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Report of Investigation

FILE NO: 23-0030-I

SUBJECT MATTER: Allegation of parking permit misuse and improper time reporting.

STATUS: Final

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October 25, 2023
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DISTRIBUTION:

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EXECUTIVE SUMMARY

The City of Albuquerque Office of Inspector General conducts investigations, inspections, evaluations, and reviews in accordance with AIG standards.

According 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.

The Office of Inspector General (OIG) received an anonymous complaint alleging an Environmental Health Department (EHD) employee (E1) is using an EHD department parking permit to park their personal vehicle at the Civic Plaza parking lot. The complainant also alleged that E1 may be committing time-reporting fraud by coming in late and leaving early.

The OIG determined that the allegations contained elements of potential fraud, waste, or abuse and that it was appropriate for the OIG to conduct a fact-finding investigation. The purpose of the investigation was to collect evidence to substantiate or not substantiate the allegation that E1 was using a department parking permit and committing time reporting fraud.

As a result of the investigation, the OIG was able to substantiate that E1 was using a department parking permit to park E1's personal vehicle. The OIG was also able to substantiate that E1 was improperly reporting time.

In addition, the OIG noted a Subsequent Matter and Observation and provided recommendations for improvement.

ABBREVIATIONS

CITY:	City of Albuquerque
OIG:	Office of Inspector General
E1:	City Employee
E2:	City Employee
E3:	City Employee
D1:	Environmental Health Director
FD:	Fleet Division
PDI:	Procurement Division Employee

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 (City) to safeguard and preserve public trust. Investigations, inspections, evaluations, and reviews are conducted following AIG Standards.

Complaint:

Allegation of an Environmental Health Department (EHD) employee (E1) abusing time and using an EHD vehicle parking permit for a personal vehicle. The complaint alleges that E1 arrives at work late and leaves early. The complaint also alleges that the EHD director may be allowing E1 to use a department parking permit to park their personal vehicle at Civic Plaza.

SCOPE AND METHODOLOGY

Scope: Time reporting information for E1 and parking permit information for EHD and E1.

The methodology consisted of:

- Review parking permit swipes
- Review employee badge swipes
- Review video
- Conduct information-gathering interviews
- Review City policies and procedures
- Review PeopleSoft and Kronos Data
- Review Social Media

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

INVESTIGATION

Allegation 1: City employee is using a City department parking permit for their personal vehicle.

Authority:

301.12 City Property

Employees are responsible for preventing loss, damage, abuse, misuse, or theft of City property or property entrusted to the City including, but not limited to: artifacts, vehicles, equipment, tools, supplies, and City records. All City property should be used only for City business. City property may not be used for personal gain or profit.

Evidence:

Civic Plaza Parking Entrance Videos
Parking Permit entry and exit swipes
Investigator's observation of personal vehicle
Interviews
Policies

Interviews:

During an interview with E1, E1 stated that E1 was "kind of" in charge of parking permits, but that an EHD Deputy Director took it over about a month ago. E1 stated that prior to E1's meeting with the OIG, E1, and D1 attended a meeting with the City's Fleet Division to schedule training for E1 and the Deputy Director regarding permits.

E1 stated that they used to park their personal vehicle four (4) to six (6) blocks away, but now E1 is parking under Civic Plaza. E1 stated that E1 parks their personal vehicle under Civic Plaza because E1 uses it for City business and does not charge the City for gas or miles traveled. E1 stated they no longer have a Director's vehicle for outings. D1 authorized E1 to temporarily use the director's City vehicle parking permit until the department gets a new vehicle. E1 stated that the director's hybrid vehicle had broken down several times and would not start when they wanted to use it. E1 stated it has been to the shop for repairs about three (3) times. E1 stated that around three (3) months ago Fleet took ownership of the vehicle. E1 stated that earlier in the day, prior to E1's meeting with the OIG, D1, and E1 had a meeting with Fleet regarding EHD acquiring a new vehicle. According to E1, Fleet indicated that there were no available vehicles. When asked if E1 retains a mileage log for City business when using E1's personal vehicle, E1 replied, no. E1 stated that E1 uses their personal vehicle because there is no department vehicle to use and E1 did not want to "bug people". E1 has been using their personal vehicle for over a year. E1 stated that because E1 is not getting compensated to use E1's personal vehicle, D1 authorized E1 to use the parking permit.

E1 stated a reason for parking under Civic Plaza is because D1 may need E1 right away for meetings. D1 thought it was more convenient for E1 and was a way to reimburse E1 for all the

time E1 uses their personal vehicle for City business. This is only until EHD can get a new vehicle and then E1 would go back to parking where E1 used to park.

During the OIG's interview with D1, D1 stated D1 was assigned a plug-in Hybrid, but every time D1 or E1 tried to use the vehicle it would not start. The vehicle was in the shop continuously and the battery had been changed a couple of times when D1 finally parked the vehicle. D1 stated that when the vehicle was running, D1 used it ten (10) to twelve (12) times. Otherwise, D1 used their personal vehicle for offsite City business. D1 has been using their personal vehicle for City business since becoming the EHD director, for about a year and a half. D1 stated EHD has had meetings with Fleet to get a vehicle, but the only vehicle offered by Fleet was an extended pickup truck which did not meet the needs of having a back seat for other passengers. Fleet also tried to offer D1 an EHD vehicle which D1 declined because D1 did not want to take the vehicle from an EHD field employee. D1 stated they have been trying to revive two (2) old vehicles, one of which they found a homeless individual living in. As a result, Fleet had that vehicle totaled and the other vehicle was being worked on.

D1 stated they were involved in a hit-and-run accident in D1's personal vehicle while on City business. D1's personal insurance was used and it took two (2) months before D1's vehicle was repaired. When asked if D1 could use a vehicle from the City's vehicle pool, D1 stated it is not as convenient and it is easier for D1 to use their personal vehicle. D1 stated if D1 did not have to use their personal vehicle, D1 wouldn't and stated there is a waiting list to get a vehicle from the vehicle pool.

D1 stated that the City pays for the parking permit for D1's personal vehicle. D1 stated that all directors have a paid parking permit for their personal vehicle and City take-home vehicle. D1 believes they are the only director who does not have a City take-home vehicle. Both of D1's deputy directors have City take-home vehicles.

When asked how E1 came into possession of a City parking permit, D1 stated that D1 assigned it to E1. D1 stated from time to time E1 will have to pick up supplies, run errands, and deliver documents, and that E1 is the liaison for the Albuquerque-Bernalillo County Air Quality Control Board where E1 takes notes. D1 learned that when E1 used E1's personal vehicle for City business, E1 would have to walk six (6) blocks to get to their vehicle. D1 felt this was inconvenient and therefore, allowed E1 to use the parking permit that belonged to the Director's City vehicle so that E1 could park their personal vehicle in the lot under Civic Plaza. D1 stated that D1 spoke to one of EHD's Deputy Directors to let the Deputy Director know what they were going to do regarding the parking. D1 stated a couple of times that E1 had to go to the uniform store. E1 does not have a really good car and D1 had to go and boost E1's vehicle.

D1 stated that based on convenience, D1 stands by D1's decision. D1 further stated they cannot pay for mileage, for insurance for E1's personal vehicle, or for wear and tear. D1 stated that D1 is going to at least make it convenient for E1 to use E1's personal vehicle for City work.

The OIG asked why E1 does not purchase a parking permit like other City employees. D1 stated that E1 is still going to be using their personal vehicle for City work. The OIG pointed out that E1 is eligible for mileage reimbursement when using their personal vehicle, and questioned why E1 is not receiving reimbursement. D1 stated D1 is not aware of that process and was letting E1 use

the parking permit for convenience until EHD gets a vehicle. D1 thought this was the better option at this point with the understanding this was temporary. D1 reiterated that was the best call D1 could make and they stand by it. D1 stated that unless the City can provide a car, this is the circumstance and the decision is made. D1 stated that E1 has been using the parking permit for six (6) or more months.

D1 did not verify if E1 had insurance on E1's vehicle. D1 stated that E1 is a responsible person and assumes E1 has it. D1 stated the EHD does not have any unassigned vehicles.

During the OIG's interview with E2, E2 stated that they were assigned the Directors City Vehicle which is parked under Civic Plaza. When the new incoming director was hired, E2 gave the keys for the Hybrid Fusion back to E1. E1 maintains fleet vehicles for the department. The parking permit was left in the car. When asked if E2 was aware if E1 was using the director's vehicle parking permit, E2 stated E2 was made aware that E1 was using it for E1's personal vehicle but does not know for how long. When asked about the director's vehicle, E2 stated that it is no longer with the department and had not been used for quite some time. According to E2, D1 did not want to use it because it had problems staying charged. E1 had to take it in for maintenance to get the battery replaced or drive it to charge it. It was parked in the designated director's spot for some time and then was moved to 2nd level next to the EV charging station spots.

When asked if E1 should be using a City-issued permit for E1's personal vehicle, E2 stated not that E2 has been made aware of. E2 stated as a department, they would not pay for parking for employees of that level, nor should the department provide a City vehicle parking permit for personal vehicle use. E2 did state that EHD does pay for EHD City vehicle parking permits.

The OIG spoke with the City's Fleet Division (FD) and asked about the issues with EHD's director's vehicle. FD stated that from May 2022 through May 2023, the EHD director's vehicle was only driven 575 miles. FD stated in most City vehicles there is a system installed that works with fueling but the system constantly wakes up the vehicle's computer which will drain the battery without constant charging from driving the vehicle.

On a work order date stamped February 10, 2022, the technician notes the following, "Advised management vehicle needs to be driven often to maintain charge or damage to electric battery may occur." FD stated the vehicles need to be driven weekly.

Analysis:

The evidence obtained by the OIG through data and video shows that E1 was using the parking permit issued for the EHD director vehicle, Ford Focus Hybrid starting in February 2023.

Both D1 and E1 acknowledged that the parking permit was being used for E1's personal vehicle. E1 stated that because E1 is not getting compensated to use E1's personal vehicle, the director authorized E1 to use the parking permit. D1 stated it was inconvenient for E1 to park six (6) blocks away and for the convenience aspect, D1 let E1 use the parking permit that belonged to the directors' City vehicle so that E1 could park E1's personal vehicle under Civic Plaza.

In reviewing the Credential Activity Report, it appears for the year 2023, D1 started using the parking permit issued in E2's name on January 31, 2023. The parking placard issued to E2 was used three (3) times in January, but starting Thursday, February 2, 2023, it starts to be used daily.

FD stated the reason the director's Ford Fusion was having problems was because it was not being driven enough causing the battery to die. The vehicle was not being driven enough to maintain battery charge.

City employees have the option to purchase a City parking permit to use a City-owned parking lot for parking their personal vehicles. According to the data, E1 has been using the EHD director's City vehicle parking permit since February 2023. A City employee who pays for their personal vehicle parking gets the monthly payment deducted pre-tax from their paycheck every month. At the time of this report, the charge to park under Civic Plaza is \$84. The charge to park under Civic Plaza for seven (7) months would be \$588 before tax deductions.

Finding-Allegation 1:

The evidence obtained by the OIG substantiates the allegation of misuse of a City Department-issued parking permit for use on E1's personal vehicle.

Recommendation:

The OIG recommends that the EHD City vehicle parking permit issued to the director's vehicle be canceled until a vehicle can be obtained.

The City should consider the implication of not adding the fringe benefit to E1's wages and take the appropriate steps to rectify any deficient practices.

The City should ensure that all City vehicles that have parking permits are utilized only for that City vehicle.

EHD personnel in charge of EHD's fleet parking permits should receive training on usage.

EHD should start using the City's vehicle pool service for E1 until a City vehicle is procured. During times when it is not possible for E1 to use a vehicle from the City's vehicle pool and E1 has to use their own personal vehicle, EHD should ensure that E1 completes the appropriate mileage documentation and provides all required documentation to get reimbursed.

Management's response

Executive leadership shall review the use of department paid permits within EHD to thoroughly understand the current utilization; the review shall include all permit types whether individual issued or fleet. We will also review with the leadership in the department that if a City provided vehicle for the department is not available that they should use the motor pool in the General Services Department to get a replacement until the department vehicle is available.

Allegation 2:

An Environmental Health Department (EHD) employee, (E1) is committing improper reporting of time.

Authority:

Administrative Instruction 2-28 Time Reporting and Approval Policy

301.3 Standards of Conduct

Employees shall in all instances maintain their conduct at the highest personal and professional standards to promote public confidence and trust in the City and public institutions and in a manner that merits the respect and cooperation of co-workers and the community.

301.9 False Statements/Fraud

No employee shall willfully make any false statement, certificate, mark, rating, or report regarding any test, certification, appointment, or investigation, or in any manner commit any fraud, conceal any wrongdoing or knowingly withhold information about wrongdoing in connection with employment with the City in connection with the work-related conduct of any City employee.

301.13 City Records and Accounting

All City records, including reports, vouchers, requisitions, payroll, and personnel records must be prepared factually and accurately. It is the personal obligation of the employee completing such records as well as the supervisor to ensure that such records are accurate and comply with federal, state, and City record-keeping and accounting requirements.

Evidence:

Kronos Data
PeopleSoft Data
Badge Swipes
Vehicle parking Data
Interviews

Interviews:

During our interview with E1, E1 stated that they work a lot of overtime. E1 is the department liaison for a board. As the liaison, E1 will attend meetings and take notes. E1 would leave the meetings between 8:30 pm and 9:30 pm. E1 stated that when E3 was their supervisor, E3 told E1 that as an E14 series employee, E1 would not be eligible to receive overtime, so E3 would have E1 take comp time. The overtime worked was not documented and E1 would ask to leave early to use E1's comp time. D1 became the EHD director and asked why E1 could not get overtime and E1 told D1 that E3 told E1 they could not. According to E1, D1 looked into it and E1 was able to get overtime for a couple of things. Instead of receiving overtime, E1 asked D1 if E1 could use comp time and D1 said it was fine. E1 stated that E1 keeps track of E1's overtime hours worked including City Council meetings with D1, which sometimes last until 12:00 a.m. E1 stated a lot of those times are comped, so when E1 comes in late, E1 asks to use 30 minutes, maybe an hour to come in or leave an hour early like E1 used to do with E3.

When asked why E1 attends City Council, E1 stated to take notes for D1. When asked if other executive assistants attend council meetings, E1 stated all Executive Assistants (EAs) do different things. E1 stated it is in E1's job title to assist D1 in anything D1 needs. When asked if E1 assisted anyone else in EHD, E1 replied nobody, the priority is D1.

E1 stated they do not have a set telework day. When D1 needs E1 to come in for a meeting E1 will come in and take a different day to work from home. E1 stated they were supposed to have two (2) telework days, but only take one (1) and sometimes E1 won't get a telework day. E1 stated that E1 does not take lunches because E1 has to write notes from meetings and does not take breaks either. E1 works with the D1 most of the time. E1 stated that sometimes E1 would leave 30 minutes early because E1 did not take a lunch break.

E1 stated that E1's typical work day in the office includes sitting in D1's office discussing and planning the day to see what meetings D1 has to attend, what meetings E1 has to take notes for, what outings they have to go to, run errands, pick up uniforms and pick up keys or vehicles at the Pino facility. E1 stated that E1 keeps a log of how many hours of overtime E1 works on a flash drive and that E1 would provide the information to the OIG (See Exhibit 1).

On the telework days, E1 stated days differ, E1 takes care of Kronos for EHD and looks over employees' timecards, fixes them, and sends the employees emails of the corrections made. E1 catches up on notes that E1 takes for D1, sends out emails, responds to emails, and sets up meetings on Zoom.

E1 was asked, when do you consider yourself to be on the clock when working from the office. E1 replied, right when you arrive on City property and clock in.

E1 was asked how they clocked in. E1 stated that when reporting to E3, E3 had D1 download the Kronos app. E1 stated that they would also clock into Kronos on their laptop. E1 stated that when Kronos is down, E1 will contact D1 and D1 will clock in for E1.

E1 clocks in from the laptop and sometimes with their cell phone. E1 stated that E1 does not clock into Kronos before arriving at the office. E1 will clock into Kronos when E1 enters the building, "like at the elevator". E1 stated that "once you step foot in the building you are on City time, you have to represent the City". Sometimes E1 will get asked questions while making their way to the office and sometimes pick up the mail on the way to the office. E1 considers that to be on City time. At home, E1 will clock in and out on time.

E1 was shown data the OIG had gathered and was asked to explain those instances where E1 appeared to be logging in before E1 had entered the parking under Civic Plaza to park E1's vehicle. E1 stated that E1 was comping their time. The OIG stated that from the data reviewed, E1 was comping their time almost daily. E1 replied yes, E1 has so much overtime that E1 has logged for. E1 will let D1 know and D1 has told E1 to comp it. E1 will call D1 regarding using overtime and it is verbal. E1 also did that with E3. E1 stated there are no rules that say when you can use comp time. You can have up to 80 hours in Kronos, but E1 does not document using comp time. E1 stated that E1 has the time to comp it.

The OIG advised E1 that records reflect that E1 was using their phone the majority of the time to clock in and out. E1 stated "that it is not anything bad", E1 has the time and documentation of

how many hours E1 has and how much overtime E1 has. E1 would provide the information (Exhibit 1). When asked how many meetings E1 attends a week outside of work, E1 stated “two (2) a week, just depends.” At a City Council meeting, E1 stayed until 12 midnight and received overtime for that.

The OIG interviewed D1 and D1 stated that E1’s primary function is to take care of any issues D1 has to deal with, including scheduling, meetings, and note-taking. E1 is also assigned to do research for various products. E1 also has additional duties, E1 is our contract specialist, timekeeper, fleet manager, and property manager. D1 stated that E1 is a very good note-taker, D1 attends many meetings and D1 does not have time to take notes.

D1 stated that E1’s work schedule is a half-hour lunch and works 7:30 am to 4:00 pm. E1’s telework day was Wednesday, but as of the last pay period it changed to Fridays. Telework is dependent on whether D1 needs E1.

D1 was asked what E1’s typical work day was, and D1 stated that Mondays are big for them, first thing is they plan out the week, go over the calendar, meetings, and anything they have to cancel. They go over bi-weekly reports that are due, E1 will write them and D1 will approve and then send them to administration. Planning out the week, E1 is usually in D1’s office for one and a half (1 ½) to two (2) hours on Mondays. After that E1 is off to do E1’s issues, and D1 has meetings with all the divisions over the two (2) week period. E1 reminds D1 when they come in and takes the meeting notes. Once the meetings end, E1 and D1 will go over what may not be on the notes, then E1 will draft the notes. E1 will also work on contracts which is pretty much on a daily basis.

E1’s primary focus is D1. E1 does assist other people based on their contracts. E1 reviews everyone’s contracts and will work with them on corrections. (Note: E1 never stated that E1 reviews contracts during the interview) E1 also reviews employee time and E1’s job is to find any potential problems and have them fixed. With fleet, E1 schedules all the preventative maintenance (PMs) and will work with staff to pick up keys and drop off keys. E1 assists the entire department with those duties.

While teleworking, D1, and E1 will talk a couple of times during the day. Once in the morning to remind D1 of any meetings D1 may have and then in the afternoon E1 will also remind D1 of meetings. While teleworking E1 works a lot with contracts. E1 will also work on notes from the week and send them to D1 for review.

D1 was asked when they considered E1 to be on the clock in the office. D1 replied it depends, sometimes D1 will have to drop off keys in the morning. To D1, “whenever E1 clocks in”. At times E1 will be running late and call D1, E1 may need an extra half hour in the mornings. D1 stated that D1 has assigned and approved overtime for E1. Reasons for overtime include attending City Council meetings, community meetings, and Air Quality Control Board meetings. E1 will also pick up uniforms or equipment. D1 stated that D1 does not track the extra hours worked, but that E1 keeps a log of extra hours worked. E1 will exchange overtime for comp time. D1 stated that E1 does not even come close to taking the comp time with the overtime E1 works.

In using E1’s comp time, D1 stated that in the morning E1 will call and ask for fifteen (15) minutes, a half hour (30), etc. E1 is always good about calling. D1 did ask E1 to take overtime, but D1 was not going to force it. E1 said no. On the overtime and comp time, E1 will call and say they need

half an hour (30 minutes) because of traffic. E1 will clock in at that point, regular time. When asked how E1 clocks in, D1 replied that D1 did not know, but stated E1 does have access through their phone. If E1 is coming in late in the morning and on the road, E1 will clock in through E1's phone.

D1 thought with the comp time that E1 had accumulated, that E1 would have taken several days off to utilize it. E1 did not want to do that, instead, D1 stated that "E1 will use small bits of comp time here and there, such as when E1 is going to be late due to traffic."

D1 was asked if E1 was abusing Kronos by logging in before E1 arrived at work and logging out after E1 left. D1 stated that E1 should not be doing that unless E1 has notified D1. D1 stated that E1 does make D1 aware.

The OIG contacted the City's Payroll Division and asked PD1 if comp time could be entered into the City's employee reporting systems. PD1 stated, "The comp time earned codes are in Kronos and PeopleSoft. When an employee works overtime, the supervisor has the ability to move the overtime hours to comp time earned in Kronos. This should only be allowed if the overtime was approved."

Analysis:

From data gathered, from March 6, 2023, through August 10, 2023 through E1 entering Civic Plaza parking, badge door swipes, and Kronos logins, the OIG gathered the following:

The OIG was able to analyze data showing what time E1 entered and left the Civic Plaza parking lot, followed by the E1 entering the basement of City Hall and then entering EHD main entrance. This was done by the electronic data from the EHD's parking placard used by E1 to enter the parking lot and E1's badge which must be used to enter the South door basement and EHD main office door. The data below shows when E1 clocked in and out through Kronos and the approximate time and differences.

E1's Arrival at Work

<u>Work Day</u>	<u>Garage In</u>	<u>Basement Parking South Door</u>	<u>EHD Main Entry</u>	<u>Kronos In</u>	<u>Difference</u>
Monday, March 6, 2023	7:29:59	No Data Available		7:28:00 AM	0:01:59
Tuesday, March 7, 2023	7:29:57	No Data Available		7:28:00 AM	0:01:57
Tuesday, March 14, 2023	7:31:49	No Data Available		7:28:00 AM	0:03:49
Thursday, March 16, 2023	7:34:01	No Data Available		7:28:00 AM	0:06:41
Thursday, March 23, 2023	7:28:03	No Data Available		7:27:00 AM	0:01:43
Monday, March 27, 2023	7:41:42	7:42:53 AM	7:45:05 AM	7:28:00 AM	0:17:05
Tuesday, March 28, 2023	7:40:52	7:41:50 AM	7:42:32 AM	7:30:00 AM	0:12:32
Friday, March 31, 2023	7:34:04	7:35:06 AM	7:37:00 AM	7:29:00 AM	0:09:29
Monday, April 3, 2023	7:25:50	7:28:17 AM	7:30:23 AM	7:28:00 AM	0:02:23
Monday, April 10, 2023	7:36:59	7:38:05 AM	7:39:43 AM	7:28:00 AM	0:11:43
Tuesday, April 11, 2023	9:49:57	9:53:36 AM	No Swipe	7:27:00 AM	0:26:36
Thursday, April 13, 2023	7:24:51	7:26:55 AM	7:29:19 AM	7:27:00 AM	0:02:19

Tuesday, April 18, 2023	7:33:56	7:35:15 AM	7:37:12 AM	7:28:00 AM	0:09:12
Wednesday, April 19, 2023	10:23:46	No Swipe	No Swipe	7:27:00 AM	2:56:46
Thursday, April 20, 2023	7:32:01	7:33:07 AM	7:34:46 AM	7:27:00 AM	0:07:46
Friday, April 21, 2023	7:29:53	7:30:53 AM	7:33:01 AM	7:27:00 AM	0:06:01
Monday, April 24, 2023	7:33:58	7:35:05 AM	No Swipe	7:28:00 AM	0:07:05
Wednesday, April 26, 2023	7:31:49	No Swipe	7:35:30 AM	7:28:00 AM	0:07:30
Friday, April 28, 2023	7:26:48	7:27:54 AM	7:29:31 AM	7:28:00 AM	0:01:31
Monday, May 1, 2023	7:35:46	7:38:44 AM	No Swipe	7:28:00 AM	0:10:44
Tuesday, May 2, 2023	9:23:42	9:32:49 AM	9:34:55 AM	7:27:00 AM	2:07:55
Thursday, May 4, 2023	7:47:06	7:48:30 AM	7:50:09 AM	7:27:00 AM	0:23:09
Friday, May 5, 2023	8:42:09	8:44:10 AM	8:46:07 AM	7:32:00 AM	1:14:07
Monday, May 8, 2023	7:31:48	7:33:15 AM	7:35:16 AM	7:27:00 AM	0:08:16
Tuesday, May 9, 2023	9:36:47	9:45:08 AM	No Swipe	7:28:00 AM	2:17:08
Monday, May 15, 2023	7:35:47	7:37:06 AM	7:38:49 AM	7:28:00 AM	0:10:49
Tuesday, May 16, 2023	8:49:07	8:54:08 AM	No Swipe	7:31:00 AM	1:23:08
Thursday, May 18, 2023	7:30:04	7:32:09 AM	No Swipe	7:27:00 AM	0:05:09
Friday, May 19, 2023	7:31:52	7:33:35 AM	7:35:26 AM	7:28:00 AM	0:07:26
Wednesday, May 31, 2023	7:34:08	No Swipe	7:37:40 AM	7:28:00 AM	0:09:40
Thursday, June 1, 2023	7:39:11	7:40:44 AM	7:42:45 AM	7:27:00 AM	0:15:45
Friday, June 2, 2023	7:48:55	7:50:22 AM	7:52:11 AM	7:29:00 AM	0:23:11
Monday, June 5, 2023	10:30:05	10:31:05 AM	No Swipe	7:29:00 AM	3:02:05
Tuesday, June 6, 2023	7:40:01	7:41:17 AM	7:42:59 AM	7:27:00 AM	0:15:59
Thursday, June 8, 2023	7:38:59	7:40:28 AM	7:42:12 AM	7:28:00 AM	0:14:12
Friday, June 9, 2023	7:43:49	7:45:36 AM	7:47:24 AM	7:27:00 AM	0:20:24
Monday, June 12, 2023	7:50:03	7:51:17 AM	7:53:00 AM	7:28:00 AM	0:25:00
Thursday, June 15, 2023	7:50:03	No Swipe	No Swipe	7:28:00 AM	0:22:03
Friday, June 16, 2023	10:07:54	No Swipe	10:11:23 AM	7:29:00 AM	2:42:23
Tuesday, June 20, 2023	8:06:46	8:08:09 AM	8:09:49 AM	7:30:00 AM	0:39:49
Friday, June 23, 2023	7:35:56	7:37:35 AM	7:39:09 AM	7:26:00 AM	0:13:09
Monday, June 26, 2023	7:37:44	7:39:05 AM	7:40:59 AM	7:27:00 AM	0:13:59
Tuesday, June 27, 2023	7:42:53	7:44:19 AM	7:46:10 AM	7:27:00 AM	0:19:10
Thursday, June 29, 2023	8:39:02	8:42:16 AM	8:44:10 AM	7:32:00 AM	1:12:10
Friday, June 30, 2023	7:39:44	7:41:04 AM	7:42:46 AM	7:27:00 AM	0:15:46
Wednesday, July 5, 2023	7:38:50	7:40:18 AM	7:42:18 AM	7:27:00 AM	0:15:18
Monday, July 10, 2023	7:28:09	7:30:01 AM	7:31:51 AM	7:27:00 AM	4:51:00
Tuesday, July 11, 2023	7:27:51	7:40:28 AM	7:43:04 AM	7:27:00 AM	0:16:04
Thursday, July 13, 2023	7:52:00	7:53:23 AM	7:55:23 AM	7:27:00 AM	0:28:23
Friday, July 14, 2023	7:41:07	7:44:37 AM	7:46:29 AM	7:23:00 AM	0:23:29
Tuesday, July 18, 2023	7:47:08	7:48:48 AM	7:50:27 AM	7:26:00 AM	0:24:27
Wednesday, July 19, 2023	8:01:02	8:02:26 AM	8:04:26 AM	7:32:00 AM	0:32:26
Monday, July 24, 2023	7:42:55	7:44:38 AM	7:47:06 AM	7:23:00 AM	0:24:06
Tuesday, July 25, 2023	7:48:03	7:49:45 AM	7:51:37 AM	7:25:00 AM	0:26:37
Thursday, July 27, 2023	8:30:57	8:32:12 AM	8:33:54 AM	7:28:00 AM	1:05:54

Monday, July 31, 2023	7:58:16	No Swipe	8:02:05 AM	7:28:00 AM	0:34:05
Tuesday, August 1, 2023	8:05:01	8:06:09 AM	8:08:09 AM	7:32:00 AM	0:36:09
Wednesday, August 2, 2023	9:35:56	9:38:41 AM	9:40:27 AM	7:28:00 AM	2:12:27
Thursday, August 3, 2023	7:50:46	No Swipe	7:53:47 AM	7:24:00 AM	0:29:47
Monday, August 7, 2023	7:54:11	7:56:01 AM	7:57:57 AM	7:28:00 AM	0:29:57
Tuesday, August 8, 2023	7:52:27	7:54:07 AM	7:55:50 AM	7:23:00 AM	0:32:50
Wednesday, August 9, 2023	8:05:11	No Swipe	8:08:31 AM	7:27:00 AM	0:41:31
Thursday, August 10, 2023	8:28:21	No Swipe	8:32:13 AM	7:30:00 AM	0:02:13
Total Approximate Hours Clocking in Early					39:13:26
Data to show times and dates E1 clocked in before arriving in office.					

E1 Leaving Work

Work Day	Garage OUT	Kronos Out	Difference
Tuesday, March 14, 2023	3:36:58 PM	4:03:00 PM	0:26:02
Thursday, March 16, 2023	2:20:45 PM	4:00:00 PM	1:39:15
Friday, March 17, 2023	9:13:06 AM	4:00:00 PM	6:56:54
Thursday, March 30, 2023	1:47:50 PM	4:00:00 PM	2:12:10
Monday, April 3, 2023	12:28:20 PM	4:00:00 PM	3:31:40
Wednesday, April 19, 2023	1:59:37 PM	4:00:00 PM	2:00:03
Friday, April 21, 2023	3:30:40 PM	4:00:00 PM	0:29:20
Thursday, May 4, 2023	3:53:27 PM	4:02:00 PM	0:08:33
Friday, June 2, 2023	2:10:55 PM	4:00:00 PM	1:49:05
Monday, June 12, 2023	2:59:30 PM	4:00:00 PM	1:00:30
Friday, June 16, 2023	3:57:09 PM	4:00:00 PM	0:02:51
Friday, June 23, 2023	3:02:57 PM	4:00:00 PM	0:57:03
Friday, June 30, 2023	1:41:45 PM	4:00:00 PM	2:18:15
Friday, July 14, 2023	3:45:29 PM	4:00:00 PM	0:14:31
Monday, August 7, 2023	2:29:37 PM	4:00:00 PM	1:30:23
Tuesday, August 8, 2023	3:24:03 PM	4:00:00 PM	0:35:37
Wednesday, August 9, 2023	1:49:55 PM	4:00:00 PM	2:10:05
Approximate Total Hours			28:02:17
Data to show when E1 left the Garage before clocking out.			

The OIG verified that E1 had a telework agreement dated in November 2021. However, the work schedule portion was not filled out. In a December 2021 email from E1, E1 was asking employees for their telework agreements and was inputting the data into an Excel spreadsheet. E1's telework days on the Excel form stated Tuesdays and Thursdays. E1 stated in the interview that her telework day was Wednesday and D1 later stated that the telework day was changed to Fridays.

EXHIBIT 1

EXHIBIT 1 (PROVIDED BY E1)

Extra Hours Log

Student Name: E1

2023

	Air Board	City Council	Errands	Community Meetings	Other
	2023	2023	2023	2023	2023
Date:	Jan 11th 5:30pm-7:40pm		Came in later dropped keys off to Pino	Febuary 23rd 5:30pm-7:10pm	May 20th attended state of the city
Assignment	Give feed back to Director		Went to solid waste to get 2 vehicles for Director	Took Notes	OIG Review: E1 Received 4.75 hours Overtime Pay
Materials					
Notes				Mountain View	
Date:	Febuary 8th 5:30pm-6:30pm				
Assignment	Give feed back to Director				
Materials					
Notes	took notes to let Director know				
Date:	March 8th 5:30pm-5:50pm	OIG Review: 20 minutes comp time			
Assignment	Give feed back to Director				
Materials					
Notes	took notes to let Director know				
Date:	March 30th 5:30pm-6:40pm	OIG Review: 1 hours 10 minutes comp time	left to pick up a shirt order for Maria August 7th		
Assignment	Give feed back to Director				
Materials					
Notes	took notes to let Director know				
Date:	April 12th 5:30pm-9:12pm	OIG Review: 3 hours 42 minutes comp time			
Assignment	Give feed back to Director				
Materials					
Notes	took notes to let Director know				
Date:	May 10th 5:30pm-8:30pm	OIG Review: E1 Received 4.75 hours Overtime Pay			
Assignment					
Materials					
Notes	took notes to let Director know				
Date:	June 14th 5:30pm-9:00pm	OIG Review: E1 Received 3.35 hours Overtime Pay			
Assignment					
Materials					
Notes	took notes to let Director know				

In review of E1's Extra Hours Log, E1's comp hours totaled 5 hour and 2 minutes from March 8, 2023 through June 14, 2023 (OIG reviewed date from March 6, 2023 through August 11,2023). E1 was paid over time for 12.85 hours for the time period E1 recorded on the Extra Hours Log.

From March 6, 2023 through August 10, 2023, E1 clocked in 63 times before E1 was at the EHD office for an approximate total of 39 hours and 13 minutes.

From March 6, through August 10, 2023, E1 left the Civic Plaza parking lot in their personal vehicle early 17 times before E1's scheduled end of day (4:00 pm) for an approximate total of 28 hours, 2 minutes.

From the period of March 6 through August 10, 2023, the information provided by E1 shows that E1 was paid for 12.85 hours of overtime and had 5 hours and 2 minutes of comp time.

The approximate total time unaccounted for was 67 hours and 15 minutes. When you subtract the 5 hours and 2 minutes of comp time reported by E1, there is an approximate total of 62 hours and 13 minutes in question that was paid to E1. E1 was approximately paid \$2,032 for the unaccounted hours.

Finding-Allegation 2:

From the information gathered the OIG was able to substantiate that E1 was improperly reporting time.

Recommendation:

- The City should take appropriate action to recoup the time unaccounted for and determine if disciplinary action is necessary.
- Notes for city council meetings could be taken during office hours as the meetings are recorded and are available for online review after the meetings.
- Compensatory time should be documented and tracked in the PeopleSoft System to ensure that it was authorized.
- Administration should consider management training for D1.
- The City should consider having E1's VPN access monitored or revoked to ensure E1 is not clocking in or out outside of EHD's office via a mobile device.
- As E1's supervisor, D1 should document overtime approvals and enter overtime comp hours into Kronos and/or PeopleSoft.
- The department director should verify that all telework agreements have complete information to ensure no ambiguity regarding the telework period. If the telework agreement changes a new form should be completed to ensure compliance.

Management's response:

Executive leadership shall have the department review quarterly overtime for staff. Outliers from the review of timekeeping shall be appropriately researched and corrected. Training to be provided will coincide with the outcomes of the review.

SUBSEQUENT MATTERS AND OBSERVATIONS

Subsequent Matter 1:

During the course of the investigation, the OIG identified that E1 was improperly getting paid overtime.

Authority

Personnel Rules & Regulations 701.3

Analysis:

The OIG contacted the City's Payroll Division and asked PD1 if a non-exempt E-series employee can receive overtime if they also use vacation or sick leave in the same week/pay period? PD1 replied, "Personnel Rules & Regulations 701.3 states that overtime is paid in accordance with FLSA. Under FLSA regulations, leave time paid or not, is not counted towards overtime. This means that a non-bargaining nonexempt employee is to report more than 40 hours for the week, but if part of those hours includes leave, they can be paid straight time for the hours over 40 as long as the total number of actual working time hours is not over 40."

The OIG reviewed data from March 6, 2023 through August 11, 2023 and reviewed the following overtime data.

04/22/2023 – 04/28/2023

Regular: 32 hours

Sick Leave: 8 hours

Straight Overtime: .30 hours = \$9.26

.5 Overtime: .30 hours = **\$4.63**

05/06/2023 – 05/12/2023

Regular Hours: 40 hours

Overtime: 5.15 hours @ \$46.29 = \$238.39

05/13/2023 – 05/19/2023

Regular: 38 hours

Sick Leave: 2 hours

Straight Overtime: 2 hours @ 30.86=61.72

.5 Overtime: 2 hours @ \$15.43 = **\$30.86**

05/20/2023 – 05/26/2023

Regular: 16 hours

Vacation: 24 hours

Straight Overtime: 4.75 hours @ \$30.86 = \$146.59

.5 Overtime: 4.75 hours @ \$15.43 = **\$73.29**

06/10/2023 – 06/16/2023

Regular: 32 hours

Sick Leave: 8 hours

Straight Overtime: 3.35 hours @ 30.86 = \$103.38

.5 Overtime: 3.35 hours @ \$15.43 = **\$51.69**

08/05/2023 – 08/11/2023

Regular: 39 hours

Vacation: 1 hour

Straight Overtime: .58 hours @ \$31.94 = \$18.53

.5 Overtime: .58 hours @ \$15.97 = **\$9.26**

The OIG was able to determine that E1 was overpaid a total of \$169.73 in overtime pay at time and a half. Overtime should have been paid at straight overtime.

Subsequent matter Conclusion:

As a result of the investigation and the data analyzed, the OIG was able to substantiate that E1 was overpaid in overtime.

Recommendation:

EHD should consider training for personnel who supervise and approve employee time reports to ensure employees have documentation for overtime and that correct overtime is paid at either straight time or time and a half.

Management's response:

Executive leaderships review of timekeeping noted above shall determine appropriate action for all employees involved.

Observation 1:

While teleworking from home, data reviewed shows that E1 was clocking in and out through VPN on a T-Mobile IP address. By clocking in through the T-Mobile IP address the City cannot ensure that the employee is at their designated telework location.

Recommendations:

The Department should consider updating its telework policy stating that while teleworking, nonexempt employees should clock in and out via their laptops. This will aid in ensuring the employee is at their designated telework location.

The City's Department of Technology and Innovation should consider a City-wide policy regarding VPN access through a mobile device.

Management's response:

Mobile service providers are currently providing home internet services, the below represents information regarding T-Mobile service:

To find the IP address of your T-Mobile home internet, you can follow these steps ¹ ² :

1. Open your browser.
2. In the address bar, enter <http://192.168.1.1> and press Enter.
3. Enter your login information and choose Login.
4. Alternatively, you can visit <https://192.168.12.1> to log in with your username and password ² .

If you connect your devices to the gateway, either Wifi or ethernet they will receive 168.12. addresses. If you choose to add a router you can retain 168.1 addressing scheme for all devices connected to the router ³ .

Executive leadership shall evaluate remote work implications during its review of timekeeping. Remediation activity shall occur with any issues identified. Staff will also be trained and informed that when doing remote work they will need to log in from a City issued computer and not a city issued or personal cell phone. When working in office staff will be retrained to ensure that if they are in office, they need to clock in at their designated work site and not by computer or cell phone.

NOTE: During the course of the investigation those interviewed stated there was a toxic environment at EHD. The OIG contacted the Deputy Chief Administrative Officer (CAO) who oversees EHD to inform them of the situation. The Deputy CAO stated they would contact the EHD director and work on rectifying the situation.