

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Shawn Stamper

Appellant

v.

Central State University

Appellee

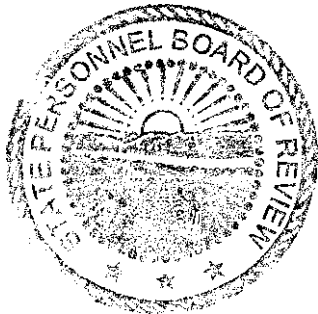
Case Nos. 2022-REM-09-0123

2022-MIS-09-0125

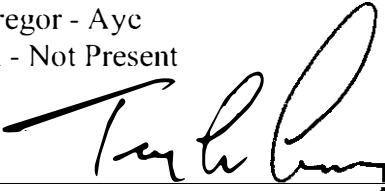
2022-RED-09-0126

ORDER

These matters came on for consideration upon Appellee's filing of a Notice of Rescission. Being fully advised in the premises, the Board hereby orders that the attached Notice of Rescission, incorporated herein by reference and made a part of the case files in these appeals, is **ADOPTED**, and that Appellant's appeals are **DISMISSED**. *If an appointing authority timely rescinds an R.C. 124.34 Order, then that appointing authority is permitted to issue a new R.C. 124.34 Order concerning the same allegations. (Ohio Adm. Code 124-3-03(C)) If the appointing authority does issue a new R.C. 124.34 Order, then the affected employee must timely file a new appeal with the Board, if the affected employee would like the Board to review the allegations set forth in the new R.C. 124.34 Order.*



Casey - Aye
McGregor - Aye
Strahorn - Not Present



Terry L. Casey, *Chairman*

CERTIFICATION

The State of Ohio, State Personnel Board of Review, ss:

I, the undersigned clerk of the State Personnel Board of Review, hereby certify that this document and any attachment thereto constitutes (the original/a true copy of the original) order or resolution of the State Personnel Board of Review as entered upon the Board's Journal, a copy of which has been forwarded to the parties this date, October 26, 2022.



Ami E. Conn
Clerk

NOTE: Please see the reverse side of this Order or the attachment to this Order for information regarding your appeal rights.

NOTICE

Where applicable, this Order may be appealed under the provisions of Chapters 124 and 119 of Ohio Revised Code. An original written Notice of Appeal or a copy of your Notice of Appeal setting forth the Order appealed from and the grounds of appeal must be filed with this Board fifteen (15) days after the mailing of this Notice. Additionally, an original written Notice of Appeal or a copy of your Notice of Appeal must be filed with the appropriate court within fifteen (15) days after the mailing of this Notice. At the time of filing the Notice of Appeal or copy of your Notice of Appeal with this Board, the party appealing must provide a security deposit to the Board. In accordance with administrative rule 124-15-08 of the Ohio Administrative Code, the amount of deposit is based on the length of the digital recording of your hearing and the costs incurred by the Board in certifying your case to court. After the board has received the deposit, the transcript and copies of the file will be prepared and the cost of those items will be calculated. If the deposit exceeds the costs of these items, then a refund of the excess will be issued; if the deposit does not cover the full amount, then the appealing party will be billed for the outstanding balance. The length of the digital recording, the costs incurred, the corresponding amount of deposit required, and the final date that the Notice of Appeal or copy of your Notice of Appeal and the Deposit will be accepted by this Board are listed at the bottom of this Notice. If a full or partial transcript of the digital recording has been prepared prior to the filing of an appeal, the costs of a copy of that certified transcript will be accepted by this Board; transcript costs will be listed at the bottom of this Notice.

IF YOU ELECT TO APPEAL THIS BOARD'S FINAL ORDER, THEN YOU MUST PROVIDE THE DEPOSIT LISTED BELOW AT THE TIME YOU FILE YOUR NOTICE OF APPEAL OR COPY OF YOUR NOTICE OF APPEAL WITH THIS BOARD. Please note that the law provides that you have fifteen (15) calendar days from the mailing of the final Board Order to file your Notice of Appeal or copy of your Notice of Appeal both with this Board and with the Court of Common Pleas. The fifteenth day is the date that appears at the bottom of this Notice.

METHOD OF PAYMENT: for all entities other than State agencies, payment of the deposit must be by money order, certified check, or cashier's check. State agencies are required to use the Intra-State Transfer Voucher (ISTV) system. The State Employment Relations Board Fiscal Office will initiate the ISTV after receipt of the Notice of Appeal. The Fiscal Office can be contacted at (614) 466-1128.

IF YOU MAINTAIN YOU CANNOT AFFORD TO PAY THE DEPOSIT LISTED BELOW, THEN YOU MUST COMPLETE THE BOARD'S "AFFIDAVIT OF INDIGENCE" FORM. YOU CAN OBTAIN THAT FORM BY CALLING 614/466-7046. THE COMPLETED AFFIDAVIT MUST BE RECEIVED BY THIS BOARD ON OR BEFORE November 2, 2022. You will be notified in writing of the Board's determination. If the Board determines you are indigent, you will be relieved of the responsibility to pay the deposit to the Board. However, if the Board determines you are NOT indigent, then YOU MUST FILE YOUR NOTICE OF APPEAL OR A COPY OF YOUR NOTICE OF APPEAL AND PAY THE DEPOSIT BY THE DATE LISTED BELOW.

If you have any questions regarding this notice, please contact the Board at 614/466-7046.

Case Number: 2022-REM-09-0123/0125/0126

Transcript Costs: N/A Administrative Costs: \$25.00

Total Deposit Required: * \$25.00

Notice of Appeal and Deposit Must Be Received by SPBR on or Before: November 10, 2022

BEFORE THE STATE PERSONNEL BOARD OF REVIEW

SHAWN STAMPER,

Appellant,

CASE NO. 22-REM-09-0123
22-MIS-09-0125
22-RED-09-0126

v.

JEANNETTE ELIZABETH GUNN
Administrative Law Judge

CENTRAL STATE UNIVERSITY,

Appellee.

**APPELLEE'S RESPONSE TO PROCEDURAL ORDER
AND NOTICE OF RESCISSION**

Appellee Central State University hereby notifies this Board that it rescinded the August 31, 2022 removal order previously issued to Appellant Shawn Stamper. The order was issued after Stamper failed to appear for a pre-separation hearing because he had not received notice thereof. Human Resources Director Pamela Bowman notified Stamper in a September 15, 2022 email that he was reinstated (but remained on paid administrative leave) and the pre-disciplinary hearing would be rescheduled. Bowman Affidavit. Stamper lost no pay as a result of his now-rescinded removal. *Id.*

Respectfully submitted,

DAVE YOST (0056290)
Ohio Attorney General

/s/ Colleen Koehler

COLLEEN KOEHLER (0090728)
Senior Assistant Attorney General
TONY H. SHANG (0100246)
Assistant Attorney General
Employment Law Section
30 East Broad Street, 16th Floor
Columbus, Ohio 43215
(614) 644-7257 – Telephone
(614) 752-4677 – Facsimile
FLSReview@OhioAGO.gov

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing, *Appellee's Response to Procedural Order and Notice of Rescission*, was served upon Shawn Stamper, via email only, at shawn.stamper@gmail.com this 30th day of September, 2022.

/s/ Colleen Koehler

COLLEEN KOEHLER (0090728)
Senior Assistant Attorney General

STATE OF OHIO)
) SS:
COUNTY OF __GREENE__)

AFFIDAVIT OF PAMELA BOWMAN

Now comes the undersigned affiant, PAMELA BOWMAN, who, being first duly sworn and cautioned, deposes and states:

1. I am over eighteen years of age, competent to testify, and have personal knowledge of the matters stated herein.

2. I am the Director of Human Resources at Central State University (“University”). I am familiar with Shawn Stamper and facts related to his employment with the University as a result of dealings with him in my professional capacity and records maintained by my office.

3. On February 24, 2022, Shawn Stamper was placed on administrative leave pending the outcome of an investigation into alleged misconduct.

4. On August 22, 2022, I issued Stamper a notice of pre-separation hearing noting the hearing would be held on August 26, 2022. Due to an oversight, the aforementioned notice was served on Stamper exclusively via his official University email, which he did not have access to while on administrative leave.

5. When Stamper did not appear for the pre-separation hearing on August 26, 2022, the University moved forward with his separation. I issued him an Order of Removal on August 31, 2022.

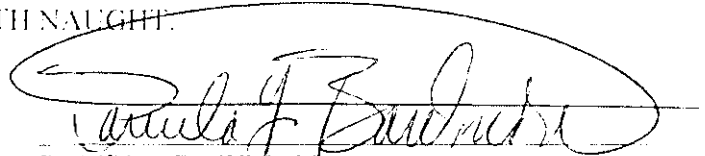
6. Following Stamper’s receipt of the Order of Removal, I learned he never received the August 22, 2022 notice of pre-separation hearing.

7. On September 15, 2022, I emailed Stamper acknowledging that he did not receive the August 22, 2022 notice of pre-separation hearing and stating he was reinstated, though he

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would continue to be on paid administrative leave. I also notified him that the pre-separation hearing was rescheduled. Attached hereto as Exhibit A is a true and accurate copy of the aforementioned email exchange.

8. Stamper lost no pay as a result of his now-rescinded removal.
9. AFFIANT FURTHER SAYETH NAUGHT.


PAMELA BOWMAN

affirmed
~~Sworn~~

to before me and subscribed in my presence this 30th day of September, 2022.



ELIZABETH NASH
Notary Public, State of Ohio
My Commission Expires
January 11, 2025


NOTARY PUBLIC

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Tony Shang

From: Shawn Stamper <shawn.stamper@gmail.com>
Sent: Monday, September 19, 2022 12:28 PM
To: Pamela Bowman
Cc: Laura Wilson; ELSReview; spbr@spbr.ohio.gov; Tony Shang; Showkat Choudhury; Jeff Choi
Subject: Re: Notice of Pre-Separation Hearing

Yes,

It is Jeff Choi.

On Mon, Sep 19, 2022 at 12:17 PM Pamela Bowman <pbowman@centralstate.edu> wrote:

As an fyi, Jeff Choi's name is associated with that email address in my address book. If the address was to go to a different person at that address, please let me know.

Pamela Bowman, SPHR, SHRM-SCP

Director of Human Resources and Title IX Coordinator

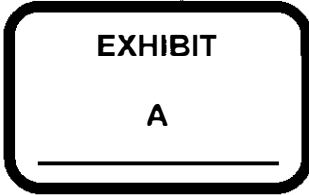
Central State University

1400 Brush Row Rd. | Wilberforce, OH 45384

O: (937) 376-6018 | F: (937) 376-6245

pbowman@centralstate.edu | CentralState.edu

From: Shawn Stamper <shawn.stamper@gmail.com>
Sent: Monday, September 19, 2022 12:19 PM
To: Pamela Bowman <pbowman@centralstate.edu>
Cc: Laura Wilson <lwilson@centralstate.edu>; ELSRReview@ohioago.gov; spbr@spbr.ohio.gov; Tony.Shang@ohioago.gov; Showkat Choudhury <schoudhury@centralstate.edu>
Subject: Re: Notice of Pre-Separation Hearing



CAUTION: This email originated from outside Central State University. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I appreciate it Pam, here is the email address for my witness. Please send comguy@gmail.com an Invitation for this Friday's 9-23-22 Teams meeting at 3:30p.m.

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witness email address: comguy@gmail.com

Thank You,

Shawn Stamper

937-302-8581

On Mon, Sep 19, 2022 at 11:32 AM Pamela Bowman <pbowman@centralstate.edu> wrote:

Good Morning

Your request to reschedule your pre-separation hearing from Thursday, September 22, 2022 at 3:30 pm to Friday, September 23, 2022 is approved. We will schedule the meeting for Friday, September 23, 2022 at 3:30 pm. The meeting will be held via Teams. I will send the Teams invitation. Thank you

Pamela Bowman, SPHR, SHRM-SCP

Director of Human Resources and Title IX Coordinator

Central State University

1400 Brush Row Rd. | [Wilberforce, OH 45384](http://Wilberforce.OH.45384)

O: [\(937\) 376-6018](tel:(937)376-6018) | F: (937) 376-6245

pbowman@centralstate.edu | CentralState.edu

From: Shawn Stamper <shawn.stamper@gmail.com>

Sent: Monday, September 19, 2022 10:41 AM

To: Pamela Bowman <pbowman@centralstate.edu>

Cc: Laura Wilson <lwilson@centralstate.edu>; ELSRReview@ohioago.gov; spbr@spbr.ohio.gov;

Tony.Shang@ohioago.gov; Showkat Choudhury <schoudhury@centralstate.edu>

Subject: Re: Notice of Pre-Separation Hearing

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CAUTION: This email originated from outside Central State University. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Pamela,

As you know I requested the date be changed to Friday 9-23-22 and I requested my witness be present. Some of these questions, I feel only my witness can answer. I have worked under the supervision of my witness for many years at CSU. I have worked under the supervision of my witness, far longer than I have under anyone else in the I.T. department at CSU. I have even been under the supervision of my witness, for a little while, when the new management took over the I.T. department. My witness said this Friday afternoon would be the best time for him to be available for a Teams meeting.

I feel that my witness, along with my evidence, clearly proves I am innocent of all the false allegations against me. I feel my witness is an important part of my pre-hearing case. I also brought to the University's attention about what I felt should be Investigated in the I.T. department. I feel I am entitled to a fair pre-hearing and it should be in the hands of someone who has not been tied to the Investigation. I look forward to hearing back from you.

Thank You,

Shawn Stamper

937-302-8581

On Thu, Sep 15, 2022 at 1:30 PM Shawn Stamper <shawn.stamper@gmail.com> wrote:

My witness said afternoon would be best for next Friday.

On Thu, Sep 15, 2022 at 12:42 PM Shawn Stamper <shawn.stamper@gmail.com> wrote:

Hello,

I would like to change the pre-hearing date to Friday 9-23-22 and bring a witness. Will this date be okay?

Fri, 09/30/2022 04:28:37 PM SPBR

Thank you,

Shawn Stamper

937-302-8581

On Thu, Sep 15, 2022 at 11:21 AM Pamela Bowman <pbowman@centralstate.edu> wrote:

Good Morning

Since you did not receive timely notice concerning the pre-separation hearing as the meeting notice was not sent to the appropriate email address, the pre-separation hearing has been rescheduled for Thursday, September 22, 2022 at 3:30 pm. The meeting will be held via Teams. I will send a Teams invitation to you.

Your employment has been reinstated; however, you will continue to be on administrative leave (paid leave) until further notice. If you have any questions, please contact me.

Pamela Bowman, SPHR, SHRM-SCP

Director of Human Resources and Title IX Coordinator

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pbowman@centralstate.edu | CentralState.edu