. I went to city council and the law director and they told me to take the complaints to the police because they thought something was there. The police told me to file an official complaint - which I did. They also told me to keep giving them info. Which I did. The posts were off the charts - harassing and threatening about me, my wife, my parents, other city employees, etc. There is no valid reason the city dropped the ball and failed to pursue them. Further, I told them from day one they shouldn't handle it - that they had a conflict and should ship the matter out.

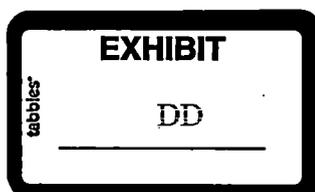
The point is, this is a nightmare - I did nothing wrong and was simply following the law and the directives of the city and law enforcement - and this is what happens to me. It really is sad.

The very posters that did this to me are continuing to defame and harass me as part of the story's comments section.

Just a heads up ... They are trying to incite more action against me. Someone in the comments was actually trying to defend me ... So these people immediately tried to say it was me and that I was posting from work. Thankfully, I am not stupid and did not post one comment. I didn't even access the online story from my personal laptop until after ARB school yesterday. Just to show you how sick these people are, I expect they will keep trying to harass me with public records requests, false claims to the IG that I am posting on state time, etc. Again, thankfully, you have nothing to worry about because I know their game and didn't post one item. I only went on my personal computer after training ended yesterday to book my Priceline hotel.

This is a very difficult time for me ... I have disturbed people trying to ruin my life. I can only keep working hard for you and make sure I follow the rules because these people are out to get me any way they can.

Just wanted to keep you in the loop - David



Lottery 254860

EXHIBIT

tabbles

EE

Sent 10/29

To: Dennis Berg, Director
Liz Popadiuk, Director
Larry Miltner, Chief Legal Counsel

From: David Benthowski, Labor Relations Officer

RE: Recent media coverage of me

EXHIBIT

tabbles

18

Dear Dennis, Liz and Larry:

As I discussed with Liz last week, *The Plain Dealer* story about me was a gross misrepresentation of what is really happening and as my superiors and counsel for the agency, I wanted to make sure you had the full story should you be asked about it. Also, the assault on my good name is likely going to continue this week as I just have been notified that *Cleveland Scene Magazine* is also going to publish a similar smear story this week.

Let me begin by stating that for the last year, I have worked as hard as possible to do a good job for the lottery and to stay out of the spotlight. As you read and understand what is happening, I trust you will appreciate just how unfair and evil this whole scenario is and how it is a sad commentary on the current climate for public service. I am only on city council because I want to help my boyhood home and place where both my parents and my wife and I live.

Cleveland.com is the content partner of *The Plain Dealer*. Cleveland.com allows nameless, faceless posters to post any comments they want without a thorough registration process. If someone has access to a computer, they can post anything they want in secret and never be discovered.

Starting as far back as 2006 or 2007, one such poster started posting offensive commentary about me in my capacity as mayor. At the beginning, the posts were typical political attacks and came with the territory. Over time, the nature and content of the posts dramatically changed.

The poster began posting much more offensive items about me . . . my 70-year-old-parents . . . my fiancé/wife . . . city hall employees, etc. The nature of the posts became unsettling. They demonstrated a perverse, sick obsession with me. The poster would make lewd comments about my body . . . they would incite others into posting about me . . . they would discuss my personal schedule announcing when I wouldn't be home, routinely reference items in my front yard, and relentlessly misrepresent my actions as mayor. The posts were defamatory, threatening and offensive.

The sheer volume of the posts was staggering. This wasn't a citizen just posting about city issues. Rather, this was a relentless campaign of harassment. As stated, over the years, the posts likely totaled in the thousands.

There were other indicators and behaviors that made the conduct even more unsettling. The poster would be posting at all hours of the day – often at 3:00 or 4:00 a.m. Cleveland.com has a "flag" that lets readers "flag" inappropriate posts. Often when I would flag a post for being inappropriate, Cleveland.com would immediately delete the post, only to have my stalker immediately repost the exact same post again. This person would repost a deleted item dozens

The vast majority of materials in the file were created by me . . . and at my expense. The prosecutor admits that he alone chose to keep the file open for those two years hoping that something might turn up as far as the identity of my harasser. The false portrayal has been that they were spending large amounts of money during those two years.

In October and November of 2011, after I left office and began working at the lottery, the harassing posts continued. I had hoped that after I left being mayor they would stop but they didn't. At the time, I was a private citizen and was tired of my non-political, retired parents and wife being abused. I demanded to know what was going on with the investigation and repeated my concerns that the city had dropped the ball.

In early 2012, I had a falling out with the law director and the new mayor as I was questioning some of their activities as possibly being against the law. Right around that time, the prosecutor mysteriously showed up at a meeting where I was not present and asked city council if they wanted to have an outsider look at the issue –because after two years – he didn't think there was a crime. It is worth pointing out that repeatedly during the two years of the investigation . . . he told me he did think there was a crime and he was trying to figure out a way to unmask the poster.

Members of city council, many of whom are not supporters of mine and who may have been complicit in the various postings against me, agreed not to pursue the matter any further. When they chose to abandon the effort, the prosecutor and law director determined the matter closed – and they decided the entire file would then become a public record. Never in my worst nightmare did I think these materials would be public. I thought I was reporting a crime to the city. I went into great personal detail about how this person was disrupting my life, how my wife and I were afraid to leave the house, how we took advanced security measures, etc. I went to the city thinking I had a legal obligation to report crimes and thought I was communicating with our legal counsel. I did as I was instructed by council, the law director, and the police, and filled out a report attempting to help law enforcement with a proper criminal investigation. How insane that the very person that has been doing this to me has dozens of pages of my personal thoughts explaining my deepest safety concerns now that the materials are a public record.

As you can imagine, this whole scenario is perverse to me. Imagine facing the onslaught of attacks I have faced . . . and all I did was try and follow the law, protect my family and help my community and law enforcement. Everything I have told you I shared with *The Plain Dealer* reporter yet he chose to write the story he did. One has to question *The Plain Dealer* writing this story when their content partner, Cleveland.com, was the very medium used to execute these assaults.

Also, you should know that I have been working with the F.B.I. and the Ohio Ethics Commission. There are a series of other activities taking place in Seven Hills that I reported to those agencies and I believe the efforts against me have been in response to those reports. There are people breaking the law . . . and now that I am blowing the whistle on them . . . a lot of this is a deliberate effort to run me out of town and sadly, *The Plain Dealer* and *Scene Magazine* can't resist any opportunity to disparage me.

Needless to say, my main concern is my job. I didn't ask for any of this and have never once had scandal associated with my name. What is being done to me is sick . . . and it is incredibly unfair. It would be a nightmare situation if something were to happen to me in my lottery capacity as a result of this unfair assault against me. The people doing this against me are vicious and will stop at nothing to advance their political agenda. As I reported to Liz last week, these people are trying to ruin my life. When *The Plain Dealer* story appeared, someone on Cleveland.com actually took to defending me and was attacked by these people with negative comments. Since the person was actually defending me, the posters started claiming it was me posting in my defense . . . and that they were going to call the Inspector General to see if I was posting while on state time. Obviously, I am not that stupid and would never post during work hours or using state equipment. I share that with you because you can expect these people to stop at nothing in their harassment of me . . . including false charges, public records requests, etc.

My city council job is \$4,000 a year and I only do it because I care about my community. I can't afford to lose my job and reputation over this when all I was trying to do was follow the law and report acts of crime.

I called Chairman Pat McDonald last week when the first story was about to hit as a courtesy. Again, I am advising you of this so you are not caught off-guard should you receive a call from the Governor's office. Everything in this document is true and I affirm it so I have no concern over this being a public record.

Thank you for support during this nightmare situation. My only interest is in doing a good job for the lottery so if I can assist you with any other information, please let me know.

David Bentkowski
Labor Relations Officer

PS – I will be giving Liz a large sampling of some of the posts and materials so you can see for yourself just how intense and perverse the pursuit of my family and me has been and how I have been a victim for years.

From: Long, David <David.Long@das.state.oh.us>
Sent: Monday, November 19, 2012 6:49 AM
To:
Subject: RE: Lottery Contact Information Update

I can do that but I need a detailed explanation, first thing Monday.

David E. Long
Office of Collective Bargaining
Direct (614)752-4842
Office (614)466-0570

The Office of Collective Bargaining is always interested in customer service comments. If you would like to submit a comment, please go to <http://www.surveymonkey.com/s/OCBLabor> to complete a brief survey. Thank you.

-----Original Message-----

From: Popadiuk, Elizabeth [mailto:Elizabeth.Popadiuk@olc.state.oh.us]
Sent: Friday, November 16, 2012 4:26 PM
To: Long, David
Subject: Lottery Contact Information Update

David:

Please update the Lottery's contact information on all OCB distributions lists to reflect me as the primary agency contact (info below).

Please remove David Bentkowski as a Lottery contact.

Thanks,

Liz

Liz Popadiuk
Director of Human Resources
The Ohio Lottery Commission
615 West Superior Avenue
Cleveland, Ohio 44113
PH: 216-774-5705
Fax: 216-787-3696



Lottery 252377