

California Department of Transportation

Inexcusable Neglect of Duty (Case I2008-0731)

REPORT NUMBER I2011-1, CHAPTER 4, ISSUED AUGUST 2011

This investigation found that for nearly three years, a transportation planning supervisor for the California Department of Transportation (Caltrans) neglected his duty to supervise the work of a subordinate transportation planner, resulting in the transportation planner receiving compensation, including overtime pay, for which the State lacked assurance that the transportation planner performed adequate work to justify the compensation.

In reporting on the investigation, the California State Auditor (state auditor) made the following recommendations to Caltrans. The state auditor's determination regarding the current status of recommendations is based on Caltrans' response to the state auditor as of December 2011.

Recommendation 1.a—See pages 28—31 of the investigative report for information on the related finding.

To address the inexcusable neglect of duty, Caltrans should take appropriate corrective action against the senior transportation planner for neglecting his duty to supervise the transportation planner.

Caltrans' Action: Fully implemented.

Caltrans reported that it issued a corrective memorandum to the supervisor and placed a copy in the supervisor's personnel file. However, it stated that the memorandum would be removed from the file after one year, provided that the supervisor does not engage in similar actions or otherwise fail in his duties.

Recommendation 1.b—See page 29 of the investigative report for information on the related finding.

To prevent similar improper acts from occurring, Caltrans should institute training to ensure that all Caltrans employees are aware of the requirement that all overtime work be preapproved.

Caltrans' Action: Pending.

Caltrans reported in December 2011 that it revised its overtime policy. However, Caltrans had not yet required its supervisors and managers to review the policy with all of their employees.

Recommendation 1.c—See pages 29 and 30 of the investigative report for information on the related finding.

Caltrans should establish controls to ensure that its telecommuting agreements are reviewed and renewed annually in order for an employee to be allowed to continue telecommuting.

Caltrans' Action: Fully implemented.

In July 2011 Caltrans revised its employee telework directive, which defines the responsibilities of managers and supervisors to ensure that telecommuting agreements are reviewed annually. It reported subsequently that its telework unit distributes notifications monthly to supervisors about the need to review telecommuting agreements nearing their expiration.

Recommendation 1.d—See pages 29—31 of the investigative report for information on the related finding.

Caltrans should revise its telecommuting policy to require that employees participating in the telecommuting program provide regular documentation of the work they perform away from the office.

Caltrans' Action: Fully implemented.

Caltrans reported that it had revised its Telework Program Policy and Procedures guidelines in March 2011. According to Caltrans, these guidelines require managers and supervisors to provide specific, measurable, and attainable performance expectations for their telecommuting employees. The agreements must define in writing detailed work tasks, corresponding deadlines, and expected work performance. The policy also requires managers and supervisors to review their expectations with their telecommuting employees at least quarterly.