



**CUYAHOGA COUNTY  
AGENCY OF INSPECTOR GENERAL**

**REPORT OF INITIAL INVESTIGATION**

**CASE NUMBER:** INVEST-000070

**SUBJECT(S) INFO:**

**Name:** Terrance Carr  
**Position:** Ironworker Foreman  
**Department:** Public Works

**Name:** [REDACTED]  
**Position:** Ironworker  
**Department:** Public Works

**Name:** [REDACTED]  
**Position:** Skilled Laborer  
**Department:** Public Works

**SOURCE OF REFERRAL:** Employee Complaint

**METHOD OF REFERRAL:** E-mail

**INITIATED:** 6/2/11

**DATE OF REPORT:** January 9, 2012

**ALLEGATIONS**

- 1) Terrance Carr frequently visits local bars while on duty and drinks alcohol during these visits.
- 2) The Ironworkers located in the Justice Center drink alcohol in their office while on duty.

**AUTHORITY**

Cuyahoga County Agency of Inspector General Ordinance Section 2(c):

- o *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,...without interference or pressure from any other Public Official or Employee.*

## **COMPLAINT SUMMARY**

On May 27, 2011, a County Employee ("Complainant") submitted a report to their Department supervisor alleging that a co-worker had seen Terrance Carr ("Carr") at the [REDACTED] drinking alcohol while he was supposed to be working. The complaint states the following:

On Thursday 5/19/2011 at approximately 1:15 p.m., I received a text message from .... He stated that as he was picking up lunch from the [REDACTED] he noticed that County Trade/Iron Worker Terry Carr was sitting at the bar drinking, probably while he was supposed to be at the Justice Center working. This is not the first time that ... and I have had a conversation about him seeing Terry Carr there around lunch time. Terry Carr has been seen returning later in the afternoon to punch out after being seen at the tavern.

Complainant subsequently alleged that Carr and his subordinate employees, [REDACTED] and [REDACTED], drink alcohol in the Ironworkers' office in the Justice Center. Complainant states that he observed [REDACTED] removing a white garbage bag from the Ironworkers' office and taking it to the dumpster in the basement of the Justice Center. After the bag was discarded, Complainant cut the bag open and observed several empty Budweiser Beer cans along with other trash inside the bag. Complainant used his cell phone to photograph the contents of the bag.

## **BACKGROUND**

Carr was originally hired by the County on August 23, 1978 as an Ironworker for the Board of County Commissioners' Department of Buildings and Property. In 1980, Carr was suspended for two days for his failure to return to work from a lunch break. On June 27, 1987, Carr was laid off from his position with the County due to reasons of efficiency and economy of operations. On October 2, 1989, however, Carr was reinstated to his prior position with the County as a result of a settlement agreement between the County and his union. On December 22, 2002, Carr was promoted to the position of Ironworker Foreman for the former Department of Central Services. Carr currently serves in this same position for the Department of Public Works. Carr is currently assigned to the County Justice Center complex and has supervisory authority over [REDACTED].

[REDACTED] was employed by the County as a full-time temporary Ironworker from December 19, 2005 through November 4, 2007. On November 5, 2007, [REDACTED] was promoted to a full-time permanent Ironworker position. [REDACTED] is currently assigned to the Justice Center complex and reports directly to Carr.

[REDACTED] was employed by the County as a full-time temporary Skilled Laborer from March 8, 2000 through July 16, 2000. On July 17, 2000, [REDACTED] was promoted to a full-time

permanent Ironworker position. [REDACTED] is currently assigned to the Justice Center complex and reports directly to Kevin Kearney, Skilled Trades Foreman. [REDACTED] received a Written Reprimand in 2001 for using profane and abusive language towards a management official. [REDACTED] received a second Written Reprimand on July 8, 2003 for violation of Stage 1 of the County's Attendance Control Plan (20.37 hours of AWOL).

Carr, [REDACTED] and [REDACTED] are all members of the bargaining unit governed by the collective bargaining agreement between the County and the Cleveland Building and Construction Trades Council (the "Trades Contract"). Members of this bargaining unit are required to swipe a time clock with their ID badge to clock-in and clock-out each day. Pursuant to Section 1 of Article VII of the Trades Contract, Carr, [REDACTED] and [REDACTED] are all entitled to one thirty-minute lunch break each day.

## **INVESTIGATIVE SUMMARY**

### **Interviews**

#### ***Complainant – June 23, 2011***

Complainant works in the Justice Center complex and interacts with Carr from time to time. Complainant indicated that he received a text message from a co-worker on May 19, 2011 stating "what's Carl Monday's phone number." The co-worker elaborated by sending subsequent text messages indicating that he was at the [REDACTED] Tavern picking up lunch and noticed Carr drinking alcohol during regular working hours. Complainant noted that this was not the first time that his co-worker had complained about seeing Carr there drinking on a weekday. The co-worker indicated that he has seen Carr acting drunk on some of these occasions.

Complainant states that Carr is frequently unavailable on Thursdays and Fridays when he is contacted for work-related purposes. When he is able to get in touch with him, Carr frequently states that he needs to go get parts. Carr will then leave the Justice Center in his personal car and not return for several hours. Complainant states that Carr frequently appears intoxicated when he returns later in the day to clock out.

Complainant alleges that he observed [REDACTED] removing a white garbage bag from the Ironworkers' office and taking it to the dumpster in the basement of the Justice Center. After the bag was discarded, Complainant cut the bag open and observed several empty Budweiser Beer cans along with other trash inside the bag. Complainant used his cell phone to photograph the contents of the bag.<sup>1</sup>

#### ***Otilio Morales – December 30, 2011***

Otilio Morales ("Morales") is the Senior Facilities Superintendent for the Public Works Department. Prior to July of this year, Morales supervised all trades foremen assigned to the Justice Center complex. Since July, Morales collaborates with Larry Klimkowski, Facilities Superintendent ("Klimkowski") on supervision of all trades foremen. In

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<sup>1</sup> Photograph attached as **Exhibit A**.

addition to supervising the trades foremen, Morales supervises all other building functions (e.g., custodial, facilities management, building contracts) in the Justice Center complex. Morales estimates that he has approximately 160 employees directly reporting to him in his current position.

Morales states that the Ironworkers' primary function is to make sure everything in the jail (e.g., doors, cells, fences, kitchen carts) is functional. The Ironworkers are also assigned to projects outside the Justice Center complex from time to time. In addition, as a foreman, Carr is occasionally required to leave the Justice Center complex to obtain parts from suppliers. Such trips, however, are generally within the County limits.

According to Morales, the Ironworkers are provided with a County vehicle for travel to off-site jobs. The County vehicle will enter and exit through the Justice Center loading dock, which does not require card-swipe access. Therefore, the garage swipe records for Carr reflect the usage of his personal vehicle. Carr should only use his personal vehicle for part runs when a County vehicle is not available. When showed the list of Carr's garage activity, Morales acknowledged that Carr's time out of the building in his personal vehicle was wildly excessive and could not be explained by the need to obtain parts or travel to other job sites.

Morales stated that there have been concerns expressed to him in the past regarding Carr being under the influence of alcohol while at work. Morales, however, has never personally observed Carr exhibiting suspicious (intoxicated) behavior at work. In addition, Carr was always responsive to Morales when contacted him. Morales has not received any complaints regarding the level of service being provided by the Ironworkers.

██████████ – **December 30, 2011**

██████████ has served as an Ironworker for the County for the past 6 years. Carr has been ██████████ supervisor for this entire period of time. ██████████ indicates that his primary job function is to maintain the glass, door locks and perform shop work for the jails. ██████████ states that he is required to perform work outside the Justice Center complex "a couple times a week". ██████████ uses a County vehicle when performing this off-site work.

██████████ and Carr work on projects together on a daily basis. ██████████ states that he has never noticed any issue with regard to Carr's whereabouts during the work day. According to ██████████, Carr is always available by radio and/or cell phone during the day. Carr will occasionally need to use his personal vehicle to go obtain parts for certain projects. ██████████ indicates that he has never traveled with Carr in his vehicle. Upon reviewing Carr's garage swipes, ██████████ acknowledged that his time away from the building seemed excessive.

██████████ has not observed Carr acting under the influence of alcohol at work. ██████████ has not observed any drinking of alcohol on the work premises by Carr or other trades employees. ██████████ indicates that he is a recovering alcoholic and has not consumed

alcohol in 19 years. Accordingly, he denies any alcohol consumption on County property or during work hours.

██████████ – **December 30, 2011**

██████████ has served as a Skilled Laborer for the County for 12 years. Although he does not directly report to Carr, ██████████ does assist the Ironworkers with projects on occasion. ██████████ indicates that he has never encountered any issue with regard to Carr's whereabouts during the day. Furthermore, ██████████ has never observed Carr appearing under the influence of alcohol while at work. ██████████ reiterated, though, that he does not spend much time with the Ironworkers. ██████████ denies that any alcohol is consumed on County property or during work hours by himself or any of the trades employees assigned to the Justice Center.

May 19, 2011 Complaint

Attendance and parking records for Carr from May 19, 2011 were reviewed in an attempt to corroborate the allegations in the initial complaint. County payroll records<sup>2</sup> for this date indicate that Carr clocked in at 6:54:54 a.m. and clocked out at 3:30:00 p.m. The clock-out, however, was a "manual override" issued by the County's Payroll Division. Generally, employees in Carr's position are required to swipe a time clock with their ID badge while placing their hand on a palm scanner to clock-in and clock-out each day. An employee, though, can request a manual override when they are unable to complete the swiping procedure. A manual override is requested by completing a "Time Adjustment Form" and submitting it to the employee's direct supervisor for approval. Once approved by the supervisor, the form is sent to the Payroll Division for recording in the County's Human Resources Information System (SAP).

On May 20, 2011, Carr submitted a Time Adjustment Form<sup>3</sup> requesting a manual override on May 19, 2011 because his "ID would not work". The form was signed on that same date by Morales. The form was subsequently submitted to the Payroll Division and recorded in SAP.

Parking records<sup>4</sup> for the date in question, however, directly contradict the payroll information submitted by Carr. Parking records for the Justice Center garage indicate that Carr entered the garage at 6:55:10 a.m. and departed at 11:04:48 a.m. on May 19, 2011. Carr did not enter the garage again on this date. This evidence provided sufficient support to warrant further investigation of the complaint.

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

<sup>3</sup> Attached as **Exhibit C.**

<sup>4</sup> Attached as **Exhibit D.**

Time Records Review

Payroll<sup>5</sup>, parking garage<sup>6</sup> and payroll time distribution<sup>7</sup> records from January 1, 2011 through August 12, 2011 were reviewed for additional discrepancies. Parking records reveal that Carr parks his personal vehicle in the Justice Center “Judges” parking lot, which is accessed from Lakeside Avenue. All “garage” references in this report are refer to this parking lot.

The following is a detailed summary of the dates between January 1, 2011 and March 31, 2011 where a discrepancy existed between the payroll/work distribution records and the garage records<sup>8</sup>:

<u>DATE</u>	<u>DISCREPANCY</u>	<u>MISSING HOURS</u>
1/3/11 Monday	Carr enters garage at 6:38 a.m. Carr exits garage at 11:15 a.m. and returns at 3:30 p.m. Carr then exits garage again at 3:34 p.m. Payroll records indicate that Carr worked continuously from 6:42 a.m. to 3:31 p.m.	4.25
1/4/11 Tuesday	Carr enters garage at 6:53 a.m. Carr exits garage at 9:29 a.m. and returns at 4:23 p.m. Car then exits garage again at 4:33 p.m. Payroll records indicate that Carr worked continuously from 6:54 a.m. to 4:30 p.m.	6.90
1/11/11 Tuesday	Carr departs garage for the day at 11:04 a.m. Payroll records indicate that Carr worked continuously from 6:55 a.m. to 2:35 p.m.	3.52
1/18/11 Tuesday	Carr departs garage for the day at 1:25 p.m. Payroll records indicate that Carr requested and was granted a manual override for a clock-out at 3:30 p.m. <sup>9</sup>	2.08
1/25/11 Tuesday	Carr enters garage at 7:02 a.m. Carr exits garage at 11:35 a.m. and returns at 2:40:50 p.m. Car then exits garage again at 3:36 p.m. Payroll records indicate that Carr worked continuously from 7:01 a.m. to 3:30 p.m.	3.08
1/27/11 Thursday	Carr enters garage at 7:05 a.m. Carr exits garage at 12:13 p.m. and returns at 4:00 p.m. Carr then exits garage again at 4:13 p.m. Payroll records indicate that Carr worked continuously from 7:05 a.m. to 4:00 p.m.	3.78

<sup>5</sup> Attached as **Exhibit E**.

<sup>6</sup> Attached as **Exhibit F**.

<sup>7</sup> Attached as **Exhibit G**.

<sup>8</sup> A brief summary of all dates in 2011 where discrepancies exist is attached as **Exhibit H**.

<sup>9</sup> SAP system indicates that Carr was granted a manual override for his departure 3:30 p.m. (see Exhibit E). Payroll, however, was unable to locate Carr’s Time Adjustment Form for that date.

2/1/11 Tuesday	Carr enters garage at 8:47 a.m. Carr exits garage at 12:08 p.m. and returns at 2:36 p.m. Carr then exits garage again at 3:36 p.m. Payroll records indicate that Carr worked continuously from 8:47 a.m. to 3:31 p.m.	<b>2.47</b>
2/3/11 Thursday	Carr enters garage at 6:54 a.m. Carr exits garage at 12:36 p.m. and returns at 3:01 p.m. Carr then exits garage again at 3:33 p.m. Payroll records indicate that Carr worked continuously from 6:54 a.m. to 3:30 p.m.	<b>2.42</b>
2/4/11 Friday	Carr enters the garage at 1:07 a.m. and departs at 2:35 a.m. Carr returns to the garage at 9:20 a.m. and departs for the day at 11:52 a.m. Payroll records indicate that Carr requested <sup>10</sup> and was granted a manual override for a clock-out at 3:30 p.m.	<b>3.63</b>
2/5/11 Saturday	Carr is not scheduled to work but enters garage at 9:30 a.m. and departs at 9:45 a.m.	-
2/6/11 Sunday	Carr is not scheduled to work but enters garage at 11:54 a.m. and departs at 2:04 p.m.	-
2/7/11 Monday	Carr enters garage at 6:43 a.m. Carr exits garage at 12:33 p.m. and returns at 2:04 p.m. Carr then exits garage again at 3:33 p.m. Payroll records indicate that Carr worked continuously from 6:46 a.m. to 3:30 p.m.	<b>1.52</b>
2/8/11 Tuesday	Carr enters garage at 6:54 a.m. Carr exits garage at 11:36 a.m. and returns at 2:01 p.m. Carr then exits garage again at 3:34 p.m. Payroll records indicate that Carr worked continuously from 6:55 a.m. to 3:31 p.m.	<b>2.42</b>
2/9/11 Wednesday	Carr enters garage at 6:58 a.m. Carr exits garage at 12:48 p.m. and returns at 3:52 p.m. Carr then exits garage again at 4:05 p.m. Payroll records indicate that Carr worked continuously from 6:58 a.m. to 3:52 p.m.	<b>3.07</b>
2/11/11 Friday	Carr enters garage at 6:46 a.m. Carr exits garage at 1:57 p.m. and returns at 3:20 p.m. Carr then exits garage again at 3:36 p.m. Payroll records indicate that Carr worked continuously from 6:48 a.m. to 3:31 p.m.	<b>1.38</b>
2/15/11 Tuesday	Carr enters garage at 6:52 a.m. Carr exits garage at 1:53 p.m. and returns at 3:35 p.m. Carr then exits garage again at 3:47 p.m. Payroll records indicate that Carr worked continuously from 6:52 a.m. to 3:35 p.m.	<b>1.70</b>

<sup>10</sup> Time Adjustment Form attached as **Exhibit H-1**.

2/16/11 Wednesday	Carr enters garage at 6:55 a.m. Carr exits garage at 11:52 a.m. and returns at 3:27 p.m. Carr then exits garage again at 3:43 p.m. Payroll records indicate that Carr worked continuously from 6:55 a.m. to 3:30 p.m.	<b>3.58</b>
2/17/11 Thursday	Carr enters garage at 6:59 a.m. Carr exits garage at 1:08 p.m. and returns at 3:47 p.m. Carr then exits garage again at 3:50 p.m. Payroll records indicate that Carr worked continuously from 6:58 a.m. to 3:47 p.m.	<b>2.65</b>
2/18/11 Friday	Carr enters garage at 7:05 a.m. Carr exits garage at 12:58 p.m. and returns at 3:07 p.m. Carr then exits garage again at 3:35 p.m. Payroll records indicate that Carr worked continuously from 7:04 a.m. to 3:32 p.m.	<b>2.15</b>
2/19/11 Saturday	Carr is not scheduled to work but enters garage at 2:22 p.m. and departs at 2:42 p.m.	-
2/24/11 Thursday	Carr enters garage at 6:42 a.m. Carr exits garage at 1:50 p.m. and returns at 4:24 p.m. Carr then exits garage again at 4:31 p.m. Payroll records indicate that Carr worked continuously from 6:41 a.m. to 4:24 p.m.	<b>2.57</b>
3/1/11 Tuesday	Carr enters garage at 6:49 a.m. Carr exits garage at 1:00 p.m. and returns at 2:18 p.m. Carr then exits garage again at 3:35 p.m. Payroll records indicate that Carr worked continuously from 6:48 a.m. to 3:32 p.m.	<b>1.30</b>
3/3/11 Thursday	Carr enters garage at 6:50 a.m. Carr exits garage at 11:46 a.m. and returns at 3:23 p.m. Carr then exits garage again at 3:34 p.m. Payroll records indicate that Carr worked continuously from 6:50 a.m. to 3:31 p.m.	<b>3.62</b>
3/4/11 Friday	Carr enters garage at 6:50 a.m. Carr exits garage at 11:24 a.m. and returns at 3:19 p.m. Carr then exits garage again at 3:33 p.m. Payroll records indicate that Carr worked continuously from 6:50 a.m. to 3:30 p.m.	<b>3.92</b>
3/8/11 Tuesday	Carr enters garage at 6:57 a.m. Carr exits garage at 11:45 a.m. and returns at 3:02 p.m. Carr then exits garage again at 3:33 p.m. Payroll records indicate that Carr worked continuously from 6:57 a.m. to 3:30 p.m.	<b>3.28</b>



3/9/11 Wednesday	Carr departs garage for the day at 12:19 p.m. Payroll records indicate that Carr requested and was granted a manual override for a clock-out at 3:30 p.m. <sup>11</sup>	3.18
3/10/11 Thursday	Carr enters garage at 6:57 a.m. Carr exits garage at 11:59 a.m. and returns at 3:31 p.m. Carr then exits garage again at 3:46 p.m. Payroll records indicate that Carr worked continuously from 6:57 a.m. to 3:42 p.m.	3.53
3/18/11 Friday	Carr enters garage at 6:44 a.m. Carr exits garage at 11:59 a.m. and returns at 2:47 p.m. Carr then exits garage again at 3:36 p.m. Payroll records indicate that Carr worked continuously from 6:43 a.m. to 3:32 p.m.	2.80
3/20/11 Sunday	Carr is not scheduled to work but enters garage at 12:16 p.m. and departs at 2:12 p.m.	-
3/21/11 Monday	Carr enters garage at 6:53 a.m. Carr exits garage at 11:32 a.m. and returns at 1:49 p.m. Carr then exits garage again at 3:34 p.m. Payroll records indicate that Carr worked continuously from 6:53 a.m. to 3:31 p.m.	2.28
3/22/11 Tuesday	Carr enters garage at 7:10 a.m. Carr exits garage at 1:45 p.m. and returns at 3:20 p.m. Carr then exits garage again at 3:34 p.m. Payroll records indicate that Carr worked continuously from 7:13 a.m. to 3:31 p.m.	1.58
3/23/11 Wednesday	Carr departs garage for the day at 11:06 a.m. Payroll records indicate that Carr worked continuously from 6:55 a.m. to 3:52 p.m.	4.77
3/24/11 Thursday	Carr enters garage at 6:56 a.m. Carr exits garage at 12:58 p.m. and returns at 4:10 p.m. Carr then exits garage again at 4:15 p.m. Payroll records indicate that Carr worked continuously from 6:56 a.m. to 4:11 p.m.	3.20
3/25/11 Friday	Carr enters garage at 7:09 a.m. Carr exits garage at 12:02 p.m. and returns at 2:27 p.m. Carr then exits garage again at 3:38 p.m. Payroll records indicate that Carr worked continuously from 7:10 a.m. to 3:33 p.m.	2.42
3/27/11 Sunday	Carr is not scheduled to work but enters garage at 2:33 p.m. and departs at 2:48 p.m.	-

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<sup>11</sup> SAP system indicates that Carr was granted a manual override for his departure 3:30 p.m. (see Exhibit E). Payroll, however, was unable to locate Carr's Time Adjustment Form for that date.

3/28/11 Monday	Carr enters garage at 6:55 a.m. Carr exits garage at 12:09 p.m. and returns at 3:09 p.m. Carr then exits garage again at 3:35 p.m. Payroll records indicate that Carr worked continuously from 6:59 a.m. to 3:33 p.m.	3.00
3/31/11 Thursday	Carr enters garage at 7:00 a.m. Carr exits garage at 12:56 p.m. and returns at 2:37 p.m. Carr then exits garage again at 3:34 p.m. Payroll records indicate that Carr worked continuously from 7:00 a.m. to 3:31 p.m.	1.68

A complete review of the garage and payroll records from January 1, 2011 through August 12, 2011<sup>12</sup> revealed 308 hours and 46 minutes of time where Carr was out of the Justice Center in his personal vehicle for more than an hour of time during working hours.

Based on the interview with Morales, it appears that Carr does perform work outside of the Justice Center as part of his regular duties. Carr has access to a Public Works vehicle for occurrences when he is required to perform off-site work. The use of this vehicle, though, would generally not explain the discrepancies noted above. According to Morales, Carr would generally enter and exit the Justice Center with the work vehicle through a service garage door near the Ironworkers' office. The service garage door is operated by use of an actual key or manually by the dock staff (i.e., no card swipe). The service dock is not accessible through the Judges parking garage entrance. Therefore, the entering and exiting of the garage noted above and below are likely exclusively Carr's personal vehicle.

In light of this information, it was determined that direct surveillance of Carr's daily behavior was warranted.

#### Surveillance

The private investigation firm of Demopoulos and Associates ("Demopoulos") was engaged to conduct surveillance of Carr's behavior on November 17, 18, 21, and 23, 2011. On or about December 1, 2011, Demopoulos submitted a detailed final report<sup>13</sup>, photographs, and video evidence. The following is a brief summary of their observations:

#### November 17, 2011

- 6:33 a.m. Carr clocks in.
- 1:47 p.m. Carr departs Justice Center parking garage.
- 2:03 p.m. Carr arrives at the [REDACTED] Tavern ([REDACTED], Lakewood). Carr consumes two beers between 2:03 p.m. and 2:40 p.m.

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<sup>12</sup> See Exhibit H.

<sup>13</sup> Exhibit I

- 3:56 p.m. Carr departs [REDACTED] Tavern.
- 4:09 p.m. Carr enters Justice Center parking lot.
- 4:13 p.m. Carr clocks out.

**November 18, 2011**

Carr departed Justice Center parking lot at 12:00 p.m. and arrived at [REDACTED] Tavern at 12:31 p.m. It was subsequently discovered, however, that Carr requested and was approved for vacation leave for the remainder of the day at some point prior to his 12 p.m. departure.

**November 21, 2011**

In an effort to save resources spent on the investigation, Demopoulos monitored the [REDACTED] Tavern in the afternoon as opposed to conducting a full surveillance. There was no sighting of Carr at the [REDACTED] Tavern on this date. Garage records for this date indicate that Carr did leave the Justice Center garage for the day at 2:10 p.m. on this date. Carr requested<sup>14</sup> and was granted a manual override for a 3:30 p.m. sign out.

**November 23, 2011**

- 6:46 a.m. Carr clocks in.
- 1:30 p.m. Carr departs Justice Center parking garage.
- 1:43 p.m. Carr arrives at [REDACTED] Bar and Grille ([REDACTED], Cleveland).
- 3:27 p.m. Carr departs [REDACTED] Bar and Grille.
- 3:47 p.m. Carr drives past Justice Center, but does not enter building. Payroll records indicate that Carr swiped out at 3:46:14 p.m. but that there was some manual adjustment made to his payroll record.

In addition to the above-noted surveillance, Demopoulos also observed Carr's vehicle outside of [REDACTED] Bar and Grill at 1:48 p.m. on December 6, 2011.<sup>15</sup> Garage records for this date indicate that Carr left the Justice Center garage for the day at 12:17 p.m. Payroll records indicate that Carr was on the clock from 6:56 a.m. to 4:41 p.m. on this date.

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<sup>14</sup> Time Adjustment Form attached as **Exhibit H-11**.

<sup>15</sup> See e-mail from Pete Demopoulos to Matthew Hawes dated 12/6/11, attached as **Exhibit J**. Photographs attached as **Exhibit K**.

## **CONCLUSION AND RECOMMENDATIONS**

### **Allegation 1**

*Terrance Carr frequently visits local bars while on duty and drinks alcohol during these visits.*

After a careful review of the evidence collected in this investigation, it is our opinion that there is sufficient evidence to indicate that Carr has engaged in a pattern of behavior that involves his visiting local bars and consuming alcohol during working hours. Carr's time away from the Justice Center in his personal vehicle for extended periods of time is clearly excessive (424 hours and 40 minutes in 2011). Coupled with the fact that Carr has been observed at a bar during working hours on 5 separate occasions, it is reasonable to conclude that Carr is spending a significant amount of this time away from the Justice Center at a local bar. Based on Carr's hourly wage (\$35.06), his behavior could be costing the County nearly \$15,000 in lost productivity per year.<sup>16</sup> In addition, Carr's excessive absence from the workplace creates a lack of direct supervision that could be leading to additional loss in productivity from his subordinate employee.<sup>17</sup>

Accordingly, it is our recommendation that this matter be referred to the County Executive for disciplinary action. In addition, this matter should be referred to the County Prosecutor's Office for review for potential criminal prosecution.

From an operations perspective, there are several actions that should be taken to determine if this behavior is being exhibited by other trades employees and to prevent it from occurring in the future. Carr's garage and time records reveal that Carr was able to accomplish this behavior through three methods:

- 1) Exiting garage in personal vehicle in early afternoon and returning to swipe out at end of day;
- 2) Exiting garage in personal vehicle in early afternoon, not returning to Justice Center and requesting manual payroll override; and
- 3) Exiting garage in personal vehicle, not returning to Justice Center garage, but still swiping out at the end of the day.

Addressing the first method will involve an increase in management oversight of the trades employees. Carr's excessive time away from the worksite is a direct result of a lack of management oversight of his behavior. Based on our review of this case, there appears to be several causes of this lack of management oversight:

- 1) A lack of support for front-line management from upper management of the former Department of Central Services with regard to disciplinary issues for trades employees.

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<sup>16</sup> This cost could be exacerbated by the fact that Carr received 29.56 hours of overtime in 2011.

<sup>17</sup> In addition to the 424 hours where Carr was away from the Justice Center, Carr was approved for and used 266 hours of leave during 2011. Therefore Carr was away from the Justice Center for approximately 1/3 of his scheduled working hours in 2011.

- 2) The excessive amount of direct reports to Morales. Because of Morales' additional duties with regard to project management and custodial management, his ability to conduct observational supervision of the trades staff is limited. It appears that the designated supervisor over all trades foreman (Klimkowski) should be charged with the primary responsibility for direct supervision issues such as timekeeping.
- 3) Lack of performance monitoring (e.g., detailed work hours, accurate hourly billing records).
- 4) Lack of observation of trades employees (e.g., visual monitoring by supervisors, explicit check-in procedures, use of GPS).
- 5) A lack of accountability for management staff. Despite the limitations noted above, management should be held accountable for allowing this behavior to occur for such a significant period of time.

The second method can be eliminated through modification of the manual override procedures. The current procedures allow for an employee to simply submit a written request form to Morales for approval. As noted above, Carr submitted his forms the day after the alleged swipe malfunction. Therefore, Morales is unable to verify the swipe issue upon reviewing the request form. In addition, Morales is presented with several requests from the significant number of employees that he supervises. Implementation of a same-day approval process for manual overrides would help to alleviate the first problem. The second problem can be addressed by restructuring the management duties at the Justice Center in a way that creates more accountability for lower-level direct supervisors with regard to requests for manual overrides from their subordinate employees.

The third method requires further investigation to determine the actual cause. On several occasions, Carr does not return to the Justice Center garage, but payroll records indicate that he physically swiped out. These occasions could be explained by Carr parking in the loading dock or outside the building when he returns, but further investigation should be conducted to determine if the time clock system is being manipulated. The situation on November 23<sup>rd</sup> reinforces the need for further investigation. On this date, Carr drove his vehicle back downtown from the bar in the late afternoon. Carr, however, drove around the Justice Center without entering the building in any fashion. Carr's payroll records indicate that he physically signed out that afternoon at the exact time he was outside the Justice Center. The payroll record also indicates that a manual adjustment was made by a Payroll Administrator for the Department of Human Resources.

In light of these systemic issues, we recommend that the AIG open a new investigation addressing the following issues:

- 1) Review of time/garage records for all trades employees; and
- 2) Further investigation of the timekeeping systems for employees of the Public Works Department.

In addition, we recommend that the AIG request a 60-day response letter from the Department of Public Works addressing their efforts to address the issues identified above.

Allegation 2

*The Ironworkers located in the Justice Center drink alcohol in their office while on duty.*

After careful review of the evidence collected in this investigation, it is our opinion that there is insufficient evidence to indicate that the Ironworkers located in the Justice Center drink alcohol in their office while on duty.

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Matthew Hawes  
Deputy Inspector General

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Mark Cutright  
Investigator

Approval as to conclusions and recommendations:

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Nailah K. Byrd  
Inspector General

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Date

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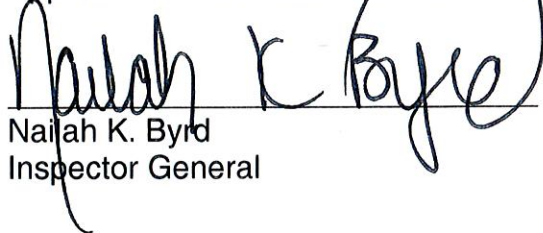


Matthew Hawes  
Deputy Inspector General



Mark Cutright  
Investigator

Approval as to conclusions and recommendations:



Nailah K. Byrd  
Inspector General

1/9/12  
Date