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Report of Investigation

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INVESTIGATOR: JOC

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Date of Completion

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Date of Approval

DISTRIBUTION:

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File

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EXECUTIVE SUMMARY

The Office of Inspector General (OIG) received an anonymous complaint on April 18, 2022, sent directly to the Inspector General (IG) via email. The complainant alleged that an employee (E1) with the Department of Municipal Development (DMD) was recently given a position that E1 is not qualified for and in which E1 does not possess the technical knowledge or education required for that position. The complainant alleges that E1 “lied and cheated” their way in because E1 allegedly had access to answers to the interview questions due to being an administrative aide to the department manager. As a result, E1 was able to see what the interview questions were going to be. The complainant alleges that E1 has “no clue” as to who is qualified to be promoted into technical positions. Instead, E1 is just pushing individuals into those jobs who have no technical skills and this is putting the drivers in Albuquerque “in a lot of danger.” According to the complainant, this is accepted by the manager of the department.

The complainant further alleges that since E1 has been in that position they have abused it. E1 allegedly “leaves to Target for hours” and will run personal errands. E1 allegedly also leaves with other managers and “stays out for hours.” According to the complainant, E1 has done this for years and will continue to do so as the Division Manager (S1) has allowed this to continue, not just with E1, but with “the whole department.”

According to City Ordinance 2-17-2, the Inspector General's goals are to (1) Conduct investigations in an efficient, impartial, equitable, and objective manner; (2) Prevent and detect fraud, waste, and abuse in city activities including all city contracts and partnerships; (3) Deter criminal activity through independence in fact and appearance, investigation and interdiction; and (4) Propose ways to increase the city's legal, fiscal and ethical accountability to insure that tax payers' dollars are spent in a manner consistent with the highest standards of local governments.

The purpose of the investigation was to address the allegations that E1 “lied and cheated” their way into a position they were not qualified for and thus does not understand who is qualified to be promoted, and that E1 abused their position by running personal errands on City time.

Based on the information and evidence obtained during our fact-finding investigation, the allegations regarding E1 could not be substantiated.

ABBREVIATIONS

OIG: Office of Inspector General
DMD: Department of Municipal Development
E1: Subject Employee
E2: Division Employee
IG: Inspector General
S1: Division Supervisor

INTRODUCTION

The mission of the Office of Inspector General (OIG) is to promote a culture of integrity, accountability, and transparency throughout the City of Albuquerque (City) to safeguard and preserve the public trust.

The OIG received an email complaint on April 18, 2022. The complainant alleged that an employee (E1) with the Department of Municipal Development (DMD) was recently given a position that E1 is not qualified for and in which E1 does not possess the technical knowledge or education required for that position. The complainant alleges that E1 “lied and cheated” their way in because E1 allegedly had access to answers to the interview questions due to being an administrative aide to the department manager. As a result, E1 was able to see what the interview questions were going to be. The complainant alleges that E1 has “no clue” as to who is qualified to be promoted into technical positions. Instead, E1 is just pushing individuals into those jobs who have no technical skills and this is putting the drivers in Albuquerque “in a lot of danger.” According to the complainant, this is accepted by the manager of the department.

The complainant further alleges that since E1 has been in that position they have abused it. E1 allegedly “leaves to Target for hours” and will run personal errands. E1 allegedly also leaves with other managers and “stays out for hours.” According to the complainant, E1 has done this for years and will continue to do so as the Division Manager (S1) has allowed this to continue, not just with E1, but with “the whole department.”

Background

The DMD has divisions that offer training programs to its employees to promote advancement within the divisions and the City as a whole. The divisions employ a trainer to manage, facilitate and oversee the training program. A division of DMD was hiring for the trainer position in the spring of 2020. The position was not filled at that time and was subsequently opened in the fall of 2021, at which time a candidate offered and accepted the trainer position.

SCOPE AND METHODOLOGY

Scope: Our investigation was limited to the period from November 2021 to July 20, 2022.

Methodology:

- Obtain and review E1's employee file
- Reviewed the job description for the position referenced in the complaint
- Reviewed training program documents for the division
- Researched ordinances, policies, and regulations
- Conducted information-gathering interviews with division employees

INVESTIGATION

A review of the job description revealed that E1 was not required to have technical knowledge for the position. The OIG also conducted witness interviews which revealed that the position largely involves coordinating training for department personnel. The organization of information and records is a key factor in determining exactly what training each employee has received. Interviews with witnesses as well as with E1 revealed that various pieces of training are given by individuals who know the area for which they are presenting. In addition, employees receive hands-on technical training while on the job and out in the field. This hands-on training is provided by fellow employees who are at a higher level and have the experience and who have already been through the training and have passed the applicable tests showing that they have the necessary skills and technical knowledge.

The OIG interviewed the department manager (S1), who has held that position since May 2018. The interview revealed that the position referred to in the complaint became vacant in Fall 2019. Interviews to fill the position were held in early 2020. S1 stated that E1 did not apply for this position at that time. There was another individual who S1 wanted to hire for the position, but the interview panel could not reach a consensus and ultimately no one was hired for the position. The position remained vacant until Fall 2021, which is when E1 applied for the position. S1 stated that the interview questions, when E1 was interviewed, were not the same as those asked during the interviews held in early 2020.

The OIG interviewed E1, who confirmed that the position they previously held was an administrative-type position to S1. E1 confirmed that in this position they did assist with the hiring process of new employees and did have access to all the interview documentation and questions. The OIG asked if E1 had looked at the interview questions for their current position given that E1 had access to the interview questions in their previous position. E1 stated that while the interview questions are there and they have access to them, E1 does nothing more than prepare the questions and send them off to the Manager. When asked if E1 read the interview questions, E1 stated

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“absolutely not”. E1 further stated that they have more integrity in themselves. E1 did not know if the interview questions had been changed from the previous round in early 2020.

The OIG followed up with S1, who stated that when E1 applied for the position referred to in the complaint, S1 recollected that another administrative employee (E2) handled the preparation of the interview packets and printed out the interview questions for the interview panel.

The OIG spoke with E2 who confirmed that they prepared the interview packets when E1 applied for the position referred to in the complaint. E2 stated it is management who prepares the interview questions. E2 stated that E1 was not involved in any part of the interview and document preparation in relation to this position.

The training program is designed so that those going through the training program receive a combination of classroom instruction as well as on-the-job training. Employees must successfully complete classroom work and pass the required tests. Employees must also be able to successfully demonstrate out in the field that they know how to do various tasks and show they have the technical knowledge. In addition, a supervisor must sign off stating that the employee has demonstrated their abilities in the subject matter before the employee can promote to the next level. Employees are not just “pushed” into jobs.

The OIG reviewed the Training Program documents, which specify the different levels and positions and the requirements for each. The Training Program document also states “There will be two phases required:”

1. Bring existing staff through a training process and program that will qualify each employee for the proposed positions, consistent with the training program and prepare them for the next position. The training program is comprehensive, nationally certified, and has pre-requisites. As a result, this initial phase has taken place over a number of years.
2. Train new employees through the proposed career path as they enter the system.
3. Employees entering the proposed positions will be required to meet the requirements of that position.

During the OIG’s interview with E1, the OIG asked E1 about the allegations that they “leave to Target for hours”, run personal errands, and stay out with managers “for hours”. E1 stated that they have gone to Target, as it is located behind their work site. However, E1 stated that this has only been during their breaks or their lunch period. E1 stated that they are allotted a half-hour lunch and two (2) fifteen-minute breaks and they have been allowed to combine their breaks and lunch to allow for one full hour. E1 also stated they have not left with managers and been out with them for hours. E1 stated they do not have any reason to be out with the managers.

OBSERVATIONS AND RECOMMENDATIONS

Allegation 1: E1 was recently given a position that E1 is not qualified for and in which E1 does not possess the technical knowledge or education for that position.

Finding: The OIG could not substantiate Allegation 1 concerning E1. The OIG confirmed that E1 applied for and interviewed for the position mentioned in the complaint in the fall of 2021. The OIG reviewed applicable documents which revealed that E1 met the minimum qualifications for the position and scored the highest of the candidates who were interviewed.

Allegation 2: E1 “lied and cheated” their way in because E1 had access to answers to the interview questions due to being an administrative aide to the department manager. As a result, E1 was able to see what the interview questions were going to be.

Finding: The OIG could not substantiate Allegation 2 concerning E1. The OIG interviewed S1 and E2 and they both acknowledged that E1 was not part of the administrative process for preparing interview questions.

Allegation 3: E1 “has no clue as to who is qualified to be promoted into technical positions. Instead, E1 is just pushing individuals into those jobs who have no technical skills and this is putting the drivers in Albuquerque in a lot of danger.”

Finding: The OIG could not substantiate Allegation 3 concerning E1. Interviews with witnesses and with S1 revealed that the position referred to in the complaint required more of an administrator than a trainer. There was more of an emphasis to be organized administratively than doing the actual training because the department has the necessary people to do the technical training.

Allegation 4: Since E1 has been in that position they have abused it. E1 “leaves to Target for hours” and will run personal errands. E1 also leaves with other managers and “stays out for hours.” E1 has done this for years and will continue to do so, as the Division Manager (S1) has allowed this to continue, not just with E1, but with “the whole department.”

Finding: The OIG could not substantiate Allegation 4. Witness interviews revealed that there are times when E1 has to make trips to City Hall. The department also has a new facility and E1 was often required to go to the new facility as they were responsible for helping to get the facility furnished and set up. Interviews also revealed that many employees were working from home during 2020 and more recently have been allowed to work remotely two days a week.

Based on the information and evidence obtained during our fact-finding investigation, the allegations regarding E1 could not be substantiated, therefore, this case is being closed.

E1 did share concerns about being harassed by a former employee. The OIG did advise E1 that they may want to seriously consider filing a police report concerning the harassment by the former employee.