

Audit of Department of Public Works
Granting Extensive Administrative Leave
to a Former Employee





Office of the Public Auditor

Commonwealth of the Northern Mariana Islands

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April 6, 1998

Lucy DLG. Nielsen
Acting Secretary of Finance
P.O. Box 3042
Saipan, MP 96950

Dear Ms. Nielsen:

Subject: Final Letter Report on the Audit of Department of Public Works
Granting Extensive Administrative Leave to a Former Employee
(Report No. LT-98-04)

This report presents the results of our audit of the Department of Public Works (DPW) granting extensive administrative leave to a former employee. The objective of our audit was to determine whether the granting of administrative leave to the former DPW employee during his period of illness was in accordance with the personnel regulations.

Our audit showed that the Acting Secretary of Public Works violated personnel regulations when he instructed the Secretary of Finance to amend the former DPW employee's time and attendance records to: (1) charge administrative leave during the employee's period of illness, (2) reinstate annual (AL) and sick leave (SL) hours previously charged, (3) reverse charges to leave without pay (LWOP) and pay salary for this time, and (4) reinstate accruals of AL and SL in those pay periods where the employee was not previously credited due to his LWOP status. There was no information that the former employee's illness was job-related.

We recommend that the Acting Secretary of Finance (1) disallow the amended time and attendance report of the former employee, as well as the payment of his salary, because the Acting Secretary of DPW's approval of administrative leave was not in accordance with regulations. We also recommend that the Northern Marianas Island Retirement Fund Administrator (NMIRF) (2) require the CNMI Group Health Insurance office to inform the former employee of whether he is entitled or not entitled to post-employment benefits under the Consolidated Omnibus Budget Reconciliation Act (COBRA). We further recommend that the Acting Secretary of Public Works (3) notify the former employee or his immediate family what to do to qualify for additional medical insurance; (4) prepare a memo or directive to all employees requiring them to use time cards or other documents (such as log-in-and-out) to support their attendance at work; and, (5) prepare a memo or directive to the DPW timekeeper to administer and enforce the statutes, rules, regulations, standards and procedures on timekeeping, and to report any violations to the Director

of Administrative Services and to the Director of Personnel for appropriate action. The memo or directive should include requesting and obtaining a leave form from the supervisor of an employee who is on leave or who has returned to work without submitting a leave form in advance, and insuring that all employees are using time cards or other documents to support their attendance.

In her letter dated December 9, 1997 (APPENDIX D), the Acting Secretary of Finance stated that the Department of Finance (DOF) had solicited comments from the Office of Personnel Management (OPM) on the matter but that OPM had not responded to date. DOF wanted to obtain OPM's comments before it responded to the draft report. In his letter dated October 21, 1997 (APPENDIX E), the NMIRF Administrator stated that he had no comment on the draft report as NMIRF has no direct involvement other than whether the employee would be entitled to coverage for health insurance. He added that he would not decide on the issue until final results of the investigation by OPA and OPM are obtained. DPW did not respond to the draft report. The DPW Legal Counsel told OPA that DPW was awaiting resolution by OPM and would provide OPA an update on this matter.

Based on the responses we received from the Acting Secretary of Finance, NMIRF Administrator, and DPW Legal Counsel, we consider all the recommendations open.

BACKGROUND

The Office of the Public Auditor (OPA) received from the DOF Payroll Supervisor a copy of the Acting Secretary of Public Works' memorandum dated August 28, 1997 instructing the Secretary of Finance to amend the former DPW employee's time and attendance records to: (1) charge administrative leave during the employee's period of illness, (2) reinstate AL and SL hours previously charged, (3) reverse charges to LWOP and pay salary for this time, and (4) reinstate accruals of AL and SL in those pay periods where the employee was not previously credited due to his LWOP status (see APPENDIX B). There was no information that the former employee's illness was job-related. The DOF Payroll Section Supervisor asked our opinion on whether the Acting Secretary of Public Works' request could be granted. The request was supported by DPW Legal Counsel's opinion contained in a letter to the DPW Director of Administrative Services dated August 26, 1997.

The former employee of DPW worked as Superintendent of the Roads Facilities Division from July 22, 1996 until he resigned effective August 4, 1997 after a lengthy illness. According to the DPW Legal Counsel, the former employee was a member of the Excepted Service in a supervisory position during his employment at DPW. On February 5, 1997, the former employee became ill and was hospitalized for a serious condition. The DPW Legal Counsel added that the former employee decided to resign shortly after July 31, 1997, and remains seriously ill.

Based on the Summary Time Sheet (STS) of DPW for pay periods 4 to 16 covering the period February 2 to August 2, 1997, the former employee was charged 136 hours of AL, 68 hours of SL, 40 hours of Holiday, 8 hours of Administrative Leave, and 788 hours LWOP (see APPENDIX A).

DPW Legal Counsel's Opinion

The DPW Legal Counsel concluded that it is proper and prudent to correct the former employee's time records for the period from February 5, 1997 through July 31, 1997, by indicating that the former employee remained in full pay status during that interval, and by converting the hours charged to SL, AL, and LWOP into administrative leave or such other code that correctly indicates full pay status.

The DPW Legal Counsel commented that the former employee was not consulted regarding the time record entries, the former employee's insurance coverage was terminated during the period of non-pay status because no premiums were paid, and the former employee was not given the opportunity to continue his coverage which resulted in severe financial damage because of the loss of insurance coverage.

The DPW Legal Counsel said that he is not an expert on personnel matters and that he consulted with the personnel specialist attorney of the Attorney General's Office when he was asked whether the time record entries for the former employee were correct. The DPW Legal Counsel reported that the personnel specialist attorney advised him that the time entries were incorrectly made since the former employee was not given the opportunity to elect whether he would use SL or vacation leave. The DPW Legal Counsel added that the entries placing the former employee in a non-pay status were made without appropriate notice to the former employee.

The DPW Legal Counsel recommended that the former employee's corrected pay be adjusted to account for all the usual deductions, including insurance premiums. He added that the insurance carrier should be notified of the adjustments and requested to provide to the former employee any coverage that may have been denied as a result of the prior incorrect records.

The DPW Legal Counsel further recommended that the former employee be advised of any rights he may have under COBRA¹ to continue his insurance coverage at his own cost following his separation from employment.

OBJECTIVE, SCOPE AND METHODOLOGY

The objective of our audit was to determine whether the granting of administrative leave to the former DPW employee during his period of illness was in accordance with the Personnel Service Rules and Regulations (PSSRR), Excepted Service Personnel Regulations (ESPR), Family and Medical Leave Act of 1993, the Governor's Directives and other applicable rules and regulations.

Our audit covered pay periods 1 to 16, from December 22, 1996 to August 2, 1997. We examined memoranda, Internal Transfer of Time and Attendance Reports (ITTAR), STS, time cards, application for leave forms, and other documents relevant to the time and attendance report for the former employee.

¹ Explained in more detailed on page 8 of this report.

We conducted our audit at the DPW office at Lower Base and at OPA in Gualo Rai from September 18 to 23, 1997. The audit was made, where applicable, in accordance with Government Auditing Standards issued by the Comptroller General of the United States. Accordingly, we included such tests of records and other auditing procedures as were considered necessary in the circumstances.

As part of our audit, we evaluated the controls for accounting for the employee's time. We found internal control weaknesses in this area. The internal control weaknesses are discussed in the "Other Matters" section of this report. Our recommendations, if implemented, should improve the internal controls in this area.

FINDINGS AND RECOMMENDATIONS

Granting of Extensive Administrative Leave

Personnel regulations set forth the specific circumstances where administrative leave can be granted, and these circumstances do not include periods of illness except for job-related injuries. Our audit showed that the Acting Secretary of Public Works violated personnel regulations when he instructed the Secretary of Finance to amend the former DPW employee's time and attendance records to: (1) charge administrative leave during the employee's period of illness, (2) reinstate AL and SL hours previously charged, (3) reverse charges to LWOP and pay salary for this time, and (4) reinstate accruals of AL and SL in those pay periods where the employee was not previously credited due to his LWOP status. There was no information that the former employee's illness was job-related. Although not directly informed by the former employee or his immediate relatives, the DPW timekeeper took into consideration the illness of the employee, and charged the periods of absences to SL, AL, and LWOP. The DPW timekeeper appeared to have judiciously acted in accordance with timekeeping regulations. If DOF Payroll Section were to process the transaction, it would result in the government paying over \$20,000 in public funds for personnel services not rendered and for leave benefits to which the employee was not entitled.

Regulations on Administrative Leave

The Governor's Directive No. 158 dated March 20, 1995, entitled Revised Directive No. 003 - Administrative Leave Policy, specifically stated that "the circumstances justifying the grant of administrative leave are set forth in Part VII.A4.G of the Personnel Service System Rules and Regulations (PSSRR) and Part I.8.I of the Excepted Service Personnel Regulations (ESPR)- both regulations were promulgated by the Civil Service Commission."

PSSRR Part VII G defines administrative leave as an absence from duty administratively authorized without loss of pay and without charge to accrued leave. It also states that the governor, appointing authorities or their designees have the responsibility for approving administrative leave requests. The PSSRR states the four general classes into which administrative leave falls:

- (1) Administrative leave is absence authorized under emergency conditions beyond the control of management, such as typhoons, or for participation in civic activities of interest to the government,

or employment connected examinations, or for such reasons as the Governor may determine (such as a shortened work day on Christmas Eve).

- (2) Extended absence required for medical appointments and care following job-related injuries may be authorized administrative leave.
- (3) Administrative leave related to disciplinary actions. Managers may place an employee in non-working status with pay for up to three (3) work days pending preparation of a notice of proposed suspension for up to thirty (30) calendar days or removal from the Personnel Service.
- (4) Administrative leave may be granted to employees serving on government boards and commissions, provided such employee does not receive compensation from the boards and commissions. Advance written notice by the head of board or commission must be delivered to the department or agency head before an employee can be released from official duties to attend a meeting. If an emergency meeting is necessary, the chairman or executive director may notify the department or agency head by phone, but a written confirmation of the meeting must follow that notification.

The ESPR I.8.I reiterates some of the provisions of the PSSRR. It states that administrative leave with pay is granted by the Governor only in exceptional circumstance such as typhoons and state funerals. Furthermore, administrative leave with pay may be granted by the employee's department director to employees serving on government boards and commissions, provided the employees do not receive compensation from those boards and commissions.

Improper Approval of 992 Hours of Administrative Leave

Our audit showed that the Acting Secretary of Public Works violated the provisions of the personnel regulations when he instructed the Secretary of Finance to amend the former DPW employee's time and attendance records to: (1) charge 992 hours of administrative leave during the employee's period of illness, (2) reinstate 116 of AL and 88 SL hours previously charged, (3) reverse 788 hours charges to LWOP and pay salary for this time, and (4) reinstate accruals of AL and SL from the March 15, 1997 to August 2, 1997 pay periods for which the employee was not previously credited due to his LWOP status (see APPENDIX B).² There was no information that the former employee's illness was job-related. The approval was supported by the DPW Legal Counsel's recommendation to grant the former employee 992 hours of administrative leave so that he could be compensated while absent from work due to illness. The administrative leave covered the period from February 15, 1997 to August 2, 1997.

The reason for granting the former employee's administrative leave is not consistent with the provisions of either the PSSRR or the ESPR. An employee cannot be granted administrative leave for serious illness unless it conforms to the specific provisions of PSSRR G (2) which require that the absences were necessary for medical appointments and care following job-related injuries. In this case there was no information that the former employee's illness was job-related. In the Governor's directive on Administrative Leave Policy, he cautioned department and activity heads to be wise and just in granting administrative leave. And to emphasize the restrictions, the

² Annual and SL hours did not match the information in the summary time sheet (see APPENDIX A).

Governor reiterated that even if an employee is attending to a family emergency, paid administrative leave may not be granted but he/she can request LWOP or use AL.

Regulations on Extended Leave of Absence

PSSRR provides limitations and requirements in granting an extended leave of absence, such as (1) certification of incapacity from the attending physician if the employee is absent in excess of 3 days because of illness, injury or quarantine.³ (2) certification from the attending physician of the necessity for extending AL or SL to allow LWOP (LWOP is subject to approval by the Personnel Officer upon a recommendation by the appointing authority),⁴ (3) approval of the Personnel Officer upon recommendation by the appointing authority for LWOP in excess of 90 days (extension of LWOP requires a memorandum of explanation addressed to immediate supervisor),⁵ and (4) approval of the Personnel Officer upon recommendation by the appointing authority for advance AL or SL up to the maximum of 1/2 of the total earnable leave credits for one year.⁶

Under the circumstances, the timekeeper could have charged the former employee as Absent Without Leave (AWOL)⁷ without the required authorization. According to the timekeeper, the only document that she had was the medical certification which was received the following month after the former employee's absence from work began. The timekeeper, however, could not provide us with that medical certification.

When the timekeeper heard the news from another DPW employee that the former employee was in the hospital, the timekeeper made the decision to apply SL to the ITTAR until all the SL and AL was exhausted. It was in pay period 4 covering February 2 to February 15, 1997 when the timekeeper was informed by other employees of DPW that the former employee was in the

³ PSSRR VII.A4 C paragraph 2 states that "if an employee is absent because of illness, injury or quarantine in excess of three (3) days, the employee may be required to furnish a certification as to the incapacity from the attending physician. The appointing authority may require certification for such other period(s) of illness as is appropriate. If the required certification is not furnished, all absence which would have been covered by such certification shall be indicated on the Time and Attendance record and the payroll as Absent Without Leave (AWOL).

⁴ PSSRR VII.A5 C. states that "employees on permanent status may be granted leave without pay (LWOP) for the purpose of extending annual or sick leave. *When sick leave is so extended, the attending physician must certify to the necessity of the extension. The Personnel Officer is responsible for approving or disapproving requests for leave without pay, upon recommendation by the appointing authority.* (Emphasis added).

⁵ PSSRR VII.A5 A states that "an employee on permanent status may be granted *leave without pay not to exceed ninety (90) consecutive work days if the appointing authority considers it justified. Leave without pay may be extended up to ninety (90) additional consecutive work days ONLY with the approval of the Personnel Officer, upon recommendation by the appointing authority.* Such leave without pay may be granted to permit the employee to attend to important family affairs, such as settling an estate or for justifiable personal or business reasons.

An employee desiring extended leave without pay shall prepare a memorandum of explanation addressed to immediate supervisor explaining in detail the reasons for the request. (Emphasis added).

⁶ PSSRR VII.A4 D provides that "where, for good reason, an employee on permanent status requires additional annual or sick leave in addition to the amounts accrued, the Personnel Officer, with recommendation of the appointing authority, may grant advance leave up to a maximum of one-half (1/2) of the total earnable leave credits for which the employee is eligible for one year from the date the application is received. Subsequent accrued leave earnings shall serve to replace the amount of advance leave granted and taken. Request for leave advance must be in writing from the employee with recommendation from the appointing authority."

⁷ PSSRR VII.A7 paragraph 1 states that "unauthorized leave (Absent Without Leave, AWOL) is absence from duty without appropriate authorization. Employees who are absent from duty without prior approval, *except in bona fide emergencies*, shall be charged as being AWOL. Employees who are AWOL are subject to loss of pay and possible disciplinary action." (Emphasis added).

hospital. The timekeeper applied 80 hours SL under the ITTAR for pay period 4. For the next pay period covering February 16 to March 1, 1997, the timekeeper applied 68 hours AL, 4 hours SL and 8 hours holiday. She then applied the remaining leave balances and LWOP to the next pay periods. The ITTAR of the succeeding periods up to the date of resignation on August 4, 1997 showed that the former employee was on LWOP status. DPW allowed the employee to continue the LWOP status without proper authorization in excess of the maximum 90-day period or 720 hours. The former employee's STS showed a total of 788 LWOP hours, without a written explanation addressed to his immediate supervisor explaining his reason for requesting an extension.

We also believe that not consulting the employee regarding the time record entries, not giving him the opportunity to elect to use SL and AL, and not notifying him that he would be put on non-pay status are not valid grounds for granting administrative leave. The employee is under an obligation to inform DPW of the cause of his absences. PSSRR VII.A9 states that "the employee shall be responsible for initiating a request for leave using such forms, documentation and explanatory material as may be required. Such request shall be initiated sufficiently in advance so as to enable management to make the necessary staff adjustments. Management shall review all leave requests and may approve, disapprove or modify any leave request." If the employee is unable to elect leave or other requests, it is necessary for management or the timekeeper to elect for him, and adjustments can be made later if appropriate.

PSSRR VII.B2 also provides that the employees are responsible for familiarizing themselves with reporting procedures so that they may be assured of proper insurance coverage in the event of injury or illness. The Manager of the CNMI Group Health Insurance Plan explained that an employee can still be covered, and claims can still be processed, if the employee pays both the employee's and employer's shares of health insurance premiums from the time he was put on LWOP status to the time he resigned.⁸

There are also questions raised as to whether the provisions of COBRA and the Family and Medical Leave Act of 1993 (FMLA) will apply to this case. COBRA mandates that when an employee leaves an employer, the person leaving may continue to be carried in the employer's group health plan. The full cost of continuing the health insurance is the responsibility of the ex-employee. The monthly premium is the same as previously paid by the employer. There is a 60-day window of time in which an individual can make the first payment to the prior employer. Eighteen months is the normal length of time for which a person can make payments under the terms of COBRA.

According to a law firm based in California, the CNMI Group Health Insurance Plan appears to be exempt from the COBRA provisions. [A copy of the law firm's September 24, 1997 memorandum (see APPENDIX C) is attached for your reference.] However, we do not see any

⁸ The Group Health Insurance Enrollment Form provides that " the enrolled employee who is on leave without pay (LWOP) is covered by his/her enrollment of LWOP **provided** that if no deductions are made for the health insurance for any pay period while the employee is on LWOP, a retroactive payment will be deducted on the first pay period after the employee is again on pay status. If no retroactive payments are possible for any reason, such as termination without returning to duty from LWOP, the health insurance will **terminate** as of the last period that the premium was deducted."

relevance of the COBRA provisions in this matter because COBRA provisions refer to post-employment benefits. There is nothing in COBRA that requires the employee to be paid while ill during periods of employment, if the employee does not have any accumulated vacation or SL benefits.

An employee is entitled to take advantage of FMLA, codified at 29 USCS § 2601⁹ if there is a serious health condition that renders the employee unable to perform the functions of his job. However, the *family and medical leave under FMLA is unpaid leave*. Accrued AL and SL may be substituted for LWOP but if the accrued balance of paid leave is insufficient, the remaining weeks of leave necessary to attain up to 12 workweeks of family and medical leave will be charged to LWOP.

When requesting leave because of a serious health condition, the FMLA requires that the employee provide the agency in a timely manner with a certification from the health care provider containing the following information in part:

- 1) the date when the serious health condition commenced;
- 2) the probable duration of the condition;
- 3) the appropriate medical facts within the knowledge of the health care provider regarding the condition;
- 4) a statement that the employee is unable to perform the functions of the position due to the condition.

The above provisions emphasize the importance of proper authorization and documentation of extended leaves of absence.

Other Matter

The PSSRR IV.B25 requires each agency of the government to maintain accurate and complete data on employee time and attendance. This supports the code of ethics for government personnel service requiring a full day's labor for a full day's pay.

Our audit showed that both the former and incumbent Directors of Roads and Facilities Division, and both the former and incumbent Directors for Administrative Services, exempted the former employee from using time cards. The ITTAR was also not supported by approved applications for leave or any other documents which support the former employee's hours worked. The former employee was given the full 8-hours-a-day credit despite absence of time cards or any other documents (such as log-in and log-out) which would support the employee's attendance. During pay periods 2 and 3 which covered January 5 to 18, 1997 and January 19 to February 1, 1997, the former employee's ITTAR showed 80 full hours of AWOL each pay period or a total of 160 hours

⁹ The Federal Family and Medical Leave Act of 1993 (FMLA) entitles an employee who have been employed for at least 12 months by an employer with respect to whom leave is requested and has worked for at least 1,250 hours (includes only the hours in which actual work was rendered by the employee; paid leave time [e.g. annual, sick, administrative leave, etc.] is not included) during the preceding 12-month period to take up to 12 workweeks of family and medical leave during any 12-month period.

of AWOL. However, pay period 3 was revised to 80 regular hours per ITTAR (56 regular hours and 24 hours AL per STS) when, according to the timekeeper, the former employee claimed that he reported for work during the period. The timekeeper added that the then incumbent Director of Roads and Facilities Division also claimed that the employee reported for work.

The timekeeper expressed concern about the former employee's claimed attendance at the time because although she normally saw the employee inside DPW premises in the morning (drinking coffee or having a meeting) before he left to work in the field, at the time she indicated AWOL on the ITTAR, she had not seen the former employee inside DPW's premises.

There is no authority in personnel or other regulations allowing exemption from timing-in-and-out for work regardless of position.

Causes and Effects

This occurred because both the former and incumbent managements of DPW failed to perform their duties and responsibilities by enforcing provisions of the personnel regulations. Public funds appear to have been wasted by payment of (1) leave benefits to which the employee was not entitled, and (2) unsupported ITTAR in the absence of time cards or other documents to support the employee's claim of attendance.

Conclusion and Recommendations

The Acting Secretary of Public Works violated personnel regulations when he granted administrative leave so that the former employee could be compensated for his extended absence from work. Although his desire to help an ill employee reflects compassion, the Acting Secretary of Public Works must still comply with public laws and regulations governing public funds. The granting of administrative leave by the Acting Secretary of Public Works, and exempting the former employee from using time cards and applying for leave, violated the provisions of the PSSRR and the ESPR. Payment to the former employee of administrative leave and other benefits which were inconsistent with the regulations is not expenditure for a public purpose. There is no public law or regulation allowing the payment; the payment is only for the benefit of an individual and not the public. It is our opinion that the request by the Acting Secretary of Public Works should not be granted. Accordingly, we recommend that the Secretary of Finance:

1. Disallow the amended time and attendance report of the former employee, as well as the payment of his salary, because the Acting Secretary of DPW's approval of administrative leave was not in accordance with regulations.

That the Northern Marianas Island Retirement Fund (NMIRF) Administrator:

2. Require the CNMI Group Health Insurance office to inform the former employee of whether he is entitled or not entitled to post-employment benefits under COBRA.

That the Acting Secretary of Public Works:

3. Notify the former employee or his immediate family what to do to qualify for additional medical insurance.
4. Prepare a memo or directive to all employees requiring them to use time cards or other documents (such as log-in-and-out) to support their attendance at work.
5. Prepare a memo or directive to the DPW timekeeper to administer and enforce the statutes, rules, regulations, standards and procedures on timekeeping, and to report any violations to the Director of Administrative Services and to the Director of Personnel for appropriate action. The memo or directive should include requesting and obtaining a leave form from the supervisor of an employee on leave or who is has returned to work without submitting a leave form in advance, and insuring that all employees are using time cards or other documents to support their attendance.

DOF Response

In her letter dated December 9, 1997, the Acting Secretary of Finance stated that DOF had solicited comments from OPM on the matter and OPM had not responded to date. DOF wanted to obtain OPM's comments before it responded to the draft report. In addition, the Acting Secretary requested an additional 30 day extension to provide their response. On February 4, 1998, the Acting Secretary of Finance informed OPA that there is still no formal response from OPM. The former Acting Secretary of Finance provided OPA a copy of the letter dated October 16, 1997 requesting OPM to review and comment on the draft report (APPENDIX D).

NMIRF Response

In his letter dated October 21, 1997 (APPENDIX E) the NMIRF Administrator stated that he had no comment on the draft report as NMIRF had no direct involvement other than whether the employee would be entitled to coverage for health insurance. He added that he would not decide on the issue until final results of the investigation by OPA and OPM are obtained.

DPW Response

DPW made no written response to the draft report DPW Legal Counsel told us that DPW was awaiting resolution from OPM and would provide OPA an update on this matter.

OPA Comments

Based on the responses we received from the Acting Secretary of Finance, NMIRF Administrator and DPW Legal Counsel, we consider all the recommendations open. The additional information or action required to close the recommendations is presented in APPENDIX F.

* * *

Our office has implemented an audit recommendation tracking system. All audit recommendations will be included in the tracking system as open or resolved until we have received evidence that the recommendations have been implemented. An *open* recommendation is one where no action or plan of action has been made by the client (department or agency). A *resolved* recommendation is one in which the auditors are satisfied that the client cannot take immediate action, but has established a reasonable plan and time frame of action. A *closed* recommendation is one in which the client has taken sufficient action to meet the intent of the recommendation or we have withdrawn it.

Please provide to us the status of recommendation implementation within 30 days along with documentation showing the specific actions that were taken. If corrective actions will take longer than 30 days, please provide us additional information every 60 days until we notify you that the recommendation has been closed.

Sincerely,

ORIGINAL SIGNED

Leo L. LaMotte
Public Auditor, CNMI

cc: Governor
Lt. Governor
Tenth CNMI Legislature (27 copies)
Acting Attorney General
Acting Secretary of Finance
Acting Secretary of Department of Public Works
NMIRF Administrator
Acting Director, Office of Personnel Management
Special Assistant for Management and Budget
Public Information Officer
Press

SCHEDULE OF TIME CHARGES OF THE FORMER DPW EMPLOYEE AS SHOWN
FROM THE SUMMARY TIME SHEET

| Pay Period Number | Period Covered | Entries from the Summary Time Sheet | | | | | | | Total |
|--------------------------------------|-----------------|-------------------------------------|--------------|------------|-----------|----------------|-------------------|-----------------------|-------------|
| | | Regular | Annual Leave | Sick Leave | Holiday | Administrative | Leave Without Pay | Absence Without Leave | |
| 1 | 12/22/96-1/4/97 | 64 | | | 16 | | | | 80 |
| 2 | 1/5/97-1/18/97 | | | | | | | 80 | 80 |
| 3 | 1/19/97-2/1/97 | 56 | 24 | | | | | | 80 |
| 4 | 2/2/97-2/15/97 | | 20 | 60 | | | | | 80 |
| 5 | 2/16/97-3/1/97 | | 68 | 4 | 8 | | | | 80 |
| 6 | 3/2/97-3/15/97 | | 48 | 4 | | | 28 | | 80 |
| 7 | 3/16/97-3/29/97 | | | | 16 | | 64 | | 80 |
| 8 | 3/30/97-4/12/97 | | | | | | 80 | | 80 |
| 9 | 4/13/97-4/26/97 | | | | | | 80 | | 80 |
| 10 | 4/27/97-5/10/97 | | | | | | 80 | | 80 |
| 11 | 5/11/97-5/24/97 | | | | | | 80 | | 80 |
| 12 | 5/25/97-6/7/97 | | | | 8 | | 72 | | 80 |
| 13 | 6/8/97-6/21/97 | | | | | | 80 | | 80 |
| 14 | 6/22/97-7/5/97 | | | | 8 | 8 | 64 | | 80 |
| 15 | 7/6/97-7/19/97 | | | | | | 80 | | 80 |
| 16 | 7/20/97-8/2/97 | | | | | | 80 | | 80 |
| Total from pay period 4 to 16 | | | 136 | 68 | 40 | 8 | 788 | | 1040 |

DPW'S INSTRUCTION TO DOF TO AMEND THE FORMER DPW EMPLOYEE'S
RECORDS

Note: The Acting DOF Secretary's Memo is omitted in the electronic version to reduce the file size of this publication. You may request a copy of the appendix at OPA via e-mail to librarian@opacnmi.com.

COPY OF APPROVED APPLICATION TO CHARGE ADMINISTRATIVE LEAVE

Note: This page is intentionally omitted from the electronic version of the report to reduce the file size of the publication. You may request a copy of the appendix at OPA via e-mail to librarian@opacnmi.com.

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AUDIT OF TIME CHARGES AND GRANTING OF ADMINISTRATIVE
LEAVE TO FORMER DPW EMPLOYEE

STATUS OF RECOMMENDATIONS

| Recommendations | Agency | Status | Action Required |
|---|--------|--------|--|
| 1. Disallow the amended time and attendance report of the former employee, as well as the payment of his salary, because the Acting Secretary of DPW's approval of administrative leave was not in accordance with regulations. | DOF | Open | Provide OPA a copy of the memorandum which addresses the issue. |
| 2. Require the CNMI Group Health Insurance office to inform the former employee of whether he is entitled or not entitled to post-employment benefits under COBRA. | NMIRF | Open | Provide OPA a copy of the memorandum which addresses the issue. |
| 3. Notify the former employee or his immediate family what to do to qualify for additional medical insurance. | DPW | Open | Provide OPA a copy of the notification to the former employee or his immediate family which addresses the issue. |
| 4. Prepare a memo or directive to all employees requiring them to use time cards or other documents (such as log-in-and-out) to support their attendance at work. | | | Provide OPA a copy of the memo or directive which addresses the issue. |
| 5. Prepare a memo or directive to the DPW timekeeper to administer and enforce the statutes, rules, regulations, standards and procedures on timekeeping, and to report any violations to the Director of Administrative Services and to the Director of Personnel for appropriate action. The memo or directive should include requesting and obtaining a leave form from the supervisor of an employee who is on leave or who has returned to work without submitting a leave form in advance, and insuring that all employees are using time cards or other documents to support their attendance. | | | Provide OPA a copy of the memo or directive addressing the issues. |