



INVESTIGATIVE REPORT

Lori Torres, Inspector General

OFFICE: INDIANA CIVIL RIGHTS COMMISSION (ICRC)

TITLE: NEPOTISM

CASE ID: 2019-02-0042

DATE: April 25, 2019

The Inspector General's Chief Legal Counsel, Tiffany Mulligan, 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. Ind. Code §4-2-7-2(b). The OIG also investigates allegations of criminal activity and Code of Ethics violations within state government. Ind. Code §4-2-7-3. The OIG may recommend policies and carry out other activities designed to deter, detect and eradicate fraud, waste, abuse, mismanagement and misconduct in state government. Ind. Code §4-2-7-3(2). The OIG may also advise an agency on implementing policies and procedures to prevent and reduce the risk of wrongful acts within an agency. Ind. Code §4-2-7-3(2).

On February 19, 2019, the OIG received a complaint alleging that an employee (the Employee) with the Indiana Civil Rights Commission (ICRC) hired her sister (the Sister) as a temporary employee to serve as an administrative assistant for an agency supervisor (the Supervisor).

OIG Director of Investigations, Darrell Boehmer, conducted an investigation. During the course of the investigation, Director Boehmer reviewed documentation, including emails,

timesheets and hiring documentation related to the Sister's employment with ICRC. He also interviewed the Employee and the Supervisor.

Director Boehmer learned that the Sister served as an administrative assistant for ICRC as a contract employee through Knowledge Services (KS), the State's vendor for temporary clerical services, during two separate periods. She worked for ICRC through KS first from September 2017 until March 2018 and again from September 2018 until March 2019. He also confirmed that the Sister is the Employee's sister.

During his interview with Director Boehmer, the Supervisor stated that he was responsible for hiring the Sister during both of the periods she worked for ICRC. For the first period, the Supervisor stated that he received names of candidates from KS and then interviewed approximately six of those candidates for the open position. He said that he made the decision to hire the Sister himself and the Employee was not involved in that decision. For the second period, the Supervisor stated that he chose the Sister because she had worked for him previously. He said that he instructed his staff to provide the Sister's name to KS as the preselected candidate for the open position. During her interview with Director Boehmer, the Employee also stated that the Supervisor hired the Sister, and she submitted the Sister's name to KS at the Supervisor's direction.

According to emails obtained by Director Boehmer, the Employee emailed KS in August of 2017, which was prior to the Sister's first employment period with ICRC, to request that KS hire the Sister for a temporary Administrative Assistant position. The email indicates that ICRC had preselected the Sister, rather than selected the Sister from a pool of candidates proposed by KS as the Supervisor suggested.

Director Boehmer also obtained a SOIN SRP Request Form (Request Form), which the

Employee submitted to KS to hire the Sister for her first employment period with ICRC. The Request Form lists the Sister as the identified candidate and lists the number of hours the Sister will work in a week and her pay rate. The Request Form lists the Employee's name as the requesting manager and time approving manager. The Employee also responded to KS emails approving the Sister's pay rate, potential end date and employment status so that KS could begin the onboarding process for the Sister.

Emails also indicate that the Employee approved the Sister's time from September 2, 2017 to December 18, 2017. On November 16, 2017, the Inspector General met with the Supervisor to discuss previous nepotism complaints involving the Employee and the Sister that the OIG had received in 2017. During that meeting, the Supervisor told the Inspector General that the Sister reported to him, and the Employee did not direct the Sister's duties, approve her time or have any input on her working conditions. Director Boehmer obtained an email dated December 18, 2017, in which the Supervisor notified another ICRC employee that he needed to be approving time for the Sister. The employee had informed the Supervisor in the email chain that the Employee was listed on the invoice as the manager who had been approving the Sister's time. During her interview with Director Boehmer, the Employee stated that she submitted the Sister's time based on the hours the Supervisor stated the Sister worked.

Director Boehmer also obtained an email dated November 16, 2017, from the Supervisor to the Employee clarifying that the Employee was not to provide the Sister with any direct supervision or duties. The email further reads "this has not been an issue of concern but I do want to make sure . . . the definitions and roles are clear moving forward."

In August of 2018, which was prior to the Sister's second employment period with ICRC, KS sent the Supervisor and the Employee several resumes for an Administrative Assistant

position. In September 2018, the Employee responded to KS stating that the Supervisor wanted to bring the Sister back to ICRC and that the Sister had agreed to come back to ICRC. The Employee sent KS a second email indicating that the Sister had accepted the position and KS should get the process started. The Employee also confirmed with KS that all of the details would be the same as when the Sister previously worked for ICRC.

Director Boehmer learned that the Sister is no longer employed at ICRC. She left ICRC employment on March 2, 2019, for a position outside of state government.

The Indiana Code of Ethics' nepotism rule, which is found in Ind. Code §4-2-6-16, prohibits a state employee from hiring a relative or being in the direct line of supervision of a relative. Based on statements from the Supervisor and the Employee, the Supervisor made the decisions to hire the Sister for both of her employment periods with ICRC and he directed the Sister's work. As a result, the OIG is declining to file a complaint against the Employee for violating the Code of Ethics' nepotism rule.

Although the OIG is declining to file a complaint against the Employee for violating the nepotism rule, the OIG found evidence to support allegations that the Employee processed the Sister's hiring through KS and submitted the approval of the Sister's time to KS for several months. At a minimum, the Employee's actions raised an appearance of impropriety as evidenced by the three complaints the OIG received over a fourteen month period, and ICRC should have screened her from all actions related to the hiring or supervision of the Sister.

The OIG recommends that in the future, ICRC screen all employees from any activity involving the hiring or supervision of a relative. This includes prohibiting employees from processing paperwork and submitting or approving time for relative employees. The OIG also recommends that ICRC allow only those employees responsible for approving an employee's

time to submit the employee's time.

The OIG is closing this case for insufficient cause. Should additional information be brought forward, the OIG may reexamine this evaluation.

Dated: April 25, 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