

California Correctional Health Care Services and Department of Corrections and Rehabilitation

False Claims, Inefficiency, and Inexcusable Neglect of Duty (Case I2010-1151)

REPORT NUMBER I2012-1, CHAPTER 7, ISSUED DECEMBER 2012

This report concludes that a supervising registered nurse at the California Training Facility in Soledad (facility) falsely claimed to have worked 183 hours of regular, overtime, and on-call hours that would have resulted in \$9,724 of overpayments. However, because staff at the facility's personnel office made numerous errors in processing the nurse's time sheets, the State ultimately overpaid the nurse \$8,647. In addition, the nurse's supervisor neglected her duty to ensure that the nurse's time sheets were accurate, thus facilitating the nurse's ability to claim payment for hours she did not work. The nurse returned to work at the facility in July 2012 after nearly a two-year absence on medical leave but left again after only one month. Personnel staff at the facility reported that they have begun the process to collect the overpayments identified in this report.

In the report, the California State Auditor (state auditor) made the following recommendations to California Correctional Health Care Services (Correctional Health Services) and the Department of Corrections and Rehabilitation (Corrections). The state auditor's determination regarding the current status of recommendations is based on responses to the state auditor as of December 2012.

Recommendation 1—See pages 43 and 44 of the investigative report for information on the related finding.

Corrections should collect all of the improper payments the State made to the nurse and seek corrective action for the time the nurse falsely claimed to work.

Corrections' Action: Partially implemented.

Corrections reported that its office of internal affairs has approved a request to investigate the nurse's actions. Corrections' legal counsel is reviewing the documents obtained from the state auditor. If the facility sustains the misconduct and imposes a penalty, it expects to serve the adverse action by March of 2013.

Recommendation 2—See pages 45 and 46 of the investigative report for information on the related finding.

Corrections should provide training to the supervisor related to timekeeping requirements and the proper procedures for taking disciplinary actions.

Corrections' and Correctional Health Services' Actions: Partially implemented.

Corrections reported that it issued a memorandum that required its wardens and chief executive officers to ensure on-the-job training regarding timekeeping requirements is provided to all staff, including supervisors and managers within 45 days of the issuance of the memorandum. Both departments completed the training on November 30, 2012. Training on disciplinary actions is still pending.

Recommendation 3—See pages 45 and 46 of the investigative report for information on the related finding.

Corrections and Correctional Health Services should seek corrective action for the supervisor's failure to monitor and discipline the nurse adequately.

Corrections' and Correctional Health Services' Actions: Partially implemented.

Corrections reported that it issued a letter of expectation to the supervisor regarding the nurse's time sheets. It also issued a letter of instruction to the supervisor regarding her approval of the nurse's March, June, and July 2010 time sheets. Lastly, Corrections and Correctional Health Services reported that they completed a performance appraisal summary and individual development plan for the supervisor identifying improvements needed in supervising the work of others and personnel management practices. Corrections is considering taking additional disciplinary actions against the supervisor.

Recommendation 4—See pages 44 and 45 of the investigative report for information on the related finding.

Corrections should provide training to the facility's personnel office staff related to the application of the terms of the collective bargaining agreements for medical staff, the processing of docked pay, and the processing of on-call hours.

Corrections' Action: Partially implemented.

Corrections reported that it has and will continue to send all personnel specialists to training provided by the State Controller's Office. In addition, it stated that the facility's personnel supervisors met with all of its personnel specialist and trained them on docking employees, bargaining unit contracts, and the rules and regulations for on-call hours. The state auditor has not yet received evidence that the training occurred.

Recommendation 5—See pages 44 and 45 of the investigative report for information on the related finding.

Corrections should implement additional controls within the facility's personnel office to ensure that supervisors regularly monitor and review their staff's processing of time sheets.

Corrections' Action: Partially implemented.

Corrections reported that it will conduct supervisory audits of personnel specialists' time sheet files to ensure the integrity of its time and attendance reporting. However, Corrections did not specify how supervisory audits will ensure that all time sheets are processed correctly.