

Report: Unions favored in Ohio school construction

New Fremont Middle School listed in state findings

Staff and wire reports • August 6, 2010

COLUMBUS -- An official who oversees school building projects in Ohio abused his authority in handing out construction contracts, the state watchdog said in a Thursday report.

Ohio School Facilities Commission chief Richard Murray gave unions favored status and joined labor representatives in "arm-twisting sessions" with local school districts, according to the report by Inspector General Tom Charles.

The report also says Murray backed a union-friendly project-labor agreement worth \$37 million that would result in payments to a union to which Murray still belongs and to his former union employer, Laborers-Employers Cooperation and Education Trust, known as LECET. The work would take place at the Ohio Schools for the Deaf and Blind, which are under the direct control of Murray's commission.

Murray criticized the report's findings and defended his conduct as professional. He said only 12.7 percent of Ohio school districts are using project-labor agreements and about half of those were in place before he came on board in September 2009.

He also says he has no intention to give in to a call from the top Senate Republican to step down.

"If I intimidated, if I strong-armed, that would be one thing. But I reject those assertions," said Murray, who was appointed by Gov. Ted Strickland, a Democrat.

The School Facilities Commission hands out more than \$1 billion a year for school construction. It was created in 1997 to work with local school districts on school renovation and construction projects.

Among the projects the commission funded is the new Fremont Middle School, and Murray's connection with that construction was mentioned in

the report.

The report said Murray met in January with Fremont City Schools Superintendent Traci McCaudy and board president Tim Ellenberger as the district was preparing to advertise for bids for the project.

"The superintendent and board president were surprised by the last-minute meeting, months after local officials had discussed PLAs (Project Labor Agreements) and other issues at length," the report stated. "Fremont's superintendent said she had warned the union representatives in advance to be respectful and they were. The superintendent and the board president said Murray was not outspoken or pushy. But after the meeting, Fremont added a prevailing wage provision and advertised for bids."

Fremont City School Board President Tim Ellenberger said that the decision to adopt a prevailing wage provision was to level the playing field for local contractors.

"Murray had nothing to do with that decision," Ellenberger said.

Ellenberger also said that the interaction with Murray was not characterized by any name-calling or badmouthing -- allegations made in the report.

"To us, he never did anything," Ellenberger said.

In its first decade, under Republican governors, commission rules didn't allow local districts to require union-scale prevailing wages or the union-

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friendly project-labor agreements on construction jobs.

That changed under the Strickland administration, but judgments were to be left up to the district, with the commission remaining neutral.

While characterizing some of Murray's lapses in judgment as "arguably minor," Charles' investigation says he ultimately violated that neutrality. The review found Murray continued to use his LECET-issued cell phone and e-mail address for commission work, attended social engagements with union organizations and not non-union ones, and at one point inquired of state ethics officials about staying on as a consultant for his old union employer.

"Rather than put unions on equal footing, we found that Murray provided them with undue access and accommodations," the report said.

The investigation separately found wrongdoing by Gary Coleman, a union official accused of shouting profanities and intimidating local school officials during a meeting that prompted one of the complaints against Murray. Coleman also was a trustee at Shawnee State University, but Strickland accepted his resignation in July. A message seeking comment was left at his home Thursday.

Murray was appointed after a previous Strickland pick, former state Sen. Michael Shoemaker, was forced out of the position. Investigators said Murray made key personnel and building-design decisions after coming on board, including firing the commission's top lawyer, at the behest of labor groups.

Ohio Senate President Bill Harris, a Republican, called on Murray to step down or for Strickland to fire him.

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