

OFFICE OF STATE INSPECTOR GENERAL



SUMMARIES OF EMPLOYEE MISCONDUCT INVESTIGATIONS (2017)

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SUMMARY 1

*Improper Use of Commonwealth Resources
Inappropriate Relationship with Subordinate Employee
Procurement/Contracting Irregularities
Supplementary Employment Violations*

The OSIG initiated an investigation following receipt of an anonymous complaint alleging that a supervisory employee:

- used his or her Commonwealth-issued vehicle for personal purposes; and
- hired two friends to perform agency work instead of utilizing internal staff.

The OSIG's investigation found that two of the supervisory employee's acquaintances were hired to perform agency work (on two occasions). However, the OSIG also found that:

- in both instances, the acquaintances were approved Commonwealth vendors;
- the supervisory employee was not the sole decision-maker in their hiring on either occasion; and
- the resulting expenditures were in accordance with Commonwealth Management Directives and agency policy.

Concerning use of the Commonwealth-issued vehicle, the OSIG determined that it could not feasibly monitor the vehicle's activities without being detected. As a result, the OSIG did not make a finding concerning the vehicle's use.

During the OSIG's investigation, the OSIG also discovered evidence of misconduct concerning other Commonwealth employees. After expanding the scope of its investigation, the OSIG found that:

- the supervisory employee used Commonwealth-issued resources to:
 - send and/or receive inappropriate emails containing sexually suggestive, pornographic and/or nude images, and/or obscene content (including with a direct subordinate employee [Employee 1]);
 - exchange pictures of his or her own genitalia with a Commonwealth employee from a separate agency [Employee 2], who also sent pictures of his or her own genitalia;
 - search websites related to sexual activity; and
 - conduct business related to his or her approved supplementary employment;
- the supervisory employee had a sexual relationship with a direct subordinate employee (Employee 1) in a Commonwealth office; and
- the supervisory employee had a sexual relationship with Employee 2 (an employee from a different agency) during Commonwealth work hours.

Agency Response: As a result of the OSIG's findings, the supervisory employee was terminated from Commonwealth employment. Additionally, the OSIG reported its findings concerning Employee 2 to the separate Commonwealth agency. The separate agency took disciplinary action against Employee 2.

SUMMARY 2

Improper Purchases Using Commonwealth Funds Improper Use of Commonwealth Resources

The OSIG initiated an investigation following receipt of an anonymous complaint alleging misconduct by an agency's supervisory employee. The complainant alleged that the supervisor improperly:

- purchased supplies and authorized renovations and repairs to Commonwealth buildings; and
- used Commonwealth resources and property for personal use.

After reviewing applicable documentation and interviewing relevant employees, the OSIG found that all invoiced items were appropriately purchased and were customary expenses to maintain Commonwealth buildings. The OSIG was unable to determine whether the supervisor used Commonwealth resources and property for personal use.

Agency Response: As a result of the OSIG's investigation, the agency sent an email reminding employees that no Commonwealth facilities or equipment may be utilized for personal use.

SUMMARY 3

Unapproved Absences Unauthorized Use of a Commonwealth Vehicle

The OSIG investigated whether a Commonwealth employee took unapproved absences from his or her agency work days, and/or used a Commonwealth-assigned vehicle for personal reasons.

Over a three-week period of time, the OSIG discovered numerous instances where the employee used the Commonwealth-owned vehicle for personal reasons during and after Commonwealth work hours. Additionally, the OSIG found that during this same period, the employee failed to request leave for 38.67 work hours (for which he or she was paid \$1,264.40).

As a result of the OSIG's investigation, the employee resigned from Commonwealth employment.

SUMMARY 4

Misrepresentation of Agency Statistical Information Destruction of Commonwealth Property Due Process Violations

The OSIG initiated an investigation into whether an agency supervisor instructed staff to destroy documentation to give the appearance that a particular statistical measurement (monitored by the agency) was improving beyond the actual data levels. The complaint also alleged that the agency violated individuals' due process rights by failing to hold related hearings within a legally required timeframe.

Although the complainant was unable to provide any specific examples of the alleged actions, the OSIG attempted to validate or disprove the allegations through its own analytical means. The OSIG found no evidence that the supervisor instructed staff to destroy documents, and found no evidence that the agency violated individuals' due process rights under a particular applicable statute.

SUMMARY 5

Conflict of Interest

The OSIG investigated whether an agency employee used his/her Commonwealth position to benefit a Commonwealth contractor. The OSIG also investigated whether the agency employee used his or her position to benefit a company for which the employee's spouse worked, and which received funding from the agency.

The OSIG found no evidence that the employee used his or her position to award contracts or grants to the contractor. Agency staff explained that the agency uses an allocation method to determine company funding, and confirmed that the employee in question was not involved either in the agency's allocation method or its distribution of funding to companies. The OSIG also found no evidence that the employee used his or her agency position to direct funding to, or otherwise benefit, the company employing his or her spouse.

SUMMARY 6

Conflict of Interest

At the request of an agency, the OSIG initiated an investigation after a complainant alleged to have previously met, and socially dated, a Commonwealth employee responsible for direct oversight of the complainant's participation in an administrative program, including after their social dating relationship ended.

The OSIG found that the Commonwealth employee improperly failed to advise the complainant of the complainant's option to speak with a supervisor and/or request that a different agency employee be assigned to the complainant, given their previous relationship. In addition, the OSIG found that the employee violated an agency policy by failing to report the employee's potential conflict of interest (social dating relationship) to his or her supervisors.

Agency Response: The agency initiated appropriate disciplinary action against the employee. It was determined the employee violated agency policy. The employee was issued, and served, a one-day suspension.

SUMMARY 7

Misuse of Commonwealth Information Technology Resources

The OSIG received a referral from the Office of Inspector General of the United States Department of Housing & Urban Development (HUD IG) which concerned a Commonwealth employee. According to the HUD IG, the Commonwealth employee's daughter was charged with theft and embezzlement of federal funds, and held a joint bank account with the Commonwealth employee, which was allegedly used in the fraud scheme. During its investigation, the HUD IG identified multiple e-mails that were exchanged between the two using Commonwealth-issued information technology devices, but could not determine the substance of the communications.

The OSIG's investigation found no evidence that the employee used Commonwealth-issued information technology devices or resources to engage in any fraudulent schemes related to the daughter's charged offenses.

SUMMARY 8

Commonwealth Time Abuse Unauthorized Use of Commonwealth Resources Engaging in Unapproved Supplementary Employment

The OSIG investigated whether two Commonwealth employees operated a private event planning business during their work hours, used Commonwealth resources/facilities to plan an event for a relative of one of the two employees, and engaged in supplementary employment without approval.

The OSIG found Employee 1 improperly used Commonwealth information technology resources, engaged in supplementary employment without approval, and improperly took two hours of sick leave to attend to non-medical, personal errands. Specifically, Employee 1 used his or her Commonwealth email account to coordinate and make bookings for a relative's private event, as well as to receive receipts for online purchases made in connection with the event. Although Employee 1 denied owning a business, the OSIG found that he or she used a specific business name (included on the resume contained within his or her agency personnel file) to coordinate the relative's private event; and he or she admitted to setting up a phone number for the business.

The OSIG found that Employee 2 did not violate any employment rules or procedures. Employee 2 was not in business with Employee 1; only assisted with the private event as a friend to Employee 1 and the relative; and was not compensated for any assistance he or she may have given. The OSIG also found no evidence that Employee 2 used any Commonwealth resources in connection with the private event.

Agency Response: The agency informed the OSIG that it would take appropriate action against Employee 1.

SUMMARY 9

Conflict of Interest

*Violation of the Loan Interest and Protection Law Act of January 30, 1974
Public Official and Employee Ethics Act Violation*

The OSIG investigated whether a Commonwealth employee inappropriately made private loans to his or her supervisor and coworkers in violation of the Loan Interest and Protection Law Act of January 30, 1974 (Interest Act) and the employee's agency policy.

The OSIG found that the employee made six loans, each between \$2,000 and \$10,000, and that the interest rate charged by the employee for five of the six loans, impermissibly exceeded the allowable rate under the Interest Act. The OSIG also found that the supervisor's conduct, in accepting a loan from a subordinate, violated the Governor's Code of Conduct; the Ethics Act; the Commonwealth *Personnel Rules*; and the agency's work rules. However, the OSIG found no evidence that the loans between the employee and the supervisor influenced either party in their supervisor-subordinate relationship.

Agency Response: As a result of the OSIG's investigation, both the Commonwealth employee and the supervisor were terminated.

SUMMARY 10

Misuse of Commonwealth Resources/Properties

The OSIG investigated whether a Commonwealth employee improperly used a Commonwealth agency (tax exempt) business account to purchase more than \$2,400 of commercial-grade mechanical items for personal use, from a wholesale company whose products were not available to the general public.

The OSIG found that the employee improperly purchased the \$2,400 of merchandise through the agency's tax-free business account (for personal use), using a personal credit card, and avoided state sales tax on the employee's purchase.

Agency Response: Following the OSIG's investigation, the employee resigned from Commonwealth employment and the agency was unable to take disciplinary or other corrective action against the employee (such as training). However, the agency referred the employee's transaction to the Department of Revenue to pursue the wrongfully-avoided state sales tax from the employee.

SUMMARY 11

Harassment Misuse of Commonwealth Resources

The OSIG investigated whether a Commonwealth employee harassed or otherwise acted inappropriately toward agency patrons and co-workers.

The OSIG's investigation found that over an extended period of time, the employee had frequently sent large amounts of vile and unprofessional e-mails – many containing multiple pages of text – to a former agency co-worker, despite multiple judicial Orders prohibiting the employee from contacting the co-worker. The OSIG found that the employee had recently been criminally charged after allegedly engaging in unrelated harassing conduct toward the same former co-worker. The OSIG also found that the employee had an ongoing landlord-tenant relationship with his or her direct supervisor.

The OSIG referred its evidence to the county district attorney's office that was pursuing the harassment-related charges. The OSIG also notified the employing agency of the employee's activities, and of the employee's ongoing landlord-tenant relationship with the employee's supervisor.

Agency Response: Following the OSIG's referral, the agency terminated the employee. The agency also told the OSIG that it (1.) conducted an internal review to determine whether the employee had acted improperly toward co-workers; and (2.) reviewed the actions of the employee's supervisor to determine whether the supervisor knew or should have known of the employee's actions.

SUMMARY 12

Theft of Commonwealth Property Work Hour and Leave Abuse

The OSIG investigated whether a Commonwealth agency supervisor improperly removed agency-purchased items from his or her office and used them in his or her residence and personal business establishment. The OSIG also investigated whether the supervisor and a subordinate agency employee engaged in work hour abuse.

Following its investigation, the OSIG referred evidence to a law enforcement agency showing the supervisor removed and used agency items and supplies at his or her residence and personal business establishment without agency authorization.

The OSIG also informed the agency that it found that the two employees took leave without submitting leave requests. The OSIG recommended that the agency adjust the employees' leave balances to account for the unapproved and unaccounted-for leave.

Agency Response: Following its receipt of the OSIG's findings, the agency suspended the supervisor without pay and terminated the supervisor two months later. The agency told the OSIG that it is cooperating in law enforcement's ongoing investigation.