

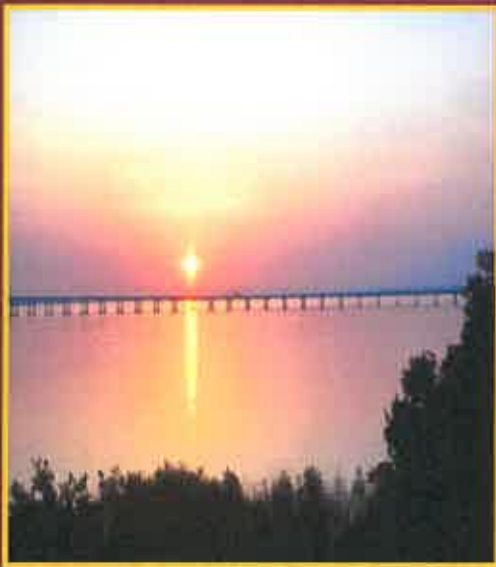


DIVISION OF INSPECTOR GENERAL

KEN BURKE, CPA

CLERK OF THE CIRCUIT COURT AND COMPTROLLER
PINELLAS COUNTY, FLORIDA

INVESTIGATIVE FOLLOW-UP REPORT OF MISUSE OF COUNTY TIME



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Hector Collazo Jr.
Inspector General/Chief Audit Executive

Investigation Team
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SEPTEMBER 25, 2014
REPORT NO. 2014-31



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PINELLAS COUNTY, FLORIDA

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September 25, 2014

Sandra Tuller, Manager
Records & Information Management

We have conducted an Investigative Follow-Up of the Misuse of County Time. The objectives of our follow-up were to determine the implementation status of our previous recommendations.

Of the one recommendation contained in the investigative report, we determined that the recommendation has been implemented. The status of the recommendation is presented in this investigative follow-up.

We appreciate the cooperation shown by the staff of Records & Information Management during the course of this follow-up.

Respectfully Submitted,

Hector Collazo Jr.
Inspector General/Chief Audit Executive

cc: Ken Burke, Clerk of the Circuit Court & Comptroller
Myriam Irizarry, Chief Deputy Director, Court & Operational Services Division
David Bateman, Director, Court & Operational Services Division



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INTRODUCTION

Scope and Methodology

We conducted an investigative follow-up of the Misuse of County Time. The purpose of our follow-up is to determine the status of previous recommendations for improvement.

The purpose of the original investigation was to:

- 1) Determine if a Records & Information Management Department employee was misusing County time and violating Clerk's policies by working on a private business during County time.
- 2) Determine if there was discrimination and unfair practices (regarding work hours, lunch breaks, flex time, and micro-managing) in the Records & Information Management Department.
- 3) Determine if a Records & Information Management Department employee was misusing County funds by speaking at the Florida Records Management Association and being paid by the County and not required to use annual leave.

To determine the current status of our previous recommendations, we surveyed and/or interviewed management to determine the actual actions taken to implement recommendations for improvement. We performed limited testing to verify the process of the recommendations for improvement.

Our investigative follow-up was conducted in accordance with the *Principles and Standards for Offices of Inspector General* and *The Florida Inspectors General Standards Manual* from The Commission for Florida Law Enforcement Accreditation and, accordingly, included such tests of records and other auditing procedures, as we considered necessary in the circumstances. Our follow-up testing was performed during the month of September 2014. The original investigative period was May 2013 through July 2013. However, transactions and processes reviewed were not limited by the investigative period.

Overall Conclusion

Of the one recommendation in the report, we determined that the recommendation was implemented. We commend management for implementation of our recommendation.

Status

OFI NO.	PREVIOUS RECOMMENDATION	IMPLEMENTATION STATUS				
		Implemented	Acceptable Alternative	Partially Implemented	Not Implemented	No Longer Applicable
1	<i>A Records & Information Management Department Employee Is Misusing County Time And Violating County Policies.</i>					
	Management consider disciplinary action as appropriate per the Clerk's Office-Wide Policies and Procedures.	✓				

Background



The Public Records Laws of the State of Florida require all public agencies and officials to establish and maintain a records management program. This means that all public records must be retained and protected until they have satisfied the retention requirements established by the Florida Department of State, State Library and Archives of Florida, and by the State of Florida Rules of Judicial Administration.

The Pinellas County Clerk created the Records Management Services department in October 1977. The goal of the department was to create a centralized, environmentally controlled facility for microfilming and records retention purposes. In October 2006, Records Management Services merged with the Board of County Commissioners (BCC) Records Management Department, creating one Records Management Department administered by the Clerk.

The departments were further consolidated in 2009, creating the Records & Information Management Department. Records & Information Management consists of three offices. The BCC Office maintains records for the BCC departments. The Court Records Office maintains two locations. Circuit Criminal, County Criminal, Juvenile, and Traffic case files are housed at the Mid-County Record Retention Center. Circuit Civil, County Civil, Family Division, Small Claims, and Probate Court case files are housed at the Civil/Probate Record Retention Center.



The Records & Information Management Court Records Department is a multi-service department, specializing in the storage, retention, preservation, and destruction of eligible records for the Clerk. The Civil/Probate and Mid-County Records Retention Centers currently house and manage over one million court files for the Clerk's Office. In addition, a variety of cost-effective services are offered to Clerk offices, which include storage of active and inactive court files, storage of inactive administrative files, microfilming, retrieval and delivery of court and administrative files, inventory and file-tracking services, training, file classification and retention

schedule assistance, disposition services for court and administrative files which have satisfied retention requirements.

On May 2, 2013, the Division of Inspector General received an anonymous complaint on the County's Fraud, Waste and Abuse Hotline that alleged an employee at the BCC Office of the Clerk's Records & Information Management Department was running a private business during County time.

On July 1, 2013, the Division of Inspector General received two anonymous complaint letters alleging the following:



1. An employee in a "blue collar" department is misusing County time and violating Clerk's policies by working on a private business during County time. (The investigation determined the department in question is the BCC Office of Records & Information Management.)
2. There is discrimination and unfair practices (regarding work hours, lunch breaks, flex time and micro-managing) in a "blue-collar" County department. (The investigation determined the department in question is the BCC Office of Records & Information Management.)
3. A Records & Information Management Department employee is misusing County funds by speaking at the Florida Records Management Association and being paid by the County and not required to use annual leave.

The Division of Inspector General investigation of the allegations concluded the following:

1. **Substantiated**. A BCC Office employee of the Records & Information Management Department is misusing County time and violating Clerk Office-Wide Policies and Procedures by working on a private business using Pinellas County equipment during County work time.
2. **Unsubstantiated**. There is a morale and communication issue within the BCC Office of the Records & Information Management Department; however, we found no evidence that County policies were violated. These issues were discussed with the Department Manager.
3. **Unfounded**. It is not against County policies to spend County work time on a job related association, such as a BCC Office employee of the Records & Information Management Department speaking at the Florida Records Management Association and being paid by the County and not required to use annual leave.

STATUS OF RECOMMENDATIONS

This section reports our investigative follow-up on actions taken by management on the Recommendations for Improvement in our original investigative report of the Misuse of County Time. The recommendations contained herein are those of the investigative report, followed by the current status of the recommendations.

1. *A Records & Information Management Department Employee Is Misusing County Time And Violating County Policies.*

An investigation conducted by the Division of Inspector General based on anonymous complaints received confirmed that an employee (Respondent) of the BCC Office in the Records & Information Management Department is working on a private business using Pinellas County equipment during County work time.

We obtained general information about the Respondent including affiliations with businesses by:

- Reviewing LexisNexis and Sunbiz.org reports.
- Reviewing the Respondent's County personnel file.
- Performing general internet searches.

We obtained direct evidence that supports the allegation that the Respondent is misusing County time and violating Pinellas County Employee Personnel Rules and Clerk Office-Wide Policies and Procedures as follows:

- PaloAlto Web Browsing Activity Reports show frequent navigation throughout the County workday to private business related websites over the past five months.
- The Respondent's County workstation hard drive contains files related to the private business.
- The Respondent's County workstation also shows files related to the private business frequently accessed via removable media (i.e. USB device).
- Telephone records show phone calls made and received on the Respondent's County telephone to numbers related to the private business.
- Emails from the Respondent during County work time regarding the private business.

We interviewed Records and Information Management Department staff, including the Respondent, and obtained further evidence to support the allegation. The interviews revealed the following:

- Staff has witnessed the Respondent using a personal electronic device during County work time.
- Staff has witnessed the Respondent taking personal cell phone calls dealing with the private business during County work time.
- Staff has been solicited to become a customer of the Respondent during County work time, of which two employees stated they did become a customer of the Respondent.
- The Respondent brings a personal electronic device to work and uses it for County and non-County business during work hours.
- The Respondent uses County equipment (desktop and laptop computers) for private business during County work time.
- The Respondent takes telephone calls related to the private business on a personal cell phone during County work time.
- The Respondent has two current staff members as past customers of the private business.

Clerk Office-Wide Policies and Procedures: Chapter 9 Technology Policy, states:

"1. Information Technology assets are provided for the furtherance of County business. Some limited personal use of equipment is acceptable, provided that such use is not excessive or inappropriate, and does not violate the provisions of the Limited Personal Use of County Office Equipment policy. Personal limited use is allowable during employee's non-work time.

5. No County system may be used to store or access information or communication which is... For private enterprise or personal gain..."

Clerk Office-Wide Policies and Procedures: Chapter 10 Limited Personal Use of County Office Equipment states:

"Employees are expected to conduct themselves professionally in the workplace and to refrain from using government office equipment for activities that are prohibited by Clerk's Policies and Procedures and Personnel Rules. Downloading sexually explicit materials (images or documents), playing games, sending non-County business mass mailings, and running a private business are some of the examples of activities that are prohibited."

"Unauthorized or improper use of County Office equipment could result in loss of use or limitations on use of equipment, disciplinary or adverse actions, criminal penalties and/or employees being held financially liable for the cost of improper use."

The Respondent completed a written voluntary statement admitting to using County equipment for a private business during County time, but states that use was during lunch and breaks. However, direct evidence obtained as detailed above shows that the Respondent used County equipment for a private business during all times of the County workday.

The Respondent's actions constitute a violation of the Clerk's Office-Wide Policies and Procedures. The Respondent stated that they were not aware they were violating the Clerk's policies.

We Recommended management:

Consider disciplinary action as appropriate per the Clerk's Office-Wide Policies and Procedures.

Status:

Implemented. Disciplinary action, as appropriate per the Clerk's Office-Wide Policies and Procedures, was administered and completed as of August 20, 2013. Internal departmental policies and controls have been reviewed and revised.



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