

STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF
INVESTIGATION



AGENCY: OHIO DEPARTMENT OF TRANSPORTATION
FILE ID NO.: 2016-CA00015
DATE OF REPORT: SEPTEMBER 12, 2017

The Office of the Ohio Inspector General ... The State Watchdog

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Randall J. Meyer
Ohio Inspector General



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REPORT OF INVESTIGATION

FILE ID NUMBER: 2016-CA00015

SUBJECT NAME: Ohio Department of Transportation
District 10
338 Muskingum Drive
Marietta, Ohio 45750

AGENCY: Ohio Department of Transportation

BASIS FOR INVESTIGATION: Complaint

ALLEGATIONS: Using Political Party Affiliation as a Hiring Preference for State Employment.

INITIATED: April 11, 2016

DATE OF REPORT: September 12, 2017

INITIAL ALLEGATION AND COMPLAINT SUMMARY

On April 6, 2016, the Office of the Ohio Inspector General received a hand-delivered complaint letter from state representatives Nicholas J. Celebrezze (District 15) and Michael P. Sheehy (District 46) concerning a Facebook notification posted on March 29, 2016, by Marietta City Councilmember Cindy Oxender. This post referenced six summer employment positions available with the Ohio Department of Transportation (ODOT) District 10. The complaint that was submitted to the Office of the Ohio Inspector General included a copy of Oxender's Facebook post, which concluded with the statement, "Preference is given to Republican youth on this!" The complainants requested a review of the hiring and employment practices by ODOT district offices, particularly District 10, to determine if political affiliation is a factor in agency employment decisions.

The Office of the Ohio Inspector General opened an investigation on April 11, 2016.

BACKGROUND

Ohio Department of Transportation

The Ohio Department of Transportation (ODOT) is responsible for maintaining the state's system of highways, as well as overseeing the state's rail, aviation, and public transportation systems. The department has 12 districts along with a central office located in Columbus, Ohio. The director, who serves as the agency's chief executive officer, is appointed by the governor and confirmed by the Ohio Senate. The majority of ODOT funding comes from federal and state taxes on motor fuels.¹

The Ohio General Assembly enacted Ohio Revised Code §121.51, effective July 3, 2007, which created the deputy inspector general for the Ohio Department of Transportation (ODOT). The statute designated this deputy inspector general "... shall investigate all wrongful acts or omissions that have been committed or are being committed by employees of the department" and provides the deputy inspector general the same powers and duties regarding matters concerning the department as those specified in sections 121.42, 121.43, and 121.45 of the Ohio Revised Code for matters involving ODOT.

¹ Source: Biennial budget documents.

Applicable Rules, Policies and Procedures

The hiring of transportation seasonal help is coordinated at the ODOT district level, with oversight by the ODOT Central Office. The applicable ODOT procedure for hiring, 221-003(SP), outlines the standard procedure and guidelines for the hiring process for ODOT. Transportation seasonal help positions are unclassified pursuant to Ohio Revised Code (ORC) §124.30(B). Specific requirements for employment in these positions are outlined in the transportation seasonal help position description. ODOT requires that: 1) the candidate must be 18 years of age or a high school graduate who has attained the age of 17; 2) must have a valid driver's license; 3) must submit to and pass a drug test; 4) and must submit to a criminal background check.²

INVESTIGATIVE SUMMARY

The Office of the Ohio Inspector General reviewed the complaint letter from Celebrezze and Sheehy, and the enclosed copy of Oxender's Facebook post from March 29, 2016. [**\(Exhibit 1\)**](#) The complaint letter provided no specific examples of suspected illegal or improper employment practices at ODOT. However, the complainants requested a review of hiring and employment practices by ODOT district offices, particularly District 10, to determine if political affiliation is a factor in agency employment decisions.

Investigators conducted interviews with numerous ODOT District 10 employees to discuss the department's employment practices, and reviewed hiring documents from ODOT District 5 as a means of comparison. One overriding comment stated to investigators by ODOT administrators was that ODOT had difficulty filling the positions available for transportation seasonal help employment because of the lack of qualified applications received. Administrators told investigators that political preference is not used to fill these ODOT positions, and noted that nearly all applicants for employment that could pass the basic minimum requirements were being accepted.

² A criminal conviction does not necessarily preclude an applicant from consideration for transportation seasonal help employment. If there is a conviction, that information will be reviewed and a decision on hiring will be made on a case-by-case basis.

On April 24, 2016, the Office of the Ohio Inspector General interviewed Cynthia Oxender, councilmember for Marietta City. Oxender told investigators that she did not author the Facebook post; but rather, she shared a friend's Facebook post on her own page. Oxender said the friend was Leslie Haas, who was the Washington County Republican Executive Committee chairperson. Oxender noted that she had posted general information about available Washington County summer jobs, saying, "I was hoping a kid could get a job." Oxender stated she would have passed along to Haas any names of potential applicants received from Facebook friends who were asking for information on the ODOT positions. Oxender added she never spoke with anyone from ODOT about the six temporary summer jobs mentioned in her Facebook post.

Oxender stated she had been recently elected to city council and believed the information on the Facebook post was sent to the media by her election opponent. Oxender said she had received threats about the matter and changed her phone number. She acknowledged that posting the notification "was a mistake" and said, "I should have read the post more closely before sharing." Oxender said she publicly apologized and did not think about the potential consequences before posting the information on her Facebook page.

On December 16, 2016, the Office of the Ohio Inspector General interviewed Leslie Haas, who was the executive committee chairperson for the Washington County Republican Party. Haas stated she was familiar with the news report of the Marietta City councilmember's Facebook post concerning the available temporary summer positions at ODOT. Although Haas could not recall the exact date, she believed the media coverage occurred in the spring of 2016, the same week as the governor's State of the State address, which was held in Marietta. Haas said she (Haas) wrote the post, including the "Preference is given to Republican youth on this!" comment, which was then shared by Oxender on her Facebook page.

Haas stated to investigators that as chairperson for the Washington County Republican Party, she did have "a preference for Republicans." Haas said that the Facebook comment about Republicans getting preference was hers and the comment was intended to mean Haas would give preference to Republicans in making referrals to ODOT, not that ODOT was intending to hire Republicans. Haas said she knew her counterpart, Washington County Democratic Party

Chair Willa O'Neill, had also made selective referrals to ODOT for the transportation seasonal help and intern positions.

Haas noted to investigators that no one from ODOT had ever asked her to recommend Republican applicants for any positions. Haas added she had met with ODOT District 10 personnel Tiffany Betzing and Steve Williams about five years prior, after she was first elected to her position. Haas said that both Betzing and Williams made it clear to her that political party affiliation was not considered in the ODOT employee selection process; ODOT was looking for the most qualified candidates for all positions.

On December 19, 2016, the Office of the Ohio Inspector General interviewed Willa O'Neill, the Democratic Party chair for Washington County. O'Neill said she had been the Democratic Party chair since June 2014. O'Neill stated she had been an ODOT employee and retired from the department in 2010. O'Neill added that at the time of her retirement from ODOT, she was the statewide union quality coordinator and had worked the final 10 years of her career at the ODOT Central Office in Columbus, Ohio.

O'Neill said she was familiar with the news report of Oxender's Facebook post concerning the transportation seasonal help positions with ODOT. O'Neill noted she would refer youth interested in temporary summer positions to the ODOT District 10 office, and that the qualifications for the positions were minimal and included no specialized skills. O'Neill stated she knew Steve Williams, but said she had no conversations with him or any other District 10 staff about the Oxender Facebook post. O'Neill noted she did have contact with Williams and District 10 staff over the past several years, since they were among her sponsors for Big Brothers Big Sisters, an organization for which she has been an active volunteer.

O'Neill said she was contacted by television station WTAP in Parkersburg, West Virginia, and was interviewed over the telephone about the Oxender Facebook post. O'Neill confirmed she told WTAP that when she worked for ODOT during the Democratic administrations, political party affiliation was considered in some situations for employment and she believed that it was

also considered during Republican administrations. O'Neill told the station that it, "... wasn't right, but in her experience, it was done by both political parties."

O'Neill conceded it had been more than 20 years since she worked in ODOT District 10 and acknowledged that since collective bargaining took effect in 1986, the problem of using political party affiliation in the selection process has diminished.

On December 14, 2016, the Office of the Ohio Inspector General conducted an interview with ODOT Program Administrator 2 Marianna Kroner. Kroner stated she had been employed with ODOT for approximately three years and served as the administrative assistant to District 10 Deputy Director Steve Williams, and noted she was also the District 10 training coordinator.

Kroner told investigators that she was familiar with the news report of the Marietta City councilmember's Facebook post concerning the transportation seasonal help positions with ODOT. Kroner noted that throughout her employment with ODOT, she had not observed anyone at ODOT inquire about the political affiliation of any job applicant. Kroner acknowledged she received emails from Leslie Haas, the Washington County Republican Party Executive Committee chairperson, recommending youth for the transportation seasonal help positions. Kroner said she and her supervisor, Steve Williams, both had conversations with Leslie Haas about referrals submitted to District 10, stating that ODOT was looking for youth who were high school graduates, and that every applicant must hold a valid driver's license, and pass a drug test. Kroner said she specifically told Haas not to include any political party affiliation on any of her referrals, after Haas mentioned it on a prior applicant's referral. Kroner said after she informed Haas about this, Haas ceased to include any mention of party affiliation on future recommendations for transportation seasonal help.

Kroner told investigators that for the past few years, the district has had trouble filling all the open transportation seasonal help positions. Kroner noted that although the qualifications are minimal and include no specialized skills, ODOT does not receive enough qualified applicants to fill the number of summer jobs available.

On December 19, 2016, the Office of the Ohio Inspector General conducted an interview with ODOT Human Capital Management Senior Analyst Briana Hall to discuss ODOT's hiring practices for transportation seasonal help positions. Hall told investigators it was her responsibility in February or March of each year, to email all ODOT transportation administrators located in District 10 counties to inform them of the number of transportation seasonal help positions ODOT would have open for the summer. Hall added that during this time, the transportation administrators would determine which of the previous summer's temporary workers they would like to have back and to reapply. Hall stated that the transportation administrators were also permitted to post information on area job boards at high schools and colleges to notify students that transportation seasonal help positions were available.

When investigators asked Hall about the Oxender Facebook post and its reference to party affiliation, Hall said that during her time working for ODOT she had seen several applications that indicate a political party affiliation. However, Hall noted that she had never been directed to take any hiring action based upon political party affiliation. Hall said she disregarded the information on political party affiliation when it was listed on an application, and stated that she believed it would be against ODOT policy to hire workers based on political party affiliation.

[\(Exhibit 2\)](#) Additionally, Hall also noted that the district has had difficulty filling all the available transportation seasonal help positions with qualified candidates due to a lack of interest.

On December 19, 2016, the Office of the Ohio Inspector General conducted an interview with ODOT District 10 Deputy Director Steven Williams. Williams had been employed with ODOT for more than 30 years and had been the District 10 deputy director since January of 2011. According to Williams, around April 2016, he became aware about the news report of the Marietta City Councilmember Oxender's Facebook post regarding ODOT's transportation seasonal help positions. Williams told investigators that he had never met Oxender but did recall reading about her Facebook post in the Dayton Daily News. Williams added that he had met both O'Neill and Haas, and had occasionally received emails from them, and had spoken to them on the telephone.

Williams stated that since his appointment as District 10 deputy director, he had never been requested by anyone from ODOT to hire someone based on their political party affiliation. Williams noted to investigators that he could not recall of any time when someone asked him about the political affiliation of any applicant, and mentioned that "... it is also against ODOT policy" to do so. Williams said he knew that county chairs and other elected officials contact the office with references and recommendations for job applicants and that each political party will make endorsements for applicants. However, Williams stated that ODOT officials are directed to not consider political party affiliation when making hiring decisions. Williams noted specifically that he had told Haas not to include any political party affiliation with an applicant's references. Williams said he only informed Haas that ODOT was looking to hire youth who graduated from high school, who had a valid driver's license, and who could pass a drug test. Williams said that District 10 had recently had difficulty filling available transportation seasonal help positions because of a lack of applicants who meet the minimum qualifications.

The Office of the Ohio Inspector General requested and reviewed the state of Ohio email file for former ODOT District 10 Business and Human Resources Administrator Tiffany Betzing-Gorham for the time period from January 1, 2014, to December 31, 2015. Investigators also obtained and reviewed the state of Ohio email files for ODOT District 10 Administrative Assistant Marianna Kroner, Human Capital Management Senior Analyst Briana M. Hall, and District Deputy Director T. Steven Williams for the time period from January 1, 2014, to April 20, 2016. Due to an ODOT record retention period of 270 days for emails, not all emails sent and received during the requested time periods were available. A total of 10,591 emails were reviewed by investigators.

From a review of all emails dated from 2014 through 2016 that were related to transportation seasonal help and intern positions, investigators found 23 emails sent from ODOT transportation administrators recommending applicants, 19 emails sent from Leslie Haas recommending applicants, and seven emails sent from other sources recommending applicants.

During the review of emails for years 2014 through 2016, investigators did not find any emails or attachments that came from or mentioned Oxender. However, during the same review of

emails for years 2014 through 2016, investigators found one printed copy of an email that mentioned a political party affiliation. The printed email, dated April 4, 2014, was sent by Leslie Haas to tiffany.betzing@dot.state.oh.us, and was located in a District 10 applicant file.³ ([Exhibit](#)

[3](#)) It was a recommendation for an applicant and contained the following text:

Subject: Fw: Still need a couple summer workers for ODOT

Here is another that didn't originally come through me, but came to me this morning. The woman who submitted the name to me this morning is a big Dem but this boy's (sic) parents are both committed Reps.

In addition to the review of ODOT email files for districts 5 and 10, the Office of the Ohio Inspector General also reviewed applicant files for ODOT districts 5 and 10 for transportation seasonal help and intern positions for the years 2014 and 2015. A total of 2,054 documents were evaluated.

During the review of the applications and other documentation collected by ODOT to make hiring decisions, investigators found only one document referencing a political party affiliation. The document was an application found in the District 10 files for a 17-year-old Morgan County individual who answered the question, "How did you learn about this employment opportunity?" by marking the "Other" box and writing "Rep. Central Committee." ([Exhibit 4](#)) This application was submitted to ODOT District 10 in April 2015. Investigators found no documents or notes that came from or mentioned Oxender.

CONCLUSION

On April 6, 2016, the Office of the Ohio Inspector General received a hand-delivered complaint letter from state representatives Nicholas J. Celebrezze (District 15) and Michael P. Sheehy (District 46) concerning a Facebook notification posted on March 29, 2016, by Marietta City Councilmember Cindy Oxender. This post referenced six temporary summer employment positions available with the Ohio Department of Transportation (ODOT) District 10. The Facebook post concluded with the statement, "Preference is given to Republican youth on this!"

³ Tiffany L. Betzing-Gorham was employed by ODOT from 1993 to October 2015. Her last position with the agency was District 10 Business and Human Resources administrator.

The Office of the Ohio Inspector General conducted interviews, reviewed 10,591 emails from ODOT districts 10 and 5, and examined 2,054 documents in the temporary summer and intern applicant files. Investigators identified two items that contained any reference to political party affiliation.

Based upon the investigation by the Office of the Ohio Inspector General, including numerous interviews and a review of records from District 10 and District 5,⁴ it was determined that the Marietta City councilmember's Facebook post was the only suggestion that party affiliation was a factor considered by ODOT when hiring transportation seasonal help. Based upon the investigation, ODOT had properly disregarded any party affiliation information prior to making hiring decisions. There is no evidence to support a preference based upon political affiliation being given for hiring transportation seasonal help at ODOT.

Accordingly, the Office of the Ohio Inspector General finds no reasonable cause to believe a wrongful act or omission occurred in this instance.

RECOMMENDATION(S)

The Office of the Ohio Inspector General has determined that no recommendations are warranted for this report of investigation.

REFERRAL(S)

The Office of the Ohio Inspector General has determined that no referrals are warranted for this report of investigation.

⁴ ODOT District 5 was selected for a review of its hiring data for transportation seasonal help to serve as another sample of data to review to see if hiring preference was being given based upon political affiliation.



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RANDALL J. MEYER, INSPECTOR GENERAL

NAME OF REPORT: Ohio Department of Transportation

FILE ID #: 2016-CA00015

KEEPER OF RECORDS CERTIFICATION

This is a true and correct copy of the report which is required to be prepared by the Office of the Ohio Inspector General pursuant to Section 121.42 of the Ohio Revised Code.

Jill Jones
KEEPER OF RECORDS

CERTIFIED
September 12, 2017

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