

STATE OF OHIO  
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF  
INVESTIGATION



AGENCY: OHIO DEPARTMENT OF AGRICULTURE  
FILE ID NO.: 2014-CA00051  
DATE OF REPORT: SEPTEMBER 29, 2016

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*“Safeguarding integrity in state government”*

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Randall J. Meyer  
Ohio Inspector General



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**OFFICE OF THE INSPECTOR GENERAL**

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RANDALL J. MEYER, INSPECTOR GENERAL

**REPORT OF INVESTIGATION**

**FILE ID NUMBER:** 2014-CA00051

**SUBJECT NAME:** Traci Orahood

**POSITION:** Human Resources Director

**AGENCY:** Ohio Department of Agriculture

**BASIS FOR INVESTIGATION:** Complaint

**ALLEGATIONS:** Improper Hiring Practices

**INITIATED:** July 22, 2014

**DATE OF REPORT:** September 29, 2016

## **INITIAL ALLEGATION AND COMPLAINT SUMMARY**

The Office of the Ohio Inspector General received an allegation from Donald Mills,<sup>1</sup> former human capital management (HCM) manager at the Ohio Department of Agriculture (ODAGR), alleging Traci Orahood,<sup>2</sup> director of human resources at ODAGR, manipulated the competitive hiring process in order to hire a candidate in the human resources division of ODAGR.

The complaint alleged that Orahood maintained outside employment at CarMax following her appointment as the human resources director at ODAGR. At CarMax, Orahood was reportedly supervised by, and received training, work direction, and work assignments from Nalicia Geist. When an HCM analyst position became available in the human resources department at ODAGR, Orahood allegedly encouraged Geist to apply for the position and failed to remove herself from the interview and selection process.

The complaint further alleged that Geist was promoted to an HCM senior analyst one day after her six-month probationary period ended, even though other candidates were more qualified for the position. According to the complainant, Orahood's decision to bypass candidates currently performing the HCM analyst position's duties gave the appearance of pre-positioning Nalicia Geist into a position for which she was not the most qualified candidate.

## **BACKGROUND**

The Ohio Department of Agriculture (ODAGR) is a regulatory agency responsible for safeguarding Ohio's food supply, animals, and plants. ODAGR also oversees pesticide regulations, amusement ride safety, weights and measures, and promotes Ohio's agricultural products, both domestically and overseas. In 2012, ODAGR was also given the responsibility to provide regulations regarding dangerous wild animals in the state of Ohio. The director of ODAGR is appointed by the governor and confirmed by the Ohio Senate. ODAGR is funded

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<sup>1</sup> Donald Mills was removed from his HCM manager position with ODAGR on November 7, 2014. Pursuant to a settlement agreement signed by Mills (06/30/2015) and ODAGR Director David Daniels (07/27/15), ODAGR agreed to rescind Mills' removal and Mills agreed to voluntarily resign from ODAGR effective December 5, 2014.

<sup>2</sup> Traci Orahood was appointed human resources director at ODAGR on April 8, 2012.

through general revenue funds, fees and licenses charged to those they regulate, and federal funding.<sup>3</sup>

*Applicable Laws Reviewed During the Investigation*

Ohio Revised Code (ORC) §124.11(A)(9) states, in part:

(A) The unclassified service shall comprise the following positions, which shall not be included in the classified service, and which shall be exempt from all examinations required by this chapter.

(9) The deputies and assistants of state agencies authorized to act for and on behalf of the agency, or holding a fiduciary or administrative relation to that agency ...

Ohio Revised Code (ORC) §124.15(G)(1) states, in part:

... (1) Except as provided in divisions (G)(2) and (3) of this section, each stated employee paid in accordance with schedule B of this section or scheduled E-1 of section 124.152 of the Revised Code shall be eligible for advancement to succeeding steps in the range for the employee's class or grade according to the schedule established in this division. Beginning on the first day of the pay period within which the employee completes the prescribed probationary period in the employee's classification with the state, each employee shall receive an automatic salary adjustment equivalent to the next higher step within the pay range for the employee's class or grade ...

Ohio Administrative Code (OAC) §123:1-23-01 states, in part:

No person shall be eligible for promotion who: (A) Has not satisfactorily completed the required probationary period ...

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<sup>3</sup> Source: Biennial budget documents.

## **INVESTIGATIVE SUMMARY**

The Office of the Ohio Inspector General received and reviewed the following records from ODAGR:

- Secondary employment policy;
- Disclosure of any secondary employment by Traci Orahood;
- Job posting for the HCM analyst position ultimately filled by Nalicia Geist;
- Other applications received for the position;
- Name of person(s) who selected the interviewees;
- Name of person(s) interviewed for the position;
- Name of person(s) who conducted interviews for the position;
- Interview rating/scoring sheets;
- Any records supporting the promotion of Nalicia Geist to the position of HCM senior analyst.

According to ODAGR, the department no longer maintains a formal policy on outside employment activity. However, a form titled, “Request for Approval for Outside Employment or Activity” is maintained on ODAGR’s intranet. A copy of Orahood’s secondary employment form documents that her secondary employment at CarMax Auto Superstore on Sawmill Road was approved by ODAGR Assistant Director Howard Wise on April 20, 2012. Her duties at CarMax included opening and closing the business office, reviewing and processing documents associated with the customer’s vehicle purchases, assisting customers with questions on tag and title information, preparing DMV documents, interacting with sales staff, obtaining payoff information, assisting the purchase team with appraisal purchases and in-store auctions, tendering cash transactions, preparing bank deposits, answering the multi-line phone system, and monitoring the “for kids only” area. Orahood reported that she would only work nights, with a 6:15 p.m. start time, and weekends.

The Office of the Ohio Inspector General requested and reviewed the following records from CarMax Auto Superstore:

- All personnel records for Traci Orahood;
- All personnel records for Nalicia Geist;

- The organizational chart for the Sawmill Road, Columbus, Ohio location;
- Any other records documenting who supervised Traci Orahood during her time of employment.

CarMax records verified that Orahood was employed at CarMax as a business office associate. Orahood held this position from July 2010 through May 13, 2012, and again from February 3, 2013, through July 1, 2013. Orahood's last day on the payroll for CarMax was July 1, 2013.

CarMax records also verified that Nalicia Geist was employed at the CarMax location on Sawmill Road from March 2006 through August 2013. The last position she held, from January 2012 to August 2013, was assistant business office manager.

The Office of the Ohio Inspector General contacted CarMax again after receiving only Orahood's and Geist's personnel files and not all the documents requested. CarMax Chief Paralegal Amy Vaughn stated that no organizational chart existed at that level, but Vaughn confirmed that the assistant business manager would oversee any of the business associates in that office.

A review of the records provided by ODAGR revealed that on July 8, 2013, ODAGR posted<sup>4</sup> a vacant HCM analyst position. The closing date for receiving applications was July 18, 2013. Geist submitted her employment application for the HCM analyst position on July 8, 2013. ODAGR received 125 employment applications for the posted HCM analyst position. According to Orahood, she and then-HCM Manager Donald Mills conducted the subject matter expert (SME) review independently with predetermined criteria, and based on the SME scores determined which applicants were eligible for an interview. Of the 125 employment applications reviewed, nine individuals were selected to be interviewed. Geist was one of the nine applications selected. However, Mills noted that based on the qualifications of the applicants, he

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<sup>4</sup> An agency-posted position is a state of Ohio job vacancy notice listing the deadline for application, pay range, class title and shift where applicable, and the knowledge, abilities, skills, and duties as specified for the position. Subject to union contracts and individual agency policies, certain positions must be advertised for a specific amount of time.

had taken Geist out of consideration for an interview because of her lack of human resources experience.

During an interview conducted with the complainant, Donald Mills, on December 4, 2014, Mills stated,

But Traci called me into the office after the posting came down for my position that, that I would be hiring for and she said, "I want to let you know that there's a person in the applicant pool who's applied for the job um that works at CarMax. Um I know of her. I don't know much about her, but um she did approach me at work..." --- 'cause she worked at CarMax in the evenings. Traci did. "She approached me at work one night and said something about this job. And I told her yeah, go ahead and apply." And she said, "but again, I don't know anything about this girl um so I'm not real --- I'm not partial one way or the other about what --- yeah, I just want to let you --- I want to put it out there that there's a CarMax person in there that I know of." And I was like, Okay.

Mills further stated,

Again thinking that because Traci didn't have a concern one way or the other, you know, I did look at the application and I had screened her out of an interview. So then I was called into Traci's office and she says, "You know, I'm concerned. I was looking at the applications and I noticed you, you screened Nalicia out." And I was like, "Well, who's, who's Nalicia?" And she said "Nalicia Geist." And I'm like, I don't know who that is. And she's like, "The person from CarMax that I told you about." And I was like, Oh! Yeah. And then I told her kind of like what I just told you about you know, I didn't really find any H.R. stuff so I didn't feel that, you know, her compared to the other candidates she should get an interview. And Traci was like, "Well, um Keary [HCM Manager Keary Sorgini] and I was looking at the application together and, you know, she put this down but what she really did was she was the manager over all the people." And so she started adlibbing things about her knowledge ... --- of Nalicia's work at CarMax, giving her an advantage. She's saying, "And so she really meant this and she really did this and she didn't put it but what this really means ...--- and if you don't work at

CarMax you wouldn't know that." ... it wasn't fair that she knew about Nalicia's --- her work and so she was basing her rating on what she knew.

Mills stated he approached Assistant Director Howard Wise, who is Orahood's supervisor. Mills indicated that Wise stated,

... when you're in a position like Traci sometimes people approach you and they, they mention a job and, you know, Traci feels obligated to at least give her a courtesy interview ... you guys need to calm down ... there and uh get along.

Mills said after each of the interviews, he, Orahood, and HCM Manager Keary Sorgini would meet to deliberate and score each interviewee. Mills explained that during these meetings, he, Sorgini, and Orahood would discuss the answers provided by each interviewee, and based on the notes they had taken, would score collectively as a group each interviewee, with all three agreeing on the same score. Mills noted that, on one occasion, during a post-interview meeting, he expressed to the group that he believed Geist did not answer one of the questions well. Mills said he believed his opinion on Geist's response to the question was in contradiction to what Orahood was thinking. Mills stated that Orahood gave him a look "... like, no, don't even try it."

In an interview with Keary Sorgini conducted on May 18, 2015, Sorgini stated that she was not assigned to do the subject matter expert review for the HCM analyst position, but "... there was a concern regarding one particular application and I did review it." Sorgini explained that Mills had scored Geist's application very low, "... which was not in conjunction with SME criteria we'd set" prior to the application review. Sorgini indicated that when Orahood asked her to review the application, Orahood told Sorgini that she had worked with Geist at CarMax. Sorgini stated, "... so she was going to remove herself from basically having a whole lot of input as far as those things go. But as H.R. Director, she doesn't really get to remove herself from all H.R. positions completely because ultimately it's her shop to run."

When asked why Orahood scored Geist's application if she was trying to remove herself from the selection process, Sorgini replied,

... she was required to. She can't completely remove herself because it was Donald's position to fill, but she is his supervisor and all our chiefs are added to the, the criteria review for applications ... . So she wasn't really permitted to remove herself to ensure we had the checks and balances as far as the scoring goes.

According to Sorgini, after the interviews were conducted, it was Mills who had scored Geist high. Sorgini stated there was a discussion about the top two candidates and because they were within 10 points of one other, Sorgini, Mills, and Orahood could select who they felt would be the best fit for the position. Sorgini stated Mills selected Geist.

The Office of the Ohio Inspector General conducted an interview with Traci Orahood on February 11, 2016. Orahood stated that she was employed in a part-time position at CarMax, where she worked with Nalicia Geist. Orahood stated that Geist was never her supervisor. Orahood explained that at times, if she and Geist were closing the store, Orahood would go to Geist if she needed assistance; but Geist was not her direct supervisor.

When asked if she had any discussions with Geist about the opening for the HCM analyst position at ODAGR, Orahood stated that while at CarMax, she made a general statement that ODAGR had an open position in the human resources department. Orahood admitted that she did participate in the subject matter expert review of the applicants who met the minimum qualifications for the position, but pointed out that she made it "...very well known to everybody I know who this person is." Orahood said she participated in the interview with Geist as well, and at no point did she feel she should have removed herself from the process. Orahood stated, "I didn't feel it was inappropriate for me to be a part of that."

Orahood was asked why Geist was selected for the HCM analyst position, as she was not the highest rated candidate based on the interview scoring sheets. Orahood explained the interview panel consisted of herself, Mills, and Sorgini. Orahood stated that she "...flat-out said I'm not taking the lead on this because everyone knows that I know who Nalicia is. So I didn't lead the discussion... ." Orahood said there was one candidate that scored higher than Geist, so the interview panel met to discuss the selection. Orahood stated:

So the three of us came together. We were in my office and we basically said okay, so are we going with the highest score; do we want to talk about it? And Donald actually was the one who said, "I think we should hire Nalicia." And I said are you sure?

Orahood continued,

And he was like, "I think she's the best fit for the position." So me knowing the kind of situation, I had reached out to our legal counsel and said, you know, here's kind of the situation. What do you think that we should do? And they said well, if that's how the conversation went basically, document that.

During an interview with Nalicia Geist on June 12, 2015, Geist admitted that she had an indirect supervisory role over Orahood while they were both employed at CarMax. Geist indicated it was only for a short period of time. Geist confirmed Orahood had informed her of the open position at ODAGR. Geist explained that she had mentioned to Orahood her dislike of the commute time to CarMax, and Orahood told her ODAGR was on Main Street [in Reynoldsburg] and there was a position available. According to Geist, Orahood encouraged her to apply. Geist stated that when she was interviewed for the position at ODAGR, Orahood was no longer employed at CarMax.

#### *Geist's Promotion to Human Capital Management Senior Analyst*

The review of the records provided by ODAGR regarding the HCM senior analyst position revealed the position was posted on October 7, 2013, with a posting closing date on October 17, 2013. Geist submitted her application for this position on October 13, 2013, even though she had only been in her current position less than two months and had not satisfactorily completed the required 180-day probationary period of her current position.

The records revealed that Geist was not initially selected as a candidate for the HCM senior analyst position. ODAGR conducted interviews with 10 candidates on November 4, 2013, and November 5, 2013. Geist was interviewed for the HCM senior analyst position on January 21, 2014.

Mills indicated he did not participate in scoring the applicants for the HCM senior analyst position, but he did participate in some of the interviews. Mills said it was decided after the first round of interviews that the position was not going to be filled at that time. Mills could not explain why Geist was not selected for the first round of interviews, and speculated that it may have been because she was on probation. Mills also told investigators that he did not know how Geist's interview in January 2014 came about. Mills stated,

... the one thing I notably remember is if Nalicia's probation ended on Friday --- her initial probation in this position --- on that Monday she was a senior analyst. So it was almost like they strategically put the position on hold to wait for Nalicia ... to come off probation.

During an interview with Sorgini conducted on May 18, 2015, Sorgini stated that Geist was permitted to apply for the HCM senior analyst position while she was still serving her 180-day probation, but Geist would not have been able to be promoted during that probationary period. Sorgini confirmed that Geist was not one of the original 10 candidates interviewed in November 2013.

When asked why ODAGR did not select one of the 10 candidates they interviewed in November 2013, Sorgini stated that she, Orahood, and Mills determined they had not found the candidate they wanted to fill the position. Sorgini explained,

... most of them come from internal to the state and most of them came from D.A.S. Um and this was strictly for payroll. ... D.A.S payroll is so much different than agency payroll because it's, it's essentially help desk, where they helped to process things versus dealing directly with the employees.

Sorgini noted that while ODAGR conducted the search for a new HCM senior analyst, Geist was filling in and performing those payroll duties. Sorgini said Geist was interviewed for the position in January which was closer to the end of her 180-day probation.

In the interview with Geist conducted on June 12, 2015, Geist stated she applied for the HCM senior analyst position while she was still on probation because the process could take quite

some time. Geist stated no promises were ever made to her about receiving the HCM senior analyst position. Geist said she saw the opportunity to develop her skills by stepping in to fill the vacancy left by the former HCM senior analyst's retirement, which could potentially lead to a promotion.

During the interview with Orahood conducted on February 11, 2016, she explained that Geist submitted an application for the HCM senior analyst position while still within her 180-day probationary period; however, because the position was an exempt<sup>5</sup> position, Orahood noted that she did not believe there were any specific stipulations that would prohibit Geist from applying for the position. Orahood stated that in preparation for an employee's retirement, Geist was trained on how to complete payroll processing; a job function performed by the retiring employee.

Orahood could not recall why Geist was not selected for the first round of interviews for the position conducted on November 4 and November 5, 2013, but stated, "I would say it's probably because she was on probation..." Orahood noted ODAGR did not select any of the candidates from the first round of interviews because the interview panel did not feel any of the candidates "... were a right fit for Ag." Orahood explained that ODAGR did not repost the position prior to Geist's interview on January 21, 2014, as "... we kind of have a standard protocol that we can hold your score for the exact same position for six months."

According to OAKS,<sup>6</sup> Geist advanced to the next higher step of her pay range on February 9, 2014. Geist was subsequently promoted to the HCM senior analyst position with ODAGR on February 23, 2014.

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<sup>5</sup> Exempt position– A position which is not subject to examination or civil service tenure.

<sup>6</sup> OAKS (Ohio Administrative Knowledge System) is the state's computerized accounting system containing both fiscal and payroll records.

### *Donald Mills - Civil Service Status Change*

During the course of the investigation, investigators learned the civil service status of former HCM Manager Donald Mills had been changed from classified<sup>7</sup> to unclassified<sup>8</sup> four days prior to his removal from the position.

Mills began employment in the human resources department at ODAGR on August 20, 2006, and served as an HCM manager in the classified service since June 19, 2011. Prior to that, Mills was employed with the Ohio Department of Job and Family Services in various human resources positions from April 15, 1996, until he transferred to ODAGR.

The Office of the Ohio Inspector General requested and reviewed additional records from ODAGR, including:

- Mills' personnel file and discipline file;
- Sorgini's position description;
- The ODAGR discipline grid;
- All ODAGR positions that were changed from classified to unclassified;
- Mills' two equal employment opportunity (EEO) complaint investigation files;
- Mills' settlement agreement with the ODAGR.

Additionally, the Office of the Ohio Inspector General requested and reviewed the following records from the Ohio Department of Administrative Services (ODAS), who is responsible for reviewing and approving all state agencies' civil service status change requests for filled positions:

- All civil service status change requests for HCM managers from January 1, 2012, to November 3, 2015, including all documentation;

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<sup>7</sup> Classified service - the competitive classified civil service of the state, the several counties, cities, city health districts, general health districts, and city school districts of the state, and civil service townships.

<sup>8</sup> Unclassified service – All officers and positions which are exempt from all examinations and which provide no tenure under the law are unclassified. Appointment to a position in the unclassified service may be made at the discretion of the appointing authority and the incumbent may be removed, suspended, or reduced from the position at the pleasure of the appointing authority.

- All civil service status change requests submitted by ODAGR, including all documentation.

During the interview conducted by the Office of the Ohio Inspector General, Mills stated that he was hired by ODAGR as an administrative assistant 3 in 2006, and was reclassified<sup>9</sup> to HCM manager in 2008. Mills explained when he was first hired by ODAGR, he was primarily responsible for the equal employment opportunity program, which included investigating complaints and determining whether there was probable cause. Mills said he also worked on EEO training and performance evaluations in which he was responsible for tracking the evaluations and ensuring the supervisors understood how to complete them. Mills said other duties were added to his job responsibilities, including overtime, labor relations, working with the union, settling grievances, and working with supervisors to establish disciplinary tracks for problem employees. Mills pointed out that although he participated in settling grievances and disciplinary hearings, he could not make any decisions on his own; all decisions were required to be approved by Orahood.

Mills also noted that when he was hired, the human resources office consisted of three employees plus the human resources director. When he was terminated, the human resources office consisted of the human resources director, two managers (including Mills), and three additional employees. Mills explained that once Orahood became the director of human resources, she created an additional HCM manager position.

Mills confirmed that he received his first discipline in June 2014, which was a one-day working suspension. Mills pointed out that he had no prior disciplines on file and had no idea Orahood had an issue with his work. Mills stated, “I had no clue Traci had a problem with my performance ... to the point that I would get not counseling ... not a written ... not a verbal ... but a suspension.”

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<sup>9</sup> Reclassification is the act of changing the classification of an existing position. The employee, if left in the position, shall be reassigned to the new classification.

Mills continued,

So then I sent Howard<sup>[10]</sup> an email and asked um, “Can you put me in another work area until we get this worked out because it’s hard for me to come in and work,” cause Traci does---at this completely stopped talking to me. Completely stopped interacting with me on any level. And I just felt like it was an uncomfortable work setting. Howard replied and said, “I’ve been advised not to talk to you...because of the complaint that you filed.”

Within days after being disciplined, Mills had filed an EEO complaint with the director of ODAGR on June 27, 2014, alleging age discrimination. The investigation of the allegation was performed by Mike Rogers, former chief legal counsel of ODAGR. Mills stated that after he met with Rogers concerning his complaint, “... all hell broke loose.” In a report dated July 14, 2014, Rogers found no supporting evidence of discrimination.

Orahood filed another complaint against Mills regarding his performance on July 30, 2014, which was investigated by the ODAGR internal enforcement division. Mills said the internal enforcement division serves a dual role at ODAGR, investigating complaints in the agriculture world in Ohio and handling internal complaints at ODAGR for human resources. Mills said he was called in for an investigatory interview on August 1, 2014, as a result of Orahood’s complaint. Mills explained that once that investigation was completed and a report was sent to Orahood, Mills was issued a two-day suspension in August 2014. However, the discipline was held in abeyance and Mills served the two-day suspension in September 2014.

On August 7, 2014, Mills filed another EEO complaint against Orahood, alleging age discrimination, disparate treatment, and retaliation based on the imposition of discipline by Orahood. This complaint was investigated by ODAGR then-Chief Legal Counsel Mehek Cooke. On October 7, 2014, Cooke issued a report to ODAGR Assistant Director Howard Wise. Cooke found no probable cause for the complaint filed by Mills.

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<sup>10</sup> Howard Wise, assistant director of the Ohio Department of Agriculture.

After returning from a leave of absence, Mills was called in for another investigatory interview on August 27, 2014, based on a complaint regarding Mills' performance filed by Orahood on August 18, 2014. Mills was offered a pre-disciplinary hearing conducted by Pre-disciplinary Meeting Officer Sandra Kellum. Mills stated that, "... I never heard anything about that discipline --- or that pre-d...nothing at all." Mills stated that on November 3, 2014, he was called into ODAGR Assistant Director Wise's office and was provided with a letter informing him the civil service status of his position had been changed from classified to unclassified and he now served at the pleasure of the appointing authority. ([Exhibit 1](#)) Mills said,

...when I got his letter on this day it was pretty clear to me what they wanted to do. And then on November 7<sup>th</sup> at 9:30 in the morning she comes in my office and calls me into her office. In there is Mehek Cooke, the chief of legal and they give me this paper and tell me that I'm being removed for neglect of duty as a result of the P --- the pre-d that was held on September 26<sup>th</sup>. And then they give me this removal, too. ([Exhibit 2](#))

Orahood was asked to explain the disciplinary process leading to termination for exempt classified employees. Orahood stated,

...I mean you're, you're documenting, you go to an investigation --- um our Enforcement division does all of our investigations. ... All they're looking for is just the facts of the case. They're not giving an opinion or anything like that. .... So anytime like there was issues and I'm like okay, this right, it's in the level of discipline, I would sent the information over to our Enforcement Chief and I'd be like, you know, here's the situation. Typically there's an HR representative who sits in on those investigations like when they do the investigatory interview. But obviously since it was somebody in HR it wasn't appropriate since I'm the one who's turning it over for me to sit in on it and clearly having a peer or one of his subordinates sit on there is inappropriate. So they had the Chief and Assistant Chief of Enforcement sit on his investigations. But really you just turn the information over. They give the report back. We review it and we determine ... obviously my job is to make recommendations to the Director on, you know, you know, here's the violation; here's, you know, what we can do; here are your options in terms of

discipline. 'Cause I don't issue discipline. The Director does. Um and so basically that's what we would do. And so that's, that's how it works across the board, whether you're exempt, bargaining unit, classified or unclassified.

Investigators asked Orahod whether it was factual to state that, although she does not issue discipline, she does make the disciplinary recommendations to the director or assistant director. Orahod concurred that the statement was correct.

In reviewing Orahod's email account, investigators found an email Orahod sent on Monday, November 3, 2014, at 11:35 a.m. to [DASHRD.HRPolicy@das.ohio.gov](mailto:DASHRD.HRPolicy@das.ohio.gov). ([Exhibit 3](#)) In this email, Orahod stated that the required documents for the civil service status change request were attached. Orahod stated,

Due to the fact that this change is for an employee within HR and has access to all levels of the ePAR system I have not entered the ePAR. Once the decision has been made (approval or denial) of the request I will submit the ePAR to finalize the process.

Investigators reviewed the ePAR (electronic personnel action request) submitted by ODAGR to the Ohio Department of Administrative Services for the civil service status change request for Mills. This document showed that the request was submitted by Keary Sorgini on November 4, 2014, at 8:48 a.m. The request was approved by Orahod on November 4, 2014, at 9:40 a.m., followed by an approval from Rob Patchen from the ODAS policy section on November 4, 2014, at 9:48 a.m. Rob Patchen is the ODAS employee responsible for reviewing and making a determination on civil service status changes. The ePAR was then electronically sent back to Sorgini who approved it again on November 4, 2014, at 10:47 a.m. ([Exhibit 4](#))

The Office of the Ohio Inspector General conducted an interview with Rob Patchen on January 21, 2015. Patchen explained that agencies submit civil service status change requests using the ePAR system. Patchen stated that once an agency submits the request in ePAR, an email is generated that is received by Patchen and his supervisors informing them there is a request waiting to be reviewed. Patchen explained that agencies submit required documentation

supporting the request via the ODAS policy email address. Patchen pointed out a civil service status change request requires the state agency to submit a letter of explanation specifying the reason for the change, old and new position descriptions, table of organization, and a list of all other individuals holding the same or similar positions and their civil service status. Once all the documents have been submitted, Patchen reviews and determines whether the request meets the qualifications necessary to change the civil service status. This determination is then reviewed by Patchen's [former] supervisor, Kristen Rankin. If Rankin agrees with Patchen's determination, Patchen approves the request in ePAR. The qualifications include, "... acting for and on behalf of an agency," fiduciary relation, or administrative relation. Patchen stated that "... acting for and on behalf of an agency" is rarely seen on a request to change civil service status.

Patchen admitted to investigators that at the time he had received the request to change Mills' civil service status, he had only been reviewing these requests for about four months. At the time of the interview, Patchen stated he had completed eight or 10 civil service status change requests. Patchen stated that the review he conducts is strictly a review of the duties performed in the position. Patchen said he does not look at how long the individual has served in the particular position, or if the duties of the position have changed.

When asked specifically about the request to change Mills' civil service status, Patchen stated it was the EEO duties described in Mills' position description that he felt rose to the level of a "fiduciary relation," including conducting interviews and making credibility decisions. Patchen explained EEO duties are "highly confidential" and the investigations conducted are "highly important." Patchen stated he approved this request for a civil service status change because in his opinion, this position (Mills' position) held a fiduciary relation because of the investigations, hearings, EEO matters, and the grievances, which can include highly confidential information.

When asked about the turnaround time for reviewing civil service status change requests, Patchen stated if the state agency submits the required documents and Patchen is in the office, the turnaround time is "fairly quick." Patchen explained that approval from him is needed before

the status is changed in ePAR, but Patchen does not know when or how an agency informs the employee of the change.

A review of the request submitted to ODAS for a change in Mills' civil service status from classified to unclassified revealed that on November 3, 2014, Orahood sent a letter to then-ODAS Policy Administrator Kristen Rankin requesting the change. In the letter, Orahood identified duties which she claimed justified designating the position as unclassified. Orahood pointed out the new position description only changed the civil service status from classified to unclassified "... because the employee has always been performing these duties." Attached to this letter was Mills' position description dated June 8, 2011, and signed by Mills; an updated version of Mills' position description dated October 31, 2014, and signed by Mills; a chart that listed five human resources programs and the duties listed for those; the table of organization for the ODAGR human resources office; and a list of all ODAGR employees in this classification and their current civil service status. ([Exhibit 3](#))

Prior to Orahood submitting to ODAS a change in Mills' civil service status from classified to unclassified, Orahood directed Mills to update his position description, which he sent to Orahood for review via email on October 31, 2014, at 10:08 a.m. Orahood responded with her edits on October 31, 2014, at 2:32 p.m. Mills incorporated Orahood's changes and submitted the finalized position descriptions, including Sorgini's updated position description, to Orahood on October 31, 2014, at 2:47 p.m. ([Exhibit 5](#)) The position description Mills sent to Orahood was signed and dated by Mills on October 31, 2014. Mills listed his civil service status on the updated position description as classified. ([Exhibit 5](#))

A review of the position description that Orahood sent to ODAS on November 3, 2014, did not match the position description Mills sent to Orahood. The position description that Orahood sent to ODAS listed Mills' civil service status as unclassified. Orahood altered the position description that Mills had signed and dated prior to sending it to ODAS and without Mills' knowledge. ([Exhibit 3](#))

The Office of the Ohio Inspector General conducted an interview with former ODAS Policy Administrator Kristen Rankin<sup>11</sup> on May 12, 2015. Rankin confirmed the process Patchen explained for submitting a civil service status change request. Rankin pointed out that when the position is a filled position, the agency may notify the employee prior to submitting the request, since ODAS requires that a written employee acknowledgement of the civil service status change be attached to the ePAR once the ePAR has been approved.

Rankin stated Orahood approached her either before or after a human resource administrators meeting in October 2014. Rankin also stated Orahood told her that ODAGR was going to be submitting a civil service status change request for Mills' position. According to Rankin, she explained to Orahood that ODAS would evaluate the request using the "duties test." Rankin stated Orahood told her "... it was time sensitive because they intended on taking action against the employee." Rankin was asked if Orahood identified the action ODAGR intended on taking against Mills once the change was approved. Rankin said Orahood stated ODAGR planned on terminating him. Rankin stated it is not common for ODAS to process a civil service status change request from classified to unclassified knowing the agency is going to terminate that employee once the change is approved. When asked if Rankin was contacted by the Governor's Office of Administration Director Mona Reed, Rankin stated that she was contacted by Reed, who was inquiring about the time frame for processing the request. Rankin could not identify how often ODAS has contact with Reed.

Investigators reviewed all civil service status change requests for HCM managers received by ODAS from January 1, 2012, through November 3, 2015. ODAS provided three civil service change requests that were received and the supporting documentation. One was from ODAGR for an HCM manager (Mills' position), requesting to change the civil service status from classified to unclassified, dated November 3, 2014, and approved by Patchen November 4, 2014. The second was from the Ohio Department of Job and Family Services (ODJFS) for an HCM manager requesting to change the civil service status from unclassified to classified dated November 3, 2014, and approved by Patchen November 20, 2014. The third request was from ODAGR for an HCM manager (Sorgini's position) requesting to change her civil service status

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<sup>11</sup> Kristen Rankin is now deputy director of ODAS Office of Collective Bargaining.

from classified to unclassified dated February 9, 2015, and denied by Patchen on February 20, 2015.

Investigators reviewed the EEO designee list for all state agencies and found that of the 70 employees listed as EEO designees, 37 positions are in the classified civil service status and 33 positions are in the unclassified civil service status. Investigators further found all ODAS positions within the Affirmative Action and Equal Employment Opportunity Unit are in the classified civil service status, including the manager. The ODAS Affirmative Action and Equal Employment Opportunity Unit is responsible for managing the state's internal discrimination complaint process and providing guidance to state agencies in the development, administration, and enforcement of affirmative action and equal employment opportunity programs.

The Office of the Ohio Inspector General conducted a follow-up interview with Patchen on March 16, 2016. Patchen admitted that he had discussions with Rankin regarding the civil service status change request for Mills' position. Patchen was asked specifically if Rankin had told him the request for change was time sensitive because ODAGR planned on terminating the employee. Patchen replied, "... no, not that I recall." Patchen stated he was not aware that Mona Reed of the governor's office had contacted ODAS regarding this request.

Patchen was reminded that in his previous interview he stated it was the EEO duties listed in Mills' position description that he felt rose to the level of a "fiduciary relation," which is why he approved the change in civil service status from classified to unclassified. Patchen was shown Mills' position description dated October 31, 2014, and Keary Sorgini's position description that he reviewed in February 2015 and denied the civil service status change request from classified to unclassified. It was pointed out to Patchen that Sorgini's position description listed many of the same EEO duties listed in Mills' position description, as well as various other duties, yet Patchen denied Sorgini's civil service change request from classified to unclassified. Patchen was provided the opportunity to review the documentation, which he did for several minutes. When asked to explain the differences, Patchen stated Mills' position description noted actually performing the EEO investigations, gathering the information and making the recommendations, and Patchen said that was the reason Mills' was approved and Sorgini's was denied.

Investigators pointed out to Patchen that those same duties were in fact listed in Sorgini's position description. Patchen replied, "Oh, it is? Hmm." After taking several more minutes to review both Mills' and Sorgini's position descriptions, Patchen stated, "EEO is clearly an important component, I don't know and I don't recall how I would have overlooked it with regard to Ms. Sorgini." Patchen admitted that he may have just missed the EEO duties described in Sorgini's position description when he reviewed it.

Investigators also asked Patchen about his approval of changing the civil service status from unclassified to classified for the ODJFS HCM manager position, even though EEO duties were listed in the job description. Patchen explained that the duties listed in the ODJFS position description

... were doing things under general supervision rather than doing things that would actually be fiduciary in nature in making independent judgment decisions that affect the agency directly, because we all do stuff under supervision and guidance, so there is nothing unique about that that raises you to the level of fiduciary because you do stuff under general guidance and supervision.

Patchen was asked to explain why all of the ODAS Affirmative Action and Equal Opportunity Unit employees were in the classified status, if according to ODAS, EEO duties rise to the level of a fiduciary relation when determining whether or not a position is in the classified or unclassified status. Patchen stated that he did not make a determination on how any agency may classify or unclassify positions when they initially set them up. Patchen said he only reviews the changes, so "... unless ODAS has asked for a change, I would have never reviewed them, so I do not have any background to answer that question." Patchen was asked how ODAS uses EEO duties as a determining factor to change an employee's position from the classified status to the unclassified status, claiming EEO duties create a fiduciary relationship, when ODAS' own employees tasked with EEO duties are all classified. Patchen replied, "... that is something I have never reviewed." Patchen continued, saying that he did not know the civil service status of those positions. Patchen explained anytime a position is vacant, the agency can re-write the position description and determine if it is a classified or unclassified position. The only time ODAS reviews the position description is when the position is occupied. Patchen continued, "...

that is why they are not consistent across the board because agencies may interpret fiduciary relationships differently.”

During the interview with Orahood on February 11, 2016, Orahood was asked why the request for a change in civil service status from classified to unclassified for Mills’ position was sent to ODAS in early November 2014. Orahood stated,

...we were kind of looking at all divisions um and kind of overhaul like... status changes. So we started with HR. We submitted both Donald’s --- or I submitted Donald’s and then we were working on Keary’s because Donald was tasked with updating all the PDs [position descriptions]. That was his program. He was required. Um I felt like the PD that he had kind of supplied for Keary wasn’t really a reflection of her duties. I felt like it was kind of ... for lack of better terms, I think he dumbed it down in what she did compared to what he did. Um so I did not feel that her PD was an accurate reflection of her duties. Um but we were starting with HR. Then after HR we went to I think legal --- I think maybe like a month or two later we did legal.

A review of all the requests for a change in civil service status submitted to ODAS from ODAGR found the request for Mills’ position was the only request made on November 3, 2014. That request was followed by a request, submitted on December 22, 2014, to change the civil service status of two attorneys that worked in the legal department of ODAGR. ODAGR sent a request for an administrative officer 3 position on February 4, 2015. The remaining requests for changes in civil service status, including Sorgini’s, were submitted by ODAGR to ODAS on February 9, 2015.

Investigators reviewed Orahood’s email account and found email communication that began on October 29, 2014, between Orahood, Mills, and Sorgini. ([Exhibits 6 & 7](#)) In the original email, Orahood requested Mills’ update all position descriptions for the human resources department employees. Orahood provided Mills with due dates for each position, including the human capital management managers which was due at the close of business on October 31, 2014. On October 31, 2014, Mills sent a draft position description for Sorgini’s position to Orahood and

Sorgini asking for review, changes, and suggestions. After Mills made the suggestions Sorgini recommended, Sorgini replied, "I think it looks good." Orahood replied, "I concur."

During the interview with Traci Orahood on February 11, 2016, Orahood was asked to identify the duties performed by Mills that would justify changing the civil service status of his position from classified to unclassified. Orahood stated,

... Ultimately it was based on the functions that Donald was performing. He was the EEO officer. He was making recommendations on behalf of the agency and handling EEO matters. He was investigating --- he was making independent, you know, recommendations on the outcomes of EEO things. He was making independent recommendations on discipline. So when --- if he would sit in on an investigation, he would get the investigative report. He would bring those and make recommendations to me on, you know, here's what I think based on, you know, all the criteria and what we're looking at. You know do they have active discipline. Here's the violation. Here's what the grid says. Here's all of those things. Based solely on his duties is what made me say this needs to be evaluated.

Investigators asked Orahood whether ODAGR handled any EEO complaints since Mills' termination. Orahood stated that ODAGR had worked on a couple complaints and they were handled by Sorgini, who serves as a classified human capital management manager. Orahood said,

...when we submitted everybody else's, we redid Keary's PD. Um it had like even the EEO stuff in there and all of that. You know, we had her PD like what we said she actually does. We redid her PD and we submitted it and DAS said that she's still classified.

Orahood stated that Geist's position description was never submitted to ODAS for review, as she is a senior human capital management analyst. Since Mills' termination from ODAGR, Orahood admitted that Geist has conducted an EEO investigation in her position as a senior analyst. Orahood explained that she (Orahood) had not conducted any EEO investigations because she "... feel like it's my duty to kind of protect the agency." Orahood continued,

So I, I really think like if, ... an employee came and filed an EEO investigation, knowing my position, I have a fiduciary responsibility to the Director. Do they really think they're like I think it gives that appearance. I could give an honest report. I feel like I'm able to do that. But I think an employee could question well, her job is to, you know... protect the Director, protect the agency from things like this. So do they really think like I could give that honest. ... I actually have never done an EEO report at Agriculture because of my position.

Orahood explained that after Mills' termination, Orahood and Sorgini "picked up" his duties. Orahood pointed out that Sorgini "... did pick up the EEO stuff which was in her PD." Orahood continued,

Um I pretty much handled all of labor. Um...Keary, because she's gone through OCB Academy<sup>12</sup>, ... sometimes she'd sit in on investigations. She's helped with some pre-d hearings; ... she kept recruitment; she kept payroll; she kept benefits.

Orahood was asked if she remembered having any discussions with Rankin following a human resources administrators meeting on October 30, 2014, regarding the request to change the civil service status of Mills' position from classified to unclassified. Orahood replied, "... I don't, like I don't remember." Orahood was asked specifically if she recalled telling Rankin that the request would be submitted and it was time sensitive because Orahood wanted to terminate Mills. Orahood stated,

Honestly, I don't remember like 'cause these are people that I would talk to on a consistent basis ... in dealing with any of this stuff, so honestly, I, I don't remember the conversation. I... like and if I had a conversation I don't remember that."

Orahood continued, "I could have had a conversation with her about like here's what --- you know, here's what we're doing, but again, I don't remember."

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<sup>12</sup> OCB Academy offers comprehensive labor relations training to exempt supervisors, managers, exempt labor relations and human resource personnel.

In response to Mills' termination from ODAGR, Mills filed an appeal with the State Personnel Board of Review (SPBR) on November 13, 2014. As a result of the appeal, Mills and ODAGR entered into a settlement agreement on July 27, 2015. ([Exhibit 8](#)) One of the stipulations of the settlement agreement was that Mills' separation of service would be a resignation as opposed to termination.

During the interview with Orahood on February 16, 2016, Orahood was asked why ODAGR entered into the settlement agreement with Mills. Orahood replied,

Because when you go to SPBR, the Attorney General's Office --- like they... they kind of --- I don't want to say push you, but they advise you of like the advantages of doing a settlement agreement. ... also obviously because you have the settlement agreement, you know that Donald had filed several EEO complaint against me or whatever. Um so one of the terms was dropping those claims or whatever against me. So there were advantages and stuff of the settlement agreement. Obviously for Donald having a resignation on his record versus a removal...would be beneficial for him...

Orahood continued,

...Mehk Cooke, who was our Chief Legal at the time, also advised of doing the settlement agreement and kind of --- because it basically would close everything. ... he would have the resignation. We agreed to neutral references, things like that, so --- and then basically for us we also put in there he would no longer --- he would never be allowed to apply or work at the Department of Agriculture. But obviously Donald had I think like maybe 18 years of something in state service so ... you know, having the ability to work in state government and continue in PERS would be a benefit for him. So, I think there were multiple advantages for the agency, as well as Donald in doing the settlement agreement.

Orahood stated that Mills' position had not been filled at the time of this interview and noted that ODAGR had only one human capital management manager. Orahood explained that Mills'

position was downgraded so ODAGR could hire another human capital management senior analyst. Orahood stated,

...I felt there was kind of this um ... I don't want to say power struggle because having the two HCM Managers there was never a clear distinction of who the, you know assistant HR Director was. Um so by having just one HCM Manager it's very clear that is, you know, the number two basically. That is if I'm not there, that person's there, that's who you go to type of a thing.

## **CONCLUSION**

The investigation found that ODAGR Human Resources Director Traci Orahood and HCM Senior Analyst Nalicia Geist had worked together at CarMax prior to Geist being hired as an HCM analyst at ODAGR in August 2013. Geist stated Orahood informed her of the open position at ODAGR and encouraged her to apply, although Orahood claimed she made a "general statement" that ODAGR had an open position in the human resources department.

Orahood had already resigned her position at CarMax when ODAGR posted a vacant HCM analyst position, for which Geist submitted her application on July 8, 2013. ODAGR received 125 employment applications for the HCM analyst position. Orahood and HCM Manager Donald Mills, a subordinate of Orahood, conducted the subject matter expert review independently with predetermined criteria and selected nine individuals to interview. Geist was one of the nine selected to be interviewed, even though Mills had screened her out based on the qualifications of the other competing applicants, and due to Geist's lack of human resources experience.

The interviews for the HCM analyst position were conducted by Orahood, Mills, and Keary Sorgini, and although they each took individual notes during the interviews, they met after each interview to discuss their notes before scoring the candidates as a collective group. According to Orahood, she made it "... well known to everybody" that she knew Geist. Orahood stated at no point did she feel she should have removed

herself from the process or that it was inappropriate for her to participate in the selection process.

According to the scoring sheets provided by ODAGR, Geist was offered the position because the interview panel felt she would be a better fit for the human resources team, even though she was not the highest scoring candidate. Geist was hired as an HCM analyst at ODAGR on August 26, 2013.

**Therefore, the Office of the Ohio Inspector General finds cause to believe that an appearance of impropriety occurred in this instance.**

ODAGR posted an HCM senior analyst position on October 7, 2013. Although Geist had only served in her HCM analyst position for less than two months, she submitted an application on October 13, 2013, for the HCM senior analyst position. Geist had not satisfactorily completed the required 180-day probationary period of her current HCM analyst position.

Records provided by ODAGR revealed that Geist was not initially considered at that time as a candidate for the HCM senior analyst position. The interviews for the HCM senior analyst position were conducted on November 4, 2013, and November 5, 2013. According to Orahood, ODAGR did not select any of the 10 candidates that were interviewed because the interview panel did not feel any of them "... were a right fit for Ag."

While ODAGR conducted the search for an HCM senior analyst, Geist was filling in and performing the payroll duties of that position.

Geist was the only candidate for the HCM senior analyst position interviewed on January 21, 2014. Geist was promoted to the HCM senior analyst position on February 23, 2014.

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

The investigation found that on November 3, 2014, ODAGR notified Donald Mills that the civil service status of his position had been changed, at the department's request, from classified to unclassified. On November 7, 2014, ODAGR notified Mills that he was being terminated.

Mills' employment in the human resources department at ODAGR began on August 20, 2006. Mills received his first discipline, a one-day working suspension, in June 2014. After receiving this discipline, Mills filed an EEO complaint with the director of ODAGR which was reviewed by ODAGR then-Chief Legal Counsel Mike Rogers. Rogers completed his review and on July 14, 2014, issued a report stating he found no supporting evidence of discrimination.

Orahood then filed another complaint against Mills on July 30, 2014, regarding his performance, which was investigated by the ODAGR internal enforcement division. As a result of this complaint, Mills was issued a two-day suspension in August 2014, but that discipline was held in abeyance and Mills served the two-day suspension in September 2014.

On August 7, 2014, Mills filed another EEO complaint against Orahood. The complaint was reviewed by ODAGR then-Chief Legal Counsel Mehek Cooke. In a report dated October 7, 2014, Cooke found no probable cause for discrimination.

After returning to work from a leave of absence, Mills was called into another investigatory interview on August 27, 2014, as a result of a complaint filed by Orahood. Pre-disciplinary Meeting Officer Sandra Kellum conducted a pre-disciplinary hearing on September 25, 2014, as a result of this complaint. According to Mills, he heard nothing regarding this discipline or the outcome of the pre-disciplinary hearing until after he was called in to the assistant director's office and informed that his position was now unclassified and he now served at the pleasure of the appointing authority. Four days later, Mills was called into Orahood's office and informed that he was being removed from service as a result of the pre-disciplinary hearing on September 25, 2014.

Following a human resources administrators meeting on October 30, 2014, Orahood approached then-ODAS Policy Administrator Kristen Rankin and told her that she (Orahood) would be

submitting a request to change the civil service status of an ODAGR employee. Orahood told Rankin it was time sensitive, as ODAGR planned on terminating the employee.

The investigation found that Orahood altered the position description that Mills had signed and dated on October 31, 2014, prior to submitting the request to change Mills' civil service status from classified to unclassified. Orahood instructed Mills to update his position description, which he completed, including earlier edits made by Orahood. Mills then sent the finished draft to her on October 31, 2014, at 2:47 p.m. The finalized version of Mills' position description listed the civil service status as classified. The position description Orahood sent to ODAS on November 3, 2014, listed Mills civil service status as unclassified, but still had Mills' signature and the date of October 31, 2014.

ODAS Policy Analyst Rob Patchen reviewed and approved the request to change Mills' civil service status from classified to unclassified on November 4, 2014. Patchen stated in interviews that the review he conducts is strictly a review of the duties performed in the position, and according to the position description, Patchen felt the EEO duties performed by the HCM manager rose to the level of a fiduciary relationship.

Patchen then reviewed a request to change ODAGR HCM Manager Keary Sorgini's civil service status from classified to unclassified on February 9, 2015. Patchen denied the requested change of Sorgini's position from classified to unclassified status, even though Sorgini's position description listed the same EEO duties as Mills', which Patchen identified earlier as being the duty Patchen felt rose to the fiduciary relationship level. Patchen stated that he "overlooked" those duties when reviewing Sorgini's position description.

**Therefore, the Office of the Ohio Inspector General finds cause to believe that an appearance of impropriety occurred in this instance.**

## **RECOMMENDATION(S)**

The Office of the Ohio Inspector General makes the following recommendations and asks the director of the Ohio Department of Agriculture to respond within 60 days with a plan detailing how the recommendations will be implemented. The Ohio Department of Agriculture should:

1. Review the conduct of Traci Orahood and consider whether administrative action is warranted.
2. Consider the benefit of instituting a written policy governing secondary employment for agency employees.
3. Take the steps necessary to ensure the integrity of the interview process and avoid letting personal bias affect hiring decisions; consider having the human resources director exclude herself from the interview process and arrange for another person to be involved; specifically, when she knows the person being interviewed for a position.
4. Provide written notice to employees prior to submitting a request to change the civil service status of their positions.

The Office of the Ohio Inspector General makes the following recommendations and asks the director of the Ohio Department of Administrative Services to respond with a plan detailing how the recommendations will be implemented. The Ohio Department of Administrative Services should:

1. Consider requiring an agency to submit any active disciplinary actions on employees when requesting a civil service status change request from classified to unclassified.
2. Consider reviewing the interpretation of “fiduciary relationship” for consistency purposes.
3. Require the requesting agency submit a written employee acknowledgement of a request to change civil service status as part of the supporting documentation sent to ODAS.
4. Create a list of specific duties that would qualify a position as serving in a fiduciary or administrative role.

**REFERRALS**

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



STATE OF OHIO  
**OFFICE OF THE INSPECTOR GENERAL**

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RANDALL J. MEYER, INSPECTOR GENERAL

**NAME OF REPORT: Ohio Department of Agriculture**

**FILE ID #: 2014-CA00051**

**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**  
**September 29, 2016**

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