



**OFFICE OF INSPECTOR GENERAL**  
*City of Albuquerque*

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**Report of Investigation**

**FILE NO:** 21-0024-C

**DATE:** 11/22/2021

**SUBJECT:** City employee sleeping in vehicle during work hours.

**STATUS:** Final

**INVESTIGATOR:** JOC

DocuSigned by:

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## EXECUTIVE SUMMARY

In September 2021, the Office of Inspector General (“OIG”) received communications through a 311 complaint from a citizen reporting a white City pick-up truck and golf cart with chemicals parked at Sierra Dr. SE and Coal Ave, SE behind the Anytime Fitness, and that there was an employee (E1) sleeping inside the truck with the seat leaning back. The citizen indicated that they did not go over to see the license plate, but stated it was a City vehicle and was able to provide the City vehicle’s identification number. The citizen further stated the truck had been there since approximately 9:30 AM - 10:00 AM with E1 sleeping in it. The citizen indicated that the windows on the truck were tinted, but they did see the employee inside and there was a cart that resembled a golf cart, which was still up on the flatbed trailer that was attached to the truck. The citizen stated they believe the employees were there to spray the weeds. They went on to explain that they walked by again somewhere around 2:00 PM and E1 was still asleep in the vehicle. According to the citizen, nothing had moved; the cart was still on the flatbed trailer and the level of chemicals appeared to be the same. After receiving this communication, it was determined that the allegation contained potential fraud, waste, or abuse and the OIG determined that it was appropriate to conduct a fact-finding investigation.

Pursuant to City Ordinance 2-17-2, the Inspector General's goals are to: (1) Conduct investigations in an efficient, impartial, equitable and objective manner; (2) Prevent and detect fraud, waste and abuse in city activities including all city contracts and partnerships; (3) Deter criminal activity through independence in fact and appearance, investigation and interdiction; and (4) Propose ways to increase the City's legal, fiscal and ethical accountability to insure that tax payers' dollars are spent in a manner consistent with the highest standards of local governments.

On September 7, 2021, E1 was notified that an OIG investigation had been initiated. The purpose of the investigation was to address potential fraud, waste, or abuse related to a City employee sleeping in a City vehicle during work hours.

The OIG investigated the matters by conducting surveillance, reviewing the GPS records and fuel consumption logs for the vehicle identified in the complaint, reviewing E1’s time entry, and by conducting interviews of pertinent employees for accuracy and compliance with policies and procedures. The OIG was provided access to the records and the OIG is appreciative to all personnel for their cooperation in the conducting of this fact-finding investigation.

The OIG’s investigation reveals that E1’s actions were improper and not supported by the City’s policies and procedures. E1 admitted guilt for sleeping while on duty, but claimed that the Supervisor (S1) was made aware of a possible medical event and that S1 authorized E1 to rest in the vehicle when the medical event occurred.

Overall, the Department’s practices are significantly lacking in internal controls with policies and procedures and general oversight deficiencies which make the City susceptible to fraud, waste and abuse. As a result of our investigation, the OIG has made nine (9) recommendations for improvement related to observations. See the OBSERVATIONS AND RECOMMENDATIONS section on pages 7-10 of the report.

## **ABBREVIATIONS**

E1: SWD employee  
OIG: Office of Inspector General  
S1: Supervisor 1  
S2: Supervisor 2  
SWD: Solid Waste Department  
CCD: Clean City Department

## **INTRODUCTION**

The mission of the Office of Inspector General (OIG) is to promote a culture of integrity, accountability, and transparency throughout the City of Albuquerque in order to safeguard and preserve the public trust.

The OIG received information from a citizen concerning a white City of Albuquerque (COA) pick-up truck with a trailer hooked to it with a golf cart and chemicals. The complainant stated the truck was parked at Sierra Dr. SE and Coal Ave SE behind the Anytime Fitness, and that there was an employee sleeping inside the truck with the seat leaning back. The complainant indicated that they did not go over to see the license plate, but stated it was a City vehicle and was able to provide the City vehicle's identification number. The complainant further stated the truck had been there since approximately 9:30 AM - 10:00 AM with an employee sleeping in it and when the complainant walked by again around 2:00 PM the employee still appeared to be sleeping in the vehicle.

## **SCOPE AND METHODOLOGY**

The scope of the investigation involved the performance of certain procedures to assess the employee's compliance with policies and procedures. The methodology will consist of:

- Obtain and review relevant policies and procedures for the City.
- Obtain and review relevant union agreement.
- Gain an understanding of the policies and procedures related to job assignments, work schedules, required record keepings, and employee permitted breaks.
- Gain an understanding of the City's GPS system.
- Pull Department of Energy (DOE) research for vehicle fuel consumption while idling.
- Review reports from the GPS system and the AssetWorks software for fuel use related to the City vehicle identified in the complaint.
- Review of Kronos time keeping system.

- Interviews of relevant City employees and subject.

This report was developed based on information from interviews, observations, and the OIG's review of selected documentation and records.

## **INVESTIGATION**

### **Background**

E1 has been with the City of Albuquerque for five (5) years and seven (7) months. E1 is in the Blue-Collar union and as such, certain protocols must be met in this investigation. E1's schedule is Monday through Friday 7:00 AM to 3:30 PM. E1 works for the SWD in the Clean City Division. The Clean City Division performs weed and litter collection, as well as community support services for litter prevention and community beautification. Division employees spend approximately six (6) months of each year spraying herbicide and the other six (6) months on litter detail. When spraying herbicide, E1 is assigned a vehicle, a flatbed trailer and a Polaris. The vehicle has a 300-gallon tank of water and the Polaris has a 100-gallon tank of water, booms, and a 50 ft hose. The vehicle is equipped with a locking drill box that holds supplies and chemicals for use in the field. The chemicals and supplies are periodically checked out from a centralized location at the Solid Waste facility at Pino Yards. Once herbicide spraying season is over, the vehicle, flatbed trailer, and Polaris are checked in at Pino Yards and E1 is assigned to litter detail.

According to interviews with Supervisors, SWD Clean City Division employees are to report to Pino Yards at 7:00 AM, perform a pre-trip inspection of the vehicle and equipment, check out necessary supplies and chemicals, pick up work orders and depart for their assigned duty location for the day. At the location site, an employee puts on a safety jumpsuit, unloads the Polaris from the flatbed trailer and the chemical mixture is filled and agitated if necessary. An employee must enter required information for the work order in the computerized system, known as the herbicide sheet. The herbicide sheet reports the date, start time, the wind speed and humidity. An employee takes the Polaris and begins spraying and should only return to the vehicle for a morning break and for fill-ups of water and chemicals. Each time an employee starts or stops the process, the herbicide sheet is documented with the required information in the computerized system. An employee ends for the day at approximately 1:45 PM, returns to the parked vehicle, loads the Polaris, performs a pre-trip inspection and leaves for lunch which is combined with the last fifteen (15) minute break. Each employee returns to Pino Yards at approximately 3:00 PM and utilizes the remaining thirty (30) minutes for wash up time required by the union agreement.

Every other week, the Department requires scheduled preventive maintenance on the vehicles and equipment. At the scheduled date and time, an employee will return early to Pino Yards to have the mechanics inspect the vehicle and equipment and perform any necessary preventive maintenance.

According to the union agreement, each employee is provided two (2) fifteen (15) minute breaks, one (1) thirty (30) minute lunch break and one (1) thirty (30) minute wash up period.

In order to drive a City vehicle or to operate City equipment, an employee must take a training

course and pass a test to obtain a City Operators Permit (COP). A violation of the provisions for the City Operators Permit may result in disciplinary action up to and including termination of the permit and/or a position requiring a COP.

Policies and procedures for the department are that an employee clocks in when arriving at Pino Yards and out when leaving for the day from Pino Yards.

### **General Observations**

The results observed from the procedures performed highlight internal control and policy and procedure deficiencies, which may make the City susceptible to fraud, waste and abuse.

During each of the three days of surveillance, the OIG observed E1 parked and sitting in the vehicle for a period of time that exceeded the allotted lunch and break combined. The OIG was unable to determine what E1 was doing inside the vehicle, but did observe that the Polaris remained on the flatbed trailer or was parked next to the vehicle during these periods of inactivity. At one point when E1 was out on the Polaris driving along the assigned location, the OIG observed that E1 did not spray any weeds along the route.

OIG was provided with GPS information from E1's vehicle for the date of the complaint and the dates the OIG conducted surveillance. GPS information showed the following:

- On the date of the complaint, the GPS information showed that E1's vehicle was idling for a total of 235 minutes throughout E1's workday. Once at Pino Yards, the GPS information showed an additional 44 minutes of vehicle idle time. Total idle time during the 8-hour workday was 4 hours 39 minutes.
- For Day 1 of the OIG's surveillance, the GPS information showed that E1's vehicle was idling for a total of 186 minutes throughout E1's workday. GPS information reflected that E1 briefly stopped at a fast food establishment after leaving the assigned work location and before returning to Pino Yards. Once at Pino Yards, the GPS information showed an additional 76 minutes of vehicle idle time. Total idle time during the 8-hour workday was 4 hours 22 minutes.
- For Day 2 of the OIG's surveillance, the GPS information showed that E1's vehicle was idling for a total of 271 minutes throughout E1's workday. Once at Pino Yards, the GPS information showed an additional 79 minutes of vehicle idle time. Total idle time during the 8-hour workday was 5 hours 50 minutes.
- For Day 3 of the OIG's surveillance, the GPS information showed that E1's vehicle was idling for a total of 162 minutes throughout E1's workday. 16 minutes of the idle time is related to a lunch break at a local restaurant prior to returning to Pino Yards. Once at Pino

Yards, the GPS information showed an additional 100 minutes of vehicle idle time. Total idle time during the 8-hour workday was 4 hours 22 minutes.

OIG was provided with ninety (90) days of GPS information for the City vehicle identified in the complaint. The periods covered were June 21 – June 30, 2021; July 1 – July 31, 2021; August 1 – August 31, 2021; and from September 1 – September 14, 2021. Additionally, OIG obtained fuel reports from the Department’s AssetWorks software for the same periods. The reports reflected that City vehicle identified in the complaint is a Ford F350 Extended Cab Long Wheel Base 4x2 that uses unleaded fuel. The fuel report states each date that fuel was put in the vehicle, the quantity of fuel that was put in the vehicle, the cost of the fuel, and the vehicle odometer reading on each date as well as a cumulative monthly quantity of fuel purchased and the monthly cost of fuel.

Due to the fact that OIG observed E1 utilizing significant time sitting in the vehicle while it was idling, it was suspected that the waste also extended to fuel consumption. The OIG researched and found a report titled “Idle Fuel Consumption for Selected Gasoline and Diesel Vehicles” dated February 23, 2015 prepared by the Department of Energy (DOE). Per the DOE report, a medium-heavy truck uses .84 gallons of fuel per hour when idling. OIG applied DOE’s average fuel consumption when idling to each hour of idle time per the specified vehicle’s GPS report to determine the amount of suspected fuel waste. The table below shows the percentage and cost of fuel wasted by E1’s vehicle during each of the monthly time periods reviewed.

OIG calculation of suspected fuel waste Solid Waste Department case 21-0024-C Per DOE, a medium-heavy truck uses .84 gallons of fuel per hour idling
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	June - 21 (6/21/21 - 6/30/21)	Jul-21	Aug-21	Sept - 21 (9/1/21 - 9/14/21)
gph used idling	0.84	0.84	0.84	0.84
Hours idling	21.37	78.03	69.3	31.1
Total gallons used idling	17.9508	65.5452	58.212	26.124
Avg price per gallon	2.54	2.61	2.62	2.66
Total cost of idle time	\$45.60	\$171.07	\$152.52	\$69.49
Total gas cost	\$52.15	\$236.46	\$243.26	\$144.41
Percentage of fuel wasted	87.43%	72.35%	62.70%	48.12%

Given that E1 works Monday through Friday, the calculations reflected in the table above show that for these eight (8) work days during the month of June, E1’s vehicle showed 21.37 hours of idle time, with 87.43% of fuel waste at a total cost of \$45.60. For the month of July, E1’s vehicle

showed 78.03 hours of idle time, with 72.35% of fuel waste at a total cost of \$171.07. For the month of August, E1's vehicle showed 69.3 hours of idle time, with 62.70% of fuel waste at a total cost of \$152.52. And for the eight (8) work days reviewed during the month of September (E1 did not work the Labor Day holiday, nor the Friday before the holiday), E1's vehicle showed 31.1 hours of idle time, with 48.12% of fuel waste at a total cost of \$69.49. Over the period reviewed, the estimated value of fuel wasted was \$438.68.

In addition to the fuel waste, the employee was paid for hours not worked. Using the total hours idling for the period of 199.8 hours and applying the employee's rate of pay of \$14.36, the estimated amount paid for hours not worked was approximately \$2,869.13.

During the interviews, E1 claimed that their Supervisor was made aware of a medical condition and that their Supervisor authorized the employee to rest in the vehicle when the medical condition occurred.

E1's Supervisor acknowledged awareness of a medical condition that resulted in E1 calling in sick and/or coming in late to work. E1's Supervisor stated that E1 did not notify the Supervisor or request to rest in the City vehicle as a result of this medical condition. Due to a lack of documentation, the claim that the Supervisor was aware of the medical condition and permitted E1 to continue working could not be substantiated or disproved.

## CONCLUSION

The OIG's investigation reveals that E1's actions were improper and not supported by the City's policies and procedures. E1 admitted guilt for sleeping while on duty and accepted responsibility for the actions, but claimed that the Supervisor was made aware of a possible medical event and that the Supervisor authorized E1 to rest in the vehicle when the medical event occurred.

Overall, the Department's practices are significantly lacking in internal controls with policies and procedures and general oversight deficiencies which make the City susceptible to fraud, waste and abuse. As a result of our investigation, OIG has made nine (9) recommendations for improvement related to observations.

## OBSERVATIONS AND RECOMMENDATIONS

**Observation 1:** E1 did not follow or is not aware of the proper City and Department policies and procedures regarding time records.

**Recommendation:** E1 should be retrained on proper time recordkeeping to ensure compliance with City/Department policies and procedures.

**Department Response:** E1 along with other Clean City Staff attended a training on November 3, 2021 regarding the City of Albuquerque's (COA) and SWD policies regarding time recordkeeping. SWD will continue rotating staff in and conducting



trainings until all Clean City staff have gone through the training. The trainings are being documented and the employees that are trained are being required to sign a form indicating they have been trained and are aware of the time keeping policies. Forms will be maintained for documentation of training.

**Observation 2:** E1 was observed driving the Polaris but was not spraying herbicide.

**Recommendation:** Management should consider spot checking herbicide reports for a specific location to determine if the amount of herbicide sprayed was consistent with expectations.

**Department Response:** CCD will develop procedures that require supervisors to spot check the required herbicide application records that they maintain per New Mexico Department of Agriculture, Title 21, and Chapter 17. The procedure will include weekly random spot checks by the supervisor, but the Assistant Superintendents will do a monthly spot check on the supervisor's records.

**Observation 3:** A review of E1's time entry during this period did not reflect time off or idling while otherwise indisposed.

**Recommendation:** Management should consider implementing a formalized dispatch system to document the communication between the employees and the Department /Supervisors. A thorough review of time cards/sheets should be conducted by the Supervisor to ensure that all permitted sick/vacation time has been appropriately accounted for. The time card/sheet should be initialed indicating approval.

**Department Response:** The COA and SWD does use a time clock system, which requires employees to swipe in and out at the beginning and end of the day. This KRONOS system does require the supervisor to approve the time card at the end of each pay period. This is an electronic system and all leave, whether it is personal or sick time, must be put into the system and approved. Supervisors will be re-trained on the process and reminded that they should not be approving any leave during the day without it being documented in the KRONOS system.

The CCD does use a dispatch system, which includes employees communicating through radios so all supervisors and managers can hear. We will begin re-training supervisors to only communicate through 2-way radios so incidents can be confirmed and documented.

We will work with SWD's trainer to design a training form so supervisors can begin to be re-trained and once they have completed the training, it will be documented and stored.

**Observation 4:** E1 indicated experiencing medical events that require periods of rest during work hours.

**Recommendation:** E1 should be reassigned until evaluated by medical professionals to rule out a medical condition that would prevent the employee from performing duties or driving or operating City vehicles and equipment.

**Department Response:** As of November 12<sup>th</sup> E1 has been reassigned and is not operating city vehicles and equipment. We have started the process with the employee's union steward to get medical documentation as to what restrictions apply to the employee. SWMD's Labor Relations Officer will meet with the employee and their union steward to inform them of the options the employee has regarding FMLA, Light Duty and other options based on the information provided by the employee's doctor.

**Observation 5:** On multiple occasions E1 was observed in the vehicle for hours during the day while vehicle was idling. Additionally, the GPS logs report excessive idle time for specified dates in June 2021, the entire month of July 2021, the entire month of August 2021, and specified dates in September 2021.

**Recommendation:** Management should consider reviewing a sample of GPS logs daily for excessive idle time and take corrective action with the employee immediately. Additionally, OIG recommends a proactive review, by OIG or the Department, of all vehicle's idle times to determine if waste is occurring on a regular basis that can be eliminated.

**Department Response:** SWD will develop a procedure to have supervisors remind employees that if they are not using the vehicle it must be turned off to avoid unnecessary use of gas. The procedure will also include a spot check of GPS records to ensure if a vehicle is off/idle in an area that the employees are doing the work assigned.

**Observation 6:** Interviews with Supervisors indicated that the Department's policies and procedures are applied independently depending on which Supervisor is assigned to a crew.

**Recommendation:** E1's direct Supervisor should be retrained to apply the Department policies and procedures and ensure that each crew is subject to the same requirements.

**Department Response:** CCD will re-train all of its Supervisors to ensure they are all aware and implementing the correct policies and procedures. CCD will also develop a policy that will require training at minimum of 3 times annually (every 4 months) to ensure all new supervisors and existing supervisors are aware and following proper policies and procedures.

**Observation 7:** There is no mechanism for adequate time tracking when an employee is in the field.

**Recommendation:** Consider a formalized dispatch system to document the communication between the employees and the Department /Supervisors.

**Department Response:** SWD utilizes a dispatch system using ten code to minimize radio traffic and VueWorks as a time keeping tool for all work orders. Employee(s) call the assigned Supervisor(s) throughout the workday on a two-way radio. This policy was not followed and as part of the training outlined in prior responses, CCD will begin to re-train all employees and supervisors in the use of the radio and VuWorks system.

**Observation 8:** The Department's practice is that employees agitate the mixture if it has been sitting for an extended period of time. This is currently being done by employees at the assigned location resulting in unnecessary down time and idle time.

**Recommendation:** Since employees arrive at Pino Yards at 7:00 AM and perform a pre-trip inspection, get supplies and chemicals and then leave to their assigned locations at approximately 7:30 AM, it is recommended that the mixture be agitated, while the vehicle is turned off at Pino Yards, during the time frame that the employees are gathering their supplies and chemicals. The drive to the location will further agitate the mixture making it ready to be applied upon arrival and thereby minimizing down time and potential idle time.

**Department Response:** CCD will develop a procedure that requires the inspection and agitation of the mixture to be done on site at Pino Yards, while the vehicle is not operational. The procedure will also require the employee to monitor the process as required by the US Environmental Protection Agency to ensure the mixture is agitating correctly.

**Observation 9:** The Department's practices are not formalized in written policies and procedures.

**Recommendation:** The Department should memorialize required practices into formalized written policies and procedures. Written policies and procedures will provide a basis for ensuring employees are accountable for and understand the requirements and duties for their positions. Additionally, at least annually, all employees should sign an acknowledgement of the policies and procedures.

**Department Response:** SWD and COA do currently have policies and procedures that they currently follow, however we do agree that certain duties performed by the CCD are not covered in these policies and procedures, as they are specific to the division. SWD trainer will work with the CCD to develop policies and procedures recommended above as well as other procedures that may need to be written. We will begin with the items in this document and as they are developed will begin training employees. We will also train employees on current procedures that are not being followed that were identified in this document. All training will be documented and kept for record.

It is vitally important that the Department address these practices. The OIG's observations reveal a significant need for the Department to improve its internal controls related to the City's daily operations to safeguard public funds, assets and to ensure compliance with applicable policies and procedures.