



Angelina “Angel” Colonnese

CLERK OF THE CIRCUIT COURT AND COMPTROLLER OF MANATEE COUNTY

Division of Inspector General

Investigation Report

Manatee County Public Works Department Transit Division Timesheet Complaint

May 1, 2020

Investigation No. 21920100



Angelina "Angel" Colonnese

CLERK OF THE CIRCUIT COURT AND COMPTROLLER OF MANATEE COUNTY

1115 Manatee Avenue West, Bradenton, Florida 34205 - Phone (941) 749-1800 - Fax (941) 741-4082
P.O. Box 25400, Bradenton, Florida 34206 - www.manateeclerk.com

MEMORANDUM

TO: Cheri Coryea, County Administrator

FROM: Angelina "Angel" Colonnese, Clerk of the Circuit Court & Comptroller

DATE: May 1, 2020

RE: Investigation Report - Transit Division Timesheet Complaint

Based on complaints received by the Division of Inspector General, we have completed an investigation of allegations regarding the falsification of timesheets, and violation of FDOT driving safety regulations, by several employees of the Public Works Department Transit Division. Attached is the final report summarizing the results of our investigation.

If you have any questions regarding this report, please contact me or Lori Stephens, Inspector General, at extension 4170.

Enclosure

cc: Chad Butzow, Public Works Department Director
Kim Stroud, Human Resources Department Director
Mitchell Palmer, County Attorney
Board of County Commissioners
Dan Wolfson, Finance Department Director, Clerk of the Circuit Court

"Pride in Service with a Vision to the Future"

Clerk of the Circuit Court - Clerk of Board of County Commissioners - County Comptroller - Auditor and Recorder

Manatee County Clerk of the Circuit Court
Division of Inspector General

Investigation Report
Transit Division Timesheet Complaint

May 1, 2020

TABLE OF CONTENTS

Introduction/Allegation	1
Summary of Findings.....	1
Background	1-2
Results of Testing and Analysis	2-3
Recommendations and Corrective Actions	3-4

**Manatee County Clerk of the Circuit Court
Division of Inspector General**

**Final Report
Transit Division Timesheet Complaint**

Allegation

On July 11, 2019, the Internal Audit Department (now the Division of Inspector General) was contacted by the Manatee County Clerk's Office Finance Department, and subsequently by the Manatee County Human Resources Department, regarding concerns that a County Transit Operator's timesheet had been falsified. The complaints alleged the following:

- Public Works Transit Division supervisors and employees have falsified work hours reported on transit operators' timesheets.
- Transit operators are driving too many hours in violation of Florida Department of Transportation (FDOT) driving regulations.

Summary of Findings

The information obtained during the investigation supports the allegations made in the complaint. Based on our review of documentation and interviews conducted with Transit Division staff and management, we conclude that:

- ***Several transit operators falsely reported work hours on their timesheets. A Transit Supervisor also falsely reported a Transit Operator's work hours on the employee's timesheet. Evidence supports that this was done to conceal instances where drivers violated FDOT transit safety regulations related to driving/on-duty hours. We found no evidence to support that this was done as part of a fraudulent payroll scheme in which employees intended to benefit financially.***
 - *Hours were moved from one week to another, which may have resulted in incorrect overtime pay calculations and potential violations of the Fair Labor Standards Act (FLSA).*
 - *Incorrectly reporting work hours is a violation of County Personnel Policy IV.B.8 (Electronic Timekeeping). Falsifying a timesheet can be grounds for discipline or discharge as per County Personnel Policy XI.B.18 (Grounds for Discipline or Discharge).*
- ***Several transit operators were driving and/or on duty more hours than allowed by FDOT transit safety regulations (Chapter 14-90, Florida Administrative Code).***

Background

The Transit Division is part of the Public Works Department. The Division's core mission is to provide alternative transportation options to reduce the use of privately operated automobiles for both citizens and visitors of Manatee County by utilizing high occupancy, environmentally friendly, and efficient vehicles as mass transportation, while also providing traffic and parking mitigation solutions. The Transit Division provides daily service throughout the cities and unincorporated areas in Manatee County. Currently, they serve Bradenton, Ellenton, Palmetto, the Gulf Beach communities, and downtown Sarasota, as well as limited service to Pinellas, through 17 fixed bus, trolley, and shuttle routes. The Transit Division also provides paratransit bus service, by appointment only, to individuals who are transportation disadvantaged, disabled, or veterans. The buses operate primarily Monday through Saturday from as early as 5:30 AM to as late at 10:30 PM. The expected ridership, considering only fixed route and trolley service, for fiscal year 2020 is over 1.4 million people.

Chapter 14-90 of the Florida Administrative Code (F.A.C) provides equipment and operational safety standards for bus transit systems. FDOT, or its contractor, performs periodic reviews of bus transit systems to ensure compliance with the standards. Section 14-90.006 of this chapter states the following:

(3) A driver shall not be permitted or required to drive more than 12 hours in a 24-hour period, or drive after having been on duty for 16 hours in a 24-hour period. A driver shall not be permitted to drive until the requirement of a minimum eight consecutive hours of off-duty time has been fulfilled.

(5) A driver shall not be permitted or required to be on duty more than 72 hours in any period of seven consecutive days....A driver who has reached the maximum 72 hours of on duty time during the seven consecutive days shall be required to have a minimum of 24 consecutive hours off duty prior to returning to on duty status.

Results of Testing and Analysis

In an effort to determine the validity of the allegations, auditors obtained and reviewed documentation; conducted interviews with Transit Division staff and management regarding driving and timekeeping practices; and researched relevant laws, regulations, and policies and procedures. The results of our review are detailed in the following sections:

Allegation #1 – Falsifying Work Hours

WorkForce timesheet audit reports for all 105 transit operators employed during the period 4/27/2019 - 8/16/2019 were reviewed to identify operators with hours which appeared to have been adjusted. These audit reports document entries and changes to employee timesheets, and allowed for the identification of specific instances where work hours recorded on the timesheets were moved from one week to another. Additional supporting documentation was obtained from the Transit Division to verify the hours recorded in WorkForce and determine if the changes were appropriate. The results of the review are as follows:

- The transit operators' hours in WorkForce did not always agree to supporting work records, or could not be verified due to the lack of supporting documentation maintained by the Transit Division. The documentation reviewed included:
 - Fixed Route Daily Operator Sign-in sheets
 - Fixed Route Daily Bus Inspection forms
 - Daily Weekly Overtime Sign-up sheets
 - Paratransit Daily Dispatch sheets
 - Weekly Excel schedules for Extra Board, Transit and Trolley
 - 2019 Personal Time Off Calendar
- Five transit operators were identified as having moved work hours from one week to another. During interviews with auditors, two of the five admitted to doing so in order to circumvent the fact that they had violated the FDOT regulations.
- One Transit Supervisor was identified as having moved an employee's work hours from one pay week to another. When presented with the documentation, the supervisor did not recall making the changes, but accepted responsibility.

- A member of Transit management disclosed in an interview that there was an unwritten policy within the Transit Division to shift hours from one week to another when an operator had driven in excess of regulations.

Several transit operators and a supervisor falsified work hours on the transit operators' timesheets by moving hours worked from one week to another. This was done to conceal instances where drivers violated FDOT transit safety regulations related to driving/on-duty hours.

Allegation #2 – Violation of FDOT Regulations

A review of WorkForce audit timesheet reports for all 105 transit operators employed during the period 4/27/2019 - 8/16/2019 identified 12 operators with work hours which appeared to be in violation of FDOT transit safety regulations (Ch. 14-90, F.A.C.) as they exceeded the allowable driving/on-duty hours. The additional supporting documentation noted above was verified against the hours recorded in WorkForce and evaluated for compliance with the driving regulations. We confirmed that the transit operators were driving/on duty more hours than allowed by Ch. 14-90, F.A.C. According to management, this was due to the Transit Division being understaffed; during this time there were 19 unfilled Transit positions. The results of the review are as follows:

- Four transit operators recorded more than 72 on-duty hours (maximum allowed) within seven consecutive days, without the required minimum 24 consecutive hours off.
- Two transit operators recorded more than 16 on-duty hours (maximum allowed) within a day. In addition, one of the operators began another shift without having the required minimum eight consecutive hours of off-duty time.
- Six transit operators had multiple instances where they drove more than 12 hours (maximum allowed) in a day.

Several transit operators were driving and/or on duty more hours than allowed by FDOT transit safety regulations (Chapter 14-90, F.A.C.).

Recommendations and Corrective Actions

Based on the results of this investigation, the following recommendations are provided, along with corrective actions, some of which have already been implemented:

1. Transit operators should ensure their work hours are accurately recorded in WorkForce. According to Transit management, the Transit Operators have been briefed on recording their actual hours worked each day. Additionally, Transit management is updating the Transit Division Procedures Manual to include electronic timekeeping and timesheet submittal procedures which address the responsibility of staff to accurately record, document, and submit their work hours. These updated procedures will be communicated to all Transit Division staff to ensure compliance.
2. Management should continue to remind transit operators of the FDOT transit safety regulations and advise them to communicate with supervisors when reaching the maximum allowable driving and/or on-duty hours.

3. Management should evaluate staffing to ensure there are an adequate number of transit operators to maintain compliance with safety regulations.
4. Management should consider revising daily route sign-in sheets to better capture transit operators' work hours to accurately account for their work time.
5. A Standby Assignment sheet has been developed by the Transit Division to capture the start and end times for transit operators on standby duty. We support the use of this form as it will allow transit operators to accurately account for their work time.
6. Management should evaluate whether WorkForce has any options for the daily monitoring of work hours to aid with scheduling and to ensure that drivers are not violating FDOT driving requirements. Human Resources is considering the procurement of another timekeeping system which may support opportunities for this type of customization.
7. Management should consider designating a staff member to reconcile the transit operators' work hours to their timesheets on a daily basis to ensure accuracy and compliance with FDOT driving requirements.
8. Public Works management should work with Human Resources and the County Attorney's Office to determine what action is needed regarding potential FLSA violations and possible pay adjustments.
9. Public Works management should work with Human Resources and County Administration to determine whether any disciplinary action should be taken for employees responsible for falsifying work hours.
10. Public Works management should contact FDOT to determine whether any action is needed with regards to the driving regulation violations.

We appreciate the effort and timeliness of the Public Works/Transit and Human Resources Departments in addressing the issues raised during this investigation and look forward to improved monitoring controls and accountability.



Lori Stephens, CPA, CFE, CIG
Inspector General

INVESTIGATIVE TEAM:

Bobbie Windham, CIA, CFE, CIGI
Deputy Inspector General

Martye Gruhl, MBA
Senior Auditor