

Office of the
INSPECTOR GENERAL



REPORT OF INVESTIGATION

File Number: 07-020

Agency: Department of Human Resources

Basis for Investigation: Governor's Office Request

Allegations: Improper Hiring Practices

Date Opened: March 20, 2007

Investigated By: Elizabeth Archer, Inspector General
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Date of Report: July 18, 2007

Elizabeth P. Archer, Inspector General

OFFICE OF THE INSPECTOR GENERAL



File Number: 07-020

EXECUTIVE SUMMARY

On March 21, 2007, Governor Sonny Perdue asked the Office of the Inspector General (OIG) to determine if three employees at the Department of Human Resources (DHR) were hired absent competitive hiring practices. Specifically, whether Kenneth Joe, Cylenthia Clark, and Isabel Blanco were hired by DHR Commissioner B.J. Walker based on “prior friendships” rather than professional qualifications. During the course of our investigation, OIG received various anonymous complaints and correspondence alleging fraud, waste and abuse which required us to expand our investigation. OIG interviewed numerous DHR employees, reviewed DHR policies, personnel files, resumes, travel reimbursement requests, and time and attendance records. In addition, OIG worked with officials from various City of Chicago agencies, former Illinois state government employers, private sector organizations and educational institutions in order to verify pertinent information.

Our investigation revealed that Kenneth Joe, Cylenthia Clark, and Isabel Blanco were hired at DHR competitively and were qualified for the positions for which they were hired. However, OIG found that Kenneth Joe created a perception of impropriety by allowing Cylenthia Clark to telework for an extended period of time in violation of DHR’s teleworking policy.

Based on our investigation, OIG offers the following seven recommendations to the Georgia Department of Human Resources. We request that DHR provide a written response regarding implementation of these recommendations within 30 days of the issuance of this report.

1. Require hiring managers to provide OHRMD with thorough and complete documentation in support of an applicant’s qualifications before being hired. Documentation must be specific to the applicant’s demonstration of job related competencies and should include official copies of required educational credentials, licenses, and/or certifications. It is imperative that all new hires are fully qualified and certified to perform their job duties.
2. Require prospective employees, whether hourly or salaried, to provide official academic transcripts to OHRMD for inclusion into the employee’s Official

Personnel File. This will confirm professional education as referenced on the applicant's resume and/or state application. The agency should not accept copies of transcripts without official seals.

3. Ensure applicants selected for hiring possess the minimum qualifications advertised in the position description.
4. Develop a better system of communication between OHRMD and local HR Division offices regarding management and employment issues. Personnel files maintained at the local level should mirror the Official Personnel File maintained in OHRMD.
5. Develop a better system of checks and balances between OHRMD and hiring managers to ensure that hiring procedures are followed in a manner that does not create an impression of favoritism or preferential treatment. In addition, all new hires should be required to sign a sworn statement confirming that the new hire has received orientation regarding the Department's extensive policies and procedures for use during the course of their employment. This statement should be included in the personnel file.
6. Improve internal communication at all levels to engender a clearer understanding of organizational changes. The agency should have open and consistent communication providing direction and clarification of what it is doing not only with managers but also with its employees. This may foster smoother transitions, encourage productive participation, and decrease perceptions of impropriety.
7. Ensure all managers and employees understand the importance of understanding and following the agency's Teleworking Policy and Procedures. In any Teleworking Agreement between a manager and employee, the manager must ensure that the employee's performance activity is supported by appropriate documentation.



Report of Investigation

File No. 07-020

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Summary of Actions
File Number 07-020
Department of Human Resources

I. BASIS FOR INVESTIGATION

On March 21, 2007, Governor Sonny Perdue asked the Office of the Inspector General (OIG) to determine if three employees at the Department of Human Resources (DHR) were hired absent competitive hiring practices. Specifically, whether Kenneth Joe, Cylenthia Clark, and Isabel Blanco were hired by DHR Commissioner B.J. Walker based on “prior friendships” rather than professional qualifications. Additionally, OIG expanded its investigation based on information received during the investigation, which indicated potential instances of fraud, waste and abuse.

II. ACTION TAKEN IN FURTHERANCE OF INVESTIGATION

OIG interviewed numerous DHR employees, reviewed DHR policies, personnel files, resumes, travel reimbursement requests, and time and attendance records. In addition, OIG worked with officials from various City of Chicago agencies, former Illinois state government employers, private sector organizations and educational institutions in order to verify pertinent information.

III. BACKGROUND DISCUSSION

DHR is one of the largest agencies in state government with over 20,000 employees and an annual budget of over \$2.8 billion. It serves all Georgia citizens through regulatory inspection, direct service and financial assistance programs. The department is comprised of four divisions, one of which is the Division of Family and Children Services (DFCS). DFCS is responsible for Temporary Assistance for Needy Families (TANF), food stamp benefits, and social services to assist low-income families or families in crisis.

B.J. Walker is the current Commissioner of DHR and has held this position since being appointed by Governor Perdue on May 17, 2004. Prior to serving with DHR, Commissioner Walker served as Chief of Human Infrastructure for the City of Chicago under Chicago Mayor Richard M. Daley.

The individuals who are the subject of this inquiry also worked in Chicago during the period when Commissioner Walker was Chief of Human Infrastructure. Based on this fact, various complaints were filed with OIG suggesting that these individuals were hired at DHR based on personal friendships with Commissioner Walker rather than professional qualifications. For purposes of this report, we will address the allegations against each individual separately.

IV. INVESTIGATION

Kenneth Joe

Allegation: Kenneth Joe was hired as Richmond County DFCS Director absent competitive hiring practices.

DHR has a recruitment policy that outlines the steps to be followed in the recruitment and selection processes. The stated purpose of the policy is “to ensure that job vacancies are advertised in a manner that attracts diverse, qualified applicants.” In this case, the position of Richmond County DFCS Director was posted on September 29, 2004. On September 30, 2004, DHR’s recruiter, Will Woods, sent an e-mail to Joe and other applicants informing them of the vacancy. Our investigation revealed that Joe’s contact information was known to the Office of Human Resources Management and Development (OHRMD) because he had previously submitted his resume in the summer of 2004 for the Fulton County Administrator position. Joe responded by e-mail on the same day expressing his interest in the position. Pursuant to policy, Woods forwarded Joe’s resume to the hiring officials in Richmond County.

Five applicants were selected to interview for the position. The applicant pool consisted of an applicant from South Florida, Joe from Chicago, an applicant from Georgia DFCS, an applicant from DHR’s Mental Health Division and an applicant from South Carolina. The interviews were conducted by a selection committee consisting of DFCS Regional Director Bill Hillis and three Richmond County DFCS Board members.

Based on the initial interviews, the selection committee recommended to Central Office that the applicant from South Florida and the applicant from Georgia DFCS be called back for second round interviews. When Hillis contacted the applicant from Georgia DFCS regarding a second interview, she informed him that she had accepted another position and was withdrawing her name from the selection process. A second interview was held with the applicant from South Florida. However, while scheduling the applicant’s final interview with Commissioner Walker, the applicant informed Hillis that he, too, was no longer interested in the position. Because the vacancy announcement had to remain “open until filled,” Hillis contacted OHRMD officials asking for recruiting assistance. Hillis stated that after he made contact with OHRMD he was no longer involved in the interview process. In November or December 2004, he learned that Joe had been appointed as the new director. We asked Hillis if the Commissioner had any involvement with Joe’s initial interview in Richmond County. Hillis stated that he had no knowledge of the Commissioner being involved and believed that Joe “applied on his merit, just like everyone else.”

OIG interviewed Steve Love who served as Interim DFCS Director at the time Joe was hired. According to Love, he became involved in the selection process at the state office level after the local committee’s first choice declined. He also confirmed that Joe was not the committee’s first choice for the director position. Love stated that after speaking with Commissioner Walker about the need to fill the position, the decision was made by Central Office to reconsider Joe for the position. Since Joe was part of the initial qualified applicant pool, he was asked to re-interview. Love recalled having

numerous conversations with Joe before the decision was made to actually hire him. It was Commissioner Walker, however, who made the final hiring decision. When asked if this was unusual, Love stated that it was not. According to Love, this practice was first implemented by Walker's predecessor, former Commissioner Jim Martin.

We asked Love if he was aware of a prior work relationship between Joe and the Commissioner that could create the perception of favoritism. Love stated that he personally asked Joe and the Commissioner, separately, about having known or worked together in Chicago. He stated that both individuals denied knowing one another or working together in the past. Love stated that as "odd as it may seem to some people, he personally believed that in all likelihood the Commissioner and Joe did not know one another in Chicago." According to Love, "the two just seemed to develop [a] rapport."

Allegation: Kenneth Joe was not qualified for his position as Richmond County DFCS Director.

The minimum qualifications required for the Richmond County Director position at the time Joe was hired was four years of professional experience in a human service delivery program, two years of which were at the management level involving direct supervision of one or more subordinate supervisors. Preference was given to applicants who met the minimum qualifications and who had completed an undergraduate major at a four-year institution.

In order to verify whether Joe had the academic qualifications required for his position, OIG requested official verification from the academic institutions listed on his resume. A response from Lewis University, in Romeoville, Illinois, confirmed that Joe received a Bachelor of Arts degree in Political Science in May of 1992 under the name Kenneth Nolan¹. A response from Spertus College in Chicago confirmed that Joe received a Masters of Science degree in Human Services Administration in November of 1995, also under the name Kenneth Nolan. A response from National-Louis University in Chicago confirmed that Joe received a Masters of Science degree in Human Services/Counseling in August of 1999 under the name Kenneth Joe.

OIG also contacted various government and private sector organizations in the Chicago area to verify Joe's previous work experience. Seven of the ten organizations listed on Joe's resume verified his employment status, including his duties and responsibilities. The information received from these organizations was consistent with the information Joe indicated on his resume. Three organizations were unable to confirm or deny his employment because their records had been destroyed pursuant to their organization's document retention policy.

Based on the documents reviewed and interviews conducted, we are unable to substantiate the allegations that Kenneth Joe was hired absent competitive hiring practices and was not qualified for the position of Richmond County DFCS Director.

¹ Joe legally changed his name from Kenneth Nolan (his stepfather's name) to Kenneth Joe (his biological father's name) in 1995.

Cylenthia Clark

Allegation: Cylenthia Clark was hired as Social Services Program Director at Fulton County DFCS absent competitive hiring practices.

According to personnel records, Cylenthia Clark was hired by Kenneth Joe as Social Services Program Director 1 for Fulton County DFCS in June 2006. The position for which she was hired was not posted. Although Joe hired Clark, he first learned about her from Commissioner Walker prior to his transfer from Richmond County to Fulton County. According to Joe, the Commissioner informed him that she knew a young woman from Chicago who was moving to Georgia, and she wanted to “bring her onboard.” The Commissioner knew that Joe would need a team when he transferred to Fulton County, and she thought Clark would be a “good fit.” The Commissioner told Joe that there was “no pressure” to hire Clark if they “didn’t click,” but she thought Joe would find her “skills” useful in Fulton County.

When asked if he had a vacancy for Clark in Fulton County, Joe stated that prior to his transfer he did not know who he would need to assist him. After June 1, 2006, when he assessed the situation in Fulton County, Joe realized that in order to “move forward in leadership,” he needed employees with additional skill sets. Because of this need, Joe met with Clark in June 2006. Based on his interview with Clark, and having reviewed her academic accomplishments and previous work experience, he offered her a position as his “second in command.” He felt she was qualified and could work well with his management style.

According to Joe, he did not interview any other applicants for the position. When asked why, he stated that he made a “managerial decision based on the Commissioner’s recommendation, who personally knew of [Clark’s] work experience and skill sets.” He also admitted that he did not contact any of Clark’s references, because the Commissioner’s recommendation was “good enough for him.” In addition, Joe stated that Human Resources Division (HR) personnel advised him early in his tenure at Richmond County that DHR policy allowed for exceptions to the recruitment and the selection process.

When questioned about Clark’s hire, OHRMD officials confirmed that Clark was appointed non-competitively because her performance history was known to the Commissioner. Therefore, according to OHRMD officials, Clark’s position did not have to be announced.

As part of our investigation, we interviewed Clark regarding her employment at DHR. According to Clark, she wanted to move to Georgia to be closer to her family, so in the summer of 2005, she contacted Commissioner Walker regarding potential job vacancies in DHR. Commissioner Walker encouraged her to look on DHR’s website for vacancies, and informed her that if a position opened that fit her qualifications she would let her know. In June 2005, Clark received a call from OHRMD regarding applying online for several positions in the areas of Public Health, Child Support, Mental Health, Aging, and DFCS. In May 2006, OHRMD officials contacted Clark about interviewing

with Joe for a position in Fulton County. Clark recalled having a telephone interview with Joe sometime in May. However, she did not interview with him in person until June when she was officially offered the position as Social Services Program Director.

We asked Clark how she knew Commissioner Walker. Clark stated that she has known Commissioner Walker professionally for over eight years. Clark stated that when she was Chief of Policy and Programs at the Chicago Housing Authority she was required to give weekly status reports to the Mayor. At that time, Commissioner Walker was the Chief of Human Infrastructure for Mayor Daley and was the person Clark interfaced with in providing project updates. Clark also worked with the Commissioner when Clark was an Assistant Commissioner at the Chicago Department of Aging from 2000 to 2004. In her capacity as Assistant Commissioner, Clark was again required to interface on a weekly/monthly basis with Commissioner Walker.

During her interview, Commissioner Walker confirmed that, when she was Mayor Daley's Chief of Human Infrastructure, she was required to interact with Clark on a regular basis. Because she was familiar with Clark's skill sets, she recommended her to Joe. However, Commissioner Walker also stated that she informed Joe that there was no pressure for him to hire her if they "didn't click."

E-mail records confirm that Clark began applying for positions at DHR in June 2005, approximately one year before Joe offered her the position as Program Director at Fulton County. The investigation also revealed that Clark was not offered at least two positions at DHR because she did not meet the posted qualifications. Furthermore, we confirmed that DHR's Recruitment policy #401 (A) (2) allows the Commissioner to approve hiring in certain circumstances without having to advertise the position.

Allegation: Clark was not qualified for her position as Social Services Program Director at Fulton County DFCS.

The minimum qualifications required for the position of Social Services Program Director at the time Clark was hired was three years of professional experience in human service delivery programs, including one year supervising professional staff in direct service program evaluation and/or delivery within an economic support, employability, childcare or social services program of the Division of Family and Children Services or equivalent organization. Although not specifically mentioned, it appears that the position required some educational experience.

In order to verify whether Clark had the qualifications, both academically and professionally, required for her position, OIG requested official verification from the academic institutions listed on her resume. A response from Talladega University in Talladega, Alabama, confirmed that Clark received a Bachelor of Arts degree in Psychology on May 10, 1992. A response from Northern Illinois University in Chicago confirmed that Clark received a Masters degree in Public Administration in May of 1994.

OIG also contacted various government and private sector organizations in the Chicago area to verify Clark's previous work experience. All the organizations verified

her employment status, including her duties and responsibilities. The information received from these organizations was consistent with the information on Clark's resume.

Based on the documents reviewed and interviews conducted, we are unable to substantiate the allegations that Cylenthia Clark was hired absent competitive hiring practices and was not qualified for her position as Social Services Program Director at Fulton County DFCS.

Isabel Blanco

Allegation: Isabel Blanco was hired as DFCS Deputy Director for Field Operations absent competitive hiring practices.

Our investigation revealed that the DFCS Deputy Director for Field Operations position was posted pursuant to policy on DHR's website on August 10, 2006. Because OHRMD officials were unsuccessful in recruiting for the position, the announcement was removed from the web site on September 22, 2006. Isabel Blanco was later appointed by DFCS Director Mary Dean Harvey to the position on September 29, 2006. However, Blanco's official start date was not until December 16, 2006.

The position of Deputy Director of Field Operations was created as a result of a survey, titled "Project Visibility" in August 2006. The survey, designed by Director Harvey and OHRMD's Organizational Development Division, was directed to all field staff in an effort to determine how DFCS should be structured in order to "drive performance." The survey resulted in significant restructuring recommendations, one of which was to create a third deputy position.

OIG interviewed DFCS Director Harvey about the circumstances of Blanco's appointment. According to Director Harvey, the deputy director position was posted in August 2006. However, the announcement did not produce the results she had anticipated and was pulled from DHR's website. Shortly thereafter, Blanco asked to be considered for the position. According to Director Harvey, her decision to hire Blanco was based on Blanco's track record of "getting things done" at the Annie E. Casey Foundation, a nationally known child advocacy group. Because of her work at the Foundation, Director Harvey believed that Blanco "would be precisely the kind of employee she needed in DFCS." She denied extending any preferential treatment to Blanco or being directed by Commissioner Walker or any other DHR official to hire Blanco as her deputy.

OIG interviewed Blanco regarding her employment with DHR. Blanco stated that her initial employment with DHR began in 2004. According to Blanco, Commissioner Walker hired her as an hourly consultant to address the "serious issues" DHR was experiencing in the area of TANF. Blanco stated that after it became apparent that she had recommendations as to how the agency could "move the [TANF] performance" and that there was a greater need than just Atlanta, Commissioner Walker asked her to submit a proposal to the Casey Foundation for her services. In September 2006, while working as a consultant with the Foundation, she learned that the department was "looking to establish" a position for a deputy director in field management. She expressed her

interest in the position to Director Harvey, who later appointed her to the position in September 2006.

We asked Blanco how she knew Commissioner Walker. Blanco stated that she has known the Commissioner “professionally” for over ten years. According to Blanco, the Commissioner hired her in 1997 as her regional director to work at the Illinois Department of Human Services. They continued to have “professional” interactions even after Commissioner Walker became a Mayoral Aide, and Blanco went to work for the Chicago Housing Authority.

In order to determine whether Blanco’s appointment was competitive and adhered to DHR policy, OIG reviewed DHR Personnel Policy #401 (“Recruitment”) and Personnel Policy #402 (“Selection”). The Recruitment Policy states that DHR must “take reasonable steps to ensure that job vacancies are advertised in a manner that attracts diverse, qualified applicants.” Section (A) (5) of the Recruitment Policy, however, contains an exception to the advertising edict. The section states that DHR is not required to advertise vacancies in certain circumstances, including, “Appointment to unique positions (e.g., Commissioner, Division Director, etc.)” Blanco’s position was a “unique position” because it was created as a result of a survey. Furthermore, it was a high level executive position. Therefore, DHR was not required to advertise for the position.

Despite this policy, DHR did advertise for the position and included two minimum qualifications: (1) ten years of executive experience; and (2) an advanced degree in business administration, public administration, social work, or related field. As explained above, the advertisement did not yield a suitable applicant.

According to DHR’s Selection Policy, Section (D)(5), if it is determined through screening that there are no suitable applicants for an advertised position, the position does not have to be filled from that pool of applicants. If the position is to be filled at a later date, it is to be re-advertised, and all qualified applicants must be given consideration in accordance with the latest job announcement. Our investigation revealed that DHR did not re-advertise for the position. Instead, Director Harvey appointed Blanco who had the required executive experience, yet lacked an advanced degree.

Overall, OIG does not find that the failure to re-advertise violated DHR policy. Because Blanco’s position was unique, it was not necessary for DHR to advertise the position. While it may have been preferable to re-advertise given DHR’s decision to advertise initially, DHR policies did not require advertisement for this unique position.

Allegation: Blanco is not qualified for her position as DFCS Deputy Director for Field Operations.

The minimum qualifications required for the deputy director position at the time Blanco was hired were ten years executive experience in social services and/or public administration that included financial management at a large government or private sector entity, and an advanced degree in Business Administration, Public Administration,

Social Work, or related field. There was no exception provided in the position description for substitution of the requisite minimum academic qualifications.

In order to verify whether Blanco had the qualifications, both academically and professionally, required for her position, OIG requested official verification from the academic institutions listed on her resume. A response from North Park College in Chicago confirmed that Blanco received a Bachelor of Arts degree in Psychology/Sociology and Spanish on May 25, 1980. A response from Northeastern Illinois University confirmed that Blanco completed some graduate course work towards a Masters degree in Community and Family Counseling, but did not receive a degree.

OIG also contacted various government and private sector organizations in the Chicago area to verify Blanco's previous work experience. Almost all the organizations verified her employment status and duties. The information received from these organizations was consistent with the information on Blanco's resume.

OIG questioned OHRMD officials regarding Blanco's lack of an advanced degree. We were informed that based on Blanco's demonstrated performance and other qualifications, the fact that she did not possess an advanced degree was immaterial. OHRMD officials stated that Blanco's background and skills were well matched to the needs of the division at the time of hire. However, DHR's Selection Policy #402 (D)(1) states that all applicants **must** meet the minimum qualifications for the job and any additional required qualifications for the position in order to be considered for employment.

OIG is not suggesting that the lack of an advanced degree renders Blanco unqualified for her position as deputy director or that there has been any harm done to the state regarding her appointment. Nevertheless, OHRMD should be more vigilant in ensuring that the posted qualifications mirror that of the selected applicant's qualifications so as not to create a perception of favoritism or impropriety.

Based on the documents reviewed and interviews conducted, we are unable to substantiate the allegations that Isabel Blanco was hired absent competitive hiring practices and was not qualified for the position of DFCS Deputy Director.

V. ADDITIONAL MATTERS

During the course of our investigation, OIG received various anonymous complaints and correspondence alleging fraud, waste and abuse which required us to expand our investigation. Those matters are addressed below.

Allegation: Because of her "Chicago connection" Isabel Blanco is given preferential treatment regarding her work schedule, travel and housing, all at taxpayers' expense.

The complainant alleged that because of her "Chicago connection" Blanco is allowed to work only three days a week so that she can fly back and forth to Chicago, her permanent residence, on weekends. Furthermore, the complainant alleged that the state is

paying for Blanco's trips to Chicago and her "overnight stays" in Georgia. At the time of her hiring, Blanco's official residence was in Chicago. Our investigation revealed that this fact was known to the agency as evidenced in a letter sent by Director Harvey in September 2006 to all DFCS employees informing them of Blanco's appointment. In her letter, Director Harvey stated that Blanco would continue to commute weekly to Georgia from Illinois until mid-2007.

OIG interviewed Director Harvey surrounding the circumstances of Blanco's weekly commute. Director Harvey stated that when she hired Blanco, she was aware of Blanco's need to travel to Chicago for long weekends due to family obligations. Director Harvey agreed Blanco could work a "compressed work week" with the understanding that she would be available "24/7" by Blackberry, telephone and computer. It was also agreed that Blanco would be available for teleconferencing appointments when needed. Director Harvey stated that she was very pleased with Blanco's performance and that it was not uncommon for Blanco to work very long hours during the week and most weekends when she was in Georgia.

When interviewed, Blanco stated that when she was hired she informed Director Harvey that she would not be able to establish residency in Georgia until the end of June, when her youngest son graduated from high school. She stated that from December of 2006 to April of 2007, she routinely worked a "compressed work week" so that she could commute to Chicago on the weekends. She stated that she paid for her own travel and lodging expenses during this time period. When asked where she lived during the work week, Blanco stated that she stayed in a hotel, also at her own expense.

OIG reviewed Blanco's travel expense statements from her date of hire to the present. The records disprove the allegation that the state paid for Blanco's travel and living expenses during the time period alleged in the complaint. Furthermore, DHR's policy regarding "Official Hours and Work Schedules," allows its managers and supervisors to establish alternative work schedules for their employees, including weekly schedules of four 10-hour days (compressed work schedule).

Based on the documents reviewed and interviews conducted, we are unable to substantiate the allegations that Isabel Blanco is given preferential treatment regarding her work schedule, travel and housing all at taxpayer's expense.

Allegation: Kenneth Joe allowed Cylenthia Clark to telework in violation of DHR's teleworking policy.

According to Clark's personnel record, she was scheduled to start work in Fulton County on June 16, 2006, with a new employee orientation scheduled for July 3, 2006. There was no documentation in her personnel file indicating otherwise. However, a month and a half into our investigation, we received a document from an anonymous source that caused us to re-examine Clark's official start date.

The letter, dated August 26, 2006, was written by Rosa Waymon, Director of OHRMD, to a Ms. Griffin in Chicago, with a courtesy copy to Joe. The letter stated the following:

“Dear Ms. Griffin:

Cylenthia Hoyrd Clark accepted a position with the State of Georgia, Department of Human Resources as a Social Services Program Manager. Unfortunately, this offer will be rescinded as of September 1, 2006, due to inability to fulfill job responsibilities as agreed.”

The letter caused us some concern because at the time it was written, Clark’s pay records indicated that her employment in Fulton County commenced two months earlier. Therefore, rescinding her offer of employment would have been moot. To ensure that we had not overlooked this document at the time of our initial review, we re-examined both Joe’s and Clark’s personnel file at Fulton County and OHRMD. The August 26 letter was not in either file. In addition, there was no documentation indicating why Clark’s official start date had been changed.

As a result, we interviewed Joe about the letter. Joe stated that Clark was scheduled to be in Fulton County on June 16th. However, a personal issue arose in Chicago, which made it difficult for Clark to leave. When asked if he was aware of her personal issue at the time he made her the offer, Joe stated that he was not. In fact, Joe claims that if he had known that Clark would be unable to leave Chicago, “it would have been a whole different conversation.” Because Clark’s situation was beyond his control, he made a managerial decision authorizing her to telework from Chicago. He stated that he accommodated her because he believed when she was able to report she would be a “strong support for him.”

Joe stated that he initially agreed to allow Clark to telework from Chicago “for about a month.” However, the time period was extended because Clark was still unable to leave to Chicago. Our investigation revealed that Clark did not physically report to Fulton County until the week of September 8th. Joe denied receiving direction from anyone at Central Office or ORMD regarding Clark’s teleworking situation. However, he feels certain he would not have gone forward with the arrangement without having talked to someone in HR or his supervisor, Director Harvey.

According to Joe, although Clark was not physically in Georgia, he regularly communicated with her by phone and e-mails and had a set teleconference every Friday. Joe stated that Clark flew to Atlanta, at her own expense, at least twice during that time period to attend meetings.

As part of our investigation, OIG reviewed Clark’s job description as Social Services Program Director. According to her job description, Clark was required to supervise the program administrators in the Social Services Section. She was also required to conduct regularly scheduled supervisory conferences with the program administrators. When we asked Joe how Clark was able to fulfill these responsibilities while physically located in another state, Joe responded that he assigned Clark various projects, including developing a handbook on “The Kenny A. Consent Decree.” Joe stated that he had “no problem” with Clark’s work product.

At our request, Joe provided us with numerous e-mails showing the progress of the handbook. All the e-mails were addressed to various employees in the Quality Assurance Social Services Departments. However, none of the e-mails included Clark's name as recipient until late September, even though Clark had been assigned to work on the handbook in June. When asked why Clark's name did not appear, Joe stated that he did not share her work with Quality Assurance because he "wanted to intentionally have QA work with the Social Services Department in the development of the handbook." He added that "in [his] experience the best way to get people to retain and be invested in processes, having them to work in its development is the best." OIG was able to independently confirm through DHR's Information Technology Division that both Joe and Clark communicated with one another regularly during the time period alleged in the complaint. Furthermore, e-mail attachments also confirmed that Clark worked on various projects, including the "Kenny A." handbook.

According to Joe, it was sometime in August when he began feeling the pressures of not having a second in command on-site and started feeling "stuck wondering when his patience was going to run out." Joe felt he had extended "all of the consideration that the State of Georgia could possibly extend to Clark in view of her situation." As a result, he informed Clark that if she could not report by September 1, 2006, he would terminate her employment. Joe conferred with OHRMD Director Rosa Waymon for assistance in drafting an official letter to Clark memorializing their conversation. However, the letter was addressed to Clark's lawyer, Griffin. Soon after the letter was sent, Clark moved to Georgia.

When asked if he was familiar with DHR's teleworking policies, Joe stated he believed teleworking had to be approved by the supervisor, but was unfamiliar with the policy itself. "If there was a form, I never filled one out," Joe stated when asked about specific teleworking procedures. He also admitted that he never met with the Fulton County teleworking coordinator regarding Clark's teleworking arrangement.

During her interview, Clark confirmed that she was unable to leave Chicago due to an unexpected personal matter. As a result, Joe allowed her to telework from Chicago because of her situation. When asked how she was able to fulfill her job responsibilities, Clark stated that Joe assigned her to work on various projects, including power point presentations and creating a handbook on the "Kenny A. Consent Decree." She stated that she communicated with Joe numerous times during the week, using her personal cell phone and computer. When asked if she communicated with anyone else during this time period, Clark stated that the only people she spoke with were Joe and his executive assistant.

When asked if she was familiar with DHR's teleworking policy, Clark stated that she could not recall filling out any paperwork or receiving any training in teleworking. However, she was sure that "HR was aware of her teleworking situation." When we contacted the personnel director at Fulton County, she stated that she was not aware that Clark was teleworking from Chicago for the first two months of her employment. She stated that it was not unusual, because any such agreement would have been Joe's "prerogative" because he was the county director. However, she recalled that when Joe

transferred to Fulton County, he ceased all teleworking and flex time privileges for all Fulton County DFCS employees.

As part of our investigation, OIG interviewed the telework coordinator for Fulton County DFCS to seek clarification on how Fulton County DFCS conducts their teleworking program. The coordinator stated that Fulton County follows DHR's teleworking policy. She stated that pursuant to policy, on-line training must be conducted by every teleworker and manager who wishes to execute a telework agreement. When asked if she was aware of any teleworking agreement between Joe and Clark, she stated she was not. She stated that she never provided any training or spoke to Joe about teleworking. She also confirmed that when Joe arrived as director, all teleworking privileges and flex scheduling for Fulton County DFCS employees was ceased. This was evidenced by an e-mail sent by Cylenthia Clark in September 2006, which addressed alternate work schedules.

Although teleworking is a management option permitted by the Department, DHR's policy places a mandatory duty on both the manager and employee to be knowledgeable of the teleworking procedures. Both Joe and Clark admitted that they were not familiar with the teleworking policy. In addition, the teleworking policy states that all DHR employees who are authorized to telework must have a signed Teleworking Approval form on file with the DHR division/office designated official **prior to beginning** teleworking. Our investigation revealed that there were no forms on file.

OIG understands that Joe may have had the best intentions in allowing Clark to telework. However, allowing Clark to telework without first observing what type of work she was capable of, or receiving proper orientation for her new position created a perception of impropriety.

Based on the documents reviewed and interviews conducted, the allegation that Cylenthia Clark was allowed to telework in violation of DHR policy is substantiated.

Allegation: Kenneth Joe is related to Commissioner Walker.

During our investigation, allegations arose regarding Joe being related to Commissioner Walker. OIG reviewed numerous documents, which included personal information and could not support this allegation. Further, both Commissioner Walker and Joe denied being related to one another.

Based on the documents reviewed and interviews conducted, the allegation that Kenneth Joe is related to Commissioner Walker is unsubstantiated.

Personnel Matters

During the course of our investigation, OIG found that the personnel files of these individuals did not contain any documentation verifying whether background checks had been completed. Furthermore, there was no verification of academic accomplishments pursuant to DHR policy. We find that these deficiencies contributed to the perception of favoritism and impropriety. DHR should ensure that the appropriate documentation is

contained in their personnel files in order to justify their hiring decisions, even if the hiring official is familiar with the employee's background.

VI. CONCLUSION

Our investigation revealed that Kenneth Joe, Cylenithia Clark, and Isabel Blanco were hired at DHR based on their qualifications and not personal friendships. One should not be penalized, as in the case of Cylenithia Clark and Isabel Blanco, because they know the hiring official, if they are otherwise qualified for the position. It is not unethical for an official to hire a person who the official knows. It is only inappropriate and unethical when a friend is hired despite lacking the qualifications required for the position. DHR officials should always be mindful of the risk of the appearance of impropriety when a person is hired who already knows the hiring official. DHR should strive to be fair and to ensure the public that the hiring process is competitive and does not provide unfair advantages to certain individuals.

VII. RECOMMENDATIONS

OIG offers the following recommendations to the Georgia Department of Human Resources. We request that DHR provide a written response regarding implementation of these recommendations within 30 days of the issuance of this report.

1. Require hiring managers to provide OHRMD with thorough and complete documentation in support of an applicant's qualifications before being hired. Documentation must be specific to the applicant's demonstration of job related competencies and should include official copies of required educational credentials, licenses, and/or certifications. It is imperative that all new hires are fully qualified and certified to perform their job duties.
2. Require prospective employees, whether hourly or salaried, to provide official academic transcripts to OHRMD for inclusion into the employee's Official Personnel File. This will confirm professional education as referenced on the applicant's resume and/or state application. The agency should not accept copies of transcripts without official seals.
3. Ensure applicants selected for hiring possess the minimum qualifications advertised in the position description.
4. Develop a better system of communication between OHRMD and local HR Division offices regarding management and employment issues. Personnel files maintained at the local level should mirror the Official Personnel File maintained in OHRMD.
5. Develop a better system of checks and balances between OHRMD and hiring managers to ensure that hiring procedures are followed in a manner that does not create an impression of favoritism or preferential treatment. In addition, all new hires should be required to sign a sworn statement confirming that the new hire has received orientation regarding the Department's extensive policies and

procedures for use during the course of their employment. This statement should be included in the personnel file.

6. Improve internal communication at all levels to engender a clearer understanding of organizational changes. The agency should have open and consistent communication providing direction and clarification of what it is doing not only with managers but also with its employees. This may foster smoother transitions, encourage productive participation, and decrease perceptions of impropriety.
7. Ensure all managers and employees understand the importance of understanding and following the agency's Teleworking Policy and Procedures. In any Teleworking Agreement between a manager and employee, the manager must ensure that the employee's performance activity is supported by appropriate documentation.