

**STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW**

Prosper Doamekpor

Case No. 2023-REM-11-0187

Appellant

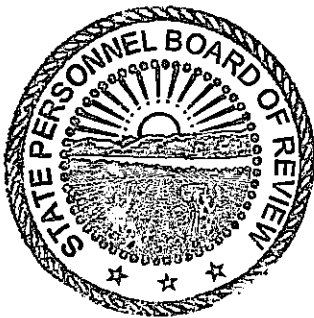
v.

Central State University

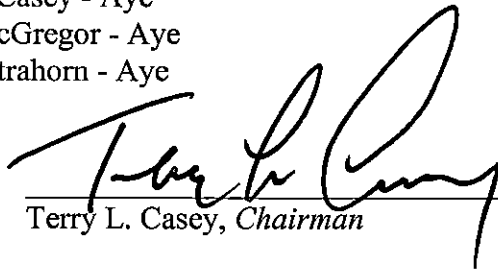
Appellee

ORDER

This matter 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 file in this appeal, is **ADOPTED**, and that Appellant's appeal is **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.*



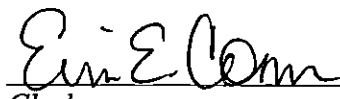
Casey - Aye
McGregor - Aye
Strahorn - Aye


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, December 19, 2023.


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 December 26, 2023. 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: 2023-REM-11-0187

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: January 3, 2024

BEFORE THE STATE PERSONNEL BOARD OF REVIEW

PROSPER DOAMEKPOR,

Appellant,

CASE NO. 23-REM-11-0187

v.

JAMES R. SPRAGUE
Administrative Law Judge

CENTRAL STATE UNIVERSITY,

Appellee.

NOTICE OF RESCISSION

Appellee Central State University hereby notifies the Board that it has rescinded and reissued the removal order of Appellant Prosper Doamekpor. A letter notifying Appellant of the rescission and reissue was sent to his last known address on November 17, 2023, (Letter, Exhibit 1). It was delivered on November 20, 2023. (Delivery Confirmation, Exhibit 2). As a result, paid administrative leave was reinstated through November 30, 2023—the new effective date of termination.

Respectfully submitted,

DAVE YOST (0056290)
Ohio Attorney General

/s/ Megan E. Jewett

MEGAN E. JEWETT (0079534)
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
ELSRewiew@OhioAGO.gov

Fri, 12/08/2023 03:39:50 PM SPBR

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing *Notice of Rescission* was served upon Appellant's Counsel David Duwel at david@duwellaw.com, via email only, this 8th day of December 2023.

/s/ Megan E. Jewett

MEGAN E. JEWETT (0079534)
Senior Assistant Attorney General



CENTRAL
STATE UNIVERSITY

OFFICE OF HUMAN RESOURCES

PO BOX 1004 • WILBERFORCE OH 45384 • 937-376-6540 • FAX 937-376-6245

EXHIBIT

1

VIA FEDERAL EXPRESS AND REGULAR MAIL AND PERSONAL EMAIL

November 17, 2023

TO: Dr. Prosper Doamekpor
4-H Program Leader

FROM: Pamela L. Bowman, SPHR, SHRM-SCP
Director of Human Resources and Title IX Coordinator

CC: Dr. Morakinyo Kuti, Vice President for Research and Economic Development and
Director of the 1890 Land Grant Programs

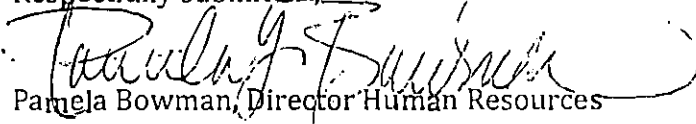
SUBJ: Notice Rescinding Initial Recommendation for Termination and Reinstating on
Administrative Leave until November 30, 2023 and Updated Notice of Termination
and 124 Order

On September 25, 2023, we met to discuss the charges presented to Doamekpor on September 14, 2023, concerning the reasons for disciplinary action which could result in his separation from employment at Central State University. The result was a recommendation of termination effective November 5, 2023. This letter will serve as notice that the initial termination effective November 5, 2023 is rescinded and the paid administrative leave is reinstated through November 30, 2023. The letter will further serve as Notice of Termination of Employment effective November 30, 2023.

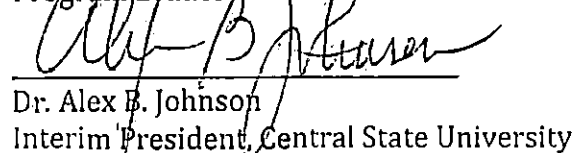
Employment is terminated based on the recommendation of the Director of Human Resources after an investigation of job performance and disciplinary issues. Notification of the pre-separation meeting hearing detailing the performance and disciplinary issues was provided on September 14, 2023 and a pre-separation hearing was held on Sept 25, 2023.

The findings which support the termination of employment are outlined in the ORC 124.34 order attached hereto. For these reasons, it is my recommendation that Central State University terminates your employment effective at the end of the business day on November 30, 2023.

Respectfully submitted,


Pamela Bowman, Director Human Resources

I concur with the recommendation to separate the employment of Dr. Prosper Doamekpor, 4-H Program Leader.


Dr. Alex B. Johnson
Interim President, Central State University

Page 1 of 1

CENTRALSTATE.EDU

PHYSICAL ADDRESS

1400 BRUSH ROW ROAD • WILBERFORCE, OH 45384-1004

Service...Protocol...Civility

Fri, 12/08/2023 03:39:50 PM SPBR

State of Ohio
Department of Administrative Services

**Order of Removal, Reduction, Suspension,
Fine, Involuntary Disability Separation**

M_r Prosper Doamekpur

This will notify you that you are; ☒ removed; ☐ suspended; ☐ suspended (working); ☐ fined;
☐ involuntary disability separated; ☐ reduced in pay, from your position of
4-H Program Leader and/or reduced to new position of _____
effective November 30, 2023 (if applicable)
(date)

The reason for this action is that you have been guilty of (List relevant R.C. 124.34 disciplinary offense(s)).
(Section not applicable for involuntary disability separation.)

Specifically: Unsatisfactory job performance and Insubordination (608) including but not limited to: failure to fill open positions, failure to supervise employees, failure to visit/meet with staff, failure to attend meeting, failure to respond to requests from supervisors for information/documentation, failure to improve performance after multiple poor performance reviews, failure to abide by directives regarding administrative leave.
Unsatisfactory performance and violation of purchasing policies and procedures 400, 400.3, 500 and Policy 319 including but not limited to failing to follow protocols on the submission of professional services agreements for independent contractors who supervised minors. Unsatisfactory job performance and violation of Policies and Procedures 410, 410.1 and 319 including but not limited to failure to follow procedures concerning transportation of minors to the Apple event. Misconduct including but not limited to misuse of you travel card on multiple occasions in violation of policies and procedures 400, 400.3, 410, 410.1, 500, 500.2, 500 and 608. For additional details, see additional pages 1-3 attached hereto.

Notice of pre-disciplinary/separation hearing given to employee: September 14, 2023
(date)

Pre-disciplinary/separation hearing held or waived: Held Sept. 25, 2023
(date)

Employee allowed to meet with employer: ☒ Yes ☐ No

Order hand-delivered to employee: _____
(date, if hand-delivered)

If employee is suspended, list dates of suspension: _____

Signed at Wilberforce Ohio, November 16, 2023
(city) (date)

Counter signature, if applicable

Signature of Appointing Authority


Counter signature, if applicable

Type Name and Title of Appointing Authority
Alex Johnson, Interim President

Counter signature, if applicable

Type Department, Agency, or Institution
Central State University

"SECTION 124.34 ORDER" FORM INSTRUCTIONS

IMPORTANT INSTRUCTIONS TO THE APPOINTING AUTHORITY

(1) Actual signature means that each Order served on the employee must contain the actual signature of the Appointing Authority. Appointing Authority means the actual appointing officer of the department or agency as well as any approving officer or board required by law. If the appointment of an employee requires the approval of a board or commission, then a certified copy of the resolution of such board or commission approving the action must accompany this Order unless the actual signatures of the members of the board or commission appear on the front of the Order served on the employee.

(2) The Appointing Authority must set forth in detail the particular acts and circumstances constituting the offense(s) charged. Evidence presented on appeal must be limited to that which relates to the charge(s) made; hence the Appointing Authority must set forth the charges(s) broadly enough to encompass all the evidence the Appointing Authority intends to offer. It is equally important that the Appointing Authority fully state the ground(s) for the action.

(3) The Appointing Authority MUST provide an original of the Order to the employee on or before the effective date. The date on which the Order is served is the date the Order is delivered to the employee by hand or to the employee's last known mailing address by certified United States mail, whichever occurs first.

IMPORTANT INSTRUCTION TO THE EMPLOYEE

If you wish to appeal this action, then you must file your written appeal with the State Personnel Board of Review (SPBR) at 65 East State Street, 12th Floor, Columbus, Ohio 43215-4213. **Your appeal must actually be received and time stamped by SPBR by the tenth calendar day from the date the Order was served.** For the purposes of your appeal, the date on which the Order is served is the date the Order is delivered to you by hand or to your last known mailing address, as maintained by your Appointing Authority, by certified United States mail, whichever occurs first. You may obtain SPBR's Administrative Rules by writing the above office or by telephoning SPBR at (614) 466-7046. You may also obtain the rules at SPBR's website at <https://pbr.ohio.gov>.

Example of deadline to file appeal:

An employee is given a 40-hour suspension. The suspension is to begin on October 11 and run five working days through October 15. The employee is served with the forthcoming suspension Order on October 8. The employee has until October 18 to file a written appeal (10 days from the date the employee was served with the Order).

Reminder: If you are employed by a municipality or township that has a civil service commission, your appeal lies with that commission and not SPBR.

You may contact SPBR at (614) 466-7046 regarding the above information or regarding SPBR's jurisdiction or you may visit our website at <https://pbr.ohio.gov>.

I. UNSATISFACTORY JOB PERFORMANCE PURSUANT TO 124.34 AND INSUBORDINATION PURSUANT TO POLICY NO. 608, including, but not limited to:

- a. You have failed to fill any of the four open extension educator positions in the 4H program in over 12 months due to your lack of timely responses to correspondence regarding the search process. This has resulted in a failure to deliver services to CSU's clients in multiple locations. CSU has received written complaints including evidence from collaborators about your lack of service and timely responses to their requests.
- b. On May 30, 2023, during your 2023 performance evaluation with Dr. Alcinda Folck, which Dr. Kuti, Vice President for Research and Economic Development and Director of the 1890 Land Grant Programs attended per your request, he asked you to contact Natalie Brown to ascertain her employment status and provide an update to him by Friday, June 2. You failed to submit the report or convey a reason why you didn't submit the report. Failed to submit a termination Personnel Action Form for Natalie Brown after verifying her last day of employment and failure to notify your direct supervisor why you didn't submit the form.
- c. Failure to visit the CSU Extension staff in Northwest and Northeast regions in over two and a half years. You have not met the 4-H staff in person at either location or accompanied them to a face-to-face meeting with a partner.
- d. Failure to attend multiple meetings in the Northwest region with stakeholders including but not limited to the performance review with Hannah Albers on May 17, 24, and 26, 2023 and several meetings for the 2501 youth project in Toledo including the meeting on April 7, 2023.
- e. Failure to submit details of collaboration with Apple and plans for volunteers trained in Cincinnati. After the July 14, 2023, meeting, you were asked to submit the following items to Dr. Kuti by the close of business on Monday, July 17 to address the issues listed above or take action to resolve the situation:
- f. Failure to improve performance despite poor evaluations. Including your 2023 evaluation from Dr. Alcinda Folck, your immediate supervisor, noting a pattern of poor performance and insubordinate actions. You have continually failed to follow directions from your supervisors during your employment tenure at CSU. And, your 2022 performance evaluation from Dr. Dasgupta, your previous supervisor, noting substandard job performance and insubordination.

- g. On August 29, 2023, you were placed on paid administrative leave pending the outcome of the investigation into misconduct, substandard job performance and insubordination. The administrative leave expressly stated that you were not to engage with or contact any Central State University student, faculty, staff or any individual or other entity affiliated with Central State University or anyone or organization you have previously engaged with as part of your Central State University duties either in person, by phone or remotely without prior notice and approval from the Director of Human Resources. On September 25, 2023, you entered the Office of Human Resources without approval. On October 3, 2023, Folck notified me that 4-H student workers confided that you have been reaching out to them.

II. UNSATISFACTORY JOB PERFORMANCE PURSUANT TO 124.34 AND VIOLATION OF PURCHASING POLICIES 400, 500 AND PROCEDURE 400.3 AND VIOLATION OF POLICY 319, THE PROTECTION OF MINOR PARTICIPANTS IN PROGRAMS AND ACTIVITIES, including but not limited to:

- a. Failure to follow University protocol to submit professional service agreements for legal review for Charles Caldwell and Chris Kumahlor who were serving as counselors for the summer camps in June 2023, submitting Professional Service Agreements (PSA) for camps that were no longer in existence and assigning approvals on PAFs to individuals who had no role in the management of relevant camps. Because you failed to follow CSU procedures, neither individual had a signed contract with CSU while working with minors during the summer camps, which placed CSU at risk.
- b. Submitting a request to compensate Alva Johnson and Jill Proudfoot, Dayton Public Teachers for work to be completed between June and August 2023, despite the fact that these teachers completed their work in February – May 2023. It should be noted that altering the dates of performance on contract could also be considered fraudulent conduct.

III. UNSATISFACTORY JOB PERFORMANCE PURSUANT TO 124.34 AND VIOLATION OF Policy 410 TRAVEL RULES, REGULATIONS AND GUIDELINES AND PROCEDURE 410.1 TRAVEL PROCEDURES AND VIOLATION OF POLICY 319, THE PROTECTION OF MINOR PARTICIPANTS IN PROGRAMS AND ACTIVITIES, including but not limited to:

You did not ensure proper procedures were followed concerning the transportation of youth to the Apple event. 4-H youth were to be transported from Cincinnati to Beavercreek via Central State University vans.

IV. MISCONDUCT, INCLUDING BUT NOT LIMITED TO MISUSE OF TRAVEL CARD IN VIOLATION OF POLICIES 400, 410, 500, 511 AND 608 AND PROCEDURE 400.3, 410.1, AND 500.2

Your Travel card was previously suspended due to violations of CSU policy.

ORC 124.34 ORDER – DOAMEKPOR

Additional Page 3

Additionally:

7/5/23: You charged dinner at McCormick and Schmick's totaled \$3,214.97 for 36 guests or \$89 per person, even though breakfast and lunch were already included in other charges. According to GSA.gov, The per diem for Washington D.C. is \$79 per person., with dinner being \$39.50 per person. Therefore, you paid in excess of \$1,792.97 over the allowable per diem rate for dinner per the Universities policy.

7/24/2023: CVS receipt for \$25.35 for medicine. Unallowable.

7/24/2023: Walmart receipt for \$18.59 for toiletries. Unallowable.

7/25/2023: Walmart receipt for \$10.00 for prescription. Unallowable.

7/25/2023: Walmart receipt for \$78.62 for prescription. Unallowable.

7/30/2023: Buc-ee's receipt for \$16.32. Approved travel ended on 7/28/2023. Unallowable.

7/30/2023: Buc-ee's gas receipt for \$36.02. Approved travel ended on 7/28/2023.
Unallowable.

7/30/2023: Walmart receipt for \$8.85. Approved travel ended on 7/28/2023. Unallowable.

7/31/2023: Sam's Club gas receipt for \$20.75. Approved travel ended on 7/28/2023.
Unallowable.

7/31/2023: Buc-ee's gas receipt for \$28.00. Approved travel ended on 7/28/2023.
Unallowable.

7/31/2023: Starbucks for \$4.45. Approved travel ended on 7/28/2023. Unallowable.

7/31/2023: Buc-ee's for \$13.01. Approved travel ended on 7/28/2023. Unallowable.

7/31/2023: Buc-ee's gas receipt for \$40.01. Approved travel ended on 7/28/2023.
Unallowable.

7/31/2023: Buc-ee's receipt for \$10.68. Approved travel ended on 7/28/2023. Unallowable.

Rental Car: The approved travel dates on Request for Travel (RFT) were for 7/24/2023 – 7/28/2023. You picked up the rental on 7/22/2023 and returned on 7/31/2023; two (2) days before approved travel date and three (3) days after approved travel date. You drove 2,481 miles while renting the car. Travel from Wilberforce, OH to a hotel in Atlanta is a total of 518 miles; or 1,036 miles round trip. With an allowance of 20 miles per day within approved travel dates for a total of 100 miles, the expected total is approximate miles. Resulting in excess mileage of 1,345 miles. This excess mileage caused an increase in the cost of the rental car of over \$110.00.

V. PREVIOUS DISCIPLINE

December 2019 – Written reprimand – Insubordination

July 28, 2022 – 5-day suspension for misconduct (rude and inappropriate behavior) and Insubordination

Fri, 12/08/2023 03:39:50 PM SPBR



November 21, 2023

Dear Customer,

EXHIBIT**2**

The following is the proof-of-delivery for tracking number: 809422931796

Delivery Information:

Status:	Delivered	Delivered To:	Residence
Signed for by:	D.PROSPER	Delivery Location:	
Service type:	FedEx Express Saver		
Special Handling:	Deliver Weekday; Residential Delivery; Direct Signature Required		Waverly, AL,
		Delivery date:	Nov 20, 2023 09:57

Shipping Information:

Tracking number:	809422931796	Ship Date:	Nov 17, 2023
		Weight:	0.5 LB/0.23 KG
Recipient:		Shipper:	
Waverly, AL, US,		WILBERFORCE, OH, US,	

FedEx Express proof-of-delivery details appear below; however, no signature is currently available for this shipment. Please check again later for a signature.

Thank you for choosing FedEx