

YOLO COUNTY DEPARTMENT OF GENERAL SERVICES EMPLOYEE ADMINISTRATION

SUMMARY

The Grand Jury investigated allegations of timesheet falsification within one work group of the Yolo County Department of General Services (DGS). The allegations proved to be unfounded. The investigation revealed a lack of communication both within the DGS and between the DGS and the County Department of Human Resources (HR) regarding personnel policies and procedures, including the recent establishment of a County Whistleblower Policy and Procedure. Subsequent to the investigation, communication between DGS management and employees was observed to have improved. The DGS's method of keeping track of employee time leaves room for falsification of employee hours.

REASON FOR INVESTIGATION

The Grand Jury received an anonymous complaint alleging improper overtime payments arising from time sheet falsification in the DGS.

California Penal Code Section 925 provides: "The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in county created pursuant of state law for which the officers of the county are serving in their ex officio capacity as officers of the districts."

ACTION TAKEN

The Grand Jury interviewed management and staff in the DGS, as well as management in HR, which is responsible for employee policies and procedures. The Grand Jury also reviewed the Auditor–Controller's Internal Control Review of the County Payroll System from December 2010 and interviewed Auditor-Controller's office staff. The Grand Jury obtained a copy of the Memorandum of Understanding (MOU) concerning the relevant union agreement, the Yolo County Administrative Procedures Manual, an Organizational Chart of the DGS and a copy of the August 4, 2009 changes to the County of Yolo Administrative Policies and Procedures Manual. The Grand Jury conducted a follow up interview of a DGS staff member several weeks after the initial interviews to determine whether any changes occurred regarding problems the Grand Jury discovered.

WHAT THE GRAND JURY DETERMINED

Departmental Work Schedules and Timekeeping

The DGS has approximately 14 hourly employees performing landscaping and maintenance duties. The landscaping crew arrives at 6 AM and the maintenance crew arrives at 7 AM. All employees are required to wear uniforms to work. The DGS employees arrive at a central location and use County vehicles to drive to their work destinations. The size of the labor pool, combined with the common arrival and departure times at a central location using County vehicles, make it apparent when an employee arrives late, leaves early, or otherwise works a modified schedule. Modified schedules are permitted, making it possible for employees to work a variety of schedules, including 10 hour days 4 days a week.

The county also has rules permitting special working arrangements under appropriate circumstances for a limited time period. The existence of and purposes for special work arrangements are confidential. Unless an employee chooses to disclose the existence of a special work arrangement, co-workers will not be aware of the circumstances, with misunderstandings and morale problems likely to occur.

The DGS does not have a time clock or other electronic system to accurately record when the hourly employees actually arrive or depart from work. Rather, the employees use a computer to enter their hours into an Excel spread sheet. The spread sheet also records any leave taken (such as vacation or sick leave) and records the employees' labor allocations to specific projects. Accurate recording of employee hours worked depends on truthful entries by the employee on the spread sheet. The time sheets are printed out and are supposed to be signed by the employee and the supervisor.

Alleged Time Sheet Falsification

The allegations of time sheet falsification pertained to a work group in which not all employees worked the entire shift, coming in and leaving at different times than the regular shift, and using overtime to make up the eight-hour work day even though the standard work schedule was not being followed. It appeared that timesheets were not being completed according to prescribed reporting standards. The appearance of favoritism existed and a loss of morale among the hourly workers in the DGS ensued. During the course of the investigation, however, these practices ceased.

The Grand Jury reviewed the circumstances surrounding the disparities in the shifts and time reporting for the period in question. The Grand Jury determined that hours were correctly reported and approved by management at all times.

Employee Evaluations

The Grand Jury determined during the interviews that the required annual employee performance reviews were occurring on an inconsistent basis. The failure to review each employee annually was attributed to increased supervisory workload. The two groups of employees start work at different times with just one supervisor which, combined with other

increased supervisory workload due to the recent reductions in work force, put increased strain on management.

Yolo County Employee Administration Procedures

The Grand Jury determined that employees in the DGS were not kept up to date by HR about changes in County policies and procedures. DGS employees do not have a personal computer assigned to them to receive e-mails notifying them of policy and procedure updates. They were informed of County policies and procedures during the initial training for new employees, but were not kept current. DGS staff and management have monthly meetings during which safety is the primary topic of discussion. DGS staff and management were unaware that in August 2009 Yolo County adopted a County Whistleblower Policy and Procedure. This program allows staff and supervisors to bypass department management and go directly to the head of HR, who is tasked with supervising personnel issues. The new policy provides that, "The confidentiality of a whistleblower's identity will be maintained to the extent possible within the legitimate needs of the law and the investigation."

Follow up Interview

When the Grand Jury conducted a follow up interview, it was reported to the Grand Jury that the conditions in the DGS had changed for the better. The Grand Jury was informed that all employee annual reviews had been brought up to date, all employees were arriving properly attired at the correct times, and that morale seemed to be much improved.

FINDINGS

- F1.** The allegation of timesheet falsification in the DGS was unfounded.
- F2.** DGS morale improved over the course of the Grand Jury investigation.
- F3.** The DGS staff and management were insufficiently informed by HR regarding policy and procedural changes instituted by the County. If the complainant had known the details of the confidential whistleblower program, the employee might have chosen that avenue instead of making a complaint to the Grand Jury.
- F4.** Annual DGS employee evaluations were completed inconsistently. Consistent evaluations could improve communications and help prevent the kind of misunderstanding that resulted in the Grand Jury's investigation.
- F5.** The DGS's failure to use electronic timekeeping or software that verifies the actual time of employee arrival and departure perpetuates the potential for fraud.

RECOMMENDATIONS

- R1.** The HR department needs to ensure that all employees are kept up to date about employee policy and procedures and provide a contact if employees have any questions. This could be accomplished by having a Human Resources representative attend monthly DGS meetings several times a year.
- R2.** The DGS management and HR staff should follow up to ensure that employees are evaluated on an annual basis.
- R3.** The County and DGS should institute electronic timekeeping or use software that records actual time of arrival and departure as soon as funds to do so are available.

REQUEST FOR RESPONSES

Pursuant to California Penal Code Sections 933(c) and 933.05, the Yolo County Grand Jury requests responses as follows:

From the following governing bodies:

Yolo County Department of Human Resources (Findings F3 and F4; Recommendations R1 and R2)

Yolo County Department of General Services (Findings F3, F4 and F5; Recommendations R2 and R3)

Yolo County Board of Supervisors and the Yolo County Auditor-Controller's office (Finding F5; Recommendation R3)