

Department of Justice

Investigations of Improper Activities by State Employees, July 2008 Through December 2008

ALLEGATION I2007-1024 (REPORT I2009-1), APRIL 2009

Department of Justice's response as of September 2009

A Department of Justice (Justice) regional office employee failed to properly report her time worked and leave taken from June through August 2007. In addition, she claimed travel expenses that she did not incur during the same period. Further, the employee's manager did not ensure that the employee accurately reported her time and travel expenses. Consequently, Justice paid the employee \$648 in unearned compensation and reimbursed her \$497 for travel expenses not incurred.

Finding #1: The employee failed to properly account for overtime worked and absences taken, and claimed travel expenses she did not incur. In addition, Justice's management failed to ensure that the employee properly reported her time, attendance, and travel expenses.

Our investigation determined that the employee failed to properly account for 77 hours of overtime she worked in June and July 2007. Had the employee properly accounted for the 77 hours of overtime on her time sheets, she would have earned 116 hours of compensated time off. In addition, she failed to properly account for 136 hours—or 17 days—of absences she took in July and August 2007. The employee acknowledged that she was absent on the 17 days and that she did not charge her leave balances for the absences because she used the informal time off to account for the uncompensated overtime she worked in June and early July 2007. However, the employee's 136 hours of absences exceeded the 116 hours of uncompensated overtime by 20 hours. Therefore, by taking more time off than she actually earned in hours of uncompensated overtime, Justice essentially paid the employee \$648 in estimated compensation she did not earn for the excess 20 hours of leave she failed to charge against her leave balances.

At the same time the employee worked the unrecorded overtime in June and early July 2007, she claimed reimbursement for more travel expenses than she actually incurred. Specifically, the employee overstated her mileage by 62 miles on each of 19 days she drove her personal vehicle to an off-site location to conduct her work. Because she claimed more mileage than she actually traveled in violation of state regulations, Justice overpaid her \$497 for travel expenses she did not incur.

We recommended that Justice properly modify the employee's leave balances to reflect the 116 hours of overtime that she earned in June and July 2007. We further recommended that Justice charge to the employee's leave balances the 136 hours for her absences on 17 days in July and August 2007, thus eliminating the need to seek reimbursement of unearned compensation. Finally, we recommended that it seek reimbursement from the employee for the compensation she did not earn and the travel expenses she did not incur.

Investigative Highlight . . .

An employee's time sheets did not reflect overtime worked. She was later absent from work for 136 hours—or 17 days—these absences were not reflected on her time sheets.

Justice's Action: Partial corrective action taken.

Justice reported in July 2009 that the employee revised her time sheets to account for all of the hours of overtime she worked and nearly all the hours she was absent; however, the remaining unaccounted hours are pending Justice review. It also established a payment schedule to collect from the employee the overpayment of travel expenses.

Finding #2: Justice's management failed to ensure that the employee properly reported her time, attendance, and travel expenses.

Justice's management in the regional office did not ensure that the employee properly reported the time she worked and the absences she took, and it similarly failed to ensure that the employee properly reported her travel expenses. In particular, the employee's manager allowed her to disregard time-reporting requirements prescribed in state regulations and Justice's policies. Further, managers at the regional office engaged in administrative practices that failed to effectively ensure the accuracy of her time sheets, in violation of state laws and regulations, and her manager failed to scrutinize the appropriateness of her travel claim reimbursements.

We recommended that Justice prohibit the regional office employees and managers from engaging in informal timekeeping arrangements, require them to use time sheets and its overtime request form, and provide training to these employees regarding the proper time-reporting and travel claim requirements.

Justice's Action: Partial corrective action taken.

Justice reported in June 2009 that it issued a memorandum to the regional office employees, as well as legal staff at other Justice regional offices in the division, reminding them of the proper time-reporting policies and procedures that it previously discussed at meetings with these employees. It also informed us that it issued a memorandum of instruction to the employee and her manager about their failure to follow time-reporting and travel expense claim policies and procedures. Finally, in September 2009 Justice reported that it provided travel expense claim policy training to the subject and other regional office employees, and indicated that it is preparing to provide these regional office employees with formal training regarding proper time reporting.