

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Inspector General

Inspector General



EXECUTIVE SUMMARY CONCERNING AN
INVESTIGATION INTO MISCONDUCT
VIOLATIONS BY AN EMPLOYEE OF THE
D.C. FIRE AND EMERGENCY MEDICAL
SERVICES DEPARTMENT

2013-0273-1 (S)

INVESTIGATIVE SYNOPSIS

The District of Columbia Office of the Inspector General (OIG) has completed a District of Columbia council member's request to examine excessive overtime during fiscal year (FY) 2012 by D.C. Fire and Emergency Medical Services (FEMS) mechanics. The OIG concluded that a Heavy Mobile Equipment Mechanic, Fleet Management Division (FMD), FEMS, abused time and attendance, including overtime hours, to receive pay from the District of Columbia to which the FEMS mechanic was not entitled.

During the investigation, OIG investigators reviewed the FEMS mechanic's PeopleSoft time and attendance records from the Office of Pay and Retirement Services, Office of the Chief Financial Officer (OCFO). OIG investigators also interviewed a former FEMS FMD foreman, and the FEMS Mechanic.

The investigation revealed that for FY 2012, the FEMS mechanic earned \$89,541 in overtime.¹ The mechanic's regular tour of duty was the night shift, 11:00 p.m. to 7:00 a.m., and the mechanic earned the majority of her/his overtime during the day shift, 7:00 a.m. to 3:00 p.m.

OIG investigators examined the FEMS mechanic's PeopleSoft time and attendance records. Based upon the review, investigators noticed that for several weeks throughout 2012, the mechanic earned overtime by typically claiming on time records that s/he worked on a 24-hour shift on Sundays and worked 16-hour pay shifts for the remaining work week. The table below provides a sample of how the FEMS mechanic earned overtime from January 2012 to September 2012.

**Table: Sample of FEMS mechanic's Hours as Reported in PeopleSoft in 2012
(Shaded Rows Indicate Days Where Overtime Claimed)**

Dates	Hours Reported in PeopleSoft
Sunday, January 8, 2012	24
Monday, January 9, 2012	16

¹ As a mechanic, the FEMS employee's annual salary was \$50,835.

Tuesday, January 10, 2012	16
Wednesday, January 11, 2012	16
Thursday, January 12, 2012	16
Sunday, January 29, 2012	24
Monday, January 30, 2012	16
Tuesday, January 31, 2012	16
Wednesday, February 1, 2012	16
Sunday, February 5, 2012	24
Monday, February 6, 2012	16
Tuesday, February 7, 2012	16
Wednesday, February 8, 2012	16
Thursday, February 9, 2012	16
Sunday, February 26, 2012	24
Monday, February 27, 2012	16
Tuesday, February 28, 2012	16
Sunday, March 4, 2012	24
Monday, March 5, 2012	16
Tuesday, March 6, 2012	16
Wednesday, March 7, 2012	16
Sunday, March 11, 2012	24
Monday, March 12, 2012	16
Tuesday, March 13, 2012	16
Wednesday, March 14, 2012	19
Thursday, March 15, 2012	16
Sunday, April 1, 2012	24
Monday, April 2, 2012	16
Tuesday, April 3, 2012	16
Wednesday, April 4, 2012	16
Thursday, April 5, 2012	16
Sunday, April 8, 2012	24
Monday, April 9, 2012	16
Tuesday, April 10, 2012	16

Wednesday, April 11, 2012	16
Sunday, April 29, 2012	24
Monday, April 30, 2012	16
Tuesday, May 1, 2012	16
Wednesday, May 2, 2012	16
Sunday, May 6, 2012	24
Monday, May 7, 2012	16
Tuesday, May 8, 2012	16
Wednesday, May 9, 2012	16
Thursday, May 10, 2012	16
Sunday, May 20, 2012	24
Monday, May 21, 2012	16
Tuesday, May 22, 2012	16
Wednesday, May 23, 2012	16
Thursday, May 24, 2012	16
Sunday, June 3, 2012	24
Monday, June 4, 2012	16
Sunday, June 10, 2012	24
Monday, June 11, 2012	16
Tuesday, June 12, 2012	16
Wednesday, June 13, 2012	16
Thursday, June 14, 2012	16
Sunday, June 24, 2012	24
Monday, June 25, 2012	16
Tuesday, June 26, 2012	16
Sunday, July 1, 2012	24
Monday July 2, 2012	16
Sunday, July 08, 2012	24
Monday, July 09, 2012	16

Sunday, July 15, 2012	24
Monday, July 16, 2012	16
Tuesday, July 17, 2012	16
Sunday, July 29, 2012	24
Monday, July 30, 2012	16
Tuesday, July 31, 2012	16
Wednesday, August 1, 2012	16
Thursday, August 2, 2012	16
Sunday, August 5, 2012	24
Monday, August 6, 2012	16
Tuesday, August 7, 2012	16
Wednesday, August 8, 2012	16
Thursday, August 9, 2012	16
Sunday, September 2, 2012	24
Monday, September 3, 2012	24
Tuesday, September 4, 2012	16
Wednesday, September 5, 2012	16
Sunday, September 9, 2012	24
Monday, September 10, 2012	16
Tuesday, September 11, 2012	16
Wednesday, September 12, 2012	16

OIG investigators interviewed the FEMS mechanic. Investigators asked the mechanic about her/his routine of working 24 hours on Sundays, followed by 16 hours on the majority of the remaining days of the week. The FEMS mechanic claimed that s/he was able to do it, and if s/he got tired, s/he drank a Pepsi, which “perked” her/him up. The FEMS mechanic stated that s/he never falsified a pay request and never left the FMD facility during a work shift unless on official business such as road calls and fuel acquisition for FMD vehicles at the Department of Public Works (DPW).

At this point, OIG investigators explained the MPD License Plate Reader Program (LPR), and asked the FEMS mechanic that if her/his vehicle showed up on the LPR when s/he was supposed to be working, how the mechanic would explain those occurrences. The FEMS mechanic stated that the FEMS Foreman told her/him that while on overtime, if s/he finished the repair in 4 or 6 hours, the mechanic could complete the Form 13 to reflect 8 hours of overtime worked. According to the mechanic, if s/he entered the actual hours of overtime

worked, the Foreman told her/him to claim 8 hours. The FEMS mechanic stated that because the Foreman advised her/him it was okay and approved the hours, the mechanic thought it was okay. The FEMS mechanic admitted that at the time of making the overtime entries, s/he did not think it was wrong but understands that it is now a problem for her/him. The FEMS mechanic added that at the time of completing her/his repair job, s/he would stay for the remainder of overtime, but on occasion, s/he would leave FMD and still claim the full 8 hours of overtime. The FEMS mechanic reiterated that s/he thought that the overtime protocol, as directed by the Foreman, was normal and concluded that had s/he been aware that it was going to be this big of a problem, s/he would not have done it and understands that s/he could be terminated from her/his employment.

OIG investigators interviewed the Foreman, former FEMS, FMD, now retired. The FEMS Foreman admitted that once a mechanic received a telephone call and accepted an offer to work overtime, overtime pay began at the time of the call with only a 1-hour grace period to report, pursuant to the Union agreement. The Foreman indicated that s/he knew of no policy whereby a mechanic could arrive more than the 1-hour grace period and still be paid for the entire shift.²

The Foreman stated that s/he never authorized a mechanic to leave prior to the completion of her/his shift, but recalled that s/he would occasionally allow a mechanic to leave early if the mechanic did not take a lunch break. The Foreman also recalled occasions where the FEMS mechanic worked 6 or 7 hours (in overtime) and s/he would allow the mechanic to submit an overtime slip for 8 hours. The Foreman stated that s/he would sometimes allow the FEMS mechanic to submit an overtime request for an extra 2 hours of overtime that the mechanic did not work, but never for more than 2 hours.

The FEMS Foreman initially denied allowing a mechanic to leave a shift early with the understanding that the mechanic would make up the time on a subsequent shift. Upon further reflection, the Foreman acknowledged that s/he would occasionally allow mechanics to do so, but instructed them to arrange make-up hours with the foreman responsible for the subsequent shift. The FEMS Foreman admitted that s/he never conducted any follow-up or other measure to ensure that the mechanic made arrangements to make up unaccounted work time. The Foreman indicated that s/he could not quantify how much time any mechanic actually worked and stated that s/he was not able to specify what overtime her/his mechanics worked during times s/he was not at FMD. While the Foreman did not understand why the FEMS mechanic and other employees blamed her/him for allowing them to leave FMD a few hours early, s/he acknowledged that some of the allegations were true. The Foreman concluded the interview by stating that s/he wished that s/he had done things differently.

² DPM § 1137.2 provides that a District agency may designate a position for which on-call pay may be authorized if two conditions are met. First, the work involved in the position must be vital to emergency management services or emergency medical services. DPM § 1137.2(a)(3). Second, “[t]he work of the position requires the incumbent, when otherwise off duty, to be available to report for work on short notice, within a maximum of one (1) hour or such lesser time as the agency deems warranted by the nature of the position.” DPM § 1137.2(b). The DPM further states that when an “on-call” employee is called in to perform work, the employee must be credited with at least 2 hours of work time.

CONCLUSION

The OIG has concluded that in 2012, the Heavy Mobile Equipment Mechanic submitted false overtime payment requests, to receive overtime pay from the District of Columbia to which the FEMS mechanic was not entitled. The mechanic first claimed that drinking Pepsi “perked” her/him up and allowed her/him to work a 24-hour work day on Sundays, followed by 16-hour work days during the majority of the remaining work week throughout a significant portion of 2012. The FEMS mechanic subsequently admitted to investigators that there were times when s/he finished a repair job in 4 or 6 hours, yet claimed 8 hours of overtime. Even though the FEMS mechanic stated that her/his supervisor authorized and approved the manner in which s/he accounted for her/his overtime hours, and at the time s/he was making entries s/he did not think it was wrong, the FEMS mechanic acknowledged that s/he now understood claiming overtime pay for hours that s/he did not work was wrong. As a result, the FEMS employee abused time and attendance, including overtime hours, to receive pay from the District of Columbia to which the FEMS mechanic was not entitled.

Accordingly, this investigation has **SUBSTANTIATED** that FEMS mechanic violated DPM §§ 1803.1 (a)(1) (Using public office for private gain) and (a)(6) (Affecting adversely the confidence of the public in the integrity of government).

RECOMMENDATIONS

Based on the results of this investigation, the OIG recommends that FEMS:

- Address the FEMS mechanic’s conduct with appropriate administrative action;
- Ensure that all FEMS employees are trained appropriately regarding the District’s standards of conduct; and
- Strengthen internal controls over the availability and monitoring of overtime hours worked and paid.

May 15, 2014