



Richmond Office of the City Auditor

Office of the Inspector General

Fighting government waste, fraud and abuse

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Richmond City Auditor/Inspector General

November 3, 2015

Mr. Robert Steidel, Director
Department of Public Utilities

The Office of the Inspector General (OIG) has completed an investigation in the Department of Public Utilities (DPU). This report presents the results of the investigation.

Allegations:

The OIG received an anonymous hotline complaint alleging that an employee in DPU was arrested on suspicion of driving while intoxicated (DWI) and that their license was suspended. The employee's job duties involves driving City vehicles to respond to service calls for DPU.

Legal Requirements:

In accordance with the Code of Virginia, §15.2-2511.2, the City Auditor is required to investigate all allegations of fraud, waste, and abuse. Also, City Code section 2-231 requires the Office of the Inspector General to conduct investigations of alleged wrongdoing.

Findings:

The investigator identified the subject employee to be a DPU Gas and Water technician. One of the primary requirements for this position is to have a valid driver's license. During the course of this investigation, the investigator was able to ascertain the subject employee had an accident when the employee was operating their personal vehicle and was arrested for driving under the influence. The Police Officer issued a seven day driver's license suspension notification to the subject employee at the time of their arrest.

During an interview, the subject employee admitted to falling asleep and having the accident. Upon additional questioning, the subject employee admitted to driving while under the influence, the suspension of their license, and using a sick day for this incident. The employee was in jail during the day for which the sick leave was used. The employee never reported losing driving privileges to his superiors, which has a significant impact on performance of the employee's job duties. The employee was on leave without pay (the employee did not have sufficient sick or vacation leave available) during the remaining six days of the suspension.

Using sick leave for an arrest or an incarceration is a violation of personnel rule:

- 5.2 (3) Failure to report to work due to arrest or incarceration,
- 5.2 (16) Misuse of sick leave (as described by Section 6.4);
- 6.14 *Employees who are unable to report to work due to arrest or incarceration may not be paid for the days they are absent from work and may be subject to dismissal unless authorized by the Chief Administrative Officer or designee, upon written request by the employee, to use vacation leave or administrative leave.*

During the investigation, the Court found the subject employee guilty of driving under the influence. The subject employee was sentenced to serve six (6) months in jail (weekends), and their license suspended for one year. In addition, the employee was ordered to install a breathalyzer for enabling the employee to operate their personal vehicle. This may prevent the employee from performing the assigned duties. Currently, the employee is assigned to administrative duties in DPU's Customer Service Division.

Conclusion:

Based on the findings, the OIG concludes that the allegation is substantiated. The OIG recommends appropriate disciplinary action against the subject employee. If you have any questions, please contact me at extension 5616.

Sincerely,

Umesh Dalal

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City Auditor/Inspector General

cc: Selena Cuffee-Glenn, Chief Administrative Officer
John Buturla, Interim Deputy CAO, Operations