



## INSPECTOR GENERAL REPORT

2007-06-0121

March 13, 2008

### FSSA CHAPLAIN

*Inspector General David O. Thomas, after an investigation by Special Agent Darrell Boehmer, reports as follows:*

This investigation involved the Chaplain position with the Family of Social Services Administration (FSSA). This position was created and filled by FSSA on January 26, 2007 with the appointment of Michael Latham (respondent) by FSSA. The purpose of the Chaplain was to serve as the strategic director for policy, procedures and communications efforts on faith based services. The job description stated that the Chaplain would engage in the training of FSSA staff to encourage a faithful environment in the workplace, maintain related programs, prepare associated materials and evaluate and establish related goals and plans.

#### I.

This case originated in the Office of the Inspector General (OIG) through a series of articles appearing in the Indianapolis Star. Other persons later requested an investigation by the OIG. The allegations included the claim that the program was unproductive. More specifically, allegations were made that few

were being counseled by the Respondent and that the Respondent was engaging in outside employment which interfered with his state employment.

An investigation commenced in June of 2007. Multiple interviews were conducted by Special Agent Boehmer, including an interview of the Respondent. Documents were subpoenaed and reviewed, and research was conducted. This revealed that the Respondent worked for an outside company by the name of Taser International. Respondent was employed as a spokesperson for Taser International and appeared in that capacity throughout the nation. However, at least two time frames revealed that Respondent was appearing out of state for Taser International but was also submitting his Attendance Reports for state work done during this same time.

An Attendance Report, often referred to as an A-4, is a bi-weekly document that state workers must complete in order to account for their time in order to be paid. A state worker is required to report the hours worked each day. One of the purposes of these reports is to aid in the monitoring of a state worker's time.

Specifically, the dates of April 2-3, 2007 and April 9-10, 2007 revealed that Respondent was submitting regular 7.5 work days for state work on these days, yet his cell phone and travel records revealed that he was traveling out-of-state during these same dates on Taser International business.

FSSA policies were also examined to see if these policies permitted this work on state time, because an agency may authorize through a written agency policy for the use of state time and equipment in areas outside the normal agency

business. 42 IAC 1-5-12 and 13. The investigation revealed that these policies authorizing this work on state time did not exist.

An ethics complaint was then filed by the Inspector General on December 13, 2007 with the State Ethics Commission (SEC) alleging a violation of ghost employment under 42 IAC 1-5-13, alleging that Respondent was submitting Attendance Reports and being paid on state time for work he was conducting out of state for Taser International. A hearing on the complaint was conducted on February 14, 2008, where these facts were presented. The respondent at the hearing contended at the hearing that he was unaware of these requirements and that he completed his state work on days other than as reported in his A-4s.

## II.

The OIG is charged by the Indiana Legislature to address fraud, waste, abuse, and wrongdoing in agencies. IC 4-2-7-2(b). The OIG also has the duty to recommend policies and carry out other activities designed to deter, detect, and eradicate fraud, waste, abuse, mismanagement, and misconduct in state government. IC 4-2-7-3(2). It is also charged to investigate and file complaints for violations of the Indiana Code of Ethics. IC 4-2-7-3(3).

## III.

Based upon the above investigation and authorities, the OIG makes the following findings and recommendations.

A.

The SEC determined on March 13, 2008 that the ethics complaint was not proven. In its findings, the SEC stated that “the Respondent did not violate the ghost employment rule under the approved condition of his [adjustable work scheduling].”

However, for future training purposes, the OIG respectfully makes two recommendations regarding this issue involving the use of state time and property by state workers when participating in outside employment.

1.

An agency should adopt a general written policy specifying what is permitted by a state worker regarding the use of state time and state property with regard to employment outside his official state business. Specifically, 42 IAC 1-5-12 (use of state property) and 42 IAC 1-5-13 (use of state time) authorize these uses if articulated in a written agency policy.

For example in this case, a written policy should have existed regarding the specific parameters of the use of Respondent’s state time in relation to his outside employment with Taser International. 42 IAC 1-5-13. This also applies to Respondent’s directions to his administrative assistant to log and monitor his outside employment commitments for scheduling purposes.

Likewise, a written policy should have addressed the specific use permitted by Respondent in the use of state equipment such as the state computerized calendar to log Respondent’s outside commitments. 42 IAC 1-5-

12.

2.

A second recommendation involves the logging requirements with Attendance Reports. Respondent incorrectly logged 7.5 hours days for the four days he was in other states engaging in his outside employment with Taser International. Adjustable Work Scheduling is a system within state government which permits a state worker to adjust his working hours within the bi-weekly pay period. However, this is subject to the approval of a supervisor and the employee must log the actual hours worked for each specific day for accountability.

In response to this investigation, the OIG has developed a training module for state employees on this topic. *See Exhibit A, attached hereto.* This training module attempts to instruct state workers and supervisors on the proper maintenance of Attendance Reports.

B.

The OIG also makes another recommendation as a result of this investigation. This addresses the use of state vehicles.

Although Respondent's driver's license was valid as he began state employment, it became suspended thereafter. Consequently, Respondent's driver's license was suspended as he drove a state-issued vehicle in his state employment. Upon inquiry to the Department of Administration Motor Pool and with the assistance of the Bureau of Motor Vehicles (BMV), it was determined

that state agencies may access the BMV website free of charge to determine a state worker's driving license status. It is accordingly recommended that state agencies which issue state vehicles or permit the submission of mileage claims from state workers conduct a driver's license validity check on all such drivers. This could be done as a part of the workers' annual performance management. This would insure that drivers of state vehicles are not only validly licensed, but may also limit state liability should the vehicle be involved in property damage or personal injury.

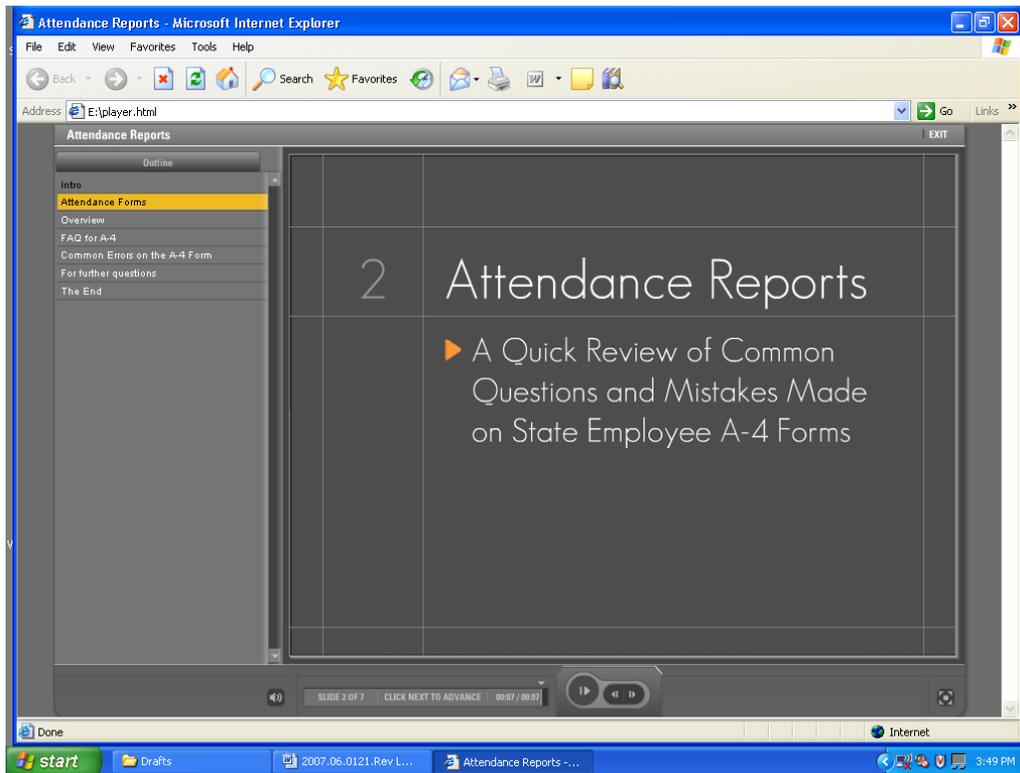
Dated this 13<sup>th</sup> day of March, 2008.

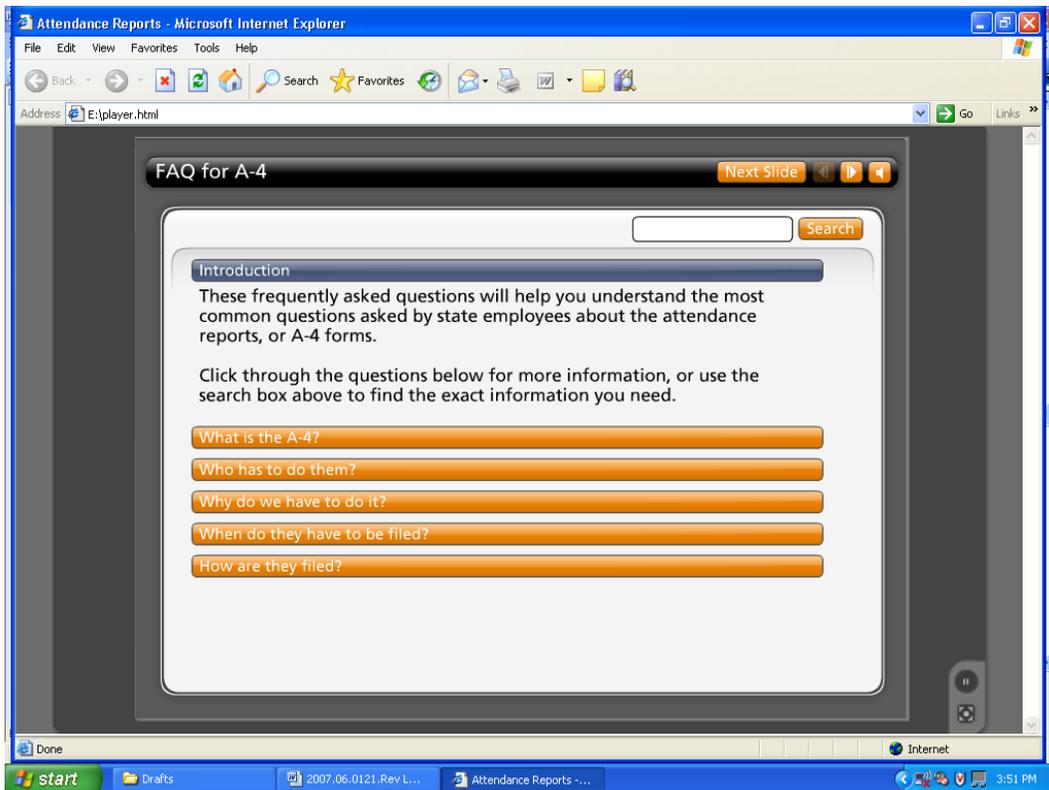
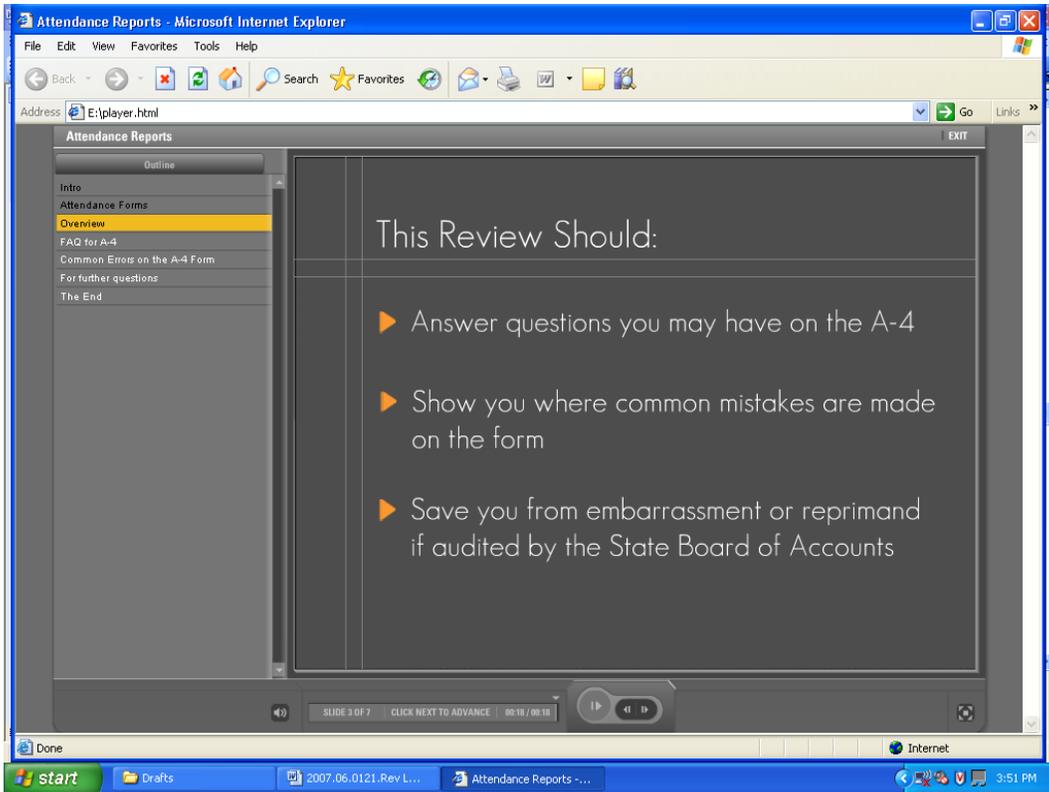


---

David O. Thomas, Inspector General

Exhibit A: Attendance Report Training Module for state workers:





Attendance Reports - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address E:\player.html

### Common Errors on the A-4 Form

Next Slide

- The Employee
- Dating the Form
- Supervisor Duties
- Recording Accurate Time
- Overtime & Comp Hours

#### Introduction

Here are some of the most common errors found in the A-4 process.

The consequences for making these errors could include embarrassment in a public audit and a reprimand by your agency, which could be reflected in your performance management review.



Done Internet

start Drafts 2007.06.0121.Rev L... Attendance Reports ... 3:51 PM

Attendance Reports - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address E:\player.html

### Attendance Reports

EXIT

Outline

- Intro
- Attendance Forms
- Overview
- FAQ for A-4
- Common Errors on the A-4 Form
- For further questions
- The End

If you have additional questions:

- ▶ Contact your agency Human Resource Director

SLIDE 6 OF 7 CLICK NEXT TO ADVANCE 00:06 / 00:06

Done Internet

start Drafts 2007.06.0121.Rev L... Attendance Reports ... 3:52 PM

