



South Carolina Department of Public Safety
Office of Professional Responsibility

TO: Director Smith DATE: November 30, 2016
FROM: Susanne CASE #: IR-2105-16-0361-D
THRU: Chief Phelps SUBJECT: Case Closing

- | | |
|---|--|
| <input type="checkbox"/> Correct and Return | <input type="checkbox"/> Take Appropriate Action |
| <input type="checkbox"/> Complaint Intake | <input type="checkbox"/> Case Assignment |
| <input type="checkbox"/> For Your Information | <input checked="" type="checkbox"/> For Approval |
-

The attached case on Law Enforcement Officers, SCHP, Troop 5, has been returned for closing.

If you approve the case is ready to be closed.

ACTION MEMORANDUM



SUBJECT: Review & Close-out of OPR Internal Review #IR-2105-16-0361-D Law Enforcement Officers Highway Patrol – Troop Five					DATE: November 30, 2016										
TO: Leroy Smith Director			THROUGH: Kenneth Phelps Chief, Office of Professional Responsibility			FROM: Tosha Autry Initials Director, Office of Human Resources									
ACTION REQUIRED: Review and Approve Close-out of OPR Internal Review # IR-2105-16-0361-D															
FINAL ACTION BY: Director: XXX					DUE DATE: At your convenience.										
SUMMARY: The Office of Professional Responsibility (“OPR”) has completed its internal review into the allegation that South Carolina Department of Public Safety law enforcement officers were not documenting all of their working hours, to include special assignments, into the South Carolina Enterprise Information System (“SCEIS”). The evidence reviewed as part of this investigation revealed that for an extended period of time, Troop 5 Post D (Horry) troopers were instructed not to enter their own working hours into SCEIS. Troop 5 maintained “floating time sheets” for all personnel to document working hours. Specifically in Post D, working times were entered into SCEIS by each trooper’s supervisor and the “floating time sheets” were used to verify the working time at the end of each pay period. In addition, multiple troopers/officers confirmed that they were not permitted to enter all of their working hours into SCEIS. Instead, the immediate supervisor was responsible for ensuring that the undocumented working time was given back to the employee through the use of shortened shifts. Majority of the law enforcement officers who interviewed stated that they were not owed any undocumented working time and all law enforcement officers confirmed that they had never been denied the use of their undocumented work time by their supervisors. Furthermore, this directive was rescinded before this investigation began and all personnel are entering their own working hours in SCEIS, to include entering accurate hours for regular work shifts, overtime hours, and for football game assignments. It is recommended that the OPR investigation be closed at this time. If you concur, please initial this action memorandum.															
AD	BPS	CJA	FAC	HP	OHR	IT	MV	OCS	OFM	OGC	Initials	OSG	PO	RMO	STP
Initials					MTM										
Date					11/30/16						11/30/16				

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SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY
OPR INVESTIGATION CLOSING FORM

CASE FILE #IR-2105-16-0361-D

Signature Redacted

Kenneth D. Phelps
Chief

Initials

10-31-2016
Date

Leroy Smith
Director

11/29/16
Date

Signature Redacted

Deputy Director/ Department Head

11/29/16
Date

Sustained-Employee's action violated Department Policy, procedures or guidelines.

The above does not require justifications since disciplinary action should result.

REVIEWER: CHECK CONCLUSION & SUBMIT WRITTEN JUSTIFICATION FOR CLOSURE

Not Sustained-Insufficient evidence exists to either prove or disprove allegation.

Unfounded-Alleged misconduct did not occur.

Exonerated-Employee's action occurred as alleged, but was within policy and authorized by law.

RECEIVED

Office of Human Resources
Dept. of Public Safety

Comments:

Comments:

RECEIVED

NOV 29 2016

Office of Human Resources
Dept. of Public Safety

Signature Redacted

Administrator: Office of Human Resources

11/30/16
Date

FINAL ACTION: AUTHORITY TO CLOSE CASE

Signature Redacted

Kenneth D. Phelps
Chief

11-30-2016
Date

Initials

Leroy Smith
Director

11/30/16
Date

FILE TRANSFER

TO: Tosha Autry, Director
Office of Human Resources

THRU: Colonel Michael R. Oliver
SC Highway Patrol

FROM: Leroy Smith, Director
SC Department of Public Safety

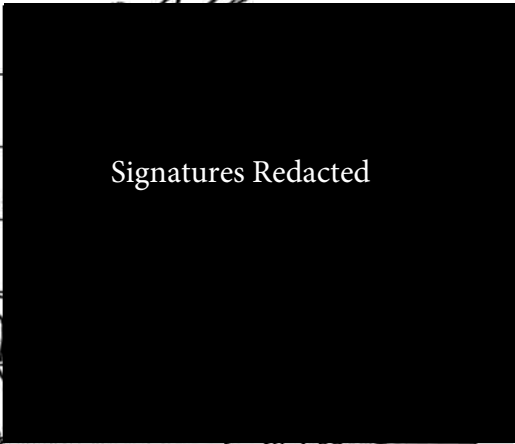
DATE: October 28, 2016

SUBJECT: OPR File #IR-2105-16-0361-D
SCEIS Inquiry

Signature
Redacted

This is acknowledgement of receipt of the below listed portion or copy of the above referenced case file. We request that you review the file and forward it, along with your recommendation for any personnel action, to the Office of Human Resources for their review and action. We request that the recommendations and action be recorded on the Case Disposition Form attached to the inside cover of the report. We also request that the file be returned to the Office of Professional Responsibility once all actions have been concluded. Please be advised that these files are confidential and must not be copied, distributed, or retained.

1. OPR File #IR-2105-16-0361-D
2. CD - Audio Interviews and Copies of Troop 5 Time Sheets

Delivered by:		Date:	<u>11-29-2016</u>
Received by:		Date:	<u>11-29-16</u>
Forwarded by:		Date:	<u>11-29-16</u>
Forwarded to:		Date:	<u>11-29-16</u>
Delivered by:		Date:	<u>11/30/16</u>
Received by:		Date:	<u>11/30/16</u>

NOV 29 2016
Office of Human Resources
Dept. of Public Safety



**OFFICE
OF
PROFESSIONAL RESPONSIBILITY**

OPR File #IR-2105-16-0361-D

Investigated by: Inv. Supervisor J. Boehm Initials

Reviewed by: Chief K. D. Phelps Initials

Date: 10-31-2016



South Carolina Department of Public Safety
Office of Professional Responsibility

INVESTIGATIVE REPORT

Case Number: IR-2105-16-0361-D

SUBJECT: SCEIS Inquiry

INVESTIGATOR: Inv. Supervisor J. Boehm
Office of Professional Responsibility (OPR)

ISSUE: SCDPS law enforcement officers were not documenting all of their working hours, to include special assignments, into SCEIS.

INVESTIGATIVE PREDICATE

On June 23, 2016, Colonel Oliver contacted Chief Phelps to advise that the SCHP had discovered some discrepancies in the way that Troop 5 personnel reported working hours for football games. According to Colonel Oliver, the troopers appeared to be entering less hours than they actually worked into the South Carolina Enterprise Information System (SCEIS) and this issue appeared to be isolated to Troop 5. There was also a report of "floating time sheets" being utilized in Troop 5 Post D (Horry) to track working hours. OPR was also provided with a copy of a SCDPS Staff Inspection that was conducted by the Office of Strategic Services, Accreditation, Policy and Inspections (OSAPI). The completed inspection report indicated that troopers in Troop 5 Post D (Horry) were not entering their own time into SCEIS and a supervisor would enter the working hours instead. The Office of Professional Responsibility (OPR) was tasked with initiating an inquiry into the way that SCEIS is managed by SCDPS law enforcement personnel in the field and this case was assigned to Inv. Supervisor J. Boehm on August 18, 2016.

INVESTIGATION

As part of this investigation, Inv. Supervisor Boehm reviewed pages 82-83 of the Troop 5 Staff Inspection Report (**Exhibit 1**), copies of Troop 5 time sheets (**Exhibit 2**), and a copy of a memorandum (**Exhibit 3**).

The aforementioned documents revealed the following:



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Pages 82-83 of the Troop 5 Staff Inspection Report

Inv. Supervisor Boehm reviewed pages 82-83 of the Troop 5 Staff Inspection Report for the South Carolina Highway Patrol (**Exhibit 1**). The report indicated in Troop 5 Post D (Horry), troopers had “expressed concern regarding the inability to enter their own working time” into SCEIS. Additionally, working hours were documented on a “floating time sheet” and there were concerns that compensatory time was not accurately documented, compiled, or awarded. The report also indicated that a supervisor assigned to Troop 5 Post B (Dillon, Florence, and Marion Counties) had advised that troopers in this Post were working over 86 hours per pay period but they had been directed to only document that they had worked 80 hours in SCEIS. The report also stated that this supervisor indicated that several troopers were still owed time that was not documented and there was no way to give the troopers the time back due to manpower shortages.

Copies of Troop 5 Time Sheets

Inv. Supervisor Boehm reviewed copies of time sheets, which were referred to as “floating time sheets”, from all of the posts within Troop 5 for 2013 through 2015 (**Exhibit 2**). These sheets were a one-page document for each trooper and they reflected all of the hours worked by that trooper for each calendar year. It was observed that the vast majority of working days reflected 8, 10, or 12 hour work shifts and the time sheets very rarely deviated from that format (12 hour work shifts were the majority.) This indicated that any hours that troopers worked past their scheduled shifts, which is likely to occur when performing normal law enforcement duties, was not recorded. Additionally, the time sheets showed that 12 working hours were recorded for many of the troopers that had been assigned to work University of South Carolina football games. (Due to the large quantity of each Post’s time sheets, these documents are located as digital files on the attached CD.)

Copy of a Memorandum

Inv. Supervisor Boehm reviewed a copy of a memorandum from Director Leroy Smith that was dated August 10, 2016, and was addressed to all SCDPS employees (**Exhibit 3**). The subject of the memorandum referenced entering working hours and leave into the South Carolina Enterprise Information System (SCEIS). The memorandum was as follows:

“I wanted to take this opportunity to reiterate to everyone that it is the responsibility of each employee to accurately report all hours worked and leave taken by making timely entries in SCEIS reflecting this information. This responsibility cannot be delegated to any other person without my prior approval. Supervisors and time administrators who are required to review other employees’ hours worked and leave entries are reminded to do so in a timely manner so that such entries can be processed (approved or rejected) without undue delay.”

I appreciate everyone’s continued cooperation in this regard.”



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INTERVIEW OF WITNESS

First Sergeant C.D. Causey, SCHP Retired

On September 29, 2016, Inv. Supervisor Boehm obtained a sworn statement from First Sergeant Causey. The following is a synopsis of his statement which contains paraphrasing:

First Sergeant Causey stated that he was the former Post Commander for Troop 5 Post D (Horry) and he retired on June 30, 2016. First Sergeant Causey stated that it had been common practice for a number of years to utilize a "floating time sheet" as a back-up to record working hours in the Post. According to First Sergeant Causey, there were periods of time in which troopers completed this time sheet and other periods of time when the supervisors completed it; however, First Sergeant Causey stated that, upon his promotion to Post Commander in 2013, he directed that each trooper should complete this time sheet for their working days. First Sergeant Causey stated that these time sheets were then sent to the Troop 5 Headquarters at the end of every pay period.

First Sergeant Causey also stated that the troopers made numerous mistakes when entering their working time into SCEIS and, as a result, he instructed the supervisors to begin entering working time for their subordinates shortly after his promotion to Post Commander. According to First Sergeant Causey, troopers could still access SCEIS to view their leave balances and other information but they were not permitted to enter their own working hours. First Sergeant Causey stated that supervisors entered the hours that the work schedule reflected for each trooper, which was typically 12 hours per shift, and any excess hours would be made up to the trooper by the supervisor. This practice of only entering 12 hours of working time also extended to the University of South Carolina football games and the supervisors would make up these special assignment hours to the trooper by allowing them to work shortened shifts as needed.

Trooper C.G. Bailey, SCHP

On July 8, 2016, Chief Phelps, Inv. Supervisor Boehm, and Investigator Bowers obtained a sworn statement from Trooper Bailey. The following is a synopsis of his statement which contains paraphrasing:

Trooper Bailey stated that he is currently assigned to Troop 5 Post D (Horry) where he has been stationed since graduating from patrol school in 2012. According to Trooper Bailey, his supervisor initially handled his time entry into SCEIS and Trooper Bailey did not enter his working time into SCEIS. Trooper Bailey stated that, sometime in December of 2015, he was directed to begin personally entering his time into SCEIS and he began doing so. However, Trooper Bailey stated that he was directed to only enter 80 hours of working time every pay period, even when his actual daily working time would exceed his 12 hour scheduled shift, and



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his supervisor would compensate him by allowing him to work a shortened shift when manpower allowed. Trooper Bailey indicated that he did not believe he was currently owed any undocumented time and his supervisor was good about making up time to him.

Lance Corporal J.N. Buckley, SCHP

On July 8, 2016, Chief Phelps, Inv. Supervisor Boehm, and Investigator Bowers obtained a sworn statement from Lance Corporal Buckley. The following is a synopsis of his statement which contains paraphrasing:

Lance Corporal Buckley stated that he is currently assigned to Troop 5 Post D (Horry) where he has been stationed since graduating from patrol school in 2007. Lance Corporal Buckley stated that upon the inception of SCEIS in 2010, he personally entered his working time into SCEIS for several months until he was advised that his supervisor would begin entering his working time for him. This practice continued until sometime in December of 2015, when Lance Corporal Buckley was directed to begin entering his own working time into SCEIS again. According to Lance Corporal Buckley, he was directed to enter 80 hours of working time per pay period even when his actual daily working time would exceed his 12 hour scheduled shift. Lance Corporal Buckley stated that his supervisor would compensate him for these extra hours by allowing him to work a shortened shift when manpower allowed. While Lance Corporal Buckley was uncertain if he was owed any time, he stated that his supervisors did a good job of making time up to him and would compensate his working time if he asked. Lance Corporal Buckley indicated that he had recently been given a directive to enter all of his working time into SCEIS and he began complying immediately.

Corporal M.S. Clayton, SCHP

On July 8, 2016, Chief Phelps, Inv. Supervisor Boehm, and Investigator Bowers obtained a sworn statement from Corporal Clayton. The following is a synopsis of his statement which contains paraphrasing:

Corporal Clayton stated that he is currently assigned to Troop 5 Post D (Horry) where he has been stationed since graduating from patrol school in 2007. Corporal Clayton stated that upon the inception of SCEIS in 2010, he personally entered his working time into SCEIS for several months until he was advised that his supervisor would begin entering his working time for him. According to Corporal Clayton, no working hours in excess of 12 hours was ever entered into SCEIS and, on the occasions that he worked in excess of his scheduled shift, his supervisor would compensate him by allowing him to work a shortened shift. Corporal Clayton stated that after he was promoted to supervisor, he ensured that his subordinates would be compensated for excess working time by allowing them to work shortened shifts as needed. According to Corporal Clayton, a directive had recently been given for all troopers to enter all of their working time into SCEIS and he, along with his subordinates, implemented this practice immediately.



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Corporal Clayton stated that neither he nor his subordinates were currently owed any working time.

Lance Corporal M.D. Trotta, SCHP

On July 8, 2016, Investigator Bowers obtained a sworn statement from Lance Corporal Trotta. The following is a synopsis of his statement which contains paraphrasing:

Lance Corporal Trotta stated that he is currently assigned to the Troop 8 Target Zero Team's Coastal Region and he was previously assigned to Troop 5 Post D (Horry). Lance Corporal Trotta advised that when he graduated from patrol school in 2010, he was responsible for entering his working time into SCEIS. However, this practice changed several months later and his supervisor began entering Lance Corporal Trotta's working time into SCEIS instead. Lance Corporal Trotta advised that he could only have 12 hours per shift entered into SCEIS and, if he worked in excess of his scheduled hours, he would notify his supervisor and his supervisor would get the time back to him by allowing Lance Corporal Trotta to work a shortened shift. Lance Corporal Trotta stated that after a Staff Inspection in late 2015, he was told that he should enter his own working time into SCEIS but he was still not permitted to enter in excess of 12 hours per shift. However, Lance Corporal Trotta stated that he now enters all of his working time into SCEIS since being assigned to the Target Zero Team.

Lance Corporal M.B. Lusk, SCHP

On July 27, 2016, Chief Phelps and Inv. Supervisor Boehm obtained a sworn statement from Lance Corporal Lusk. The following is a synopsis of his statement which contains paraphrasing:

Lance Corporal Lusk stated that he is currently assigned to Troop 3 Post B (Pickens/Oconee) and, since the inception of SCEIS in 2010, he has always personally entered his working time into SCEIS. However, Lance Corporal Lusk stated that he was directed to only enter 12 hours of working time per shift and, if he worked in excess of his scheduled shift, he would notify his supervisor and his supervisor would get the time back to him by allowing Lance Corporal Lusk to work a shortened shift. Lance Corporal Lusk stated that he was not currently owed any time and he had always been properly compensated for any excess working hours.

Senior Trooper J.T. Bumgarner, SCHP

On July 27, 2016, Chief Phelps and Inv. Supervisor Boehm obtained a sworn statement from Senior Trooper Bumgarner. The following is a synopsis of his statement which contains paraphrasing:

Senior Trooper Bumgarner stated that he is currently assigned to Troop 3 Post C (Greenville) and he has always personally entered his working time into SCEIS. According to Senior Trooper Bumgarner, he was initially directed to only enter 12 hours of working time per shift and, if he



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worked in excess of these hours, he would notify his supervisor and his supervisor would get the time back to him by allowing Senior Trooper Bumgarner to work a shortened shift. However, sometime in 2015 he was directed by his supervisor to correctly enter all of his working time into SCEIS and Senior Trooper Bumgarner began to follow this directive. The exception to this rule was to only enter 12 working hours when Senior Trooper Bumgarner worked Clemson University football games and his supervisor would give him back the time as needed. Senior Trooper Bumgarner stated that his supervisors have always properly compensated him for any excess working hours and he is not currently owed any time.

Trooper First Class B.A. Finley, SCHP

On July 27, 2016, Chief Phelps and Inv. Supervisor Boehm obtained a sworn statement from Trooper Finley. The following is a synopsis of his statement which contains paraphrasing:

Trooper Finley stated that he is currently assigned to Troop 3 Post C (Greenville) where he has been stationed since graduating from patrol school in 2013. According to Trooper Finley, he has a unique work schedule due to his assignment of traveling with the Clemson University football team. Trooper Finley stated that in the event that he would work additional hours during a scheduled enforcement shift or during his travel assignments, he would notify his supervisor to advise of the excess working hours. Trooper Finley stated that his supervisor has always advised him to enter his excess working time into SCEIS and his extra/comp time would be tracked by SCEIS. Trooper Finley stated that his supervisor has always been good about ensuring that his working time is properly managed and Trooper Finley indicated that he was not owed any time.

Trooper First Class C.R. Miller, SCHP

On August 3, 2016, Inv. Supervisor Boehm obtained a sworn statement from Trooper Miller. The following is a synopsis of her statement which contains paraphrasing:

Trooper Miller stated that she is currently assigned to Troop 5 Post B (Dillon, Florence, Marion) where she has been stationed since graduating from patrol school in 2013. According to Trooper Miller, she has always personally entered her working time into SCEIS but was only permitted to enter up to 12 hours of working time per shift, which equaled 80 hours of working time per pay period. Trooper Miller stated that if she worked in excess of her scheduled hours, then she would notify her supervisor and her supervisor would get the time back to her by allowing Trooper Miller to work a shortened shift. According to Trooper Miller, she has always logged accurate working hours for University of South Carolina football games and she was not owed any working time.

Lance Corporal W.B. Benton, SCHP

On August 3, 2016, Inv. Supervisor Boehm obtained a sworn statement from Lance Corporal Benton. The following is a synopsis of his statement which contains paraphrasing:



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Lance Corporal Benton stated that he is currently assigned to Troop 5 Post B (Dillon, Florence, Marion). Lance Corporal Benton stated that upon the inception of SCEIS in 2010, he has always personally entered his working time into SCEIS but was only permitted to enter up to 12 hours of working time per shift, which equaled 80 hours of working time per pay period. Lance Corporal Benton stated that if he worked in excess of his scheduled hours, then he would notify his supervisor to get the time back by working a shortened shift. According to Lance Corporal Benton, this 12 hour entry also applied to the times when he worked University of South Carolina football games but he stated that he was not currently owed any working time.

Lance Corporal M.D. Burns, SCHP

On August 15, 2016, Investigator Bowers obtained a sworn statement from Lance Corporal Burns. A follow-up interview was also conducted on September 27, 2016. The following is a synopsis of his statement which contains paraphrasing:

Lance Corporal Burns stated that he is currently assigned to Troop 4 Post B (York). Lance Corporal Burns advised that when SCEIS was initiated in 2010, he mainly entered his working time personally although sometimes his supervisor would enter his time during the early phases of SCEIS. Lance Corporal Burns stated that he was only allowed to enter 12 hours of working time into SCEIS regardless of the number of hours he worked, unless there was an exception such as a Clemson University football game. Lance Corporal Burns stated that his supervisors normally got his time back if his working hours exceeded his scheduled shift. According to Lance Corporal Burns, in 2010 he was allowed to enter up to 14 working hours for football games and, sometime around 2014, he was allowed to enter up to 16 hours for working a football game. Lance Corporal Burns indicated that sometime around January of 2016, he was instructed to enter his actual hours worked into SCEIS even if they exceeded 12 hours during a shift. Lance Corporal Burns indicated that, prior to this directive, he was owed a handful of working hours that were undocumented. However, Lance Corporal Burns stated that he felt confident that his supervisor would make up any undocumented work time to him if he asked.

Lance Corporal B.C. Aga, SCHP

On August 15, 2016, Investigator Bowers obtained a sworn statement from Lance Corporal Aga. The following is a synopsis of his statement which contains paraphrasing:

Lance Corporal Aga stated that he is currently assigned to Troop 2 Post A (Newberry/Laurens) where he has been stationed since 2010. Lance Corporal Aga advised that he has always personally entered his own working time into SCEIS; however, throughout the majority of this time he was only permitted to enter 12 working hours per shift. Lance Corporal Aga stated that if he worked in excess of 12 hours, his supervisors "promised to get it back" to him. Lance Corporal Aga indicated that he had one supervisor that was not good at getting his time back to him and that he was probably owed some time but he "doesn't keep track anymore." Lance



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Corporal Aga stated that he was currently only entering 12 working hours and did not recall being told to enter his time any differently. However, Lance Corporal Aga indicated that there was an exception to this rule for special events, such as a Clemson University football game, and Lance Corporal Aga had been allowed to enter 16 working hours for these events.

Lance Corporal D.G. Askins, SCHP

On August 17, Investigator Supervisor Boehm obtained a sworn statement from Lance Corporal Askins. The following is a synopsis of his statement which contains paraphrasing:

Lance Corporal Askins stated that he is currently assigned to Troop 7 Post B (Orangeburg) where he has been stationed since graduating patrol school in 2011. According to Lance Corporal Askins, he has been entering his own time into SCEIS since he was in patrol school. Upon graduating patrol school and beginning his assignment in Troop 7, Lance Corporal Askins stated that he has always entered his exact time that he worked into SCEIS. Lance Corporal Askins stated that, although he has not worked any football games in the past several years, when he did work at the football games he would enter the exact amount of time that he worked into SCEIS. Lance Corporal Askins felt that he was not owed any time by the department.

Lance Corporal C. Chan, STP

On August 17, 2016, Inv. Supervisor Boehm obtained a sworn statement from Lance Corporal Chan. The following is a synopsis of his statement which contains paraphrasing:

Lance Corporal Chan stated that he is currently assigned to the State Transport Police District 1 and, since the inception of SCEIS in 2010, he has always personally entered his working time. According to Lance Corporal Chan, he has always been scheduled for 8 hour shifts and he has always entered the actual hours that he worked. Lance Corporal Chan stated that this practice of entering the actual hours worked included call outs, special events, and football games and he is not owed any working time.

Corporal J.J. Roberts, SCHP

On August 29, 2016, Inv. Supervisor Boehm obtained a sworn statement from Corporal Roberts. The following is a synopsis of his statement which contains paraphrasing:

Corporal Roberts stated that he is currently assigned to Troop 5 Post B (Dillon, Florence, Marion) and he is responsible for supervising ten troopers on his shift. According to Corporal Roberts, all of these troopers are responsible for entering their own working times into SCEIS, which is scheduled for 80 hours per pay period. Corporal Roberts stated that in the event that one of his subordinates would exceed their scheduled shift hours, they would advise Corporal Roberts and he would ensure that the working time was made up to the trooper by having the trooper work a shortened shift. According to Corporal Roberts, he had previously advised an



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inspector that was conducting a Staff Inspection during December of 2015 that, under a different work schedule earlier in his SCHP career, troopers were working 84 hours per pay period. However, Corporal Roberts stated that he had advised the inspector that changes had since been implemented to create an 80 hour work schedule for every two weeks. According to Corporal Roberts, all of the troopers on his shift had been properly compensated for any excess working hours and none of his subordinates were owed any time. Corporal Roberts also stated that there were occasions when his personal working hours exceeded his scheduled shift. However, Corporal Roberts stated that he was focused on completing his tasks each day as a supervisor and he did not "watch the clock." Corporal Roberts stated that his supervisor would make up any excess work time to him if he asked and he was currently not owed any time.

Lance Corporal J.P. Wilson, BPS

On August 30, 2016, Inv. Supervisor Boehm obtained a sworn statement from Lance Corporal Wilson. The following is a synopsis of her statement which contains paraphrasing:

Lance Corporal Wilson stated that she is currently assigned to the Bureau of Protective Services Statehouse Division and, since the inception of SCEIS in 2010, she has always personally entered her working time. Lance Corporal Wilson advised that she has always put all of her working time accurately into SCEIS, to include hours that she worked beyond her scheduled shift. Lance Corporal Wilson stated that all BPS officers had been instructed to document overtime working hours on a separate paper time sheet for tracking; however, Lance Corporal Wilson stated she had not worked any overtime in numerous years and so she had not done this. Lance Corporal Wilson stated that she was not owed any working time.

Lance Corporal K.E. Bradacs, SCHP

On August 30, 2016, Investigator Bowers obtained a sworn statement from Lance Corporal K. E. Bradacs. A follow-up interview was also conducted on September 27, 2016. The following is a synopsis of her statement which contains paraphrasing:

Lance Corporal Bradacs stated that she is currently assigned to Troop 1 Post D (Richland), where she has been stationed since graduating patrol school in 2011, and she has always entered her own working time into SCEIS. Lance Corporal Bradacs advised that she was only permitted to enter 12 working hours per shift, which included any assignments for special events or University of South Carolina football games. Lance Corporal Bradacs stated that if she worked in excess of 12 hours, her supervisors would try to get her time back to her during another shift when manpower allowed. While Lance Corporal Bradacs stated that there may be some working hours that had not been documented from earlier in her career, no supervisor had ever denied her the use of the undocumented work time and she believed that her supervisor would give her any hours back if she asked. Lance Corporal Bradacs stated that during a Post meeting near the end of 2015 (the Troop 1 Post D schedule showed November 30, 2015), the Troop 1 Commander



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directed all troopers to enter their actual hours worked into SCEIS regardless if their time exceeded 12 hours per shift.

CONCLUSION

On June 23, 2016, Colonel Oliver contacted Chief Phelps to advise that the SCHP had discovered some discrepancies in the way that Troop 5 personnel reported working hours for football games. According to Colonel Oliver, the troopers appeared to be entering less hours than they actually worked into the South Carolina Enterprise Information System (SCEIS) and this issue appeared to be isolated to Troop 5. There was also a report of "floating time sheets" being utilized in Troop 5 Post D (Horry) to track working hours. OPR was also provided with a copy of a SCDPS Staff Inspection that was conducted by the Office of Strategic Services, Accreditation, Policy and Inspections (OSAPI). The completed inspection report indicated that troopers in Troop 5 Post D (Horry) were not entering their own time into SCEIS and a supervisor would enter the working hours instead. During this inspection, a supervisor assigned to Troop 5 Post B (Dillon, Florence, Marion) reported to inspectors that troopers in that post were working over 86 hours per pay period but the troopers had been directed to only document that they had worked 80 hours in SCEIS. The report also stated that this supervisor indicated that several troopers were still owed time that was not documented. The Office of Professional Responsibility (OPR) initiated an inquiry into the way that SCEIS is managed by SCDPS law enforcement personnel in the field and conducted numerous interviews with troopers and officers assigned to various locations throughout the state.

The OPR's inquiry revealed that the majority of sworn personnel reported that they had been instructed to only enter the hours into SCEIS that they were scheduled to work, which typically consisted of 12 hour shifts and one 8 hour shift per pay period. In the event that the officer or trooper worked in excess of their scheduled shift, the immediate supervisor would make this time up to the employee by allowing the employee to work a shortened shift when possible. Twelve working hours was also typically entered for troopers assigned to work football game details and the supervisors would make up any excess working time to their subordinates.

The inquiry also revealed that in Troop 5 Post D (Horry), the former Post Commander had not permitted troopers to enter their own working hours into SCEIS due to a large number of errors being made. Instead, shift supervisors in this Post were directed by the Post Commander to enter working time into SCEIS for their subordinates. However, each of the Troop 5 Post D troopers that were interviewed indicated that they had since received a directive that each employee should enter their own working hours into SCEIS and they had complied. Additionally, all of the Posts in Troop 5 utilized a "floating time sheet" that was maintained at the Troop 5 Headquarters. These sheets were a one-page document for each trooper and they reflected all of the hours worked by that trooper for each calendar year (Years 2013-2015 were reviewed by the OPR).



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In Troop 5 Post B (Dillon, Florence, Marion) two non-supervisory troopers were interviewed and they both responded that their supervisors would make up any excess work hours to them if they asked. Both of these troopers also indicated that they were not owed any working time. A first-line supervisor from this Post was also interviewed and he responded that if there was an occasion in which one of his subordinates would exceed their scheduled shift hours, then they would advise that supervisor and he would ensure that the working time was made up to the trooper by having the trooper work a shortened shift. According to this supervisor, all of the troopers on his shift had been properly compensated for any excess working hours and none of his subordinates were owed any time.

In summary, a sample of SCDPS law enforcement officers provided sworn testimonies as part of this inquiry, which indicated that not all working hours were properly entered into SCEIS. The general practice appeared to be that troopers/officers were directed to only enter their scheduled working hours into SCEIS and any excess working time would be made up to the trooper/officer by the supervisor through the use of a shortened shift. This practice extended to special assignments and football games, with 12 hours per football game being recorded the most frequently. The law enforcement officers interviewed indicated that supervisors were consistent about ensuring that working time not entered into SCEIS was made up to the employee. Additionally, it was determined that the former Post Commander of Troop 5 Post D had issued a directive for supervisors to enter working time into SCEIS for their subordinates instead of each employee entering their own working hours. However, that directive had been rescinded shortly before this inquiry began and all personnel in Troop 5 Post D were entering their own working hours, which included entering accurate hours for regular work shifts, overtime hours, and for football game assignments.



South Carolina Department of Public Safety
Office of Professional Responsibility

CLASSIFICATION

Conclusions of this inquiry are:

1. For an extended period of time, Troop 5 Post D (Horry) troopers were instructed not to enter their own working hours into SCEIS. Troop 5 maintained "floating time sheets" for all personnel to document working hours. Specifically in Post D, working times were entered into SCEIS by each trooper's supervisor and the "floating time sheets" were used to verify the working time at the end of each pay period.
2. Multiple troopers/officers confirmed that they were not permitted to enter all of their working hours into SCEIS. Instead, the immediate supervisor was responsible for ensuring that the undocumented working time was given back to the employee through the use of shortened shifts. The vast majority of the troopers/officers interviewed stated that they were not owed any undocumented working time. However, all of the law enforcement officers confirmed that they had never been denied the use of their undocumented work time by their supervisors.

Corrective action taken by the South Carolina Department of Public Safety:

On August 10, 2016, a memorandum was addressed to all SCDPS employees by Director Leroy Smith that referenced entering working hours and leave into SCEIS. Director Smith reiterated that it is the responsibility of each employee to timely and accurately report all hours worked and leave taken. The memorandum made clear that this responsibility could not be delegated to any other person without Director Smith's prior approval. Additionally, supervisors and time administrators were reminded to review (approve or reject) hours worked and leave entries for other employees in a timely manner.

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Exhibit 1.... Pages 82-83 of the Troop 5 Staff Inspection Report

Exhibit 2.... Copies of Troop 5 Time Sheets (Located on the attached CD)

Exhibit 3.... Copy of a Memorandum

***Digital Files Attached in Rear of Folder (Audio Interviews and Time Sheets)**



Staff Inspection Report
South Carolina Highway Patrol – Troop Five
December 14-18, 2015

their teams. The supervisors celebrate birthdays and go hunting with the subordinates. The troopers enjoy the fact that the supervisors spend time with them on duty - by going out to eat. The troopers feel this builds a strong rapport. The supervisors feel the troopers perform their jobs well. The subordinates keep up with administrative duties. When subordinates fall short of expectations, the supervisors address the issue(s) personably and quickly. The first sergeant approves requested time off when staffing levels permit. The first sergeant understands that the troopers are working short and working beyond scheduled shifts when the need arises.

The troopers really like the supervisors and believe the supervisors will supported them. All the supervisors assigned to the post feel they have the support of the troop office. Troopers feel they are supported by the post supervisors. The post supervisors feel the troopers are working hard and doing their best regarding enforcement and answering calls for service. The troopers feel there is a friendly team spirit and they enjoy coming to work. The troopers communicated that they are treated with respect. Request(s) for leave are always granted when staffing levels permit. The troopers feel the supervisors in the post are professional and knowledgeable.

The two issues that were discussed that the troopers concluded negatively affect morale were: (1) promotions - some of the older troopers feel experienced troopers get passed over - even if they are doing a good job overall - by troopers who focus solely on enforcement. These experienced troopers view promotions are more about who you know and associate with rather than overall job performance; (2) troopers feel overwhelmed by the number of calls for service. Troopers feel there is a lot of redundant paperwork that they have to do that takes up valuable patrol time. The troopers concluded that duplicating paperwork negatively affects patrol time.

Post B - The overall assessment on morale from the interviews was good. The majority of the troopers characterize their relationship with the supervisors as pretty good. The relationship between the troopers and the other local law enforcement agencies is good. All departments work well together during checkpoints, speed, seat belt, and DUI initiatives. The troopers also have a good working relationship with the North Carolina Highway Patrol. The troopers feel the supervisors take care of them and try to provide the resources needed to complete assignments. Troopers feel they can talk to the supervisors and the supervisors are available anytime. The supervisors give feedback regularly (positive or constructive). The troopers describe the post's atmosphere as a business relationship-type of atmosphere.

When off duty, some of the personnel hunt together in the Marion and Dillon area. Some of the troopers in Florence seem to be more reserved. The relationship with the TCOs is described as "okay". The troopers do not know the majority of the TCOs by name; however, the troopers stop by the TCC regularly. The acting post commander is described by the supervisors and the troopers as very caring and understanding. He is described as a supervisor that will do anything for anyone. The troopers have confidence in the supervisors and feel that they can talk with them without reservation.

Staff Inspection Report
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The troopers rate their relationship with the troop office personnel as good. Troopers appreciate the level of communication within the troop. One supervisor expressed concern that the troopers were working eighty-six (86) plus hours per pay period and are told to only document eighty (80) hours in SCEIS. The supervisor said there was no way to give the troopers the time back because of manpower shortages. The supervisor continued by stating that several troopers have hours of undocumented comp time owed to them.

The majority of the troopers say appreciation is expressed to them in the form of an email or in passing. Very little individual counseling is conducted for performing well. On the other hand, troopers state they get “talked to” often for poor activity. The lack of quality equipment (spare cars, computers, RADARs) is frustrating. Some troopers feel like the DPS Command Staff does not support them; therefore, they find themselves second guessing the decisions they make attempting to avoid making a mistake and possibly generating a District Investigation (DI).

Post C - The overall morale within the post lies between good and excellent. Of the personnel randomly interviewed, the majority describes the quality of supervision and leadership as good to excellent. Opinions are that the troop command staff and supervision is experienced and very competent. Older equipment, especially vehicles, was one area defined as negatively affecting morale. Shift supervisors believe that assigning an enforcement trooper a specialized vehicle for good work performance means a lot toward that trooper staying motivated. It was also related that the supervisors believe the assignment of semi-marked patrol vehicles for lance corporals would be appreciated and help with morale.

Post D - The overall morale within the post is described as poor. Morale is the lowest rated category within the post. Of the personnel randomly interviewed, the majority of the personnel (supervisory and non-supervisory) consistently describe a defined disconnect between the post personnel and the post commander. The post commander is described by subordinates as an intelligent individual with above average computer (tech-type) and organizational skills; however, the post commander is perceived negatively and described by subordinates as a “micro-manager”. Subordinates describe the post commander as unwilling to delegate. The post commander is described as unwilling to deviate from or amend any enforcement plans, concepts, or schedules that he authors. Subordinates describe requirements to routinely complete non-departmental paperwork unnecessarily [End of Watch Report (completed by the supervisor or Officer-in-Charge detailing events of each shift); Out-of-Post Report (Form completed by all personnel that travel outside of the post)] and mandated assignments, regardless of the allotted manpower or the volume of calls for service, as examples of the inability of the other supervisors to make decisions.

Employee(s) expressed concern regarding the inability to enter their own working time in SCEIS. The term “floating time sheet” was utilized to describe the way working hours are documented. Additional concerns were expressed regarding the methodology utilized to properly or accurately document, compile, and award compensatory time.





South Carolina Department of Public Safety


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NIKKI R. HALEY
GOVERNOR

LEROY SMITH
DIRECTOR

MEMORANDUM

TO: TEAM DPS

FROM: Director Leroy Smith  Signature Redacted

DATE: August 10, 2016

SUBJECT: Entering Hours Worked and Leave in SCEIS

I wanted to take this opportunity to reiterate to everyone that it is the responsibility of each employee to accurately report all hours worked and leave taken by making timely entries in SCEIS reflecting this information. This responsibility cannot be delegated to any other person without my prior approval. Supervisors and time administrators who are required to review other employees' hours worked and leave entries in SCEIS are reminded to do so in a timely manner so that such entries can be processed (approved or rejected) without undue delay.

I appreciate everyone's continued cooperation in this regard.



SOUTH CAROLINA HIGHWAY PATROL



STATE TRANSPORT POLICE



BUREAU OF PROTECTIVE SERVICES



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