



INVESTIGATIVE REPORT

Lori Torres, Inspector General

OFFICE: INDIANA DEPARTMENT OF CORRECTION (DOC)
TITLE: DOC GHOST EMPLOYMENT
CASE ID: 2018-11-0298
DATE: May 21, 2019

Inspector General Chief Legal Counsel, Tiffany Mulligan, after an investigation by Special Agent Mark Mitchell, reports as follows:

The Indiana General Assembly charged the Office of the Indiana Inspector General (OIG) with addressing fraud, waste, abuse and wrongdoing in executive branch agencies of state government. IC 4-2-7-2(b). The OIG also investigates allegations of criminal activity and Code of Ethics violations within state government. IC 4-2-7-3. The OIG may recommend polices 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).

On November 2, 2018, the OIG received a complaint alleging that an Indiana Department of Correction (DOC) employee (Employee) may have engaged in ghost employment. The complaint alleged that the Employee only reported to his office two to four hours per day for his full-time position.

Special Agent Mark Mitchell conducted an investigation. During the course of the investigation he interviewed witnesses, including the Employee's direct supervisor (Supervisor). He reviewed multiple records, including emails, calendar entries, attendance records and user entry and key logs for the DOC facility (Facility) at which the Employee worked. He also reviewed video footage of the Employee entering and exiting the Facility.

Special Agent Mitchell learned that the Employee started employment with DOC in the spring of 2017. According to the Employee's job description, his position was a full-time position and required twenty-four hour availability. As part of his job duties, the Employee needed to attend meetings at other locations, such as DOC's central office and other DOC facilities.

Special Agent Mitchell interviewed the Supervisor and learned that she had one on one meetings with the Employee several times during the months following his hire. He also learned that she had not approved the Employee for teleworking. DOC has a policy that allows teleworking, but the policy requires an employee to obtain approval and a signed Telework Agreement from his or her supervisor and others at DOC. The Employee did not comply with these requirements. DOC did not assign the Employee a state vehicle or a state phone. The Supervisor told Special Agent Mitchell that she sent several emails to the Employee regarding his performance and expectations. She provided Special Agent Mitchell with a copy of some of these emails.

In January of 2019, the Supervisor sent the Employee an email regarding a trip he took out of State to visit a relative after learning that he left the State without her knowledge and suggested he was working remotely. She writes in the email that he did not ask her to approve a vacation request and she did not know he was leaving the State. She informs him that the time off is unauthorized leave unless he submits the time as vacation time. She further writes that if he decides not to take vacation time, she will need to assess his work product to determine whether "the work is meaningful and would have taken the entire day."

Special Agent Mitchell reviewed the Employee's Attendance Reports, also known as A-4's. He found that the Employee did not submit the time he was out of State as either unauthorized leave or vacation leave as indicated in the Supervisor's email instructions. Special Agent Mitchell

followed up with the Supervisor regarding why his A-4's did not match the instructions in her email. She replied that she must have allowed him to document the work that he performed during those days, but she does not remember what she approved or why.

In February of 2019, the Supervisor sent an email to all of her direct reports requiring them to submit a weekly report detailing their work during the week. The Supervisor told Special Agent Mitchell that the Employee's failure to report his out of State trip to her was the reason that she began requiring these reports. Special Agent Mitchell reviewed the weekly reports the Employee submitted to the Supervisor for several weeks. He found that the reports often noted that the Employee attended meetings outside of the Facility.

Special Agent Mitchell reviewed the user entry and key logs, which he obtained from DOC's Investigations unit, to determine the dates and times the Employee spent at his assigned office at the Facility. DOC uses user entry and key logs to determine when a person enters and exits a DOC facility. The user entry and key logs showed that the Employee was only at the Facility two to four hours a day. The date and time stamped video footage showing the Employee entering and exiting the Facility confirmed the information obtained from the key logs and user entry reports.

Special Agent Mitchell reviewed the time the Employee reported on his A-4's. For many of the days on which the key logs or user entry reports show that the Employee was in the Facility only two to four hours, the Employee reported that he worked a full seven and a half hour day. Special Agent Mitchell also reviewed the Employee's calendar. The Employee's calendar showed an extensive list of appointments and activities each day. Special Agent Mitchell asked the Supervisor if the time the Employee listed on his calendar was necessary to complete each activity

listed; however, she was unsure. The Supervisor stated that the Employee performed good work on at least one issue.

DOC leadership counseled the Employee on the proper use and reporting of his time. The Employee resigned from DOC in the fall of 2018.

Although Special Agent Mitchell found evidence to confirm that the Employee was not at the Facility for all of the time that he reported on his A-4's and may have violated DOC policy, he found insufficient evidence to support a violation of the criminal ghost employment statute or the Code of Ethics ghost employment statute because the Employee could have been performing DOC duties in other locations as his job required. As a result, this investigation is closed for insufficient cause.

Dated: May 21, 2019

APPROVED BY:

A handwritten signature in black ink that reads "Lori Torres". The signature is written in a cursive, flowing style.

Lori Torres, Inspector General