



**CUYAHOGA COUNTY  
AGENCY OF INSPECTOR GENERAL**

**REPORT OF INVESTIGATION**

**CASE NUMBER:** 12-0027-I

**SUBJECT(S) INFO:**  
**Name:** Margaret Berichon  
**Position:** Scheduler  
**Department:** Board of Revision

**SOURCE OF REFERRAL:** County Employees

**METHOD OF REFERRAL:** Direct Phone Call and Report a Concern Email

**INITIATED:** June 1, 2012

**DATE OF REPORT:** September 4, 2012

**ALLEGATION(S)**

Cuyahoga County ("County") Board of Revision ("BOR") employee Margaret Berichon ("Berichon") is falsifying her timesheet so that she can arrive late and leave early from work.

**AUTHORITY**

Cuyahoga County Agency of Inspector General Ordinance Section 2(c):  
*The Inspector General is hereby appointed to conduct examinations under Section 2.05 of the County Charter and shall, therefore, have all such rights and duties to investigate fraud,...abuse,...misfeasance... without interference or pressure from any other Public Official or Employee.*

**COMPLAINT SUMMARY**

On June 1, 2012, the County Agency of Inspector General ("AIG") received a telephone call from an anonymous complainant alleging that Berichon was falsifying her timesheets so that she can arrive late and leave early from work. On June 5, 2012, the following complaint was submitted through the "Report a Concern" link on the AIG's website:

Margaret Berichon has repeatedly abused her time also like Joseph Milletillo. Going back to when Robert Chambers was the administrator.

Cuyahoga County Administration Building  
1219 Ontario Street, #300 • Cleveland, Ohio 44113 • (216) 698-2101  
[www.inspectorgeneral.cuyahogacounty.us](http://www.inspectorgeneral.cuyahogacounty.us)

She has left work early and also has a parking pass that shows her leaving early repeatedly.

### **BACKGROUND**

County records indicate that Berichon was hired by the former County Auditor's Office on August 14, 2000. Berichon remained an employee of the former County Auditor's Office until on or about January 20, 2002 when she accepted a position with the BOR. Berichon is currently employed as a Hearing Scheduler for the BOR (\$38,771.20/annual - \$18.64/hour).

Berichon's personnel file contains the following five (5) disciplinary documents relating to her attendance and performance:

- On March 15, 2006, Berichon received a verbal warning<sup>1</sup> and minor infraction write-up regarding her failure to follow absence call-in procedures on March 13, 2006 and March 14, 2006.
- On April 6, 2006, Berichon received a written warning<sup>2</sup> regarding her absence from work on March 24, 2006, and March 28, 2006, and her tardiness on April 3, 2006 and April 6, 2006.
- Berichon received a two (2) day suspension (April 19, 2006 and April 20, 2006) for accrual of unexcused absences.<sup>3</sup>
- On June 6, 2006, Berichon received a three (3) day suspension due to her continued absenteeism and tardiness and for falsifying excuses for this behavior.<sup>4</sup>

The only performance appraisal in Berichon's personnel file is for the 2011 calendar year. This performance appraisal – prepared by former BOR Administrators Martin Murphy ("Murphy") and Kathryn Maher ("Maher") – rated Berichon at a "3" (meeting expectations) for each category. The narrative section of the performance appraisal notes indicates that Berichon "has assumed the responsibilities of schedule management for two (2) boards and is doing an excellent job in meeting and exceeding standards as put forth by the Ohio Revised Code."

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<sup>1</sup> **Exhibit A.**

<sup>2</sup> **Exhibit B.**

<sup>3</sup> See letter from former BOR Administrator Robert Chambers to Berichon dated April 21, 2006, attached hereto as **Exhibit C.**

<sup>4</sup> See letter from Robert Chambers and former BOR Office Manager Marcella King to Berichon dated June 6, 2006, attached hereto as **Exhibit D.**

## **INVESTIGATIVE SUMMARY**

### **BOR Timekeeping Practices**

During the period of time covered by this investigation, Berichon was categorized as a flexible schedule employee. A flexible schedule employee is permitted to alter his/her daily hours within certain parameters so long as the employee works the requisite number of hours per workweek.<sup>5</sup> A flexible schedule employee, though, must adhere to all other personnel policies and procedures relating to workweek and hours. This includes Section 6.03 of the County's Personnel Policies and Procedures Manual which requires all County employees to accurately record the time that they began working and the time that they ended working for each work day. Falsification of a timesheet is defined by Sections 6.03 and 13.08 as a terminable disciplinary offense.

In addition to the above-cited policies, employees of the BOR were issued a memorandum<sup>6</sup> on or about August 9, 2010 informing them that all BOR employees "will sign in and out daily, filling their time sheet out in the Board of Revision reflecting actual hours worked."

### **Records Review**

As an initial screen for potential timesheet fraud, Berichon's timesheet<sup>7</sup> and Huntington Parking Garage records<sup>8</sup> from January 1, 2012 through June 30, 2012 were compared for discrepancies. A total of one hundred twenty one (121) discrepancies were noted as a result of this review<sup>9</sup>:

- Garage records indicate that Berichon entered the parking garage after her stated arrival time on her timesheet on fifty eight (58) occasions.
- Garage records indicate that Berichon exited the parking garage before her stated departure time on her timesheet on forty five (45) occasions.
- Garage records indicate that Berichon was out of the parking garage on lunch breaks in excess of one (1) hour during the workday on eighteen (18) occasions.

The following is a summary of the more significant discrepancies:

<b><u>DATE</u></b>	<b><u>DISCREPANCY</u></b>
1/4/12 Wednesday	Berichon departed the garage at 9:28 a.m. Payroll records indicate that Berichon departed work at 10:45 a.m. <sup>10</sup>

<sup>5</sup> See Section 6.06 of the County's Personnel Policies and Procedures Manual.

<sup>6</sup> **Exhibit E.** Berichon signature appears on the memorandum indicating receipt of the document on August 9, 2010.

<sup>7</sup> **Exhibit F.**

<sup>8</sup> **Exhibit G.**

<sup>9</sup> See spreadsheet attached as **Exhibit R.**

<sup>10</sup> Berichon used sick leave time (5 hours) for the remainder of the workday.

1/11/12  
Wednesday Berichon entered the garage at 9:00 a.m. Berichon exited the garage 12:41 p.m. Payroll records indicate that Berichon worked continuously from 8:00 a.m. to 1:30 p.m.<sup>11</sup>

1/13/12  
Friday Berichon departed the garage at 1:30 p.m. Payroll records indicate that Berichon departed work at 2:30 p.m.<sup>12</sup>

1/23/12  
Monday Berichon departed the garage at 11:04 a.m. Payroll records indicate that Berichon departed work at 12:00 p.m.<sup>13</sup>

2/14/12  
Tuesday Berichon entered the garage at 8:26 a.m. Payroll records indicate that Berichon arrived at work at 8:00 a.m.

3/1/12  
Thursday Berichon departed the garage at 12:38 p.m. Payroll records indicate that Berichon departed work at 1:30 p.m.<sup>14</sup>

3/7/12  
Wednesday Berichon departed the garage at 2:19 p.m. Payroll records indicate that Berichon departed work at 3:15 p.m.

3/9/12  
Friday Berichon departed the garage at 10:41 a.m. Payroll records indicate that Berichon departed work at 11:30 a.m.<sup>15</sup>

3/22/12  
Thursday Berichon departed the garage at 3:47 p.m. Payroll records indicate that Berichon departed work at 4:30 p.m.

4/2/12  
Monday Berichon departed the garage at 11:58 a.m. Payroll records indicate that Berichon departed work at 1:00 p.m.<sup>16</sup>

4/4/12  
Wednesday Berichon departed the garage at 2:44 p.m. Payroll records indicate that Berichon departed work at 3:30 p.m.<sup>17</sup>

4/18/12  
Wednesday Berichon departed the garage at 1:27 p.m. Payroll records indicate that Berichon departed work at 2:30 p.m.<sup>18</sup>

4/19/12  
Thursday Berichon entered the garage at 8:12 a.m. Payroll records indicate that Berichon arrived at work at 7:45 a.m.

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<sup>11</sup> Berichon used sick leave time (2.5 hours) for the remainder of the workday.

<sup>12</sup> Berichon used sick leave time (2.5 hours) for the remainder of the workday.

<sup>13</sup> Berichon used exchange leave time (3.75 hours) for the remainder of the workday.

<sup>14</sup> Berichon used vacation leave time (2.0 hours) for the remainder of the workday.

<sup>15</sup> Berichon used vacation leave time (3.25 hours) for the remainder of the workday.

<sup>16</sup> Berichon used exchange leave time (3.00 hours) for the remainder of the workday.

<sup>17</sup> Berichon used vacation leave time (1.00 hours) for the remainder of the workday.

<sup>18</sup> Berichon used sick leave time (1.50 hours) for the remainder of the workday.

5/1/12 Tuesday Berichon entered the garage at 10:09 a.m. Payroll records indicate that Berichon arrived at work at 8:00 a.m.

5/2/12 Wednesday Berichon departed the garage at 2:04 p.m. Payroll records indicate that Berichon departed work at 3:00 p.m.<sup>19</sup>

5/3/12 Thursday Berichon departed the garage at 4:00 p.m. Payroll records indicate that Berichon departed work at 4:30 p.m.

5/7/12 Monday Berichon departed the garage at 12:45 p.m. Payroll records indicate that Berichon departed work at 1:30 p.m.<sup>20</sup>

5/8/12 Tuesday Berichon entered the garage at 11:30 a.m. Payroll records indicate that Berichon arrived at work at 10:20 a.m.

5/10/12 Thursday Berichon entered the garage at 11:39 a.m. Payroll records indicate that Berichon arrived at work at 10:45 a.m.

6/7/12 Thursday Berichon departed the garage at 3:01 p.m. Payroll records indicate that Berichon departed work at 4:00 p.m.<sup>21</sup>

6/14/12 Thursday Berichon departed the garage at 4:00 p.m. Payroll records indicate that Berichon departed work at 4:30 p.m.

6/19/12 Tuesday Berichon entered the garage at 7:32 a.m. Payroll records indicate that Berichon arrived at work at 7:00 a.m.

In light of the significant amount of discrepancies, available security camera footage (June 4, 2012 – June 20, 2012) was reviewed by the AIG to confirm the accuracy of the garage records. The following chart compares the AIG's findings:

Date	Garage Time In	Administration Building Camera Time In	MyHR Time Sheet Time In
6/4/2012	8:13 am	8:16 am <sup>22</sup>	8:00 am
6/5/2012	8:44 am	8:46 am <sup>23</sup>	8:40 am
6/6/2012	9:20 am	9:23 am <sup>24</sup>	9:15 am
6/7/2012	9:22 am	9:26 am <sup>25</sup>	9:00 am
6/12/2012	7:01 am	7:02 am <sup>26</sup>	7:00 am

<sup>19</sup> Berichon used vacation leave time (1.25 hours) for the remainder of the workday.  
<sup>20</sup> Berichon used vacation leave time (2.75 hours) for the remainder of the workday.  
<sup>21</sup> Berichon used compensation leave time (1 hour) for the remainder of the workday.  
<sup>22</sup> Exhibits H1 – H3.  
<sup>23</sup> Exhibits I1 – I3.  
<sup>24</sup> Exhibits J1 – J3.  
<sup>25</sup> Exhibits K1 – K3.  
<sup>26</sup> Exhibits L1 – L2.

6/13/2012	7:07 am	7:08 am <sup>27</sup>	7:00 am
6/14/2012	7:07 am	7:08 am <sup>28</sup>	7:00 am
6/18/2012	8:03 am	8:06 am <sup>29</sup>	8:00 am
6/19/2012	7:32 am	7:34 am <sup>30</sup>	7:00 am
6/20/2012	7:15 am	7:16 am <sup>31</sup>	7:10 am

### Interviews

#### ***Shelley Davis (BOR Administrator) - June 25, 2012***

Shelley Davis ("Davis") began working for Cuyahoga County as the BOR Administrator on May 14, 2012. Davis replaced Murphy who was removed from the position of Interim Administrator in May 2012.

Davis indicated that Berichon is currently assigned to a flex schedule. Davis, however is in the process of establishing policies and procedures for the BOR such as a sign in and sign out sheet and establishing set break/lunch times. Davis is well aware of the prior issues relating to time management at the BOR and, therefore, is working closely with the Cuyahoga County Department of Human Resources on the development of these policies and procedures.

Davis acknowledged that she has already identified Berichon's attendance as being a problem area. For example, Davis indicates that Berichon generally stops by her office to say good morning upon arriving each day. On one particular day, Davis recalls that Berichon's timesheet reflected an arrival time that was significantly earlier than the time when Berichon stopped by her office.

### Referral for Criminal Investigation

After a careful review of the preliminary evidence obtained in this investigation, the AIG concluded there is sufficient evidence to establish reasonable grounds to believe that a violation of state law has occurred. Accordingly, on August 24, 2012, a Preliminary Investigation Report regarding this matter was provided to the Cuyahoga County Prosecutor's Office.

### Subject Interview

Cuyahoga County Inspector General Nailah Byrd ("Byrd") and Case/Research Manager Rebecca Keck ("Keck") interviewed Kramer on August 24, 2012. Berichon indicates that she has been with the County for approximately thirteen (13) years. Berichon originally was hired by the former Cuyahoga County Auditor's Office in 1999. For the past six (6) or seven (7) years, though, Berichon has been working for the BOR as a Hearing Scheduler. As a Hearing Scheduler, Berichon schedules complaints filed by taxpayers for hearings before the BOR Hearing Officers. Berichon gathers relevant

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<sup>27</sup> Exhibits M1 – M3.

<sup>28</sup> Exhibits N1 – N3.

<sup>29</sup> Exhibits O1 – O3.

<sup>30</sup> Exhibits P1 – P3.

<sup>31</sup> Exhibits Q1 – Q3.

information for each complaint and provides it to the BOR Hearing Officers. Berichon states that she also provides administrative assistance to the BOR Hearing Officers.

Berichon works Monday through Friday from 8:30 a.m. to 4:30 p.m. Previously, Berichon was able to “flex” her schedule by coming in as early as 7:00 a.m. and leaving as early as 3:00 p.m. Berichon takes her lunch break from 12:00 p.m. to 1:00 p.m.

Upon being advised of the allegations against her, Berichon stated she is very honest about reporting her time. Berichon indicates that she is “crazy” about her time because she has witnessed co-workers being reprimanded for attendance issues. Berichon states that she has even been coming in a half hour early since changing to an 8:30 a.m. to 4:30 p.m. schedule.

Upon her request to see the dates and times in question, Berichon reviewed a copy of the AIG’s Report of Preliminary Investigation. Berichon stated that several of the days in questions were days where she “piggy backed” her lunch hour to her normal departure time. For example, on March 7, 2012, parking garage records show Berichon departing at 2:19 p.m., while MyHR Timesheets show Berichon departing at 3:15 p.m. Berichon acknowledges leaving work at 2:15 p.m. that day, but indicated that she used her lunch hour to cover the time from 2:15 p.m. to 3:15 p.m. Berichon restated that “piggy backing” her lunch was the explanation for the times in question. Berichon, however, was not able to provide an explanation for other dates and times where an hour lunch could not explain the time difference.

When reminded by Byrd that using a lunch hour at the end of the day is prohibited by the County’s Personnel Policies and Procedures Manual, Berichon stated that she has always been allowed to “piggy back” her lunches. Berichon states that former BOR supervisors Robert Chambers, Murphy and Maher all allowed her to use her lunch at the end of the day. Berichon stated that she was not advised that this practice was no longer permissible.

Berichon was extremely adamant that she is “crazy” about her time. Berichon states that she does have to leave early to care for her son or attend school related functions for him. However, she stated she has plenty of vacation and sick time to cover those absences. She did not know why there were such discrepancies between her MyHR Timesheets and parking garage records.

On August 29, 2012, a representative for Berichon, Brian Mooney, submitted a statement<sup>32</sup> from Berichon supplementing the responses given during her interview.

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<sup>32</sup> Exhibit S.

### Post-Subject Interview Investigation

The AIG subsequently reviewed the evidence collected in the preliminary investigation in light of Berichon's assertions during her interview and in her supplemental written statement.<sup>33</sup> The following is a summary of evidence collected regarding the more significant<sup>34</sup> responses provided by Berichon:

- The AIG reviewed MyHR timesheets and parking garage records for Berichon from January 1, 2012 through June 30, 2012. In June 2012, Claudia Merritt, Human Resource Analyst assigned to the Fiscal Office/BOR, confirmed that Berichon was approved for FMLA from January 4, 2011 through January 4, 2012. This was again confirmed by Karen Campbell, Human Resource Specialist for the Cuyahoga County Department of Human Resources, on August 30, 2012. FMLA was never cited on Berichon's timesheets as a reason for absence during the period of time reviewed by the AIG.
- The practice of "piggy backing" a lunch break to the end of the day is clearly in violation of Section 6.07 of the Cuyahoga County Personnel Policies and Procedures Manual:

*"An employee must return to work after a lunch period for that period to be considered a lunch period. For example, an employee may not take his or her lunch period from 12 p.m. to 1 p.m. and then take sick leave from 1 p.m. until the end of the day. The employee will be required to use his or her own leave time to cover the period from 12 p.m. to 1 p.m. If, however, the employee only used sick leave from 1 p.m. until 2 p.m. and returned to work for the remainder of the day, the 12 p.m. to 1 p.m. period would be considered a proper lunch period."*

Berichon's personnel file contains a memorandum<sup>35</sup> from former BOR Administrators Cindy Bialowas, Martin Murphy and Bruce Nimrick. This memorandum states that all BOR personnel are required to adhere to the working standards prescribed by the Board of County Commissioners Policy and Procedure Manual, which includes the prohibition on "piggy backing". Berichon signed the memorandum acknowledging receipt on August 9, 2010. In addition County records<sup>36</sup> indicate that Berichon completed an electronic acknowledgment of her receipt of the link to the County's Personnel Policies and Procedures Manual on April 26, 2011 and March 19, 2012. This acknowledgment indicates that the signee is required to read and understand the provisions contained within the Personnel Policies and Procedures Manual.

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<sup>33</sup> The detailed analysis of this review is outlined in the memorandum from Keck attached as **Exhibit T**.

<sup>34</sup> Berichon's responses provided specific excuses that related to certain unidentified dates. These responses, though, only account for approximately 4 – 6 of the 121 discrepancies noted in the Report of Preliminary Investigation.

<sup>35</sup> See Exhibit E.

<sup>36</sup> See Exhibit U.



- In reviewing Berichon's parking garage records for January 1, 2012, through June 30, 2012, there was never an instance where Berichon's garage swipe in did not have a corresponding garage swipe out, and vice versa. If Berichon had a garage swipe in and no garage swipe out, that would indicate she misplaced her photo identification card during the day and pulled a ticket upon leaving the garage. Again, there are no instances of this. This would also indicate that Berichon did not pull a ticket in the morning and then use her photo identification card to exit the garage at night.
- The comparison of Berichon's timesheets and parking garage records show both a consistent pattern of small (15 minutes or less) timesheet/garage discrepancies and the regular occurrence of large time discrepancies. Although a time discrepancy between the garage clock and the BOR clocks may explain some misstatements of time, certainly it would not explain time shortages at both the beginning and end of the same day (e.g., 1/6/12, 1/12/12, 1/25/12, 1/26/12, etc.). Additionally, security camera photos reviewed corroborate the accuracy of the garage swipe times.
- As referenced in Exhibit R to this Report, the AIG took into account and recorded the times that Berichon took off for vacation, sick, and exchange time. These times are not in question, nor part of the allegations. Therefore, the use of leave time does not justify her late arrivals and early departures.
- Karen Campbell, Human Resources Specialist for Cuyahoga County Department of Human Resources, indicates that Berichon first accessed MyHR online on September 3, 2011, at 9:04 am. Therefore, Berichon has been using MyHR to enter her time for almost a year and should have advised her supervisor of any questions she had regarding the inputting of her time.
- As evidenced in Exhibit E to this report, a memo issued to all BOR staff by former BOR Administrators Cindy Bialowas, Murphy, and Bruce Nimrick explicitly required all BOR staff members were to "sign in and out daily, filling their time sheet out in the Board of Revision reflecting actual hours worked." Berichon signed and dated the memo as "Receipt Acknowledged" on August 9, 2012.

**CONCLUSION & RECOMMENDATION**

After a careful review of the evidence collected in this investigation, it is our opinion that there is sufficient evidence to establish reasonable grounds to believe that a violation of County rules, regulations and/or policies governing Berichon has occurred.

Accordingly, it is our recommendation that this matter be referred to the Cuyahoga County Executive and the Department of Human Resources for review for potential disciplinary action up to and including termination.

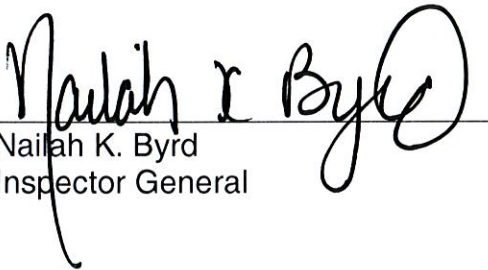


Matthew Hawes  
Deputy Inspector General



Rebecca Keck  
Case/Research Manager

Approval as to conclusions and recommendations:



Nailah K. Byrd  
Inspector General

9/4/12  
Date