

March 16, 2000
ILR 2000-B

President R. Lane Beattie, Co-Chair
Speaker Martin R. Stephens, Co-Chair
Audit Subcommittee Members
State Capitol Bldg
Salt Lake City UT 84114

Subject: DCFS Leave Accounting

Dear Legislators:

As requested, we have completed a review of the use of leave by the Department of Human Services Western Region. We found no evidence supporting the allegation that some DCFS supervisors have given selected employees one day off per month in lieu of increased pay. The allegation, while unfounded, appears related to a question of fairness caused by the perceived inequity in the manner and rate by which DCFS staff accrued hours and past practices which gave employees approximately 12 hours of unauthorized administrative leave each year. Nearly two years ago, the current DCFS Western Region director tightened up on the use of overtime and halted the practice of supervisors granting unauthorized administrative leave. We do not believe any further action or investigation is necessary.

**Aspects of the Job Contribute to
Appearance of Inappropriate Leave**

Our interviews of some DCFS Western Region employees indicated that supervisors were not giving favored employees one day off per month to make up for low salaries. We relied on interviews because the allegation stated that this was a practice 4 years ago; but, DCFS only maintains work hour information for 3 years. Further, it is unlikely that such improper activity would be documented. Our interviews did, however, indicate that questions of fairness can arise from the nature and distribution of DCFS work.

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The immediate attention required by DCFS cases often forces employees to work outside typical working hours, which can contribute to the appearance that staff is receiving time off in the course of a pay period when employees take hours off as compensatory time. Informal efforts to curb the accrual of compensatory time, in the form of time off, allows for adjustments to individual work schedules. These adjustments could lead those who are not part of the system to believe that employees are systematically being given time off.

According to those interviewed, DCFS jobs do not lend themselves to the practical application of the typical 8-hour work day. DCFS staff typically work in a crisis mode. As necessitated by the need to serve clients, employees often work outside typical work hours—at night and on weekends. Administrative rules allow for working outside typical work hours. According to **Utah Administrative Code R477-8-2 (1)(b)**:

state offices are typically open Monday through Friday from 8 a.m. to 5 p.m. Agencies may adopt extended business hours to enhance service to the public, consistent with overtime provisions of the rules R477-8-6.

Both exempt and non-exempt DCFS employees are eligible for overtime if they work more than the required number of hours. According to **Utah Administrative Code R477-8-6 (3) & (4)**, non-exempt employees become eligible for overtime when they work more than 40 hours a week; and, exempt employees become eligible if they work more than 80 hours in a 2 week pay period. Additionally, many DCFS workers are required to be “on call” and are compensated 1 hour for every 12 hours on call. While “on call”, an employee has, according to **Utah Administrative Code R477-8-6(8)(c)(i)**, “the freedom of movement in personal matters as long as he/she is available for call to duty.”

If staff members work beyond the required number of hours, they can request, and are often able to obtain permission to take time off during the pay period in order to reduce compensatory time balances. The ability to take time off during the pay period in an effort to curb the accrual of compensatory time, in conjunction with the need to work outside normal work hours, contributes to the perception that employees are being given time off.

Questionable Practices Have Been Stopped

Interviews with DCFS Western Region employees revealed that, at the time of the allegation, there were instances of unauthorized use of administrative leave. First, some supervisors gave employees administrative leave on their birthdays. Second, the region had

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given employees 4 hours of administrative leave, in addition to the 4 hours of Christmas leave given by the governor. Both may have contributed to the allegation.

The current management of DCFS Western Region halted both the practice of giving employees administrative leave on their birthday and the additional 4 hours of administrative leave for Christmas. According to those interviewed, both practices were stopped by the current region director because they were deemed an inappropriate use of administrative leave. The region has also taken steps to define the exact situations when administrative leave can be granted.

According to Department of Human Resource Management, **Utah Administrative Code R477-8-7(12)(iv)** gives agency directors the discretion to grant administrative leave on birthdays, for morale purposes. It does not appear that such discretion was delegated to the Western Region's supervisors. According to the DHS Human Resources Director, DHS has never had any policy that would allow for the granting of 8 hours of administrative leave to employees for their birthday. Rather, it appears that some supervisors granted administrative leave for birthdays without agency authorization. As a result, the granting of administrative leave for an employee's birthday depended on the supervisor involved.

Similarly, it appears that the Western Region was never given the authority to give employees 4 hours of Christmas leave, in addition to the 4 hours given by the governor. DHS has never had a policy authorizing the regions to grant 4 hours administrative leave for the Christmas holidays.

We hope this letter provides you with the information you need. If you have any questions or need additional information, you may contact our office at 538-1033.

Sincerely,

Wayne L. Welsh
Legislative Auditor General

WLW:SDP/lm