

Department of Industrial Relations

Misuse of State Time and Resources, Incompatible Activities, Inadequate Administrative Controls (Case I2008-1066)

REPORT NUMBER I2010-1, CHAPTER 1, ISSUED JUNE 2010

This report concludes that for more than six years, an inspector for the Department of Industrial Relations (Industrial Relations), Division of Occupational Safety and Health (Cal/OSHA), performed duties related to her secondary employment during her Cal/OSHA work hours. In doing so, the inspector misused state time and resources and received improper payments totaling \$70,105. In addition, our review of the inspector's misconduct revealed that Cal/OSHA management did not properly implement controls that could have prevented the improper acts.

In the report, the California State Auditor (state auditor) made the below recommendations to Industrial Relations. The state auditor's determination regarding the current status of recommendations is based on Industrial Relations' response to the state auditor as of December 2010.

Recommendation 1.a—See pages 10—15 of the investigative report for information on the related finding.

Industrial Relations should take appropriate action against the Cal/OSHA inspector for her improper acts and against her manager for his failure to adequately manage the inspector.

Industrial Relations' Action: Fully implemented.

Industrial Relations informed us that the inspector resigned while still under investigation. Subsequently, it filed a civil lawsuit against her in an effort to obtain reimbursement from her. In addition, it notified us that in October 2010 it formally reprimanded the manager who was the inspector's direct supervisor.

Recommendation 1.b—See pages 12 and 13 of the investigative report for information on the related finding.

Industrial Relations should evaluate current controls designed to ensure that inspectors work the required number of hours and implement changes as necessary to ensure that time and attendance abuse does not recur.

Industrial Relations' Action: Fully implemented.

Industrial Relations reported that in October 2010 it provided training to Cal/OSHA supervisors to ensure that they understood and complied with the policies regarding accurate reporting of time and attendance.

Recommendation 1.c—See page 14 of the investigative report for information on the related finding.

Industrial Relations should establish controls to ensure that it does not allow employees to work schedules in which they determine their own hours and in which they track absences and make up hours informally.

Industrial Relations' Action: Fully implemented.

Industrial Relations stated that at the October 2010 training it provided to Cal/OSHA supervisors it reiterated the need for proper controls to ensure that employees do not determine their own work hours and make up hours informally.