

Misfeasance

Head of school-building agency erred, but governor to blame

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As executive director of the Ohio School Facilities Commission, Richard Murray was supposed to act as a good steward of the millions of dollars Ohio pours into new school buildings every day. Instead, a report by the Ohio inspector general shows, he has abused his position to push the interests of unions, including the one to which he belongs, at substantial cost to the state and local school districts.

His unprofessional behavior disqualifies him for this position.

Murray's union advocacy comes as no surprise; his career before Gov. Ted Strickland appointed him included more than 12 years as Ohio director of the Laborers-Employers Cooperation and Education Trust, a union advocacy group. He is a member of Local 423 of the Laborers' International Union of North America.

Strickland's decision in September 2009 to summarily oust well-regarded former Executive Director Michael Shoemaker, a fellow Democrat, and replace him with Murray shows that the governor, too, is far more interested in doing favors for one of his primary constituencies — labor — than in working for Ohioans' best interests. In fact, Murray says he was instructed by the Strickland administration to treat construction unions as "constituents" and to improve relations with them.

Shortly after taking office, Strickland began stacking the deck for unions by appointing union-friendly members to the Facilities Commission, which promptly lifted the policy that prohibited school districts from requiring contractors to pay the union-level "prevailing wage" on their projects.

He also showed his loyalty to labor by declaring that 7,000 home-health-care workers and 8,000 home-based child-care workers who provide state-subsidized care could unionize. He has attempted to thwart charter schools, which are anathema to teachers unions. He also tried, unsuccessfully, to expand the prevailing-wage requirement to cover any project with any public funding.

Under Gov. Bob Taft, school districts undertaking jointly financed school building and renovation projects with the School Facilities Commission were barred from requiring prevailing wage or using project-labor agreements, which in effect require any worker on a commission-financed project to join a union, if only temporarily. Such agreements haven't proved to improve quality or safety but serve to fill

union coffers with mandatory dues. The Taft policy ensured that more school-building money went into school buildings.

Reversing that policy was Strickland's prerogative, and voters can render a judgment. But, according to the inspector general's findings, instead of remaining impartial and leaving it to school districts to decide if they wanted to pay more for labor, Murray pushed and bullied some of them to do so.

He met frequently with union organizations, introducing himself as a member of Local 423 and asking the union supporters to be his "eyes and ears" on project sites to report problems with nonunion contractors — a clear indication of his bias.

That was bad enough, but Murray went much further to help twist school officials' arms. When union representatives visited school officials to argue in favor of union labor, Murray — the keeper of the state purse for school construction — sometimes accompanied them, an implicit message to school officials that their best interest lay in acquiescing to union demands.

He bragged about having fired the commission's legal counsel, who had tangled with organized labor. He disrupted several building projects in southern Ohio by yanking the commission-assigned project administrator because union officials had complained about her, and he did this without bothering to check out the administrator's record or investigating the union's complaints. In other cases, too, he interfered in building projects in response to complaints by unions without verifying the allegations.

Also, Murray stood by while union official Gary Coleman screamed profanities at officials of Clay Local School District in Scioto County during a meeting in which Coleman was pushing the reluctant school district to use a project-labor agreement. Coleman was upset because the district was using a nonunion contractor to do site preparation.

That Murray sat silently while Coleman abused the stunned school officials is shameful. Worst of all, Coleman's tactic worked; the district eventually signed a project-labor agreement.

Not long after, when the New Boston Local School District declined to sign a project-labor agreement, Murray suddenly raised objections to the site chosen for the project; school officials say he told them that if they would accept a labor agreement, his objections could be worked out. Murray disputes the New Boston officials, but the accusation fits the pattern reported by the inspector general.

Most recently, renovation of the combined campuses of the state-administered Ohio State School for the Deaf and Ohio State School for the Blind gave Murray a chance to impose a project-labor agreement without having to pressure a school board into it. He did so, even though the agreement directly benefits the union he belongs to as well as his former employer, the labor trust.

As is typical, the agreement acted to discourage nonunion contractors from bidding, resulting in fewer and predictably higher bids, the lowest coming in \$11 million above the state's \$28 million estimate. Now the project will be delayed because, under state law, it must be rebid.

Complaints by Clay and New Boston school officials led to the inspector general's probe. Inspector General Thomas P. Charles was appointed by Strickland and is empowered to investigate executive-branch wrongdoing.

Murray's actions were grossly unprofessional and unacceptable for the head of a state agency in charge of billions of dollars in public money. The governor faces a choice: Remove an administrator

who has ill-served the public, or keep him and thereby choose to serve labor's interests rather than those of Ohio students and taxpayers.

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