

STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF
INVESTIGATION



**AGENCY: OHIO DEPARTMENT OF MENTAL HEALTH
AND ADDICTION SERVICES
FILE ID NO.: 2015-CA00040
DATE OF REPORT: MARCH 10, 2016**

The Office of the Ohio Inspector General ... The State Watchdog

“Safeguarding integrity in state government”

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Statutory authority for conducting such investigations is defined in *Ohio Revised Code §121.41* through *121.50*. A *Report of Investigation* is issued based on the findings of the Office, and copies are delivered to the Governor of Ohio and the director of the agency subject to the investigation. At the discretion of the Inspector General, copies of the report may also be forwarded to law enforcement agencies or other state agencies responsible for investigating, auditing, reviewing, or evaluating the management and operation of state agencies. The *Report of Investigation* by the Ohio Inspector General is a public record under *Ohio Revised Code §149.43* and related sections of *Chapter 149*. It is available to the public for a fee that does not exceed the cost of reproducing and delivering the report.

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The Inspector General’s Office remains dedicated to the principle that no public servant, regardless of rank or position, is above the law, and the strength of our government is built on the solid character of the individuals who hold the public trust.



Randall J. Meyer
Ohio Inspector General



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REPORT OF INVESTIGATION

FILE ID NUMBER: 2015-CA00040

SUBJECT NAME: Richard Bussey

POSITION: Information Technology Manager 1

AGENCY: Ohio Department of Mental Health and Addiction Services

BASIS FOR INVESTIGATION: Complaint

ALLEGATIONS: Theft of Time

INITIATED: July 20, 2015

DATE OF REPORT: March 10, 2016

INITIAL ALLEGATION AND COMPLAINT SUMMARY

The Office of the Ohio Inspector General received a complaint alleging Information Technology Manager 1 Richard Bussey¹ of the Ohio Department of Mental Health and Addiction Services, had taken multiple unreported days off. The allegation specifically identified May 28, 2015, as a day Bussey was off, but may have reported working. The complainant further alleged that in December 2014, Bussey was off for eight days, however his time reporting revealed only two days reported off.

BACKGROUND

The Ohio Department of Mental Health and Addiction Services (OhioMHAS) was created on July 1, 2013, when the Ohio Department of Mental Health and the Ohio Department of Alcohol and Drug Addiction Services merged. OhioMHAS is responsible for providing the statewide service systems for mental health services; alcohol, drug, and gambling addiction treatment; and substance abuse prevention. In addition, OhioMHAS operates six regional psychiatric hospitals.

OhioMHAS oversees a statewide mental health and alcohol and drug addiction service system that consists of 48 community alcohol, drug addiction, and mental health service boards, two community mental health services boards, and two alcohol and drug addiction services boards.

The services and responsibilities of OhioMHAS include:

- Developing clinical evaluation and monitoring services;
- Establishing minimum standards for services;
- Maintaining compliance with standards at state hospitals;
- Providing training, consultation, and technical assistance to stakeholders in the mental health and substance abuse treatment systems; and
- Developing strategies to prevent alcohol, drug, and gambling addictions in youth and adults.²

¹ This was the position held by Bussey at the time of the allegation. Bussey is now an information technology manager 1 for the Ohio Department of Public Safety.

² Source: Biennial budget documents.

INVESTIGATIVE SUMMARY

The Office of the Ohio Inspector General requested and reviewed the following documents from OhioMHAS:

- Policies and procedures related to timekeeping, flex time, work hours, and leave;
- Bussey's timekeeping records that include May 28, 2015, and all timekeeping records for December 2014.

During the times in question, investigators determined Bussey reported to work at three different locations: Ohio Department of Administrative Services, Ohio Pharmacy Services,³ and Ohio Super Computing Center. The Office of the Ohio Inspector General requested Bussey's access card swipe records from the Ohio Department of Administrative Services and Ohio Pharmacy Services for the day of May 28, 2015, and the month of December 2014, and the sign in/sign out sheets for the month of December 2014 from the Ohio Super Computing Center.

OhioMHAS policy HR-14 states:

An employee may elect to forego accrual of overtime or compensatory time for a restructured flexible ("flex") schedule which changes her/his regular hours of work within the standard forty-hour week (or eighty-hour pay period for overtime exempts) where it is consistent with federal law and/or the applicable collective bargaining agreement. The employee and her/his immediate supervisor must mutually agree to a flex schedule prior to its implementation. Rescheduled time off shall not be authorized if it requires scheduling any other employee to work overtime to cover for the rescheduled employee's absence or if operational needs prohibit rescheduled time.

All flex accumulated must be used within the pay period earned. Flex time may not be used in lieu of sick time except for pre-scheduled medical appointments or treatment.

An analysis by investigators of Bussey's OAKS⁴ and Kronos⁵ timekeeping records, and swipe card records for the Rhodes State Office Tower revealed one day in December 2014 (December

³ Ohio Pharmacy Services provides pharmaceuticals to governmental and qualifying entities in Ohio.

⁴ OAKS, or the Ohio Administrative Knowledge System, is the official state accounting system.

23) in which there were no access card swipe records, no reported time worked in Kronos, and no use of leave. Kronos and OAKS records showed that during the pay period that included December 23, 2014, Bussey had reported 80 hours worked prior to December 23, indicating Bussey had “flexed” his time on December 23, 2014. Investigators found Bussey’s Kronos and OAKS time reporting for December 19, 2014, indicated that Bussey reported working 10.5 hours, although there were no access swipe card records for that day. The analysis further revealed that on two separate occasions, December 12, 2014, and December 24, 2014, Bussey worked more hours than he was compensated. On December 12, 2014, Bussey reported in Kronos that he worked 10 hours, 18 minutes; however, in OAKS it was reported that he worked two hours, six minutes. On December 24, 2014, Bussey reported in Kronos that he worked 10 hours, 18 minutes: however, in OAKS it was reported that he worked nine hours.

An analysis by investigators of Bussey’s access card swipe records and timekeeping records for May 28, 2015, revealed that during the pay period that included May 28, 2015, Bussey had worked 80 hours, indicating that Bussey had “flexed” his work time and was off on May 28, 2015.

During an interview conducted on September 3, 2015, Chief Information Officer of OhioMHAS Rose Tolliver stated that some of the agency’s information technology staff work a flexible schedule. Tolliver stated that Bussey was approved to work a “flex” schedule. Tolliver noted that OhioMHAS information technology employees are responsible for three hospitals that operate 24-hours-a-day, seven-days-a-week. Tolliver stated that Bussey would report to Ohio Pharmacy Services to work, particularly while his supervisor, Don Chance, was on leave. According to Tolliver, some employees, including Bussey, rotated being on call and it was not uncommon for them to receive calls in the middle of the night. Tolliver stated that she never had any concerns regarding Bussey’s time reporting.

The Office of the Ohio Inspector General interviewed Bussey’s supervisor, Infrastructure Manager Don Chance, on September 3, 2015. Chance stated Bussey reported at times to Ohio Pharmacy Services and Twin Valley Hospital. Chance confirmed to investigators that Bussey

⁵ Kronos is the timekeeping and payroll system used by OhioMHAS.

had an approved “flex” schedule. When asked about the time and attendance policy related to set work schedules, Chance said, “... that’s almost impossible with IT people.” Chance continued by stating, “... if I had a set work schedule, that means I wouldn’t have to answer the phone at 6:30 in the morning or on Saturdays or Sundays or like he had to.”

During an interview conducted on September 15, 2015, Richard Bussey stated he generally worked at his office located on the 33rd floor at the Rhodes State Office Tower, but at times worked at Ohio Pharmacy Services, Twin Valley Hospital, and a few times at the Ohio Department of Rehabilitation and Correction located on West Broad Street, Columbus, Ohio. Bussey noted, during the last year, he had worked at Ohio Pharmacy Services more often because his supervisor, Don Chance, was out on leave.

Bussey stated that both Don Chance and former OhioMHAS Chief Information Officer J.P. McInnes had approved his flexible work schedule. Bussey stated McInnes

... told me that he ... all his managers as long as they did their 80 hours, he didn’t care how we did that, um, but he expected us to log our normal time, meaning my shift 7:00 to 4:00. Meaning that if I worked outside of those hours, I still logged 7:00 to 4:00 in Kronos.

Bussey noted he was directed by his managers that if his telephone rang, he needed to answer the call, 24-hours-a-day, seven-days-a-week. Bussey said that he did not report the time he worked when answering telephone calls after hours. Bussey also noted that he did not receive overtime or compensatory time.

Bussey stated that McInnes gave him permission to work from home on several occasions due to family medical issues. Bussey noted that this permission was given verbally and not in writing. When Bussey was questioned by investigators about December 19, 2014, when he reported working 10.5 hours and there were no swipe card records indicating he was at a work-site, Bussey stated that he had two personal appointments that day and he may have worked from home.

During the course of the investigation, it was discovered that on July 1, 2015, Ohio Pharmacy Services issued new access cards to their employees due to the agency's name change from Ohio Shared Services to Ohio Pharmacy Services. When the new cards were issued, new access card assignment forms were completed and the previous access card assignment forms were destroyed. According to OhioMHAS Security Consultant Nacrina Alvarez de Blanco, the employee did not realize the importance of retaining the forms and stated that Ohio Pharmacy Services will now maintain those forms for record retention.

CONCLUSION

The Office of the Ohio Inspector General conducted an analysis of Richard Bussey's access card swipe records and time reporting in both Kronos and OAKS for the day of May 28, 2015, and the month of December 2014. An analysis conducted by investigators found that on days when there were no swipe card records for Bussey, he had worked his 80 hours for the two-week pay period and therefore, had "flexed" his time for those days.

OhioMHAS time and attendance policy allows for employees to work a "flex" schedule, if approved by their supervisor. Interviews with Bussey, his direct supervisor Don Chance, and Chief Information Officer Rose Tolliver confirmed that Bussey had permission to work a "flex" schedule.

Accordingly, the Office of the Ohio Inspector General finds no reasonable cause to believe that a wrongful act or omission occurred in this instance.

RECOMMENDATION(S)

The Office of the Ohio Inspector General makes the following recommendation and asks the director of the Ohio Department of Mental Health and Addiction Services to respond within 60 days with a plan detailing how this recommendation will be implemented.

- 1) Develop and implement a records retention schedule relating to the access swipe card assignment records at Ohio Pharmacy Services, or at a minimum ensure that

OhioMHAS is adhering to the record retention schedules set forth by the Ohio Department of Administrative Services, specifically GAR-RPM-10.

REFERRAL(S)

The Office of the Ohio Inspector General has determined that no referrals are warranted for this report of investigation.



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NAME OF REPORT: Ohio Department of Mental Health and Addiction Services

FILE ID #: 2015-CA00040

KEEPER OF RECORDS CERTIFICATION

This is a true and correct copy of the report which is required to be prepared by the Office of the Ohio Inspector General pursuant to Section 121.42 of the Ohio Revised Code.

Jill Jones
KEEPER OF RECORDS

CERTIFIED
March 10, 2016

MAILING ADDRESS

OFFICE OF THE INSPECTOR GENERAL
JAMES A. RHODES STATE OFFICE TOWER
30 EAST BROAD STREET – SUITE 2940
COLUMBUS, OH 43215-3414

TELEPHONE

(614) 644-9110

IN STATE TOLL- FREE

(800) 686-1525

FAX

(614) 644-9504

EMAIL

OIG_WATCHDOG@OIG.OHIO.GOV

INTERNET

WATCHDOG.OHIO.GOV