

STATE OF LOUISIANA

OFFICE OF STATE INSPECTOR GENERAL



DUAL EMPLOYMENT

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STATE OF LOUISIANA

OFFICE OF
STATE INSPECTOR GENERAL



DUAL EMPLOYMENT

Stephen B. Street, Jr.
State Inspector General

 **Endorsed by:**
Governor Bobby Jindal

April 16, 2010

File No. 1-09-0029

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BOBBY JINDAL
GOVERNOR



STEPHEN B. STREET, JR.
STATE INSPECTOR GENERAL

State of Louisiana
Office of the Governor
Office of State Inspector General

April 16, 2010

Honorable Bobby Jindal
Governor of the State of Louisiana
P.O. Box 94004
Baton Rouge, LA 70804-9004

Re: Case No. 1-09-0029

Dear Governor Jindal:

This report addresses concerns about state employees holding two or more full time positions within state government. The report identifies four employees who held two full time positions with state entities. The report includes recommendations that the employees who still hold two positions resign from one of the positions.

The report also includes a recommendation that the employing agencies review time worked by the employees and collect any monies that may have been paid for hours not actually worked.

We provided drafts of the report to the each of the agencies and employees identified in the report. Their written responses are included as Appendix A.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Stephen B. Street, Jr.", written over the typed name.

Stephen B. Street, Jr.
State Inspector General

SBS/vb
Enclosure

Executive Summary

Our office conducted a review of all positions in the executive branch of state government as of November 2009, and found four persons who simultaneously held two full-time state government positions. The holding of two or more full-time positions simultaneously within state government or its political subdivisions is prohibited by La. R.S. 42:63.E. In addition, the scheduled hours of the dual positions for these employees overlap, raising questions of whether the employees actually worked all the hours for which they were paid.

Since the holding of full-time dual positions is prohibited by statute and since we question whether these employees actually worked hours for which they were paid, the salaries of at least their lower paying positions is also questionable. The annual salary of the lower paying positions for these four employees totals approximately \$177,000.

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Background

In early 2009, The Baton Rouge *Advocate* published news reports on state employees with salaries of \$70,000 or more. Concerns were raised after our office read the report and noted that some of the employees in the report were listed as holding more than one position in state government. Therefore, we conducted a review of all positions in the entire executive branch of state government to identify persons holding two or more full-time positions. The holding of two or more full-time positions in state government is prohibited by La. R.S. 42:63.E, which states:

“No person holding a full-time appointive office or full-time employment in the government of this state or of a political subdivision thereof shall at the same time hold another full-time appointive office or full-time employment in the government of the state of Louisiana, in the government of a political subdivision thereof, or in a combination of these.”

The government of the state of Louisiana includes three branches: the executive branch, the legislative branch and the judicial branch. All three of these branches are subject to La. R.S. 42:63.E, as are political subdivisions. La. R.S. 42:62 (9) defines a political subdivision as “a parish, municipality, and any other unit of local government, including a school board and a special district, authorized by law to perform governmental functions.” Many different entities fall into the category of political subdivisions, including housing authorities.

La. R.S. 40:384(16) states in part:

““Local housing authority” or “authority” means a public body, corporate and politic, ... exercising necessary and essential governmental functions for the purposes stated in this Chapter in matters of statewide concern, although its operations are local in nature. It is a political subdivision of this state, independent from the municipality or parish which established or establishes it or which may appoint some or all of its commissioners, and is not a state agency for any purpose, including La. R.S. 42:421(B).”

Therefore, as political subdivisions of the state of Louisiana, housing authorities are also subject to La. R.S. 42.63.E

Scope and Methodology

We conducted our review in accordance with Principles and Standards for Offices of Inspector General as promulgated by the Association of Inspectors General.

The scope was limited to a review of full-time positions in the executive branch of state government as of November 2009.

Our procedures included but were not limited to reviewing:

- Civil Service records of positions within the executive branch of state government
- Employment records of selected employees within the executive branch of state government

Statewide - Dual Employment

As of November 2009, we found four persons who simultaneously held two full-time positions within state government or its political subdivisions, which is prohibited by La. R.S. 42:63.E. In addition, work schedules for these employees overlap, raising the question of whether the employees actually worked all the hours for which they were paid. The annual salary of the lower paying positions for these four employees totals approximately \$177,000.

Our office read The Baton Rouge *Advocate* news reports on state employees with excessive salaries and noted various individuals holding two or more positions. Due to concerns from this observation, we conducted a review of the entire executive branch of state government as of November 2009. We found that several of the positions identified in the news report as full-time were actually part-time positions, but we did identify the following four persons who held two full-time positions in state government:

- Samantha Ackers - employed by both Baton Rouge Community College (salary \$47,000) and the Governor's Office on Mental Health Advocacy Services (salary \$36,275.20)
- Sharon Shelmire - employed by both the Baton Rouge Housing Authority (salary \$43,264) and University of New Orleans (salary \$32,000)
- Betty Carter - employed by both LSU Interim Public Hospital (salary \$86,382.40) and Delgado Community College (salary \$55,491.20)
- Coletha Riley - employed by both LSU Interim Public Hospital (salary \$94,927.72) and Delgado Community College (salary \$53,127.40)

It appears that at times the responsibilities of these positions may have conflicted, forcing the employees to choose performance of the responsibilities of one position over the responsibilities of the other. For example:

- The schedules for Samantha Ackers provided by the Baton Rouge Community College and the Governor's Office on Mental Health Advocacy Services show that Ms. Ackers was supposed to be at both locations on Monday, Wednesday and Friday afternoons for the fall semester in 2009.
- The schedules for Sharon Shelmire provided by the Baton Rouge Housing Authority and the University of New Orleans both required Ms. Shelmire to be present from 8 a.m. until noon on Monday – Friday.

Because of the type of payroll records available, we could not determine if Ms. Ackers or Ms. Shelmire were working their required hours outside of the planned schedule, or if they took leave at one job or the other. However, the number of hours of overlap between the schedules raises questions of whether Ms. Ackers and Ms. Shelmire were fulfilling their responsibilities to both employers and whether they actually worked all the hours for which they were paid.

It should be noted that, after our inquiry began, Ms. Ackers resigned from her position with the Mental Health Advocacy Center and was terminated from her position with Baton Rouge Community College, and Ms. Shelmire resigned from her position with the Baton Rouge Housing Authority.

Ms. Carter and Ms. Riley both teach for the Nursing School at Delgado Community College and hold positions of responsibility at the LSU Interim Public Hospital. While their clinical and lecture schedules at Delgado may not have conflicted substantially with work hours at LSU Interim Public Hospital, they could not have very well been available to provide guidance to their Delgado students outside of regular class hours as required. To do so would have conflicted with their work schedules at the LSU Interim Public Hospital, which required them to be present at the Hospital for the majority of the day. Again, one must ask whether they actually worked all the hours for which they were paid.

Since the holding of full-time dual positions is prohibited by statute and since we question whether these employees actually worked hours for which they were paid, the salaries of at least their lower paying positions is questionable. The annual salary of the lower paying positions for these four employees totals approximately \$177,000.

Conclusions:

1. The employment of these persons in two different full-time positions clearly violates La. R.S. 42:63.E. Such dual employment erodes the public's trust in government. We question whether a person can actually do an effective job when simultaneously holding two different full-time positions with the state or its political subdivisions, particularly if the work schedules, goals and responsibilities of those jobs conflict or in any way appear to conflict with one another.
2. We question whether these employees actually worked all the hours for which they were paid.

Recommendations:

1. Those employees who still hold more than one full-time position should resign from one of the positions.
2. The agencies who employed these individuals should review the records of these employees to ensure that the salaries paid were for hours actually worked and collect any monies which were paid for time not worked.

APPENDIX A
Management Responses

Baton Rouge Community College
Response



201 Community College Drive • Baton Rouge, Louisiana 70806

March 31, 2010

Mr. Stephen B. Street, Jr.
State Inspector General
State of Louisiana, Office of the Governor
Office of State Inspector General
Post Office Box 94095
Baton Rouge, LA 70804-9095

Re: Case No. 10900029

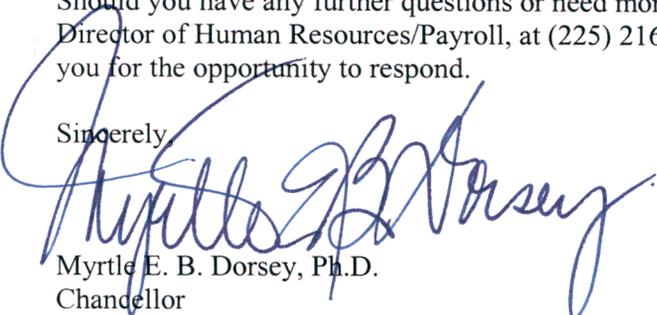
Dear Mr. Street:

Baton Rouge Community College (BRCC) is in receipt of your correspondence dated March 25, 2010, referencing Case No. 10900029. We concur with the findings for BRCC. Please note that staff began working with Ms. Virginia Brandt of your office in the Fall of 2009 and provided her with all requested documentation regarding this matter. Whereas, it might have appeared at that time that dual full-time employment existed, the college had information on file to the contrary. This was based on information provided to BRCC in referenced employee's Disclosure of Outside Employment form (copy enclosed), which showed full-time state employment with the college and part-time state employment elsewhere.

The college was contacted February 5, 2010 by Ms. Kim Fitch, Human Resources Director for the Louisiana State Mental Health Advocacy Program—Child Advocacy Project, informing us that referenced BRCC employee has had continuous employment with that agency since July 2009 in a full-time capacity as a classified Attorney 1. Upon confirmation by BRCC staff of dual full-time employment, the college, under my signature as appointing authority, terminated the employment of referenced employee effective Thursday, February 18, 2010.

Should you have any further questions or need more information, contact Ms. Carolyn S. Randall, Director of Human Resources/Payroll, at (225) 216-8601 or via email at randallc@mybrcc.edu. Thank you for the opportunity to respond.

Sincerely,



Myrtle E. B. Dorsey, Ph.D.
Chancellor

MEBD:csr

Enclosure

xc: Carolyn S. Randall, Director, Human Resources/Payroll

Chancellor's Approval

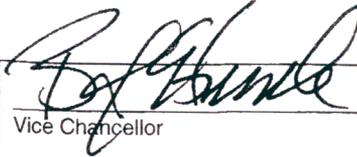
If outside employment requires approval by the Chancellor, the employee must follow the certification and contracting provisions of the Disclosure of Outside Employment under the Approval Level section for outside employment. All required documents shall be attached to and made a part of this Disclosure Form before submission through administrative channels for review by the Chancellor. The following approvals must be obtained before engaging in the proposed outside employment.

Employee Disclosure	
Employee's Name:	<u>Samantha K. Adams</u>
Proposed outside employer or business:	<u>Children's Attorney - La. State</u>
Proposed compensation to be received:	<u>\$ Contract work w/ various fee schedule</u>
Proposed work dates and times:	<u>Represent children in La. State's custody</u> <u>Atty of Record on: Tuesday / Thursday 8-11 / 2-4:30</u> <u>am pm</u>

Approval/Certification by Chancellor	
<p>The outside employment activities are not within the course and scope of the employee's duties to BRCC for which the employee is being compensated by BRCC.</p> <p>The outside employment activities do not conflict, delay or in any manner interfere with instructional, scholarly and/or services which the employee is obligated to perform for BRCC.</p> <p>The consulting activities to be performed are within the academic or professional discipline of the employee or are related to the area of expertise in which the employee is employed by BRCC.</p>	
Signature:	
_____	_____
Chancellor	Date

Outside Employment Involving Public Policy or a State Agency		
<input type="checkbox"/> Approved	Signature: _____	
<input type="checkbox"/> Not Approved		

	Chancellor	Date

<input type="checkbox"/> Recommended <input checked="" type="checkbox"/> Not Recommended	 Vice Chancellor	 Date
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All reviewing administrators hereby certify that they have read and are familiar with the Louisiana Code of Governmental Ethics and that approval of this outside employment does not knowingly violate the Code of Ethics, Disclosure of Outside Employment or any other rule or regulation of the College.

For clarity of any unclear issues was the Ethics Commission consulted? Yes No

This seems to be a large number of hours for two days work. We need to discuss how this affects the BCC Res production.


 10/30/09

My signature attests to my understanding of and compliance with the Outside Employment Policy.

Samantha R. Ackers

Samantha R. Ackers

Printed Name

Samantha R. Ackers

Assistant Professor

9/17/2009

Signature

Title

Date

Disclosure of Outside Employment Continued

Administrative Review

Circle the number corresponding to any employee responses with which you disagree

Immediate Supervisor/Dean/Director	1	2	3	4	5
Vice Chancellor	1	2	3	4	5
Indicate your agreement or disagreement with the following statements.					
7. The proposed duties ordinarily would be performed as part of the public service portion of the employee's duties and responsibilities.	Immediate Supervisor	() Yes	(<input checked="" type="checkbox"/>) No		
	Vice Chancellor	() Yes	() No		
8. The proposed activity more appropriately would be accomplished by a contract through BRCC.	Immediate Supervisor	() Yes	(<input checked="" type="checkbox"/>) No		
	Vice Chancellor	() Yes	() No		
9. The legal entity for which the outside employment is proposed has substantial economic interest which may be materially affected by the way in which the employee performs his or her duties and responsibilities as a BRCC employee.	Immediate Supervisor	() Yes	(<input checked="" type="checkbox"/>) No		
	Vice Chancellor	() Yes	() No		
10. The outside employment involves public policy.	Immediate Supervisor	() Yes	(<input checked="" type="checkbox"/>) No		
	Vice Chancellor	() Yes	() No		

Administrative Approvals

If the answer is YES to any question, the Chancellor's approval is required. If all responses are NO, then outside employment may be approved by the immediate supervisor and the Vice Chancellor.

- () Recommended
- () Not Recommended

Signature:

John W. Figure 10 Oct 09

Immediate Supervisor

Date

Disclosure of Outside Employment

Baton Rouge Community College (BRCC) requires that all full-time employees of the LCTCS comply with provisions to disclose all outside employment. Completion of this form is required for each outside employment event; blanket approvals will not be granted. If the approval of the Chancellor is required, Form B must also be attached. Employees are required to become familiar with the Outside Employment policy before completing this form.

Please type or print

Employee Disclosure

Employee Name Samantha R. Ackers	Name of outside employer or business Louisiana State Mental Health Advocacy Program – Child Advocacy Project
BRCC Title/Position Assistant Professor of English	Title/Position Attorney
	Day(s) and Time(s) commitment required Tuesdays / Thursday – times vary / total 16 hours
Describe duties/responsibilities at outside employing agency Provide legal services to children of Families in Need of Services/Care (FINS) under the State of La.	
1. My outside employment would be with an entity currently doing or actively seeking to do business with my unit at BRCC. () Yes (X) No	4. I am collaborating with or on special assignment to a unit within the BRCC with which the company is doing or is seeking to do business () Yes (X) No
2. My outside employment would involve teaching, which results in college level credit, will be conducted on college time, or will utilize BRCC property or services. () Yes (X) No	5. My outside employment would result in receiving compensation to assist in the passage or defeat of state legislation during the fiscal year in which the legislation was pending in the legislature. () Yes (X) No
3. My outside employment would involve providing professional, personal, consulting and social services to a department, commission, council, board, office bureau, committee, institution, agency, government, corporation, or any other establishment of the Executive Branch of the State of Louisiana. (X) Yes () No	<div style="border: 1px solid black; padding: 5px; transform: rotate(-90deg); display: inline-block;"> RECEIVED MAR 15 2011 COMMUNITY RELATIONS </div>
I will explain to the proposed outside employer that: (1) I do not represent said outside employer as an employee of BRCC in any manner, (2) any views I express on behalf of an outside employer do not necessarily reflect the view of BRCC, and (3) in no way may the name of BRCC nor my official BRCC capacity be used in support of any position I may take on behalf of said outside employer. Furthermore, I certify that BRCC personnel, laboratories and equipment will not be used in connection with outside employment other than as provided in the Policy.	

**Mental Health Advocacy Service
Response**

BOBBY JINDAL
GOVERNOR



State of Louisiana

MENTAL HEALTH ADVOCACY SERVICE
OFFICE OF THE GOVERNOR
150 THIRD STREET, SUITE 812
BATON ROUGE, LOUISIANA 70801
(225) 342-6678
FAX (225) 342-6658
1-800-428-5432

April 8, 2010

Mr. Stephen B. Street, Jr.
State Inspector General
Office of State Inspector General
P.O. Box 94095
Baton Rouge, LA 70804-9095

Re: Case No. 10900029

Dear Mr. Street:

In response to your letter dated March 25, 2010, regarding State Inspector General Case Number 10900029, the following information is provided as per your request.

We concur with the findings and recommendations of the Inspector General, insofar as they pertain to the Mental Health Advocacy Service (MHAS).

Corrective Action Plan

On February 8, 2010, we did a review of Ms. Ackers' records. Based on Ms. Ackers' MHAS records, we were unable to ascertain whether she was being paid for hours not worked.

On February 9, 2010, I met with Ms. Ackers to discuss the extent of her responsibilities at BRCC. Rather than answer questions, she resigned effective immediately.

If you need further information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "KR".

Kevin Robshaw
MHAS Director

KR:kf

Samantha Ackers

Response

SAMANTHA R. ACKERS
ATTORNEY & COUNSELOR AT LAW

Professional Legal and Notary Services

14405 RIDGECROOK AVENUE
PRAIRIEVILLE, LOUISIANA 70769

(225)290.6682

EMAIL: advocates4children@eatei.net

April 1, 2010

Mr. Stephen B. Street, Jr.
State Inspector General
Post Office Box 94095
Baton Rouge, Louisiana 70804-9095

Re: Case No. 10900029

Greetings Mr. Street:

Thank you for this opportunity to respond to the dual employment report findings and recommendations. I concur in part with the finding of Dual Employment for 3 months within the state government. I do not concur that the dual employment as an Assistant Professor of English at Baton Rouge Community College (BRCC) and as an Attorney I with the Children's Advocacy Program (CAP) housed within the Mental Health Advocacy Program (MHAP) under the Office of The Governor overlap raising questions of work hours actually performed. Specifically, I was unaware that R.S. 42:63 E was applicable to my situation until February 7, 2010. As an immediate corrective action, on February 8th, 2010, I resigned from the CAP due to the statute concerning dual employment within state agencies.

Upon hiring me, both employers were fully aware of my jobs and duties. The Chair of the English Department (Ed. Tyler) worked closely with me to plan a flexible teaching schedule of online classes; noon & evening classes; and Saturday classes in order to avoid any possible conflicts with the jobs. Likewise, my CAP Supervisor, Leslie Lacy, developed a flexible schedule of court duty days / times; school visits; foster / group home visits; Office of Community Service worker meetings and Family Team Conferences; prison appointments; and office hours weekly in order to avoid any time conflicts. Although I was working full time at both jobs, at no time did my schedules conflict or prevent me from fulfilling my duties to both employers.

Moreover, at no time during the Fall semester in 2009 did my schedule of classes at BRCC overlap because we scheduled classes online; during the lunch hour; and at 4:00pm (Monday – Friday); and on Saturday mornings. To avoid conflicts at the CAP, I was assigned scheduled court duty on Tuesdays / Thursdays from 9:00 to 5:00 with a lunch break, and worked a flexible schedule in order to adequately represent Children in Need of Care cases in East Baton Rouge Parish. Also, most evenings from 6:00 –

8:00pm were set aside for child visits in foster / group homes. In fact, my work at BRCC was combined with my work with CAP through an approved Service Learning Project (*Adventures in Service while Learning in English 101*) I developed in order to help students learn college English while helping teens in transition with the Youth Oasis Transitional Living Program read and write better. Both employers were aware of the project and supported the work progress. As a result, I was able to perform my duties at both agencies effectively without conflicts while helping the community at large.

Lastly, to avoid any possible conflicts, I had not scheduled any BRCC faculty teaching duties at the same time as CAP duties which allowed availability for my students by email and phone after regular class hours for assistance. In addition to teaching classes online, teaching Saturday classes allowed me to be available to provide guidance to my students outside of regular scheduled classes. In conclusion, I worked the required hours outside of the planned scheduled in order to fulfill my responsibilities to both employers (see attachment of comp. time). During the fall semester of 2009, I did not overlap work hours because the hours worked at the CAP were under a Flexible work schedule (see attachment) that could begin as early as 7:30am and end as late as 8:00pm with a 2 hour break for lunch on Tuesdays / Thursdays. Because my teaching duties were scheduled during the lunch hour, evenings, online, and Saturdays, I was not presented with a choice of duties. At no time did my work schedules, goals, and responsibilities of teaching conflict in any way with my job as Child Advocate for the CAP. Again, thank you for your time and attention to my response to the findings and recommendations in the report of dual employment.

With kind regards, I remain
SAMANTHA R. ACKERS
ATTORNEY & COUNSELOR AT LAW

/s/Samantha R. Ackers
Attorney & Counselor at Law and Notary Public

SRA

CC(s):

Enclosure(s): comp. time report; office hours memo

Comp. Time

phone conference with atty
visit children
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State of Louisiana
Mental Health Advocacy Service
Policies and Procedures

Policy: Employee Time and Attendance

Effective: February 5, 2010

This policy is intended to ensure each employee understands his/her responsibility in the area of work hours and attendance. It is necessary for the effective operation of the agency that employees are present and able to perform their job duties when expected.

The following are the minimum requirements for time and attendance at the Mental Health Advocacy Services (MHAS) for full-time employees. Office Supervisors may impose additional requirements as needed to address individual employee time and attendance issues or to improve office efficiency. The "Office Supervisor" is the Director or the person designated by the Director to be the Office Supervisor. A copy of any additional requirements shall be sent to the Director or his designee.

I. Office Hours

The offices are open for business to the public from 8:30 a.m. to 5:00 p.m., Monday through Friday. The telephone should be answered during these hours. Occasionally, these hours may be changed as needed or local events necessitate. Changes to the regular business hours must be approved in advance by the Director or his designee.

II. Work Week Requirements

Each full-time employee is expected to work five days a week for forty hours each week. A normal work schedule for full-time employees is 8:30 a.m. until 5:00 p.m., Monday through Friday. This schedule allows for a thirty minute non-paid lunch period.

III. Flexible Work Schedules

Flexible work schedules may be granted within the forty hour workweek requirements if the purpose is to improve service to MHAS clients or give flexibility to employees in managing their work and personal lives. Proper staffing will be a consideration in all decisions regarding flexible work schedules.

Employees desiring a flexible work schedule must submit a request in writing to the Office Supervisor. If approved, the Director or the person designated by the Director to be the Office Supervisor shall determine the effective date and duration the flexible schedule will be approved. A copy of the approved flexible work schedule must be maintained by the Office Supervisor and approved by the Director or his designee.

Approval of a flexible work schedule is contingent upon the following requirements:

1. Staff must be available during normal office hours to meet client service needs.
2. Flexible work schedules must be submitted in writing to the Office Supervisor and must be approved in advance.
3. The Office Supervisor shall determine the effective date and duration of the flexible work schedule.

4. Full-time employees are expected to work a minimum of forty hours each week and attend all meetings, court hearings, trainings, etc., some of which may extend beyond regular business hours or beyond approved flexible work schedules.
5. Flexible work schedules may be suspended or terminated at any time, without prior notice, if work efficiency necessitates a change or the schedule adversely affects the efficient operations of the office.

IV. Lunch Periods

An employee's work schedule includes a 30 minute non-paid lunch period, normally to be taken between the hours of 11:00 a.m. and 1:00 p.m. An employee may not shorten the workday by eliminating the 30 minute lunch break. An employee who desires a longer lunch period (i.e., one hour) must secure Office Supervisor approval to work an extended work day (i.e., 8:30 a.m. to 5:30 p.m.) or request annual leave.

V. Attendance

Employees are accountable for assuring they are in attendance and performing their job duties. To insure compliance with Civil Service rules and state and federal laws, the following are minimum requirements expected of each employee:

Employees must keep the Office Supervisor aware of their work schedule on the office calendar or other manner as determined by the Office Supervisor. An employee who has a change in his/her work schedule must notify the Office Supervisor, or designee, to assure the Office Supervisor is aware of the employee's whereabouts at all times. Notification may be made by phone, e-mail or text message. Voice mail, e-mail or text message notification must include a number where the employee can be reached. Employees must carry their office cell phones at all times and must check voice mail, e-mail and text messages periodically throughout the day.

If a work assignment requires an employee to report to a location other than the office in the morning it must be indicated on the office calendar or the employee must notify the office the day before.

An employee who is not performing his/her job duties during the assigned work schedule must be on approved leave status, or is subject to being placed on leave without pay.

VI. Tardiness

Employees are expected to report to the office on time at 8:30 a.m. (unless they have an approved flexible work schedule). If unable to report to the office by 8:45 a.m. (or within the first 15 minutes of the approved flexible work schedule) the employee must call or e-mail the Office Supervisor, or designee, to explain the delay and provide his/her current location and expected time of arrival.

The Office Supervisor, or designee, will determine if it is feasible to allow the employee to make up the time lost, take leave, or whether to place the employee on leave without pay. A continued pattern or problem with tardiness may result in disciplinary action.

VII. Inability to Report to Work

An employee who cannot report to work when scheduled shall call the Office Supervisor, or designee, within 15 minutes of the time he/she is to report. If the employee cannot reach the Office Supervisor or designee, a message for the Office Supervisor or designee must be left

with the office administrative assistant. If unable to make telephone contact with anyone in the office, an e-mail or text message shall be sent to the Office Supervisor or designee and office administrative assistant with a phone number where the employee may be reached. If the employee is scheduled to be in court, at a meeting or some other location, the employee must notify the appropriate parties that he/she will be unable to attend and attempt to obtain coverage for same. Any message to the Office Supervisor shall contain the employee's court or meeting schedule and what, if any, coverage is needed.

Once contact has been made, the employee shall provide the reason for the inability to report to work and how long the absence is expected to last. If the length of the absence is unknown, the employee shall be expected to call the Office Supervisor or designee each day unless the Office Supervisor or designee gives direction otherwise.

Documentation or evidence of the nature of the absence, such as a doctor's certificate or police accident report, may be required upon return to work. The Office Supervisor or designee must notify the employee in advance if, and what, documentation will be required. Failure to provide the requested documentation may result in the employee being placed on leave without pay. In addition, failure to provide the requested documentation may result in disciplinary action.

VIII. Time and Attendance Records

The State of Louisiana requires accurate time and attendance recordkeeping to comply with Civil Service rules and state and federal law.

Leave slips (SF-6) must be completed for all absences (except holidays or special leave with pay absences). An employee, who is placed on leave without pay due to tardiness, failure to report to work, or failure to secure proper leave in advance, may be required to sign a leave slip acknowledging the absence was unapproved. Should an employee refuse to sign, the supervisor shall note it on the leave slip and submit the form for payroll processing.

Employees shall be held accountable for the accuracy of time and attendance records. The employee's signatures or initials on these documents certify the employee has reviewed the records and the information is true and accurate. Time and attendance records will be audited by MHAS administrative staff.

Intentionally falsifying time and attendance records is considered payroll fraud and will result in severe disciplinary action, up to and including termination.

EXCEPTIONS

Any exceptions to this policy must be approved by the MHAS Director.

APPROVED

Kevin Robshaw, Director

Baton Rouge Housing Authority
Response

AVANT & FALCON

A LAW CORPORATION

429 GOVERNMENT STREET

BATON ROUGE, LOUISIANA 70802

TELEPHONE (225) 387-4462

TELEFAX NUMBER (225) 387-4547

ADDRESS MAIL TO:

P. O. BOX 2667

BATON ROUGE, LA 70821

FLOYD J. FALCON, JR
DANIEL L. AVANT
MARK E. FALCON
SHERRI L. GREGOIRE
CHARLES L. DIRKS, III
BENJAMIN M. CHAPMAN

April 6, 2010

Mr. Stephen B. Street, Jr.
State Inspector General
Post Office Box 94095
Baton Rouge, Louisiana 70804-9095

RE: Case #10900029

Dear Mr. Street:

Mr. Richard L. Murray, Executive Director of the East Baton Rouge Parish Housing Authority, has asked that I respond in his behalf to your investigative inquiries regarding Ms. Sharon Shelmire's dual employment with the Housing Authority and the University of New Orleans. Be assured that Mr. Murray intends to fully cooperate in the investigative process.

Ms. Shelmire was employed by the Housing Authority from August 27, 2007 through November 13, 2009. She served with unclassified status in the position of Supervisor. Ms. Shelmire supervised the Housing Authority's HOPE VI Program. Her unclassified appointment was terminated when funding for HOPE VI ended.

Ms. Shelmire did not disclose nor was anyone at the Housing Authority aware of her secondary employment with UNO. Knowledge of this issue first occurred when Mr. Murray received a request for information/documentation from your office. At that time, he spoke with Ms. Shelmire who informed him, for the first time, that she did indeed have a second job. She represented to him that her second job was part-time and that she provided services as needed during nights and on weekends.

Ms. Shelmire was viewed by the Housing Authority's executive management team as a quality employee. Her performance was well above average. Her attendance likewise was above average. No one ever suspected Ms. Shelmire of performing duties for another employer while on duty. Her work hours were 8:00 a.m. through 5:00 p.m., Monday through Friday. She was required to clock-in/out via timeclock like all other Housing Authority employees. A review of her timecards does not evidence leave abuse or misuse.

Mr. Murray recalls Ms. Shelmire being present and available throughout the workday to perform assigned duties. The Housing Authority has no knowledge of the hours worked,

Mr. Stephen B. Street, Jr.
Page 2 of 2
April 6, 2010

if any, by Ms. Shelmire at UNO. The Housing Authority likewise has no knowledge of Ms. Shelmire utilizing accrued leave for purposes of working her second job with UNO.

The Housing Authority's Human Resources Section was never apprised by Ms. Shelmire of this secondary employment. Furthermore, the HR Director was never advised by the Department of State Civil Service of her being identified as employed by both entities within the ISIS system.

The Housing Authority has no independent knowledge, other than as stated above, regarding Ms. Shelmire's employment with UNO. Mr. Murray's position is that Ms. Shelmire satisfactorily performed the services for the Housing Authority for which she was hired and properly earned the wages paid to her for services rendered. Therefore, the Housing Authority does not have a viable claim for reimbursement of sums paid to Ms. Shelmire, but does have concern that her dual employment could create potential overtime liability under the FLSA.

Mr. Murray has asked that I develop a policy for the Housing Authority regarding outside employment (see attached). It is his intention to have all new hires and existing employees disclose all employment relationships secondary to their primary employment with the Housing Authority. He intends to personally review all requests for outside employment to insure that such does not violate the Code of Governmental Ethics nor the statutory prohibitions against dual employment. Via the use of timeclocks, the Housing Authority already has in place a structured process for managing employee time and attendance. Mr. Murray has instructed his supervisory personnel to be more vigilant in reviewing attendance patterns to detect leave abuse/misuse.

My hope is that the foregoing is acceptable as the Housing Authority's response to your draft findings. If additional information is required, please advise.

Yours truly,

AVANT & FALCON

Mark E. Falcon

MEF:jmt
Enclosure
cc: Richard L. Murray

EAST BATON ROUGE PARISH HOUSING AUTHORITY

POLICY AND PROCEDURE MEMORANDUM # _____

SUBJECT: OUTSIDE EMPLOYMENT

EFFECTIVE DATE: APRIL 12, 2010

**AUTHORIZATION: RICHARD L. MURRAY
EXECUTIVE DIRECTOR**

I. POLICY:

No employee of the East Baton Rouge Parish Housing Authority may engage in outside employment activities, with or without compensation, which interfere with the performance of officially assigned duties, create a conflict of interest, bring discredit upon or cause unfavorable criticism of the Housing Authority, require or appear to require use of information obtained in connection with official duties which is not generally available to the public, or conflict with state law or the Civil Service Rules.

II. PURPOSE:

This policy is intended to prevent employees from seeking or participating in outside employment that is illegal or detrimental to the Housing Authority's mission and public image.

III. APPLICABILITY:

This policy applies to all Housing Authority employees except those who are members of the National Guard or a Reserve component of the Armed Forces.

IV. RESPONSIBILITIES:

Employee -- An employee planning to engage or already engaged in outside employment must complete an Application for Outside Employment form for consideration by his/her supervisor, Human Resources and the Executive Director. The information provided must accurately reflect the nature and scope of the intended outside employment activity.

Employees shall not allow outside employment to interfere with their primary employment with the Housing Authority.

Supervisor -- Supervisors are required to carefully evaluate the propriety of permitting the employee to engage in outside employment activities. In consultation with the Human Resources Section, supervisors will recommend approval or denial of the employee's request for outside employment.

Supervisors are required to insure that employees subject to their charge do not perform tasks related to their outside employment while on duty in their primary employment with the Housing Authority.

Human Resources -- Human Resources will assist supervisors in evaluating employee requests for outside employment, with responsibility for insuring that such employment does not violate the Code of Governmental Ethics nor Louisiana's dual employment prohibition.

Human Resources will be responsible for maintaining all applications for outside employment (approved and denied) in the employee's confidential personnel file.

Executive Director -- The Executive Director will make the final decision to approve or deny the employee's request for outside employment. This decision will be final and binding such that the employee may be barred from such employment or may be required to terminate an existing employment relationship deemed by the Executive Director to be unlawful, inappropriate or contrary to the interests of the Housing Authority.

V. PROHIBITION

- Outside employment which violates any prohibition within the Code of Governmental Ethics (La. R.S. 42:1101 et seq.) will not be approved.
- Outside employment which constitutes prohibited dual employment (La. R.S. 42:61 et seq.) will not be approved.
- Outside employment shall not interfere with an employee's primary employment with the Housing Authority.
- Employees are prohibited from utilizing Housing Authority property or equipment in furtherance of or in connection with outside employment. (Examples: vehicles, office space, computer/data)

processing, hardware, software, terminals, telecommunications equipment).

- Employees are prohibited from performing outside employment activities while on duty in their primary employment with the Housing Authority.
- Employees are prohibited from engaging in outside employment activities that are not approved by the Executive Director.

VI. VIOLATIONS:

Violations of this policy may result in disciplinary action, up to and including termination from the classified service.

VII. QUESTIONS:

Questions regarding this policy should be directed to the Human Resources Section.

**EAST BATON ROUGE PARISH HOUSING AUTHORITY
APPLICATION FOR OUTSIDE EMPLOYMENT**

EMPLOYEE NAME _____

CURRENT JOB TITLE _____

SECTION _____ **WORK PHONE** _____

PROSPECTIVE EMPLOYER _____

ADDRESS _____ **PHONE** _____

TYPE OF BUSINESS _____

ACTIVITIES TO BE PERFORMED _____

TITLE OF POSITION _____

WORK SCHEDULE _____

(Please provide the work time, number of hours and/or number and days of the week)

The above information is declared to be true, complete and accurate.

Employee Signature

Date

RECOMMENDATIONS

APPROVED **DENIED** _____

Supervisor Signature

Date

APPROVED **DENIED** _____

Human Resources

Date

DECISION

APPROVED **DENIED** _____

Executive Director

Date

CONDITIONS

University of New Orleans
Response



April 16, 2010

Mr. Stephen B. Street, Jr.
State Inspector General
Office of the Inspector General
P.O. Box 94095
Baton Rouge, LA 70804-9095

Re: Management Response to Statewide Dual Employment- Case No. 10900029 –Shelmire

Dear Mr. Street:

Attached please find our Management Response to the March 25, 2010, State Inspector General Case Number 10900029, related to statewide dual employment. The University does not concur with the finding cited in this report that Sharon Shelmire held dual full-time positions at both the University of New Orleans (UNO) and the Baton Rouge Housing Authority (BRHA), possibly in violation of La. R.S. 42:63E.

We have investigated the circumstances of Ms. Shelmire's employment at UNO thoroughly. The evidence establishes that Ms. Shelmire told her supervisors about her outside employment and submitted the requisite forms disclosing her BRHA (Hope VI) employment to the University. Ms. Shelmire's supervisors confirm that Ms. Shelmire has fulfilled her obligations to the University and further state that they do not believe Ms. Shelmire was paid for work not performed. Nor do any University records support the conclusion that Ms. Shelmire was paid for work not performed.

Thus, we are unable to conclude that Ms. Shelmire engaged in any wrongful conduct related to her employment at UNO. The University has appropriate policies in place requiring the disclosure of outside employment and Ms. Shelmire took steps to comply with University policy. For the reasons set forth in greater detail below, the University does not concur with your finding that Ms. Shelmire violated the Dual Employment Act, or that she was paid for any work not performed.

Ms. Shelmire has been employed as a Program Specialist for Disability Screening for the Baton Rouge and Northshore regions since September, 2009. Ms. Shelmire's job duties include: (1) coordinating with the Office of Family Support to schedule client interviews (15%); (2) conducting clinical interviews of clients to assess personal, educational, employment and medical data; administering and reviewing the results of the screening instrument and interpreting the results of the interview and screening in the form of a written report (60%); (3) travel to OFS offices in the Baton Rouge/Northshore area to provide services listed above (20%); and (4) participation in staff meetings and staff development activities.

Ms. Shelmire's direct supervisor is Barbara Connors, who reports to Kenneth Zangla, Director of the UNO Training, Resource and Assistive-technology Center (TRAC). In consultation with Ms. Connors, Mr. Zangla provided the following information. Ms. Shelmire conducts disability screenings for the following territories: North and South Baton Rouge, St. Helena, Iberville, Ascension, Livingston, Feliciana, West Baton Rouge, Pointe Coupee, and East and West Feliciana. The Office of Family Services is responsible for setting up Ms. Shelmire's appointments between 8:00 a.m. and noon, Monday through Friday. The appointments take place at several different offices serving clients in the above-

referenced areas. Scheduled clients sometimes do not show up for their appointments, but Ms. Shelmire is expected to be available at the office for scheduled appointments.

Ms. Shelmire submits to her supervisor weekly and monthly logs with the names and number of clients referred and screened. Ms. Shelmire meets monthly with her supervisor to submit and discuss client reports and recommendations. Ms. Connors has stated that Ms. Shelmire is a dedicated employee who timely completes her job assignments to Ms. Connors satisfaction. Indeed, Ms. Connors noted that Ms. Shelmire chose to meet with clients over the Christmas Holidays, although she was not required to do so.

While Ms. Shelmire's appointment schedule is set by OFS, her work hours are flexible with respect to when she reviews and interprets the screening instrument and writes her reports. Ms. Shelmire is free to complete these job duties at night or on weekends, so long as the reports are timely submitted to her supervisor. Ms. Connors has confirmed that Ms. Shelmire submitted her reports in a timely manner.

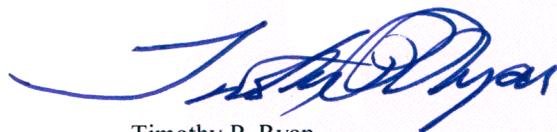
Ms. Shelmire stated during an interview that she worked for the Hope VI, a grant funded program through the Baton Rouge Housing Authority from the end of 2007 through October or November of 2009, when funding for the program ran out. UNO employees who work outside of the University are required to submit a PM-11 form disclosing such outside employment. The University maintains an annual electronic PM-11 certification system pursuant to which UNO employees are required to certify that they have no outside employment or that their outside employment has been disclosed by submission of appropriate PM-11 forms and documentation.

University records show that Ms. Shelmire submitted a PM-11 form disclosing her work on the Hope VI project on January 14, 2008. She submitted a second PM-11 on June 11, 2009, for the period from July 1, 2009 through June 30, 2010. The forms indicate that Ms. Shelmire anticipated working 20-25 hours per week for Hope VI providing assistance to the elderly and disabled on nights and weekends. TRAC Director Kenneth Zangla stated that Ms. Shelmire told him that she would be working for the Hope VI Program when she started in 2007. Mr. Zangla states that neither he, nor Ms. Shelmire's direct supervisor, have reason to believe that Ms. Shelmire's work for Hope VI interfered in any way with her ability to fulfill her obligations to the University.

Ms. Shelmire's PM-11 form reflects her intent to work part-time on nights and weekends for Hope VI. Ms. Shelmire work hours for UNO were flexible in that she was free to review assessments and complete client reports whenever she chose to do so. Ms. Shelmire's supervisors confirm that she fulfilled her obligations to the University more than satisfactorily and that they have no reason to believe that she was paid by UNO for work not performed. Insofar as there is no evidence to show that either the University or Ms. Shelmire engaged in any wrongdoing related to her employment for UNO, there appears to be no need for a corrective action plan related to this matter.

We will continue our efforts to ensure compliance with all state laws and regulations, as well as institutional guidelines pertaining to statewide dual employment. Please let me know if I can provide additional information.

Sincerely,



Timothy P. Ryan
Chancellor

Sharon Shelmire

Response

Sharon L. Shelmire
4361 Redlands Drive
Baton Rouge, Louisiana 70814

April 6, 2010

Mr. Stephen B. Street, Jr.
State Inspector General
State of Louisiana
Office of the Governor
Office of State Inspector General
Post Office Box 94095
Baton Rouge, Louisiana 70804-9095

RE: Case No: 1090029

Dear Mr. Street:

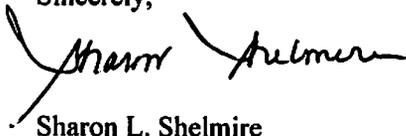
Pursuant to our telephone conversation on Tuesday, April 6, 2010, concerning your letter dated March 25, 2010, wherein you requested a response to your written report.

After reviewing your written report, I cannot concur with your findings as it relates to me. Your report included a list of the executive branch of state government, which did not identify East Baton Rouge Parish Housing Authority under a specific branch of state government. I am under the impression the program with which I worked for under East Baton Rouge Housing Authority was known as HOPE VI which was a HUD funded program, not a state entity. Once the funding ended, the job also ended as well. Therefore, I cannot agree that I have violated RS.42:63E.

With regards to a corrective plan, as you are aware the HOPE VI program ended in November, 2009, and subsequently, I am no longer employed with that program.

Should you require additional information, please do not hesitate to contact me.

Sincerely,



Sharon L. Shelmire

**Delgado Community College
Charity School of Nursing**

Response

CHARITY SCHOOL OF NURSING

450 S. Claiborne Avenue
New Orleans, LA 70112
(504) 571-1270 FAX: (504) 568-5494
www.dcc.edu

April 5, 2010

Stephen B. Street, Jr.
State Inspector General
PO Box 94095
Baton Rouge, LA 70804-9095

Re: Case No. 1090029

Dear Mr. Street,

Delgado Community College concurs that two faculty members – Betty Carter and Coletha Riley – held two full-time positions within state government. Both were full-time faculty in the evening program at the School of Nursing. Each completed an outside employment form identifying their employment at LSU Interim Hospital. Delgado was not aware that the statute included employment at colleges and universities.

Each person worked in the evening R.N. program where classes, clinical experience and all related student learning activities begin after 3:30 p.m. The faculty member also has office hours, skills practice and check-off times and patient simulation activities with the students in the evening. Meetings with the evening faculty in this course were held with the course coordinator. Until fall 2009 the campus had an assistant dean for the evening. She held in-services, meetings and supported the evening students and faculty to provide services needed. The evening faculty are evaluated in the same way as all full-time nursing faculty. Ms. Carter and Ms. Riley received positive student and supervisor evaluations. They performed the responsibilities of a full-time faculty member.

Betty Carter and Coletha Riley resigned from their full-time position at Delgado Community College effective April 5, 2010. Delgado Community College (DCC) reviewed the work records and they each performed the duties required of a faculty member and worked the hours in accordance with the DCC faculty workload policy.

If you have any questions, please contact me at (504)571-1290.

Sincerely,

A handwritten signature in cursive script, appearing to read "Patricia Egers".

Patricia Egers
Campus Provost and Dean of Nursing

pc: Carmen Walters, Assistant Vice-Chancellor, Human Resources
A. C. Eagan, Vice-Chancellor, Administrative Affairs
D. Lea, Vice-Chancellor, Learning and Student Development

**LSU Interim Public Hospital
Response**



Health Sciences Center

HEALTH CARE SERVICES DIVISION

Medical Center of Louisiana at New Orleans

April 14, 2010

Dr. Walter O. Moss Regional Medical Center
Earl K. Long Medical Center
Huey P. Long Medical Center
Lallie Kemp Regional Medical Center
Leonard J. Chabert Medical Center
Medical Center of Louisiana at New Orleans
University Medical Center in Lafayette
Washington - St. Tammany Regional Medical Center

Steven B. Street, Jr.
State Inspector General
Office of State Inspector General
Post Office Box 94095
Baton Rouge, LA 70804-9095

Re: Case Number 10900029

Dear Mr. Street:

This will acknowledge receipt and review of your letter of March 25, 2010 relative to the above case number. We have conducted a thorough review of the matter, including interviews with Betty Carter, R.N. and Coletha Riley, R.N. Following a review and investigation by our Human Resources Department and consultation with our legal department, we are in agreement with your findings that the named employees were concurrently engaged in full time employment positions with the Interim LSU Public Hospital/Medical Center of Louisiana at New Orleans and Delgado Community College – apparently in violation of the provisions of LSA-R.S. 42:63 E. When confronted with this information, Betty Carter advised of her decision to retire from the Interim LSU Public Hospital/Medical Center of Louisiana at New Orleans effective June 14, 2010; Ms. Coletha Riley resigned her position with the Delgado Community College effective April 5, 2010. Our further investigation of the time and attendance, payroll and leave records of these employees reveals that they were present and accounted for during their scheduled work hours at the Interim LSU Public Hospital/Medical Center of Louisiana at New Orleans during the relevant period.

Please note that we are responding in accordance with an extension of time granted by Ms. Cindy Summers of your office. Should you have any further questions, please feel free to contact our Director of Human Resources, Daphne Yaun at (504) 903-0401.

Thank you for this opportunity to address this important matter.

Sincerely,

Roxane A. Townsend, M.D.
Interim Chief Executive Officer

Coletha Riley

Response

COLETHA B. RILEY

2425 Napoleon Avenue
New Orleans, Louisiana 70115
Telephone: 504.799.9816
Fax: 504.899.3293
Email: coletha.riley@yahoo.com

March 29, 2010

VIA FAX: 225.342.6761

Stephen B. Street, Jr., Esq.
State Inspector General
Office of State Inspector General
State of Louisiana
P.O Box 94095
Baton Rouge, Louisiana 70804

Re: Case No. 10900029

Dear Mr. Street:

I begin by stating that I do not concur with the findings and recommendations concerning my employment with LSU Interim Public Hospital and Delgado Community College School of Nursing.

I have thirty-one (31) years of service at Charity Hospital Of New Orleans (now LSU Interim Public Hospital). My best recollection is that I began working with Delgado Community College, School of Nursing in 2004. I definitely inquired of the Human Resources Department at Delgado Community College, before my employment, whether there was any issue because of my employment with Charity Hospital Of New Orleans.

With full knowledge of my employment with Charity Hospital Of New Orleans, Delgado Community College, School of Nursing, employed me as a part-time in 2004, Evening Division Instructor,. In 2006, prior to my being placed on full time employment with the Evening Division of Delgado Community College, School of Nursing, I again inquired as to whether or not there was any issue relative to my employment with Charity Hospital Of New Orleans (now LSU Interim Public Hospital). While still in the office with Delgado Community College, Human Resources; they contacted Human Resources in Baton Rouge; and I was advised that because one position was under the Department of Health and Hospital and the other was under Department of Education my full-time employment was not an issue.

I have worked for the State of Louisiana in a Nursing capacity for over thirty-one (31) years with pride and dedication to the State and those I serve. Forgive me for taking great exception to the statement contained with this draft report on page 6

COLETHA B. RILEY

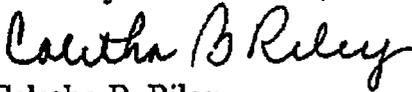
2425 Napoleon Avenue
New Orleans, Louisiana 70115
Telephone: 504.799.9816
Fax: 504.899.3293
Email: coletha.riley@yahoo.com

questioning "whether they [I] actually worked the hours" for which I have been paid. If one would review my performance evaluation or my student performance results such a statement would clearly be inaccurate. I am a dedicated and loyal professional of the State of Louisiana.

If there is a problem I am more than willing to work with your office to resolve any such issue. I have worked too hard and invested too much time and energy in the service of this State and its people for what sounds like an accusation of intentional wrongdoing.

With regard I remain

Sincerely



Coletha B. Riley

P.S. The School of Nursing has already indicated that our evening division positions will revert back to part-time Clinical at the end of this semester.

2425 Napoleon Avenue
New Orleans, Louisiana 70115
Telephone: 504 799-9816
Fax: 504 899-3293
Email: coletha.riley@yahoo.com

VIA FACSIMILE: 225 342-6761

April 9, 2010

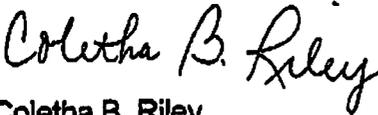
**Stephen B. Street Jr., Esq.
State Inspector General
Office of State Inspector General
State of Louisiana
P.O. Box 94095
Baton Rouge, Louisiana 70804**

Re: Case No. 10900029

Dear Mr. Street:

I would like to inform you and your office that I have resigned my full time position with Delgado Community College Charity School of Nursing effective Monday April 5, 2010.

Sincerely,



Coletha B. Riley

Betty Carter

Response

Betty M. Carter

5600 Norland Avenue
New Orleans, Louisiana 70131
Telephone: 504-723-9695
Email: ascppople@msn.com

April 5, 2010

Stephen B. Street, Jr., Esq.
State Inspector General
Office of State Inspector General
State of Louisiana
P.O. Box 94095
Baton Rouge, Louisiana 70804

Re: Case No. 10900029

Dear Mr. Street:

I begin by stating that I do not concur with the findings and recommendations concerning my employment with LSU Interim Public Hospital and Delgado Community College School of Nursing.

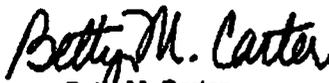
I have thirty-three (33) years of service at Charity Hospital of New Orleans (now LSU Interim Public Hospital). My best recollection is that I began working with Delgado Community College, School of Nursing in the fall of 2004. I received a letter offering employment to master prepared nurses at various nursing schools in New Orleans who were participating in a grant program. I proceeded to work part-time with the school. Both agencies were fully notified of my employment.

In the spring of 2005, I started a full time position at Delgado Community College employed in the Evening Division as an Instructor. I have been holding that position since then being advised that employment at both agencies would not be an issue. Human Resources at Delgado Community College informed me, that one position was under the Department of Health and Hospital, the other was under the Department of Education, and employment at both would not be an issue.

I have worked for the State of Louisiana in a Nursing capacity for over thirty years with dedication and commitment to the State and those I serve. If you would review my performance evaluation at either agencies or my student, performance results it would prove the statement contained with this draft report on page 6 questioning, "whether I worked the hours" for which I have been paid inaccurate. I am a loyal and dedicated professional of the State of Louisiana.

If there is a problem, I am more than willing to work with your office to resolve any such issue. I have worked too hard and invested too much time and energy in the service of this State and its people for what sounds like an accusation of intentional wrongdoing.

Sincerely,


Betty M. Carter

P.S. Effective April 5, 2010 I have resigned ~~my~~ Full Time position at Delgado Community College Charity School of Nursing to an Adjunct position.

APPENDIX B
Inspector General's Comment

IG Comment

In her response to our report, Samantha Ackers stated that she was unaware that La. R.S. 42:63.E. was applicable to her situation. Nevertheless, it is clear from her actions while employed at the Mental Health Advocacy Service (MHAS) and the Baton Rouge Community College (BRCC) that Ms. Ackers, a practicing lawyer, took steps to conceal her dual employment status from them.

Ms. Ackers advised that both employers were aware of her jobs and duties and that her employers had worked with her to develop flexible schedules. Ms. Ackers stated in her response that Ed Tyler of BRCC had worked with her to plan a flexible teaching schedule. However, at the time that Ms. Ackers became a full-time employee with the MHAS, Mr. Tyler was no longer involved with scheduling Ms. Ackers's classes. Those who were involved in the scheduling of Ms. Ackers's classes advised that they were aware that she had outside employment, but were unaware of the specific requirements of her MHAS job and had the impression that her outside employment was part-time.

Additionally, Ms. Ackers submitted a Disclosure of Outside Employment to BRCC in September 2009 indicating that her outside employment was 16 hours per week on Tuesdays and Thursdays and that she was compensated on a contract basis with various fee schedules. When Ms. Ackers was subsequently questioned about her outside employment by BRCC staff, she again led them to believe that her employment was part-time, only on Tuesdays and Thursdays, and was a consulting position on a contract basis. In reality, Ms. Ackers was employed full-time as a salaried attorney with the MHAS and was supposed to work Monday through Friday. In short, our investigation revealed that Ms. Ackers misled her employers, both orally and in writing, in an effort to conceal from them that she was working two full-time jobs.

Sharon Shelmire suggests in her response that La. R.S. 42:63.E. does not apply to her situation because housing authorities are not part of the executive branch of state government. Ms. Shelmire is correct in stating that housing authorities are not part of the executive branch of state government. However, they are political subdivisions of the state under La. R.S. 40:384(16). La. R.S. 42:63.E. prohibits the holding of two full-time positions in state government or a political subdivision of the state.

Further, while Ms. Shelmire may not have been aware that her dual employment status violated La. R.S. 42:63.E., like Ms. Ackers, she took steps to conceal her dual employment status from her employers. According to the response received from the Baton Rouge Housing Authority, Ms. Shelmire did not disclose her employment with The University of New Orleans (UNO) to the Housing Authority until she was questioned about it, and at that time she indicated that her employment with UNO was "part-time and that she provided services as needed during nights and on weekends." According to the response received from UNO, Ms. Shelmire submitted disclosure forms to UNO indicating that she worked for the Housing Authority "20-25 hours per week for the Hope VI providing

assistance to the elderly and disabled on nights and weekends.” These statements and disclosures made by Ms. Shelmire to her employers are contrary to known facts in this matter in that she was employed on a full-time basis by both agencies.

Additionally, Ms. Shelmire failed to provide any explanation of her overlapping work hours, or any response to our question of whether she actually worked all the hours for which she was compensated.

The response provided by officials at UNO suggests that they did not understand the fact that Ms. Shelmire had a full-time job with the Housing Authority in addition to the full-time position she held with UNO. The response states that Ms. Shelmire submitted forms disclosing her work at the Housing Authority as part-time, even though our report advised that Ms. Shelmire’s position at the Housing Authority was full-time. That UNO would accept Ms. Shelmire’s disclosures at face value, in the absence of evidence to the contrary, is understandable. It is more difficult to reconcile UNO’s steadfast defense of Ms. Shelmire in its response after our report put UNO on notice that her disclosure to them was, at best, misleading, and at worst, blatantly false.

The response from UNO also overlooks the fact that Ms. Shelmire’s responsibilities at the Housing Authority required her to be present at the Housing Authority at the same time she was supposed to be conducting interviews of clients for UNO, as indicated in our report. In its response, UNO advised that Ms. Shelmire was scheduled to interview clients between 8:00 a.m. and noon, Monday through Friday. The Housing Authority indicated in its response that Ms. Shelmire’s work hours were 8:00 a.m. through 5:00 p.m., Monday through Friday, and that she was required to clock-in/out via timeclock. It is instructive that when confronted by the Housing Authority, Ms. Shelmire misled it in much the same manner as UNO as to the nature of her outside employment, representing that she provided services as needed during nights and weekends. Obviously, Ms. Shelmire could not have been physically present to work for the Housing Authority and physically present to conduct client interviews for UNO at the same times, which begs the question of whether she actually worked all of the hours for which she was paid. It would seem appropriate at this point for UNO to take a second look at both our report and the disclosure forms submitted to them by Ms. Shelmire, and reevaluate whether corrective measures are necessary.

Forty copies of this public document were published in this first printing at a cost of \$ 218.82. The total cost of all printings of this document, including reprints is \$ 218.82. This document was published by the Office of State Inspector General, State of Louisiana, Post Office Box 94095, 150 Third Street, Third Floor, Baton Rouge, LA 70804-9095 to report its findings under authority of LSA-R.S. 39:7-8. This material was printed in accordance with the standards for printing by state agencies established pursuant to LSA - R.S. 43:31.

A copy of this report has been made available for public inspection at the Office of State Inspector General and is posted on the Office of State Inspector General's website at www.oig.louisiana.gov. Reference should be made to Case No. 1-09-00029-B. If you need any assistance relative to this report, please contact Greg Lindsey, CIA, CIG, State Audit Director at (225) 342-4262.

REPORT FRAUD, WASTE, AND ABUSE

To report alleged fraud, waste, abuse, or mismanagement relative to state programs or operations, use one of the following methods:

- Complete complaint form on web site at www.oig.louisiana.gov
- Write to Office of State Inspector General, P. O. Box 94095, Baton Rouge, LA 70804-9095
- Call the Office of State Inspector General at (225) 342-4262