



Derry Harper Esq., CIG
Inspector General

June 7, 2019

Gilbert A. Montaña
Chief Administrative Officer
City Of New Orleans
1300 Perdido Street
New Orleans, Louisiana 70112

Re: Department of Health Employees Sarah Babcock and Timothy Murphy

Dear Mr. Montaña:

On May 31, 2018, the Office of Inspector General (OIG) received an anonymous complaint alleging that Department of Health (DOH) employee Timothy Murphy did not use annual or sick leave while absent from his position as Healthy Environment Analyst during a two-week period in July 2016. The complainant also contends that Mr. Murphy's supervisor, Healthy Population and Planning Manager Sarah Babcock, approved this arrangement. Mr. Murphy currently holds the position of Supervisor in the Healthy Start program. Ms. Babcock maintains her position as the Manager of the Healthy Population and Planning Division.

On September 11, 2018, the OIG interviewed DOH Director, Dr. Jennifer L. Avegno and Deputy Director Frances Lawless regarding this complaint. Ms. Lawless told investigators it was her understanding that Mr. Murphy was using "flex time" for the period in question. Ms. Lawless believed that "flex time" is the same as compensatory time. OIG investigators explained to Ms. Lawless that "flex time" is different from compensatory time. OIG investigators then provided Dr. Avegno with a copy of CAO Policy Memorandum No. 14, Prohibition Against Use of Compensatory-Time dated April 23, 1980 to review. Avegno read the copy of Memorandum No. 14 out loud. Dr. Avegno maintained that her understanding of Memorandum No. 14 allowed the use of compensatory time in lieu of overtime. The Memorandum of Interview for Dr. Avegno and Ms. Lawless is attached as **Exhibit 1**.

On September 25, 2018, the OIG interviewed Mr. Murphy regarding this complaint. Mr. Murphy was hired in June of 2016. Mr. Murphy stated that when Sarah Babcock interviewed him for employment with DOH, he told her that if he were given the position, he would have to take several days off in July. Mr. Murphy told Mr. Babcock he was returning to his home town of Albany, New York, for several family and personal events. Mr. Murphy identified those functions as his grandfather's 90th Birthday, his nephew's christening, his cousin's wedding, and proposing marriage to his girlfriend. Mr. Murphy explained that prior to leaving on his trip to New York, he and Ms. Babcock discussed how Mr. Murphy would accumulate the 49 hours needed to get paid for the seven work days he would miss while on vacation. Mr. Murphy recalled that Ms.

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Babcock told him he could use a "flex time" schedule to accumulate the 49 hours needed. Mr. Murphy described "flex time" as working hours in excess of 35 hours a week.

Mr. Murphy explained that while on vacation, Ms. Babcock used the accumulated 49 hours toward the workdays he was out of town. Mr. Murphy identified the seven work days he was out of town as July 11 to July 15 and July 18 and 19 of 2016. Mr. Murphy said Ms. Babcock represented his work schedule in the Automatic Data Processing (ADP) payroll system as his regular work schedule. The Memorandum of Interview for Mr. Murphy is attached as **Exhibit 2**.

On September 25, 2018, the OIG interviewed Sarah A. Babcock, Manager of the Healthy Population and Planning Division, regarding this complaint. When Ms. Babcock hired Mr. Murphy, he told her that he would have to take several days off in July for a trip. Ms. Babcock stated she allowed Mr. Murphy to work a "flex time" schedule because Mr. Murphy was recently hired and would not be able to accumulate the necessary annual leave for his trip in July. Ms. Babcock described "flex time" as working hours in excess of 7 hours a day or 35 hours a week and using those accumulated hours toward leave at a later date.

Ms. Babcock did not get approval from her Manager to allow Mr. Murphy to work a "flex time" schedule. Ms. Babcock said it was "normal" that DOH employees work a "flex time" schedule because most employees work in excess of their required hours. Ms. Babcock stated she spoke with Charlotte Parent¹, former Health Department Director, concerning the use of "flex time." Ms. Babcock said Ms. Parent approved of the use of "flex time" and was not "case particular" when "flex time" was able to be used. Ms. Babcock also stated Ms. Parent told DOH supervisors that they need to be more flexible with Health Department staff since they work a lot. Ms. Babcock is aware of the City's policy that new employees are not allowed to use annual leave until being employed for six months.² Ms. Babcock stated that Mr. Murphy accumulated 49 hours of surplus hours and used them toward the days he was on his trip in July. Ms. Babcock portrayed and approved Mr. Murphy's work schedule in the City's ADP system, as regular work hours even though he was not at work.

¹ Charlotte Parent had retired over two years prior this interview, on July 31, 2016. She was the DOH Director when Mr. Murphy was hired in June 2016.

² Civil Service Commission, City of New Orleans, Rule VIII, Section 1.5(c) states: *Accumulated annual leave may be used only after completion of twenty-six consecutive weeks of service.*

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During this interview, Ms. Babcock provided investigators with documents she claimed would show that Mr. Murphy worked 22 surplus work hours and said that she would continue to search for documentation to substantiate the additional 27 surplus work hours that Mr. Murphy accumulated towards the goal of 49 surplus work hours.

Ms. Babcock was not aware of the City's policy on compensatory time. OIG investigators provided Ms. Babcock with a copy of CAO Policy Memorandum No. 14, Prohibition Against Use of Compensatory-Time, dated April 23, 1980 to review. Babcock did not know that a policy prohibiting the use of compensatory time existed. The Memorandum of Interview for Ms. Babcock is attached as **Exhibit 3**.

On November 12, 2018, the OIG interviewed Ms. Babcock regarding the documents she provided to them on September 25 and their relationship to the dates on the calendar she assembled for June 2016 and July 2016 concerning Mr. Murphy's accumulation of surplus work hours.

Sometime prior to the September 25, 2018 interview, Ms. Babcock assembled a calendar for June 2016, and one for July 2016, listing the names and duration of the ten (10) events that she recalled Mr. Murphy attended during those months. In particular, the calendar she assembled for June 2016 lists seven (7) events with notations as to the time that Mr. Murphy spent at each event. These notations equaled 17.5 hours. She also recorded on June 25 that Mr. Murphy attended an event from "8:30am-12pm." The previously described sum of 17.5 hours plus the 3.5 hours from the June 25 entry equals 21 hours. The calendar she assembled for July 2016 lists three (3) events with notations as to the time that Mr. Murphy spent at each event. These notations equal 3 hours. The combined total for June and July 2016 equals 24 hours. The Memorandum of Interview for Ms. Babcock is attached as **Exhibit 4**.

Although Ms. Babcock could only find documentation showing that Mr. Murphy worked 24 surplus hours prior to his trip to New York, Ms. Babcock and Mr. Murphy both contend that Mr. Murphy accumulated 49 surplus hours.

CONCLUSIONS

During the September 25, 2018 interview, Ms. Babcock described "flex time" as hours -worked in excess of 7 hours a day or 35 hours a week that can be accumulated toward leave that could be used at a later date. However, "flex time" traditionally consists of a flexible schedule that allows workers to alter workday start and finish times. The process of accumulating surplus work hours and using them in the manner that Ms. Babcock described is more accurately defined as "compensatory time."

CAO Policy Memorandum No. 14, Prohibition Against Use of Compensatory-Time, prohibits City employees whose job classification is not included in the Executive, Administrative and Professional (EAP) Pay Policy from earning compensatory time off in lieu of overtime payment. CAO Policy Memorandum No. 14 is attached as **Exhibit 5**.

Based upon the above-described findings, the OIG has determined that Sarah A. Babcock and Timothy Murphy violated the terms of CAO Policy Memorandum No. 14, Prohibition Against Use of Compensatory-Time, Section 2, Procedure, Paragraph B, dated April 23, 1980, which states:

- *Effective immediately, City employees are prohibited from earning compensatory time off in lieu of overtime payment as provided for under Civil Service Rule IV, Section 10.2(D). Any employee whose job classification is not included in the Executive, Administrative and Professional (EAP) Pay Policy must be paid at the appropriate overtime hourly rate for any hours worked over the regularly scheduled work week. City employees whose job classifications are included in EAP are not eligible for either payment of overtime or compensatory time.*

The OIG has also determined that Sarah A. Babcock and Timothy Murphy violated the terms of CAO Policy Memorandum No. 72(R) Payroll Time Keeping Procedures, Section II Background, dated August 25, 2015, which states:

- Every City employee is required to:*
- *personally and accurately record time, attendance, and leave used on a biweekly (or weekly basis if applicable)*

CAO Policy Memorandum No. 72(R) is attached as **Exhibit 6**.

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This information is being provided to you for any action you deem necessary. Please respond within 30 days as to what action you decide to take concerning these matters. [REDACTED]

Thank you for your cooperation and assistance with this matter.

Sincerely,



Derry Harper
Inspector General
City of New Orleans
Office of Inspector General

Enclosures:

- Exhibit 1, Memorandum of Interview for Dr. Jennifer L. Avegno and Frances Lawless dated September 11, 2018 (1 page)
- Exhibit 2, Memorandum of Interview for Timothy Murphy dated September 25, 2018 (2 pages)
- Exhibit 3, Memorandum of Interview for Sarah A. Babcock dated September 25, 2018 (2 pages)
- Exhibit 4, Memorandum of Interview for Sarah A. Babcock dated November 12, 2018 (7 pages)
- Exhibit 5, CAO Policy Memorandum No. 14 dated April 23, 1980 (2 pages)
- Exhibit 6, CAO Policy Memorandum No. 72(R) Payroll Time Keeping Procedures dated August 25, 2015 (2 pages)

cc: Sunni J. LeBeouf, City Attorney
Jennifer Avegno, Director, Department of Health

MEMORANDUM OF INTERVIEW

On Tuesday, September 11, 2018, Investigators Gordon B. Hyde Jr. and Michael Centola, of the City of New Orleans Office of Inspector General (OIG), met and spoke with Dr. Jennifer L. Avegno, Director, Department of Health, City of New Orleans, [REDACTED] office [REDACTED] and Frances Lawless, Deputy Director, Department of Health, City of New Orleans, [REDACTED] office telephone [REDACTED] at their office, 1300 Perdido Street, Suite 8E18, New Orleans, Louisiana 70112. Avegno and Lawless were advised of the identities of the interviewing Investigators and the purpose of the interview. Avegno and Lawless then voluntarily provided the following information:

Avegno and Lawless are aware of the OIG investigation into Health Department employees Timothy Murphy and Sarah Babcock [REDACTED]

(OIG NOTE: Investigators explained to Avegno and Lawless that the allegation entails Murphy improperly accumulating compensatory time (i.e. comp time) and his supervisor, Babcock, allowed him to accrue the compensatory time. According to the complaint, Babcock allowed Murphy to use the compensatory time to attend a wedding or his nephew Christening in New York, during a two week period in July of 2016. The allegation also consisted of Babcock approving Murphy's payroll for the time in question, as if Murphy was at work.)

Lawless told investigators it was her understanding that Murphy was using "flex time" for the period in question. Lawless believed that "flex time" is the same as compensatory time.

(OIG NOTE: It was explained to Lawless that "flex time" is different than compensatory time. Avegno was then provided a copy of City of New Orleans Policy Memorandum No. 14, "PROHIBITION AGAINST USE OF COMPENSATORY TIME", dated April 23, 1980 to review.)

(OIG NOTE: While the difference between "flex time" and compensatory time was being discussed, Avegno read the copy of Memorandum No. 14 out loud. Avegno maintained that her understanding of Memorandum No. 14 allowed the use of compensatory time in lieu of overtime. The Investigators also explained to Avegno and Lawless that further investigatory steps needed to be done and that the interviews of Health Department employees would be probably be forthcoming.)

MEMORANDUM OF INTERVIEW

On Tuesday, September 25, 2018, Investigators Gordon B. Hyde Jr. and Michael Centola, of the City of New Orleans Office of Inspector General (OIG), interviewed Timothy J. Murphy, [REDACTED], work cellular telephone [REDACTED], personal cellular telephone [REDACTED], at the New Orleans Health Department office, 1300 Perdido Street, Suite 8E18, New Orleans, Louisiana 70112. Murphy was advised of the identities of the interviewing Investigators and the purpose of the interview. Murphy voluntarily provided the following information:

Murphy has been employed with the City of New Orleans (City) for a little over two years at the Department of Health (DOH). Subsequent to being hired in June of 2016, Murphy was assigned to the Healthy Environment section of DOH as a Healthy Environments Analyst and was supervised by Sarah Babcock. During the past two years, Murphy was also assigned to the Healthy Start program and was recently promoted to Supervisor of the Out Reach program. Murphy's current office is located at the Sanchez Multi Service Center, 1616 Caffin Street, New Orleans, Louisiana. His supervisor is Mary Alexander.

Murphy's original job classification as a Healthy Environments Analyst and his current position as a Supervisor in the Out Reach Program are considered hourly paid positions. In both job positions, Murphy is considered a 35 hours a week employee. Murphy's work hours in the City's payroll system, Automatic Data Processing (ADP), normally depicts him as working Monday through Friday, 9AM to 4PM or 9AM to 5PM.

Murphy said prior to his promotion that he routinely worked in excess of 35 hours a week without being paid overtime. Murphy, as a Healthy Environment Analyst, was assigned a variety of tasks within DOH, such as the Zika Outreach, Heat Checks and noise monitoring. On a weekly basis Murphy would coordinate and lead the City's "Homeless Encampment Notification" and "Homeless Encampment Cleanup" operations. Murphy claims this operation required him to work long hours causing his total hours worked in a week to frequently exceed his 35 hours. Murphy did not physically document the hours he worked in excess of 35 hours a week nor did Babcock. Murphy is not aware of any computerized program the DOH has to catalogue hours worked in excess of their normal required work hours.

When Murphy was hired he was told by Babcock that as a Healthy Environment Analyst, no overtime was available, unless a hurricane was projected to impact the City or some other natural or man-made disaster that required a DOH emergency response.

Murphy advised that while being interviewed by Babcock for employment with DOH, he told her that if he was given the position, he would have to take several days off in July. Murphy told Babcock he was returning to his home town of Albany, New York for several family and personal events. Murphy identified those functions as, his grandfather's 90th Birthday, his nephew's christening, his cousin's wedding and proposing marriage to his girlfriend. Murphy went on to say he told Babcock he would be departing for New York on Saturday, July 9 and returning to New Orleans on Saturday July 16, however, he would return to work on Wednesday, July 20. (OIG Note: This information was corroborated in an

email dated May 13, 2016: 8:04 PM, from Timothy Murphy to Sarah Babcock). Murphy was told by Babcock his request for days off would not be an issue.

Murphy advised that prior to leaving on his trip to New York, he and Babcock discussed how Murphy would accumulate the necessary 49 hours needed to get paid for the seven work days he would miss while on vacation. Murphy recalled that Babcock told him he could use a "flex time" schedule to accumulate the 49 hours needed. Murphy described "flex time" as working hours in excess of his 35 hours a week. Murphy, with permission of Babcock, began working more than 35 hours a week, eventually accumulating 49 hours of surplus time worked. Neither Murphy nor Babcock documented the additional 49 hours he worked in a ledger.

Murphy recalled that Babcock told him that Charlotte Parent, former Heath Department Director, told her (Babcock) it was "okay" for Murphy to work in excess of 35 hours a week, in order to accumulate the necessary surplus hours to be used toward the days Murphy would be on vacation.

Murphy advised that while on vacation, Babcock used the accumulated 49 hours toward the workdays he was out of town. Murphy identified the seven work days he was out of town as July 11, 12, 13, 14, 15, 18, and 19 of 2016. Murphy said Babcock portrayed his work schedule in ADP as regular working.

Murphy recalls when he was hired he was given a binder that contained all the policies and procedures of the City. Murphy spent a few days reading the binder. Murphy does not recall reading anything in the binder concerning "flex time" or compensatory time. Murphy stated he had not heard of compensatory time or "comp time". (OIG Note: Murphy was provided a copy of City of New Orleans policy Memorandum No. 14, "PROHIBITION AGAINST USE OF COMPENSATORY TIME, dated April 23, 1980 to review). Murphy did not know that a policy prohibiting the use compensatory time existed. In addition, did not recall reading this policy in the binder, or being advised of the policy.

Murphy has not accumulated hours or use the "flex time" schedule since the original occasion in 2016. Murphy did not realize that a City employee is not allowed to use annual leave until after six months of employment with the City.

MEMORANDUM OF INTERVIEW

On Tuesday, September 25, 2018, Investigators Gordon B. Hyde Jr. and Michael Centola, of the City of New Orleans Office of Inspector General (OIG), interviewed Sarah A. Babcock, [REDACTED] work cellular telephone [REDACTED] work telephone [REDACTED] at the New Orleans Health Department office, 1300 Perdido Street, Suite 8E18, New Orleans, Louisiana 70112. Babcock was advised of the identities of the interviewing Investigators and the purpose of the interview. Babcock voluntarily provided the following information:

Babcock has been employed with the City of New Orleans (City) Department of Health (DOH) since January 2013. Babcock upon being hired was assigned to the Healthy Environment and Emergency Planning section of DOH as a Health Project and Planning Specialist. In March 2015, Babcock was given the duties to create, within the DOH, the Healthy Environment Program. Sometime later in 2015, Babcock was promoted to supervisor and began the process of hiring people. Babcock is currently the manager of the Healthy Population and Planning Division. Babcock's office is located in City Hall.

In 2016, Babcock hired five persons; four of the positions were permanent (Civil Service) and one was assigned to the Centers of Disease Control (CDC). All the positions were within the DOH. Babcock identified the five persons as [REDACTED] Timothy Murphy, and [REDACTED]. Murphy replaced [REDACTED] Both [REDACTED] and Murphy were hired on June 6, 2016.

When Babcock hired Murphy, he told her that he would have to take several days off in July for a trip. Babcock allowed Murphy to work a "flex time" schedule because Murphy was recently hired and would not be able to accumulate the necessary annual leave for his trip in July. Babcock described "flex time" as working hours in excess of 7 hours a day or 35 hours a week; and using those accumulated hours toward leave at a later date. Babcock did not get approval from her Manager to allow Murphy to work a "flex time" schedule. Babcock said it was "normal" that DOH employees work a "flex time" schedule because most employees work in excess of their required hours. Babcock stated she spoke with Charlotte Parent, former Health Department Director, concerning the use of "flex time". Babcock said Parent approved of the use of "flex time" and was not "case particular" when "flex time" was able to be used. Babcock also stated Parent told DOH supervisors, that they need to be more flexible with Health Department staff since they work a lot. Babcock is aware of the City's policy that new employees are not allowed to use annual leave until being employed for six months.

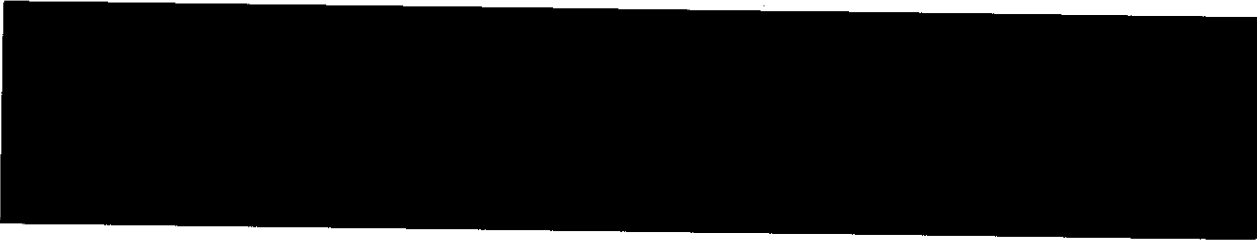
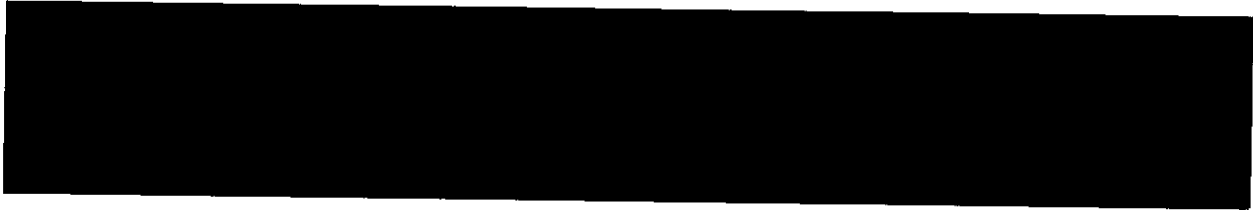
Babcock advised that Murphy accumulated 49 hours of surplus hours and used them toward the days he was on his trip in July. Babcock portrayed and approved Murphy's work schedule in the City's payroll system, Automatic Data Processing (ADP), as regular working even though he was not at work.

Babcock said when Murphy would work more than 7 hours in a day, he would typically document the additional hours by sending her an email, advising her of the additional hours. Babcock advised prior to this interview, she reviewed her work calendar and emails and located documentation identifying that Murphy had worked 22 hours of surplus hours. Babcock advised she will continue to

research for documentation for the additional 27 surplus hours Murphy worked. (OIG Note: Babcock provided numerous pages of various documentation that she claimed confirms that Murphy worked the 22 surplus hours. Investigator Hyde examined the documentation provided by Babcock and could not locate records identifying Murphy working the 22 surplus hours).

Babcock stated Murphy is considered an hourly employee and normally works Monday through Friday, 7 hours a day, 35 hours a week. Murphy usually arrives for work at about 6:30AM, however there are occasions when his working hours change, because of DOH demands. Babcock advised that Murphy does a variety of assignments within DOH, but mainly organizes the City's "Homeless Encampment Cleanup" operation, enforces the City's noise and music ordinances in the French Quarter and throughout the City, conducts training sessions for DOH staff, coordinates and instructs the DOH "Out Reach" programs and in 2016 was instrumental in the City's response to the Zika epidemic.

Babcock is not aware of the City's policy on compensatory time. (OIG Note: Babcock was then provided a copy of City of New Orleans policy Memorandum No. 14, "PROHIBITION AGAINST USE OF COMPENSATORY TIME, dated April 23, 1980 to review). Babcock did not know that a policy prohibiting the use of compensatory time existed.



MEMORANDUM OF INTERVIEW

On Monday, November 12, 2018, Investigators Gordon B. Hyde Jr. and Michael Centola, of the City of New Orleans, Office of Inspector General (OIG), met Sarah A. Babcock, Manager of the Healthy Population and Planning Division, City of New Orleans (City) Department of Health (DOH), at the Health Department office located at 1300 Perdido Street, Suite 8E18, New Orleans, Louisiana 70112. Babcock was already aware of the identities of the interviewing investigators and the purpose of the interview. Babcock voluntarily provided the following information:

Babcock advised that she spoke with Terral McKinnies and Robert, Last Name Unknown, LNU, City of New Orleans Chief Administration Office Management Information Systems, and requested they search for all emails between Babcock and Healthy Environments Analyst Timothy J. Murphy in which the two discussed Murphy working an additional 27 surplus hours. Babcock advised that Mr. McKinnies and Robert LNU could not locate any emails between herself and Murphy concerning the 27 surplus work hours.

(OIG NOTE: On September 25, 2018, Investigators conducted an interview with Babcock in which she stated that she allowed Murphy to accumulate 49 hours of surplus work hours and use them toward the days he would be out of town on a personal trip. During this interview, Babcock provided investigators with documents she claimed would show that Murphy worked 22 surplus work hours and advised that she would continue to search for documentation to substantiate the additional 27 surplus work hours that Murphy accumulated towards the goal of 49 surplus work hours.)

Babcock stated Murphy's working hours are normally 9 a.m. until 5 p.m. (OIG Note: Murphy's ADP time sheet shows that he works Monday through Friday.) If Murphy works the "Homeless Encampment Clean Up", he will meet all City agencies involved in the operation at the New Orleans Police Department Sixth District Station at about 6:30 a.m. After this meeting, all parties involved relocate to the cleanup sites.

Babcock and the OIG investigators then proceeded to systematically compare the documents she provided to them on September 25 to the dates on the calendar she assembled for June 2016 concerning Murphy's accumulation of surplus work hours.

(OIG NOTE: Sometime prior to the September 25, 2018 interview, Babcock assembled a calendar for June 2016 and one for July 2016 listing the names and duration of the ten (10) events that she recalled Murphy as having attended during those months. In particular, the calendar she assembled for June 2016 lists seven (7) events with notations as to the time that Murphy spent at each event. These notations equaled 17.5 hours. She also recorded on June 25 that he attended an event from "8:30am-12pm". The previously described sum of 17.5 hours plus the 3.5 hours from the June 25 entry equals 21 hours. The calendar she assembled for July 2016 lists three (3) events with notations as to the time that Murphy spent at each event. These notations equaled 3 hours. The combined total for June and July 2016 equals 24 hours.)

(OIG NOTE: During the September 25 interview, Babcock provided investigators with documents she claimed would show that Murphy worked 22 surplus work hours. However, she

recorded 24 surplus work hours for Murphy on the calendars she assembled for June 2016 and July 2016.)

(OIG NOTE: Babcock’s notations in the calendar she assembled for June 2016 as to the dates, duration and names of the events that she recalled Murphy as having attended in June 2016 are shown below:)

June 2016

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
29	30	31	1	2	3	4
5	6	7	8	9 6:30am-12pm Homeless (2.5hr)	10	11 9:30am -11:00am MRC Zika training (1.5hr)
12	13	14 6:30am-12pm Homeless (2.5hr)	15	16	17	18 8:30am -12:00pm Zika Algiers (3.5hr)
19	20	21 6:30am-12pm Homeless (2.5hr)	22	23	24	25 8:30am-12pm Zika Hollygrove
26	27	28	29 8:30am -3:30pm Zika FQ 12-7pm SNR Calls (2.5hr)	30 6:30am-12pm Homeless (2.5hr)	1	2

According to Babcock, the notation “Homeless (2.5hr)” on her assembled calendar for June 9, 2016, which shows that Murphy accumulated 2.5 surplus work hours, is correct because Murphy’s work calendar for that date contains the following entry: “6:30 AM Encampment Clean Up”.

Babcock also reviewed three other documents for references to June 09, 2016 and acknowledged the following observations:

- Murphy must have worked the Clean Up because a reference to this event appears on his calendar.
- Babcock also claims that Murphy’s payroll schedule as displayed in the Automatic Data Processing (ADP) system only shows him working 7 hours with no time in or out or extra hours worked because he had not been given access to ADP, which would allow him to enter his own time.
- Babcock said that a DOH staff administrator entered Murphy’s work hours for his first payroll cycle - June 6 through June 17, 2016.

According to Babcock, the notation “MRC Zika training (1.5hr)” on her assembled calendar for Saturday, June 11, 2016, which shows that Murphy accumulated 1.5 surplus work hours, is correct because an entry in the 2016 DOH Zika Activity Log for June 11, 2016 reads, “Zika training for volunteers”. Babcock believes that Murphy attended the training because he assisted in all Zika training.

(OIG Note: Zika Outreach refers to the City's public education activities to combat the mosquito-borne virus and mosquito control efforts.)

Babcock also reviewed three other documents for references to June 11, 2016 and acknowledged the following observations:

- Murphy's payroll schedule, Automatic Data Processing (ADP), shows no hours worked on Saturday, June 11, 2016. Babcock again stated that Murphy had not been given access to ADP, which would allow him to enter his own time. Instead, a DOH staff administrator entered his working hours for June 11, 2016.
- Murphy's work calendar for June 11, 2016 does not display that he worked the Zika training.
- Juliette Frazier, DOH employee, did not display the Zika training on her work calendar for June 11, 2016. (OIG Note: She is Murphy's co-worker.)

According to Babcock, the notation "Homeless (2.5hr)" on her assembled calendar for June 14, 2016, which shows that Murphy accumulated 2.5 surplus work hours, is correct because she sent an email invite for the Encampment Clean Up project to Murphy and other DOH employees. She also assumes that since she sent Murphy this email, he worked the Clean-Up.

Babcock also reviewed three other documents for references to June 14, 2016 and acknowledged the following observations:

- Murphy's payroll schedule, Automatic Data Processing (ADP), identified him only working 7 hours with no time in or out or extra hours worked. Babcock stated that Murphy had not been given access to ADP during his first payroll cycle, which would allow him to enter his own time. Instead, a DOH staff administrator entered his working hours for June 14, 2016.
- Murphy's work calendar for June 14, 2016 does not display that he worked the Encampment Clean Up, as he had previously documented on his calendar for other dates.
- Juliette Frazier also received an email invite from Babcock for the Encampment Clean Up, but did not display it on her work calendar. Frazier has displayed the Encampment Clean Up on other dates.

According to Babcock, the notation "Zika Algiers (3.5hr)" on her assembled calendar for Saturday, June 18, 2016, showing that Murphy accumulated 3.5 surplus work hours is based upon her belief that Murphy worked the extra hours on this date conducting Zika Outreach. In addition, she claims that this notation is correct because the New Orleans Medical Reserve Corps Facebook has a picture of Murphy and other DOH employees working that day on mosquito inspections. (OIG Note: The photo does appear on the New Orleans Medical Reserve Corps Facebook site and bears the date of June 18, 2016. The copy that Babcock provided to the OIG bears the notations, "Published by Sarah Babcock Page Liked - June 18, 2016.")

Babcock also reviewed five other documents for references to June 18, 2016 and acknowledged the following observations:

- Murphy's payroll schedule, Automatic Data Processing (ADP), shows no hours worked. Babcock stated that Murphy had not been given access to ADP during his first payroll cycle,

which would allow him to enter his own time. Instead, a DOH staff administrator entered his working hours for June 18, 2016.

- Murphy's work calendar for that date contains the following entry: "9:00 AM Zika Outreach".
- An email dated June 13, 2016, to Murphy and other DOH employees concerning "Zika Outreach this week"
- Emails on June 15 and 16, 2016, to Murphy and other DOH employees concerning "Mosquito Inspection App". (OIG Note: The "App" is also known as the Collector for ArcGIS. Babcock was using this online application to collect information on the Zika virus outbreak initiative.)
- Juliette Frazier's work calendar for June 18, 2016 contains the following entry: "9:am 12:pm Zika Outreach (TBD) – Sarah A. Babcock".

Babcock believes that the notation "Homeless (2.5hr)" on her assembled calendar for June 21, 2016 showing that Murphy accumulated 2.5 surplus work hours is correct because she sent an email to Murphy and other DOH employees informing them that an Encampment Clean Up project was occurring on June 21, 2016. She also assumed that since Murphy received this email, he worked the Clean-Up.

Babcock stated that Murphy began entering his work hours into the ADP system on June 20, 2016. (OIG NOTE: On June 20, 2016, Jovan D. Bell sent an email to Timothy Murphy and Cc: Sarah A. Babcock, with the subject line "Register in ADP", which contained instructions on how to register at ADP for online timekeeping.)

Babcock also reviewed four other documents for references to June 21, 2016 and acknowledged the following observations:

- Murphy's payroll schedule, Automatic Data Processing (ADP), shows he timed in for work at 8:00 AM and timed out at 4:00 PM, with a total work hours for the day of 7:00 hours.
- Murphy's work calendar does not display that he worked the Encampment Clean Up, as he had documented on other occasions.
- Babcock's email to Juliette E. Frazier dated June 17, 2016 was also sent to Murphy and other DOH employees informing them a Clean Up was occurring on June 21, 2016 and bears the notation "Tuesday is the clean-up" in Item #3 of the email.
- Juliette Frazier's work calendar contains the following entry: "6:30am 12:pm Encampment clean".

Babcock believes that the notation "8:30am -12pm Zika Hollygrove " on her assembled calendar for Saturday, June 25, 2016 showing that Murphy accumulated 3.5 surplus work hours is correct because Murphy's work calendar for June 25, 2016 contains the following entry: "8:30 AM Zika Outreach Rosa Keller Library – 4300 S Broad Sarah A. Babcock". She was assuming that Murphy worked the event because it appears on his calendar. In addition, she believes that Murphy worked the event because she sent an email dated June 24, 2016/1:14pm to Murphy and other DOH employees that provides "instructions for outreach and how to use the app".

Babcock also reviewed two other documents for references to June 25, 2016 and acknowledged the following observations:

- Juliette Frazier received an email invite from Babcock concerning the Zika Outreach and Murphy was listed as a required attendee.
- Murphy's payroll schedule, Automatic Data Processing (ADP), shows he worked 3 hours for the day. The schedule also shows that Murphy worked a total of 36 hours of a 35-hour workweek for June 20 through June 25, 2016. (OIG Note: This gives Murphy only one (1) additional hour worked for the week.)

According to Babcock, the notation "Zika FQ 12-7pm SNR Calls (2.5hr)" on her assembled calendar for June 29, 2016, showing that Murphy accumulated 2.5 surplus work hours is correct because a June 27, 2016 email titled "Upcoming NORMC Events" sent by DOH employee Bijal D. Patel to Juliette E. Frazier made reference to the Special Needs Registry (SNR) "Call Day" project scheduled for Wednesday, June 29, 2016.

(OIG Note: The Special Needs Registry includes all individuals, regardless of age, with a chronic condition, disability, special healthcare need, or who may require additional assistance during an emergency. It was created to provide transportation and shelter for New Orleanians with special medical needs during emergencies such as a power outage, evacuation or hurricane. The registry keeps a database of information on around 4,400 people who will need extra help during an evacuation, and comes equipped with a small outreach team to update the records and annually.)

Babcock believes that Murphy worked the extra hours on this date because Bijal D. Patel sent the email to all DOH employees. She also assumed that since Murphy received this email, he worked the event. (OIG Note: The email does not identify to whom it was sent.) Babcock stated she will consult with Murphy and see if he has the June 27, 2016 email.

Babcock also reviewed five other documents for references to June 29, 2016 and acknowledged the following observations:

- Murphy's work calendar for the date contains the following entry: "9:00 AM Zika Outreach TBD Sarah A. Babcock". Murphy's work calendar does not display anything about the "Call Day" project.
- DOH employee Monica Hernandez email dated June 28, 2016/11:15AM was sent to Murphy and other DOH employees advising a Zika Outreach will be conducted tomorrow in the French Quarter.
- DOH employee Monica Hernandez email dated June 28, 2016/11:30AM was sent to Murphy and other DOH employees thanking them for participating in the Zika Outreach tomorrow and providing additional instructions of when and where to meet.
- Murphy's payroll schedule, Automatic Data Processing (ADP), shows he timed in for work at 8:37 AM and timed out at 4:39 PM, with a total work hours for the day of 7:15 hours.
- The DOH Vehicle Log shows that Murphy signed out for a vehicle, LIC. PLATE# PP190985, at "8:24" and signed back in at "11:38". The description of use for the vehicle reads "Zika Outreach". (OIG Note: The vehicle bearing plate number PP190985 is assigned to the DOH.)

(OIG Note: The above-described Monica Hernandez emails and the vehicle log do not concern the Special Needs Registry event.)

Babcock believes that the notation "Homeless (2.5hr)" on her assembled calendar for June 30, 2016 showing that Murphy accumulated 2.5 surplus work hours is correct because Murphy's work calendar for June 30, 2016 contains the following entry: "6:30 AM Encampment Clean Up Calliope from Tchoupitoulas to Camp, Claiborne & Cleveland, Carrollton, Costco Sarah A. Babcock". She assumed that Murphy worked the event because it appears on his calendar.

Babcock also reviewed two other documents for references to June 30, 2016 and acknowledged the following observations:

- Juliette Frazier received an email invite from Babcock concerning the Encampment Clean Up and Murphy was listed as a required attendee.
- Murphy's payroll schedule, Automatic Data Processing (ADP), shows he timed in for work at 6:45 AM and timed out at 2:45 PM, with a total work hours for the day of 7:00 hours.

(OIG NOTE: Babcock's notations in the calendar she assembled for July 2016 as to the dates, duration and names of the events that she recalled Murphy as having attended in July 2016 are shown below:)

July 2016

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
26	27	28	29	30	1	2
3	4	5	6 12-7pm SNR Calls (2hr)	7 Zika Case	8 6:30am-12pm Homeless 1-4:30pm All Staff (1hr)	9

According to Babcock, the notation "12-7pm SNR Calls (2hr)" on her assembled calendar for July 6, 2016, showing that Murphy accumulated 2 surplus work hours is based upon her belief that Murphy worked two (2) extra hours for the Special Needs Registry (SNR).

Babcock also reviewed three other documents for references to July 6, 2016 and acknowledged the following observations:

- Murphy's work calendar for the date contains the following entry: "12:00 PM Big Cheezy Bijal D. Patel".
- The DOH Vehicle Log shows that Murphy signed out for a vehicle, LIC. PLATE# PP201879, at "11:24". The description of use for the vehicle reads "University visits/Zika outreach RTA meeting". (OIG Note: The vehicle bearing plate number PP201879 is assigned to the DOH.)
- Murphy's payroll schedule, Automatic Data Processing (ADP), shows he timed in for work at 8:49 AM and timed out at 5:07 PM, with a total work hours for the day of 7:15 hours.

Babcock stated she will research her emails and documents in an attempt to corroborate that Murphy worked the hours she displayed on her assembled calendar concerning SNR Calls. (OIG Note: Murphy's work calendar and DOH Vehicle Log entry do not reference the Special Needs Registry event.)

(OIG Note: Although Babcock lists the notation "Zika Case" on her assembled calendar for July 7, 2016, she did not claim that Murphy accrued any surplus work hours on that date.)

Babcock believes that the notation "Homeless 1-4:30 All Staff (1hr)" on her assembled calendar for July 8, 2016 showing that Murphy accumulated 1 surplus work hours is correct because Murphy's work calendar for July 8, 2016 displays "6:30 AM Encampment Clean Up Calliope from Tchoupitoulas to Loyola, Sarah A. Babcock". She assumed that Murphy worked the event because it appears on his work calendar.

Babcock also reviewed three other documents for references to July 8, 2016 and acknowledged the following observations:

- Murphy's payroll schedule, Automatic Data Processing (ADP), shows he timed in for work at 6:45 AM and timed out at 3:11 PM, with a total of 7:30 hours work hours for July 8, 2016.
- Juliette Frazier, DOH employee, email invite from Babcock concerning the Encampment Clean Up, displays that Murphy was listed as a required attendee.
- The DOH Vehicle Log displays that Murphy signed out for a vehicle, LIC. PLATE# PP201879, at "12:00" and signed back in at "4:30". The description of use for the vehicle displays "All Staff Meeting".

(OIG NOTE: On December 3, 2018, Investigator Hyde received an email from Babcock in which states that she was unable to find any documentation concerning three emails for the dates of June 29, July 6 and 8, 2016, that might provide documentary evidence that Murphy worked extra hours on those dates).

**CITY OF NEW ORLEANS
CHIEF ADMINISTRATIVE OFFICE**

POLICY MEMORANDUM No. 14

April 23, 1980

TO: All Departments, Boards, Agencies and Commissions
FROM: Reynard J. Rochon, Chief Administrative Officer
SUBJECT: PROHIBITION AGAINST USE OF COMPENSATORY TIME

1. PURPOSE.

The purpose of this memorandum is to prohibit all City departments, boards, agencies and commissions from allowing any employees to use compensatory time as allowed for non-EAP employees under Rule IV, Section 10.2 (D) of the City Civil Service Rules.

2. PROCEDURE.

- A. Rule IV, Section 10.2 (C) and (D) of the Civil Service Rules provide for allowing non-exempt employees to earn compensatory time which must be expended within the calendar year. This Civil Service Rule has been in effect since the first pay period of January, 1980.
- B. Effective immediately, City employees are prohibited from earning compensatory time off in lieu of overtime payment as provided for under Civil Service Rule IV, Section 10.2(D). Any employee whose job classification is not included in the Executive, Administrative and Professional (EAP) Pay Policy must be paid at the appropriate overtime hourly rate for any hours worked over the regularly scheduled work week. City employees whose job classifications are included in EAP are not eligible for either payment of overtime or compensatory time.
- C. Any City employee who has accrued compensatory time under the provisions of Rule IV, Section 10.2 (D) prior to the date of this memorandum and which is recorded on the payroll, must expend this compensatory time earned, on or before December 31, 1980.

3. EXCEPTION.

The prohibition against the use of compensatory time as included in this memorandum shall not apply to non-exempt uniformed fire suppression personnel as included under the provisions of Rule IV, Section 10.2(C) of the Rules of City Civil Service.

4. INQUIRIES.

APRIL 23, 1980

Any questions concerning this memorandum should be addressed to the Personnel Management and General Services Division of the Administrative Office.

Reynard J. Rochon
Chief Administrative Officer

RJR:KS:ch

**CITY OF NEW ORLEANS
CHIEF ADMINISTRATIVE OFFICE**

POLICY MEMORANDUM NO. 72 (R)

August 25, 2015

TO: All Departments, Boards, Agencies and Commissions

FROM: Andy Kopplin, First Deputy Mayor and Chief Administrative Officer *AK*

SUBJECT: Payroll Time Keeping Procedures

I. PURPOSE

This memorandum is to establish procedures for employees to correctly record and maintain payroll time and attendance in the City's Payroll System. Recording and approving time and attendance is necessary to ensure timely and accurate disbursement of employee pay, and to comply with local, state and federal laws.

II. BACKGROUND

An electronic payroll system is the means of recording time and attendance by City employees. Every City employee is required to:

- personally and accurately record time, attendance, and leave used on a biweekly (or weekly basis if applicable), and
- approve his or her time at the end of each pay period.

III. LEGAL AUTHORITY

Section 4-302(5) of the Home Rule Charter authorizes the Chief Administrative Officer to "prescribe accepted standards of administrative practice to be followed by all offices, departments, and boards."

IV. TIME-KEEPING POLICY

A. Hourly (Non-Exempt) Employees

Each hourly employee will enter time and attendance in the electronic payroll system, by biometric time clock, web entry or other approved means. Each employee must approve time and attendance at the end of each pay period.

B. Exempt (EAPs—Executive, Administrative and Professional) Employees

Each EAP employee must obtain approval for leave in advance, record leave usage, and approve their attendance at the end of a pay period. Leave for EAP employees

may only be taken in whole day increments. Each EAP employee must approve time and attendance at the end of each pay period, and, in so doing, are confirming that they were available to work for the entire pay period, apart from days when leave was used.

C. Appointing Authority Responsibilities

Appointing authorities must ensure all supervisor approvals are completed by 10am Monday following the end of a pay period.

If an employee is unable to approve their time and attendance, supervisors should note this absence in e-time by adding a comment. Employees on authorized leave at the end of a pay period should approve time and attendance for the pay period on their last day of work.

Lunch and break periods may be recorded at the discretion of the Appointing Authority or a designee.

V. PAYROLL DIRECT DEPOSIT

Payroll is generated using time and attendance records in the city's payroll system. Paid earnings of city employees will be made by direct deposit.

VI. GOVERNANCE

A Payroll Governance Group ("Group") is established, to be chaired by the Comptroller in the Bureau of Accounting in the Department of Finance, to oversee operations of the payroll system, examine requests for changes to the system, and communicate with the system vendor on change orders and system maintenance. The Group shall include representatives from the Department of Finance, Civil Service, CAO's office and other relevant agencies and departments.

VII. EXCEPTIONS

During declared emergencies, the Chief Administrative Officer may modify any or all of the requirements for time and attendance record keeping.

Exceptions to any part of this policy may be made only with the approval of the Chief Administrative Officer.

VIII. INQUIRIES

Questions concerning this memorandum should be addressed to the Chief Administrative Office at (504) 658-8900.

ADK: NSF

DEPARTMENT OF HEALTH
CITY OF NEW ORLEANS

LATOYA CANTRELL
MAYOR

GILBERT MONTAÑO
CHIEF ADMINISTRATIVE OFFICER

JENNIFER AVEGNO, MD
DIRECTOR OF HEALTH

FRANCES LAWLESS, MHA
DEPUTY DIRECTOR OF HEALTH

June 28, 2019

Mr. Derry Harper
Inspector General
City of New Orleans

Dear Mr. Harper:

On June 7, 2019 an OIG Report on NOHD employees Sarah Babcock and Tim Murphy was received. This report focus on incidents that occurred several years ago, before current leadership was in place. Its findings, in brief, were that between June-July 2016:

- Both employees violated CAO Policy Memorandum No. 14 by inappropriately working (Tim Murphy) and approving (Sarah Babcock) compensatory time of 49 hours (25 of which could not be substantiated).
- Both employees violated CAO Policy Memorandum No. 72(R) by not accurately recording (Murphy) and approving (Babcock) time.

Since these occurrences 3 years ago, NOHD leadership has no knowledge of any further violations of CAO policies regarding work hours or time entry in ADP. Both employees currently work for NOHD in salaried (non-hourly) positions (Mr. Murphy was hourly at the time of the noted incidents).

The following corrective actions will be undertaken:

- 1) Both Ms. Babcock and Mr. Murphy will receive a feedback and counseling session about their misunderstanding and violation of CAO Policy Memoranda Nos. 14 and 72(R). Any further nonadherence to this or any other policy will result in additional disciplinary action.
- 2) NOHD will strengthen its internal policy regarding timekeeping. NOHD will institute an internal system of controls for all payroll activities to ensure that staff time entries are properly reviewed and that these entries are allowable and accurate. Specifically, the HR Manager will review all ADP entries for accuracy and completeness after managers have approved staff entries. Any ADP entries deemed incomplete or inaccurate by the

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HR Manager will be immediately brought to the attention of the manager for correction. If the manager is not available, the HR manager will make the necessary changes and provide a screen shot/printout and an explanation for documentation.

- 3) Additionally, a senior team meeting was held in Fall 2018 where timekeeping policy was specifically discussed by Amy Trepagnier of Civil Service, so that all managers had accurate information on time and attendance policies. NOHD will continue to ensure that new managers are aware of these policies.

Please let me know if you have any further questions or require more information.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Avegno', with a stylized flourish at the end.

Jennifer Avegno, MD
Director of Health, City of New Orleans

Cc: Michael J. Centola, OIG
Gilbert Montaño, CAO
Sunni LeBeouf, City Attorney