



INVESTIGATIVE REPORT

Lori Torres, Inspector General

OFFICE: INDIANA DEPARTMENT OF HOMELAND SECURITY (DHS)
TITLE: DHS GHOST EMPLOYMENT
CASE ID: 2019-02-0035
DATE: September 12, 2019

Inspector General Staff Attorney Heidi Adair, after an investigation by Inspector General Director of Investigations, Darrell Boehmer, 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 (Code) violations within state government. IC 4-2-7-3.

I. BACKGROUND

A. Complaint and Investigation

On February 12, 2019, the OIG received a hotline complaint alleging that an Indiana Department of Homeland Security (DHS) employee, Jason Coffey, was working at a local fire department while on state time. The OIG opened an investigation into the matter. During the investigation, OIG Director of Investigations, Darrell Boehmer, interviewed Coffey's former DHS supervisors. Additionally, he obtained and examined emails and documents, including time records for Coffey's state position and his outside employment position.

B. Coffey's Position at DHS

Coffey was a full-time employee at DHS's Division of Fire and Building Safety. Coffey worked for DHS from October 26, 2015 to February 19, 2019. When he first began with DHS, he worked as an Emergency Medical Services (EMS)/Weapons of Mass Destruction

(WMD)/Chemical, Biological, Radiological, Nuclear and Explosive (CBRNE) Training Manager. In July 2016, he became a Fire Safety Training Manager where he was responsible for the day-to-day management of fire training for each of his designated districts.

II. GHOST EMPLOYMENT VIOLATION

The investigation revealed evidence that Coffey violated 42 IAC 1-5-13 by engaging in work other than the performance of official duties during work hours that was not otherwise permitted by general written agency, departmental or institutional policy or regulation. Coffey was working for a fire department during the same hours he reported working for DHS.

Director Boehmer learned that before DHS hired Coffey in October of 2015, Coffey worked as a firefighter/Emergency Medical Technician (EMT) at two different fire departments. Before accepting a position with DHS, he sought an opinion from the DHS Ethics Officer as to whether he could continue working for these fire departments on a part-time basis. In this opinion, the former DHS Ethics Officer explained that Coffey was allowed to work at the fire departments, but he was prohibited from working at either department on state time except where permitted by general written policy or regulation.

Coffey began working for DHS on October 26, 2015 and continued working for the fire departments. His DHS schedule was generally Monday through Friday, 7:30 a.m. to 4:00 p.m. Coffey's part-time job at one of the fire departments he worked for did not conflict with his state hours; however, at the other fire department (the Fire Department), he worked a twenty-four hour shift from 7:00 a.m. to 7:00 a.m. every third day, which overlapped with his state time. In an interview with Director Boehmer, Coffey indicated that he had been working the twenty-four hour shifts at the Fire Department since April 2018 and had received permission from DHS to work there on state time.

DHS has a Telework Policy that allows employees to work remotely or out in the field if the employee obtains written approval from his or her supervisor. Coffey did not receive written

approval from his supervisor to conduct DHS work during the hours he was working for the Fire Department or for any other telework.

Coffey's former direct supervisor (Former Supervisor 1) said that Coffey had received permission to work at the Fire Department on state time from Coffey's prior direct supervisor (Former Supervisor 2), who had left DHS. Both Coffey and Former Supervisor 1 said that around late March or April of 2018, Coffey presented a letter to Former Supervisor 2 and to his director (Former Supervisor 3). Coffey was unable to locate this letter, but he said that Former Supervisors 2 and 3 gave him verbal permission to work at the Fire Department on state time.

Director Boehmer obtained Coffey's personnel file and reviewed his annual performance evaluations. Former Supervisor 1 was the evaluator for Coffey's 2018 performance evaluation. Overall, Former Supervisor 1 provided positive feedback for Coffey, but he made several comments encouraging Coffey to spend more time in the office and to more accurately account for his time.

During the investigation, Coffey provided Director Boehmer with a February 15, 2019 email that Coffey received from Former Supervisor 2 after the OIG investigation began pertaining to Coffey's employment with the Fire Department. In the email, Former Supervisor 2 said he remembered having a conversation with Coffey about Coffey potentially covering shifts at the Fire Department for another firefighter. Former Supervisor 2 said he believed this was a temporary arrangement and saw no conflict with the request. In the email, Former Supervisor 2 told Coffey that he thought he would be making up time he worked at the Fire Department during other days of the week.

Director Boehmer interviewed Former Supervisor 2 who confirmed that he sent the February 15th email to Coffey. He also told Director Boehmer that Coffey had asked him for permission to work at the Fire Department while employed at DHS. Former Supervisor 2 told Coffey to get Former Supervisor 3's permission. Former Supervisor 2 said he told Coffey that if

he worked for the Fire Department, then he would have to flex his time; in other words, he would have to make up his hours for the State at other times during the week.

Director Boehmer also interviewed Former Supervisor 3. Former Supervisor 3 told Director Boehmer that he gave Coffey verbal permission to work at the Fire Department so long as he flexed his time accordingly to make up the hours. He said he did not tell Coffey that he could work at the Fire Department while reporting state time. Former Supervisor 3 was unable to locate the letter Coffey purportedly gave him around April of 2018. Former Supervisor 3 said that after the OIG investigation began, he told Coffey that he could not report hours he spent at another job as state time and that he would need to make up the hours some other way.

Director Boehmer obtained and examined Coffey's state time records showing his reported DHS workdays. Additionally, Coffey provided Director Boehmer with a copy of his Fire Department schedules from April 2018 through February 2019. On the printed schedules, Coffey highlighted the days he worked at the Fire Department. Director Boehmer cross-referenced the days Coffey worked at the Fire Department with the days he reported working for DHS and found forty-eight days that he worked at the Fire Department while also reporting a full 7.5 hour work day at DHS. Former Supervisors 1 and 2 stated that Coffey was performing some DHS work while working at the Fire Department. In total, the State paid Coffey approximately \$7,271.10 for time reported as official state duty that overlapped with his on-duty hours at the Fire Department.

III. CONCLUSION

The Commission found probable cause for the OIG to file an ethics complaint against Coffey on July 11, 2019. On July 17, 2019, the OIG filed a complaint alleging that Coffey violated 42 IAC 1-5-13 by engaging in work other than the performance of official duties during working hours, except where permitted by general written agency, departmental or institutional policy or regulation.

Coffey entered into an agreed settlement with the OIG in which he admitted to the violation of the Code as alleged in the ethics complaint and agreed to pay a fine of \$4,000. The OIG filed the Agreed Settlement with the Commission on August 20, 2019, and the Commission approved it on September 12, 2019. Accordingly, this investigation is closed, pending receipt of the fine.

Dated: September 12, 2019

APPROVED BY:

A handwritten signature in black ink that reads "Lori Torres". The signature is written in a cursive style with a long horizontal stroke at the end.

Lori Torres, Inspector General