

STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF
INVESTIGATION



AGENCY: OHIO ENVIRONMENTAL PROTECTION AGENCY
FILE ID NO.: 2018-CA00002
DATE OF REPORT: OCTOBER 23, 2018

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

“Safeguarding integrity in state government”

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Randall J. Meyer
Ohio Inspector General



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FILE ID NUMBER: 2018-CA00002

SUBJECT NAMES/POSITIONS: Kurt Princic
Environmental Administrator, Chief of the
Northeast District Office
Lynn Sowers
Environmental Manager
Jarnal Singh
Environmental Supervisor
John Hujar
Environmental Specialist
Joshua Adams
Environmental Specialist

AGENCY: Ohio Environmental Protection Agency

BASIS FOR INVESTIGATION: Complaint

ALLEGATIONS: Abuse or Misuse of Time

INITIATED: January 31, 2018

DATE OF REPORT: October 23, 2018

INITIAL ALLEGATION AND COMPLAINT SUMMARY

On January 31, 2018, the Office of the Ohio Inspector General received a referral from the chief legal counsel for the Ohio Environmental Protection Agency (Ohio EPA) alleging on October 30, 2017, Environmental Specialist 2 John Hujar was improperly compensated for five hours of time that he did not actually work. Hujar was permitted by his supervisor, Environmental Manager Lynn Sowers, to leave work for the day, but still claimed and was paid for five additional hours of work. The complaint stated that on January 26, 2018, the Chief of the Northeast District Office Kurt Princic was contacted by Ohio EPA Office of Investigations Chief Kathleen Bourke and Ohio EPA Chief Legal Counsel Todd Anderson to determine if Princic was aware of this allegation. Princic stated he became aware of the allegation on January 25, 2018, and that he believed the allegation to be true based on a conversation he had with Sowers.

BACKGROUND

Ohio Environmental Protection Agency

The Ohio Environmental Protection Agency (Ohio EPA) is charged with protecting the environment and public health by ensuring compliance with environmental laws. To carry out this mission, the Ohio EPA issues permits, conducts inspections, monitors and reports on environmental quality, provides public education, takes enforcement actions against violators and responds to spills and other environmental emergencies. Low-interest loans, subsidies and grants are also provided to local governments for various environmental construction, restoration, protection and clean-up projects. The director of the Ohio EPA is appointed by the governor and confirmed by the Ohio Senate. The Ohio EPA is funded through licenses, permits and fees charged to those they regulate, and federal funds.

APPLICABLE POLICIES AND STATUTES

Ohio EPA Time and Accounting System (TAS) Policy

According to the Ohio EPA TAS Policy, Ohio EPA employees are required to “accurately sign in and out in chronological order ... and at any time they leave the facility.” Employees are responsible for noting “all exceptions to the required signing in and out” in the system.

Employees are also responsible for seeing that all work hours are accurately entered into the

TAS system, and they are required to document within the system why overtime/compensatory time was claimed.

The policy requires supervisors to verify the hours claimed by employees.

Lastly, the policy notes that hours unsubstantiated by the sign-in/out logs may be subject to appropriate discipline.

Ohio EPA Overtime/Compensatory Time for Overtime Eligible Employees Policy

The Ohio EPA Overtime policy states that EPA overtime eligible employees accrue overtime “when they are required to be in active pay status, excluding sick leave, for more than 40 hours in any calendar week.” This means that Ohio EPA employees must work 40 hours within a calendar week before they are eligible to claim overtime.

The policy also states that overtime “must be approved in advance and used at a time agreed to by employees and their supervisor.”

Lastly, the policy states that “[e]mployees who work overtime without approval (where prior approval is possible) are subject to disciplinary action for failure to follow the approval process.”

INVESTIGATIVE SUMMARY

Investigators for the Office of the Ohio Inspector General reviewed the following documents:

- Time Accountability Log for Monday, October 30, 2017;
- Historical timecards for John Hujar and Joshua Adams;
- Employee History Reports for John Hujar and Joshua Adams.
- Employee paycheck stubs for the pay period of 10/29/2017 to 11/11/2017 for John Hujar and Joshua Adams.

Work Hours

Investigators determined the normal work schedules for Ohio EPA specialists John Hujar and Joshua Adams were Monday through Friday from 9 a.m. to 5 p.m.

John Hujar Interview

On February 20, 2018, investigators for the Office of the Ohio Inspector General traveled to the Twinsburg, Ohio offices of the Ohio EPA to interview Ohio EPA Environmental Specialist John Hujar. Hujar was told the interview would focus on events occurring October 29 and October 30, 2017. Investigators requested Hujar give a brief background as to what was referred to as the ARCO incident¹ which occurred during that period. Hujar was further requested to describe in detail the work shifts he covered during those two days.

Hujar stated that ARCO was an operation that accepted construction and demolition debris from locations where federal funds were used to tear down old houses. Hujar said the debris was intended to be recycled; however, the debris pile grew to the point that the Ohio EPA stepped in and shut down ARCO. This action left the Ohio EPA with the responsibility of cleaning up the site. During the cleanup, the site began getting hot and started to smoke and steam. When the Ohio EPA went to the site over the weekend of October 28-29, 2017, to monitor for possible combustion, the site burst into flames. Hujar stated he and Joshua Adams worked at the ARCO site, with Hujar's hours beginning at 8:45 p.m. the evening of Sunday, October 29, 2017, and ending at 11:30 a.m. Monday, October 30, 2017. Hujar said Ohio EPA Environmental Specialist Joshua Adams also worked on that date, from 9:30 p.m. until 10:16 a.m. Upon returning to the Twinsburg EPA offices, both Hujar and Adams were covered in mud and smelled of smoke. Hujar told investigators he and Adams submitted their reports to district office Chief Kurt Princic, Environmental Manager Sowers, and Environmental Supervisor Singh. After their briefing, Hujar stated Sowers told him (Hujar) and Adams to go home. Hujar and Adams, however, had been scheduled to work their regular 9 a.m. to 5 p.m. shift, Monday, October 30, 2017. Hujar stated that he expressed concern to Sowers that if he went home, he would lose the overtime he had accumulated from working the previous evening. Hujar noted that later he learned his concern was unwarranted due to a lack of understanding on his part of the ODAS overtime policy and the Ohio Civil Service Employee Association (OCSEA) contract. Hujar told

¹ In April 2014, ARCO Recycling, Inc. (ARCO) commenced a construction and demolition debris (C&DD) recycling and processing operation on six acres at 1705 Noble Road in East Cleveland, Ohio. In January 2017, the dump was shut down by the Ohio EPA, and a \$6 million clean-up of the landfill began after inspectors indicated the facility was not operating as a C&DD recycler, but rather as an illegal disposal facility. On October 28, 2017, a fire was detected at the dump site.

investigators that Sowers stated, “Don’t worry about that. You’ll still get your overtime.” Hujar said he questioned Sowers by saying, “Are you sure about that?” Sowers reportedly replied, “Yeah. I’ve already talked to Kurt (Princic) and Jen (Jennifer Kurko) down the hall.” Hujar stated he was going to work a couple more hours when Sowers advised him to “Just go home now.” Hujar stated he and Adams were both present during this conversation and that they were both directed to go home by Sowers. Hujar said he never directly talked to Princic about leaving early, but that he did confirm with his direct supervisor, Jarnal Singh, that he was permitted to leave.

Investigators asked Hujar if he submitted any leave forms such as vacation or compensatory time to make up for the remaining five hours of his scheduled work day. Hujar replied, “No,” and noted that if he had taken personal, compensatory, or vacation time, he would have lost the overtime he had worked the previous hours. Hujar was asked to clarify why he believed he would have lost the overtime. Hujar stated “It’s kind of confusing.” Hujar said he believed the provisions specified in the bargaining unit’s contract with the state would have prohibited him from receiving the overtime hours. Hujar was asked if this had ever happened to him in the past and he stated, “Not myself.” Hujar clarified that there had been grievances filed by the union in the past regarding the issue of overtime. Hujar stated that all overtime was required to be pre-approved, except in situations where pre-approval could not be obtained, and then it was “just assumed you are getting overtime.”

Investigators reviewed the Time Accountability Log for Monday, October 30, 2017, with Hujar. Hujar acknowledged he signed the log as being “IN” at 8:45 p.m. on Sunday, October 29 and “OUT” at 11:30 a.m. on Monday October 30. Hujar was also shown again as “OUT” at 5:30 p.m. on Monday, October 30. Hujar explained this by stating that after signing out on Monday morning at 11:30 a.m., he told Singh he was concerned the Time Accountability Log would not account for his entire eight-hour shift for Monday, October 30, 2017. Hujar told investigators that the Time Accountability Logs were occasionally audited and he was concerned an audit would call into question whether he worked the shift. Hujar stated Singh told him to note “5:30” on the log to account for the remaining hours of his shift. Hujar stated he did not add the 5:30 time to the Time Accountability Log on the day timecards were due, Friday, December 8, 2017.

Hujar told investigators that once he discovered an issue had surfaced regarding whether he could be paid for hours he did not work, he spoke to Princic and Sowers. Hujar stated he told them it was okay with him if they needed to deduct personal or compensatory time from him in order to correct the issue. Hujar stated that Princic said, “There is nothing we can do now that it’s in the works.”

Joshua Adams Interview

On March 13, 2018, investigators from the Office of the Ohio Inspector General interviewed Ohio EPA Environmental Specialist Joshua Adams. Adams stated that members of the Ohio EPA were sent to the ARCO site to “... babysit the site overnight just to make sure things didn’t get worse, basically eyes and ears on the ground so that we had coverage there over the weekend 24 hours a day because it was an emergency situation.” Adams said he was not certain of the dates; however, he was at the ARCO site with Hujar “Sunday night through Monday morning.”

Adams stated that Sunday night (October 29, 2017) at 9:30 p.m., he was picked up at his home by Hujar and they drove to the ARCO site. On Monday morning (October 30, 2017), after the overnight shift, he (Adams) and Hujar returned to the Twinsburg EPA office where Adams said he was scheduled to work their regular 9:00 a.m. to 5:00 p.m. shift. Adams stated when he returned to the office, there was a discussion about he and Hujar being sent home. Adams stated Lynn Sowers and Jarnal Singh were the two who advised him to go home. Adams told investigators that Kurt Princic’s name was brought up by Sowers and Singh, who stated that Princic was in agreement with sending them (Adams and Hujar) home. Adams stated Sowers acknowledged he and Hujar had worked an unexpected 12-hour shift, and that Sowers believed Adams and Hujar were fatigued and should not be expected to work at the Ohio EPA office for the remainder of the day. Adams stated he and Hujar were therefore advised by Sowers and Singh to go home and were told they would be paid for the full eight-hour work day (Monday).

Adams stated that neither he nor Hujar were directed by management to use any leave time to cover the remaining hours of their scheduled work day. Adams did not recall any discussions regarding the possibility of losing overtime hours if he and Hujar went home early. In fact,

Adams told investigators that he did not believe he would have lost any overtime by going home. Adams noted that even if he had claimed personal time or vacation time for the remaining hours of his scheduled workday, he believed he would still have received the overtime pay from his work at the ARCO site.

Investigators showed Adams his historical timecard for October 29 and 30, 2017. Upon reviewing the timecard, Adams acknowledged he “probably did it wrong” and should have divided the hours between Sunday night and Monday morning instead of reporting all the time on Monday. Adams stated that his overall total number of hours reported was correct, but the way he documented the time was incorrect, and that it was a “clerical error on my part.” Adams explained that employees recorded their time electronically, which was then reviewed and approved by the employee’s direct supervisor. Adams stated his historical timecard was reviewed and approved by his direct supervisor, Jarnal Singh.

Investigators showed Adams the Time Accountability Log for October 30, 2017, and noted that he (Adams) did not report signing-out at the same time Hujar had reported signing-out. Investigators asked Adams if anyone had instructed him to sign-out to account for the remaining time of his scheduled workday. Adams replied, “No.” Adams was asked if the Time Accountability Logs were audited. Adams stated the logs were “spot check(ed)” often and noted that supervisors had previously contacted him to verify that what he had reported on his logs was accurate.

Jarnal Singh Interview

On February 20, 2018, investigators for the Office of the Ohio Inspector General interviewed Ohio EPA Division of Materials and Waste Management Supervisor Jarnal Singh. Singh acknowledged he was the direct supervisor of John Hujar and Joshua Adams.

Singh was asked about the details of Hujar and Adams being released from work early on October 30, 2017. Singh stated he may have been part of a conversation with Prinic and Sowers discussing whether Hujar and Adams could leave work early for the day. Singh was asked if Hujar and Adams were compensated for time they did not work on October 30, 2017,

and Singh replied, “Yes.” Singh stated he believed Hujar was compensated five hours while Adams was compensated 6.7 hours. Singh was asked if there was any reason Hujar would not have been paid his overtime if he (Hujar) had taken leave time for the hours he was compensated. Singh stated he did not know of any reason why Hujar would not have been paid for the overtime worked. Singh was asked if there was any reason why Hujar did not use leave time to make up for the hours he did not work on October 30. Singh stated he “never thought of that.”

Investigators asked Singh if Hujar confirmed with him that he was permitted to leave for the day. Singh stated he did not recall whether Hujar had or not, but noted if Sowers had approved Hujar’s and Adams’ early departures from work, he would have also allowed the employees to leave. Singh was asked if he had the authority to send employees home and still pay them for the remaining hours of their workdays. Singh stated that he would have to ask his supervisor (Sowers) if he was allowed to do so, and added that he had never encountered this kind of situation in the three or four years he had been a supervisor at the Ohio EPA.

Singh was shown the Time Accountability Log for October 30, 2017. Singh was asked about the signature of John Hujar showing Hujar had left at 5:30 p.m. Singh stated it would have been required for Hujar to sign out at 5:30 p.m. in order to be paid. Singh, however, said that he was unaware of who advised Hujar to report “5:30” on his log. Singh stated that at one point, Hujar had asked him how he should report his time on the Time Accountability Log. Singh told investigators, “Maybe I did you know. Maybe it was me who said just write down a full day.” Singh stated he did not fully remember the details of the conversation with Hujar.

Singh was shown the historical timecards for both Hujar and Adams. Investigators noted Hujar divided his time worked between October 29 and 30, while Adams marked all of his time worked for October 29th. Singh was asked who verifies the accuracy of the timecards. Singh replied, “I would as a supervisor” and noted that after the timecards were approved they were forwarded to the fiscal officer. Singh examined both timecards. Singh said he believed Hujar’s was probably completed correctly. However, he believed Adam’s timecard was probably not completed correctly because it did not properly report the actual times he worked on Sunday

(October 29, 2017) and Monday (October 30, 2017). Singh stated it was difficult to verify the accuracy of the timecards, and that the Time Accountability Log was the most accurate document the Division of Materials and Waste Management had on employees' start and end times for work.

Lynn Sowers Interview

On February 20, 2018, investigators for the Office of the Ohio Inspector General interviewed Ohio EPA Environmental Manager Lynn Sowers. Sowers acknowledged she was the direct supervisor of Jarnal Singh. Sowers was asked if there was anyone else available to work the ARCO overnight detail which would not have interfered with Hujar's and Adams' next starting shift. Sowers stated that was not discussed prior to the evening work being performed. Sowers stated that Hujar and Adams were the employees assigned to ARCO and the most familiar with the site, and therefore the first to be called to the emergency. Sowers stated that after a meeting with Princic, Singh, Tim Fisher, and herself on Monday morning, October 30, 2017, management began asking who was available to work the overtime detail so they could begin scheduling employees.

Sowers confirmed Hujar and Adams were the only two employees compensated for hours they did not work. Sowers stated the decision to send Hujar and Adams home was made Monday, October 30, 2017, in the management meeting with Princic, Singh, Fisher, and herself. Sowers stated that a question arose about, "What do we do if they (Hujar and Adams) have been out there all night?" Sowers stated that management (Princic, Singh, Fisher, and herself) decided they,

... didn't know exactly how to code it but it seemed like (Hujar and Adams) should be paid overtime for all of those hours that were outside their normal regular hours. So we went ahead and all agreed that you know we could just code them for 8 hours the next day.

Sowers stated that whether or not Hujar and Adams worked the full day, management was going to pay them. Sowers was shown the Time Accountability Log for Monday, October 30, 2017, where Hujar signed out at 5:30 p.m. Sowers stated she was unaware Hujar had reported signing

out at 5:30 p.m. but "... he may have been told that," and noted that they did not discuss specifically Hujar signing out at 5:30 p.m. during the management meeting.

Sowers was asked if she knew why Hujar and Adams did not submit leave time for the remaining hours not worked of their scheduled workdays. Sowers stated she believed it was because management told them they did not need to and that it "... didn't seem right to us (management)." Sowers said that management,

... didn't know what the right way was but if (Hujar and Adams) had worked all night it didn't seem right that they would have to use leave, then to go home and go to sleep. They should be compensated for that overtime.

Investigators asked Sowers if management believed Hujar and Adams would have to forfeit their overtime pay for the time they had worked if Hujar and Adams departed early and used leave time for the remainder of their workday. Sowers responded that the issue was not about compensation of overtime, but about having Hujar and Adams use their leave time for the remaining hours of their scheduled workday. Sowers said she did not believe it was right that Hujar and Adams would be required to use their leave time after they had worked a 12- or 13-hour shift. Sowers was asked if there was any policy or procedure in effect that allowed a manager to send an employee home and still be paid for the time not worked, to which Sowers replied, "No."

Investigators showed Sowers the historical timecards for Hujar and Adams and noted the discrepancy between how Adams reported all his time on October 29, 2017, (Sunday) and Hujar's reported his time between October 29 and October 30, 2017 (Sunday and Monday). Sowers was asked if she knew why this discrepancy was not discovered by management. Sowers stated she did not know why it was not noticed. Sowers was asked if there was any way to verify the accuracy of the Time Accountability Log and she stated, "No."

Kathleen Bourke Telephone Interview

On March 5, 2018, investigators for the Office of the Ohio Inspector General interviewed Ohio EPA Chief of Investigations and Safety Kathleen Bourke. Bourke was asked about the

complaint sent to the Office of the Ohio Inspector General; specifically, about a statement in the complaint that said:

Additionally, the Chief of the Northeast District Office, Kurt Princic, was contacted on January 26, 2018, to determine if he was aware of this allegation. Princic stated he became aware of the allegation on January 25, 2018, and that he believed the allegation to be true based on subsequent conversation he had with Sowers.

Bourke stated that on January 26, 2018, she, Human Capital Management Administrator Karen Haight, and Staff Attorney Megan Schenk met with Princic to inquire whether there was any truth to the allegation. Princic reportedly acknowledged the complaint was accurate and said it was just brought to his attention by the union on January 25, 2018. Bourke stated that her recollection of the conversation was that Princic was “shocked” and stated, “This was just brought to his attention and that he would not have approved that kind of thing.” Since that conversation, Bourke stated that Princic had called Karen Haight and stated something to the effect that, “I’ve been thinking a lot about this and I do remember saying something like we’ll get it all worked out. Just do what you need to do, pay everybody, then we’ll work it out later.”

Karen Haight Telephone Interview

On March 5, 2018, investigators for the Office of the Ohio Inspector General interviewed Ohio EPA Human Capital Management Administrator Karen Haight. Haight was asked about the complaint sent to the Office of the Ohio Inspector General by the Ohio EPA regarding employees being paid hours they did not work. Haight stated she received a call from Princic on January 26, 2018, whereby Princic told her he felt responsible for the incident. Princic reportedly told Haight that management needed to make a determination if they needed 24-hour coverage, so he and Fisher had a quick conversation to discuss what they were going to do. Princic claimed the Assistant District Chief of Ohio EPA’s Northeast District Office (Twinsburg) Jennifer Kurko was not in and that he (Princic) would need to talk to Kurko and Haight before any decision would be made. Princic reportedly stated that he saw either Hujar or Adams that Monday (October 30, 2017) when management determined they no longer needed 24-hour coverage at ARCO. Princic reportedly thought the situation had resolved itself since the employee (Hujar or Adams) was at work at the Twinsburg office.

Haight said she thought it was odd Princic did not reach out to EPA Employee Services before making the decision to send Hujar and Adams home early with pay for the remainder of their shift. Investigators asked Haight if Princic had authority to permit an employee to leave work early and pay him/her for the remainder of their scheduled workday. Haight stated that Princic did not have that authority and she would be “surprised” if Princic believed he had that authority. Haight was asked if there was any reason an employee should have been instructed by a manager to alter the Time Accountability Log to show a time that was not worked. Haight stated “No,” and added, “That just boggles my mind. That is so unusual.”

Haight was asked if Hujar or Adams would have forfeited their overtime compensation if they had used personal or vacation time to leave work early on that day. Haight said if Hujar or Adams used sick leave, they would be ineligible for overtime compensation and only be paid straight time. However, if they used personal or vacation time, they would have been paid overtime for the hours they worked. Haight stated there appears to be confusion by both EPA management and employees related to this issue although it has been explained to them numerous times.

Haight was asked if the Time Accountability Logs were audited. Haight stated the employee’s supervisor should use the logs to verify the employee’s timecard and the fiscal officer may use the logs for verification. Haight stated the main office of EPA Employee Services might conduct a spot audit of the Time Accountability Logs once a year to ensure people are properly signing in and out and reporting their hours accurately.

Megan Schenk Telephone Interview

On March 7, 2018, investigators for the Office of the Ohio Inspector General interviewed Ohio EPA Staff Attorney Megan Schenk. Schenk acknowledged she was involved in the meeting January 26, 2018, when Princic was asked if the allegation in the complaint was true. Schenk stated Princic told her the decision to pay Hujar and Adams was made by Sowers and that Sowers may have gotten the wrong impression when Princic told her (Sowers) to do whatever was necessary and they would deal with any union issues later.

Kurt Princic Interview

On March 13, 2018, investigators interviewed Ohio EPA Environmental Administrator Kurt Princic. Princic was asked if there was any truth to the allegation that Hujar and Adams were sent home before the end of their work day and paid for time they did not work. Princic replied, “It’s my understanding that now they were. That did happen.” Princic stated that he was part of the management meeting that occurred on, October 30, 2017, and said, “It was me, Lynn Sowers, Jarnal Singh, and Tim Fisher” who were involved in the discussion about sending Hujar and Adams home early that day. Princic was asked to elaborate on the discussions that took place during the meeting. Princic told investigators it was a “crazy weekend” and the Ohio EPA was expecting to need emergency shift coverage all week. Princic noted there was a discussion about “How do we compensate people for this?” Princic said he told Sowers and Singh, “I want them to get compensated but we have to do this right.” Princic stated,

And I didn’t know what right was. Um I can tell you that I do know that right is not sending people home you know and paying them for sleeping. You know. I do. I do know that ... I have been racking my brain on this one trying to figure out because I clearly remember the discussion and I honestly do not remember exactly how we ended up in that. But I must have given the impression that we were gonna send them home. And the reason I say that is because shortly after this meeting, we made a decision that we were going to turn this project over to our emergency response section so the overtime issue for staff for the rest of the week went away. And I remember leaving that meeting like knowing that I needed to run this by Karen Haight. I needed to run this by our central office because it was such an unusual situation. And so I, I um, but when E.R., when our emergency response section took over, that overtime issue went away and it was kind of a mental check list in my head it’s like ok that issue is resolved ... that still left John (Hujar) and Josh (Adams) that were left unresolved. And I had remembered seeing them in the office. And it looks like John signed out at what 11:30 whatever and Josh some so I, I saw them in the office and I thought they just muscled through the day and I thought the issue is resolved.

Princic acknowledged the payments to Hujar and Adams were raised in a meeting with the union on January 25, 2018. Princic indicated his and Jennifer Kurko's initial response was, "That's not right. We can't pay people for that." Princic stated he and Kurko,

... immediately looked into it with Lynn (Sowers) and Jarnal (Singh) found out that this did occur and then Jennifer (Kurko) and Lynn (Sowers) called Karen Haight that next day the 26th to relay that to her ... so we can figure out how to resolve this.

Princic was asked about the January 26, 2018, statement to Bourke, Haight, and Schenk acknowledging the payment of Hujar and Adams whereby he stated he would not have done it that way. Princic acknowledged he did make the statement. Princic reiterated, "Because I must have given Lynn and Jarnal that impression that that was okay because um because they wouldn't have done it unless I had." Princic was asked if he was, in fact, stating that he never told Sowers and Singh to send Hujar and Adams home. Princic stated, "I don't remember. I mean I, I, but I must have."

Princic was asked if there was any reason why Hujar and Adams, since they were being sent home early, were not asked to use leave for the remaining time in their scheduled work day. Princic replied, "... I mean it sounds so simple now ... that's exactly what should have happened." Princic stated he should have made a call to Karen Haight to ask how this should be handled. Princic explained he saw Hujar and Adams in the office later in the day and thought they "muscled through," and the pay issue was therefore resolved. Princic was asked if he had the authority to send employees home and pay them. Princic stated, "No." Princic was asked if that was the case, why would management have discussed sending the employees home. Princic said, "It wasn't. It was okay to send them home it was not okay to send them home and pay them." Princic reiterated that during the meeting on October 30, 2017, management discussed sending the employees home; however, Princic stated he could not recall any discussion of paying Hujar and Adams for going home.

Princic was asked if he had made any requests of Hujar or Adams to use personal leave time to rectify the issue. Princic stated he had not, because of the complaint being filed. Princic stated if the complaint had not been filed, that is exactly what he would have done. Princic stated that

was the purpose of his contacting Haight on January 25, which was an attempt to resolve the issue.

Princic was shown the difference in historical timecards for Hujar and Adams; specifically, the details of their work times on October 29, 2017, and October 30, 2017. Princic was asked how Singh would know if the timecards were correct or incorrect when they were submitted for approval. Princic stated that in this specific case, management knew Hujar and Adams were working because they were exchanging text messages with management from the ARCO site throughout the weekend. Princic stated another way of verifying the timecards was by talking to the employees and asking what time they got to the site and left from the site. Princic was asked about the Time Accountability Logs and shown the signatures and times for Hujar and Adams. Princic was shown the sign-out signatures and times to include the 5:30 p.m. sign-out by John Hujar on October 30. Princic was asked if it would be normal for someone to sign in and out for time they did not work. Princic replied, "Uh no, I don't think so." Princic was asked if he knew any reason why Hujar would have signed out at 5:30 p.m. for time not worked. Princic stated he thought Hujar might have returned to the office after signing out earlier in the day. Later in the interview, Princic was asked if Hujar's 5:30 p.m. signature on the Time Accountability Log was an improper signature. Princic stated, "I would say so. Yes."

Princic was asked if there was any way to verify the accuracy of the Time Accountability Log. Princic stated you could check sequentially to make sure times are in order, or you might also be able to check the times people log onto their computers and send emails. Princic stated he knew of no other way to verify time. Princic acknowledged the Time Accountability Logs are audited for comparisons to hours worked on timecards by the supervisors, managers, and periodically by Central Office.

Jennifer Kurko Telephone Interview

On April 4, 2018, investigators from the Office of the Ohio Inspector General interviewed Ohio EPA Northeast District Office Assistant Chief Jennifer Kurko.

During an earlier February 20, 2018, interview with Environmental Specialist 2 John Hujar, he stated that on October 30, 2017, he and Adams were told by Sowers that she had spoken to Princic and Kurko and obtained permission to send Hujar and Adams home early. Kurko, however, stated that on the morning of October 30, 2017, she was not at work and had adjusted her hours due to the ARCO incident. Kurko explained she was not part of the management meeting when the discussion of sending Hujar and Adams home early took place, and therefore did not participate in any discussions with sending employees home with pay. Therefore, Kurko stated she did not talk to Sowers that morning as Hujar had reported.

Kurko was asked about the January 26, 2018, conversation involving Princic and Haight whereby Haight asked Princic if the allegation involving sending employees home and paying them was true. Kurko stated she and Princic met with two union representatives and the question came up regarding Hujar being sent home with pay. Kurko said she remembered Princic stating that he thought that had been “worked off,” whereby Hujar and Adams had come back to work that day. Princic stated he thought he had seen them in the office later that day. Kurko stated she and Princic told the union representatives they would look into it and follow up. Later that afternoon, Kurko spoke to Sowers and Singh and both stated they had sent Hujar and Adams home. Sowers and Singh reportedly stated they thought Hujar and Adams did not work all the hours they reported on their logs for that day and for which they were subsequently paid. Kurko said Sowers and Singh told her that during the management meeting on October 30, the decision was made to send the employees home and that no one wanted the employees to lose or somehow be penalized for being flexible and working the ARCO site over the weekend. Kurko stated there was also a question regarding any policies for mandatory rest time; however, it was later discovered this did not apply to the employees covered by the OCSEA contract. Kurko stated Sowers and Singh stated they left the October 30, 2017, meeting with the impression they were to pay the employees for the remaining hours of their scheduled workday.

Tim Fisher Interview

On April 5, 2018, investigators interviewed Ohio EPA Division of Air Pollution Control Environmental Manager Tim Fisher. Fisher stated he was in the meeting that occurred on October 30, 2017. Fisher, however, stated he did not recall any discussion regarding sending

employees home. Fisher stated he recalled Princic being concerned with how they would pay employees who were working the ARCO site. Fisher said he believed Princic wanted to be fair with the employees who were going above and beyond their normal duties and that they had decided to treat any hours worked at the ARCO site as overtime hours.

Determining and Calculating Compensation

Investigators for the Office of the Ohio Inspector General reviewed historical timecards for John Hujar and Joshua Adams. For the pay period dated October 29, 2017, to November 11, 2017, it was determined John Hujar submitted a total of 70 hours for week one (30 hours overtime). Hujar's base rate of pay for this time period was \$34.31 per hour with an additional \$1.41 for longevity (\$35.72). Hujar was found to have also been compensated for five hours overtime not worked on October 30, 2017; therefore, Hujar was paid \$267.90 for the five overtime hours.

Joshua Adams submitted a total of 52.3 hours for week one (12.3 hours overtime). Adams' base rate of pay for this time period is \$34.31 per hour with an additional \$1.41 for longevity. Adams was found to have been compensated for 6.7 hours overtime not worked on October 30, 2017; therefore, Adams was paid \$358.99 for the 6.7 overtime hours.

CONCLUSION

On January 31, 2018, the Office of the Ohio Inspector General received notification from the Ohio EPA alleging that on October 30, 2017, Environmental Specialist 2 John Hujar was improperly paid for five hours of time that he did not actually work. The complaint further alleged that Hujar was permitted by his supervisor, Environmental Manager Lynn Sowers, to go home early from his scheduled work period on that day, but that Hujar still claimed and was paid for, five additional hours of work. Furthermore, on January 26, 2018, Ohio EPA Northeast District Office Chief Kurt Princic was contacted by Ohio EPA Office of Investigations Chief Kathleen Bourke and Ohio EPA Chief Legal Counsel Todd Anderson to determine if Princic was aware of the allegation. Princic stated he became aware of the allegation on January 25, 2018, and that he believed the allegation to be true, based on a subsequent conversation he had with Sowers.

Investigators interviewed Environmental Specialist 2 John Hujar. Hujar admitted he was sent home by Environmental Manager Lynn Sowers and paid for five hours of work he did not complete. Hujar further admitted to falsifying a Time Accountability Log that was used to track employees work times when he reported leaving work at 5:30 p.m. on October 30, 2017, when Hujar actually left the office at 11:30 a.m. Hujar stated he was instructed by his direct supervisor, Jarnal Singh, to report the 5:30 p.m. end-time to prevent any questions from arising during audits of the Time Accountability Logs. Furthermore, Hujar stated a second Ohio EPA employee, Environmental Specialist 2 Joshua Adams, was released early from work and paid for the remaining hours of his scheduled workday which equaled to five overtime hours.

Investigators interviewed Environmental Specialist 2 Joshua Adams, who was also released early from work on October 30, 2017, by Environmental Manager Lynn Sowers. Adams was paid for the remaining hours of his scheduled workday which equaled to 6.7 work hours. Upon review of Adams' historical timecard for October 29-30, 2017, Adams admitted he improperly filled out the times for both days; however, he correctly accounted for the total number of hours reportedly worked (this includes the 6.7 hours Adams was improperly paid).

Investigators interviewed Environmental Manager Lynn Sowers, who admitted Hujar and Adams were paid for time they did not work. Sowers admitted telling Hujar and Adams they were permitted to leave work early for the day (October 30, 2017) and did not need to finish the remainder of their scheduled workday. Sowers admitted neither Hujar or Adams were asked or required to use leave time to compensate for the hours they did not work because management believed it "didn't seem right" to require they use leave time after working a 12- to 13-hour shift overnight. Sowers stated the decision to send Hujar and Adams home was made the morning of October 30, 2017, during a management meeting attended by Ohio EPA Northeast District Office Chief Kurt Princic. Sowers, however, admitted to investigators she did not have the authority to send employees home and pay them for time they did not work.

Investigators interviewed Ohio EPA Division of Materials and Waste Management Supervisor Jarnal Singh. Singh admitted attending a management meeting with Princic and Sowers on October 30, 2017. Singh acknowledged he might have been part of a conversation with Princic

and Sowers about sending Hujar and Adams home early and paying them for the remaining hours of their scheduled workday. Singh stated it never occurred to him to ask Hujar or Adams to use leave time to compensate for the hours they did not work. Singh was unsure if he had the authority to send employees home early and still pay them for hours not worked and stated he would have to ask his supervisor (Sowers) if he was permitted to do that. Singh stated he may have advised Hujar to falsify the Time Accountability Log, although he did not recall the conversation. Singh acknowledged Adams improperly filled out his timecard for October 29-30 and further admitted he reviewed the timecards before submitting them to the fiscal officer.

Investigators interviewed Ohio EPA Chief of Investigations and Safety Kathleen Bourke. Bourke acknowledged Princic admitted the allegation of employees being paid for hours they did not work was accurate; however, according to Bourke, Princic stated he had first learned about the matter when it was brought to his attention by the union on January 25, 2018. Bourke stated that Princic said he was “shocked” and “he would not have approved that kind of thing.”

Investigators interviewed Ohio EPA Human Capital Management Administrator Karen Haight. Haight stated that Princic told her he “feels he was responsible for the incident.” Princic told Haight he saw either Hujar or Adams October 30, 2017, after the management meeting and so he thought the two had remained at work and the situation had resolved itself. Haight told investigators that Princic did not have the authority to send an employee home and pay them for hours not worked. Haight further acknowledged there was no reason an employee should have been instructed by a manager to alter the Time Accountability Log.

Investigators interviewed Ohio EPA Staff Attorney Megan Schenk. Schenk said that Princic stated the decision to pay Hujar and Adams was made by Lynn Sowers and claimed that Sowers may have misunderstood when he told her to do whatever was necessary and they would deal with any union issues later.

Investigators interviewed Ohio EPA Northeast District Office Assistant Chief Jennifer Kurko. Kurko stated she had spoken to Sowers and Singh and both said it was their understanding from

the October 30, 2017, management meeting that they decided to allow Hujar and Adams leave work early that day and the remainder of their scheduled work hours would be paid.

Investigators interviewed Ohio EPA Division of Air Pollution Control Environmental Manager Tim Fisher. Fisher said his recollection of the October 30, 2017, meeting was the managers were to pay ARCO site employees overtime pay for any hours they worked the site as a reward for working beyond their normal duties.

Investigators interviewed Ohio EPA Environmental Administrator/Northeast District Office Chief Kurt Princic. Princic admitted Hujar and Adams were permitted to leave work early that day and that they would be paid for the remaining hours of their scheduled workday. Princic admitted participating in a management meeting that occurred October 30, 2017, in which he, Lynn Sowers, Jarnal Singh, and Tim Fisher discussed sending Hujar and Adams home after they had worked overnight a 12- to 13-hour shift at the ARCO site. Princic acknowledged to investigators he should not have sent them home and paid them for time not at work. Princic admitted he did not have the authority to send employees home and pay them for hours they did not work. Furthermore, Princic admitted Hujar's 5:30 p.m. sign-out signature on the Time Accountability Log was improper.

Investigators for the Office of the Ohio Inspector General determined Ohio EPA Environmental Specialist 2 John Hujar followed direction from supervisors and was improperly compensated \$267.90 for five overtime hours submitted but not worked. Investigators also determined that Ohio EPA Environmental Specialist 2 Joshua Adams followed direction from supervisors and was improperly compensated \$358.99 for 6.7 overtime hours submitted but not worked.

Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe wrongful acts or omissions occurred in these instances.

On the evening of October 29, 2017, into the morning hours of October 30, 2017, Ohio EPA Specialist 2 John Hujar and Joshua Adams worked an overtime shift at ARCO. Upon completion of the detail, Hujar and Adams were to start their regularly scheduled 9 a.m. to 5 p.m.

shift at the Ohio EPA. Ohio Environmental Protection Agency Administrator Kurt Princic, Ohio EPA Manager Lynn Sowers, and Supervisor Jarnal Singh met to discuss how overtime hours at the ARCO site would be handled. Princic, Sowers, and Singh decided to allow Hujar and Adams to leave work early that day and pay them for the remaining hours of their scheduled workday which collectively totaled 11.7 hours. The decision by Princic, Sowers, and Singh to pay Hujar and Adams for hours not worked was in violation of Ohio EPA Time Accounting and Overtime policies.

Environmental Specialist 2 John Hujar admitted to reporting hours he did not work on his Time Accountability Log in violation of Ohio EPA Time Accounting and Overtime policies. Hujar stated he reported these work hours on his Time Accountability Log at the direction of Ohio EPA Division of Materials and Waste Management Supervisor Jarnal Singh. Singh said he was not able to remember the details of his conversation with Hujar, but stated, “Maybe I did you know. Maybe it was me who said just write down a full day.”

Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe wrongful acts or omissions occurred in these instances.

RECOMMENDATION(S)

The Office of the Ohio Inspector General makes the following recommendation and asks that the director of the Ohio Environmental Protection Agency respond within 60 days with a plan detailing how this recommendation will be implemented. The Ohio Environmental Agency should:

- Review the conduct of OEPA Environmental Specialist 2 John Hujar; OEPA Environmental Specialist 2 Joshua Adams; OEPA Division of Materials and Waste Management Manager Jarnal Singh; OEPA Environmental Manager Lynn Sowers; and OEPA Environmental Administrator Kurt Princic to determine if administrative action is warranted.

- Consider using more advance time accountability tracking services such as KRONOS or OAKS.

REFERRAL(S)

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



STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

NAME OF REPORT: Ohio Environmental Protection Agency

FILE ID #: 2018-CA00002

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
October 23, 2018

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