

**THE UNITED STATES VIRGIN ISLANDS**

**OFFICE OF THE VIRGIN ISLANDS INSPECTOR GENERAL**



**INVESTIGATION OF THE ACTIVITIES  
OF SECURITY GUARD PERSONNEL  
AT THE CHARLES HARWOOD COMPLEX  
ST. CROIX, VIRGIN ISLANDS**

**ILLEGAL OR WASTEFUL ACTIVITIES SHOULD BE REPORTED TO  
THE OFFICE OF THE VIRGIN ISLANDS INSPECTOR GENERAL BY:**

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**(340) 774-3388**

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June 14, 2006

Honorable Charles W. Turnbull  
Governor of the Virgin Islands  
Government House  
Kongens Gade  
St. Thomas, Virgin Islands 00802

Honorable Lorraine L. Berry  
President  
26<sup>th</sup> Legislature  
Capital Building  
St. Thomas, Virgin Islands 00802

Dear Governor Turnbull and Senator Berry:

Enclosed is the final investigative report on the allegation that security guard personnel for the Department of Health were paid for time that they did not work.

We found that two security guards frequently worked fewer hours at the Charles Harwood Complex than the individuals listed on their time cards. The security unit's supervisor was aware that these two employees were reporting time they did not work, but still certified the falsely reported hours of work for pay purposes. In addition, the security unit's supervisor was found to have worked as a security officer at a St. Croix casino during hours for which the individual was also claiming compensation from Health for hours to which the individual was not entitled.

A draft report was sent to the Commissioner of Health requesting responses to the recommendations made; however, after numerous requests, no response was received.

Should you or your staff require additional information, please call me at 774-6426.

Sincerely,

  
Steven van Beverhoudt, CFE, CGFM  
V. I. Inspector General

# **INTRODUCTION**

## **ALLEGATIONS**

A complaint was filed concerning the work habits of security guards at the Charles Harwood Clinic (Harwood) on St. Croix, operated by the Virgin Islands Department of Health (Health). It was alleged that the “day shift” and the “swing shift” security guards were claiming time on the job when they were not physically present at the Clinic. In addition, the “night shift” personnel worked overtime hours for which they were not paid.

## **BACKGROUND**

Security at Harwood consists of around the clock security. The security consists of four security guards manning three shifts: the “day shift” from 7 a. m. to 3 p. m.; the “swing shift” from 3 p. m. to 11 p. m. and a “night shift” from 11 p. m. to 7 a. m. One person is assigned to the “day shift” and to the “swing shift”, and two individuals are assigned to the “night shift”. Assignments are constant rather than rotated however, there are occasions when personnel are to different shifts on an ad hoc basis.

The security personnel work under a union contract that requires any hours in excess of 40 in any one work-week be paid at time and a half. Security personnel (but not the security unit’s supervisor) are required to punch in and out on a time clock located at the security guard station at Harwood. In addition, the security personnel and the security unit’s supervisor are required to sign in and sign out in the Log Book maintained at the security guard’s station at Harwood.

In 2000, remodeling began on the Harwood building. Construction material and contractor equipment were stored on the premises. Security guards were paid overtime to maintain the 24 hour presences on the property. However, some time in 2001, Harwood administration terminated overtime payments due to fiscal constraints. Security personnel were still required to maintain a 24-hour presence at the Harwood premises, 7-days a week.

# INVESTIGATION

In order to validate the allegations, we conducted surveillance over a two-week period of the security guards' check-in and check out times for each of the three shifts. The surveillance found that the "day shift" security guard and the "swing shift" security guard frequently either arrived late to begin their shifts and/or left the work site before the end of their shifts. The "night shift" guards typically arrived well before the beginning of their shifts, and both of them were consistently observed staying past the end of the shift at 7 a.m.

After determining that there was a basis for the allegation, additional investigation was done to include additional surveillance, interviews of all security personnel and other persons with personal knowledge of the work habits of the security guards. A number of records were obtained and reviewed from both governmental and private businesses.

The two "night shift" security officers kept a log of the overtime worked because there was no one on the job when they arrived and/or they were not relieved regularly until hours after their shifts ended.

Based on the records reviewed, the interviews and the surveillance conducted, we found that the "day shift" and "swing shift" security guards were regularly claiming hours worked when they were not physically present. In addition, we found that the security unit's supervisor engaged in a similar practice of claiming pay for time when the individual was not present at the Health facilities<sup>1</sup>. We also found that "night shift" security guards were assigned to work other shifts from time to time. It was determined that these two individuals did not claim pay for hours they did not work. In addition, these two individuals were found to have worked substantial overtime hours without compensation. The overtime was to cover portions of the "day shift" and "swing shift" when those security guards left early or came in late.

## Security Guards

The established protocol for security guards at Harwood employs a security log book (log) kept at the guard station inside Harwood. Each security guard, including the supervisor, is expected to personally sign-in and sign-out in the log for each shift that they work.

Routine activities and any unusual occurrences during the shift are also to be noted in the log. The log sign-in and sign-out are in addition to punching-in and punching-out on time cards that are used to record the work hours of each individual. The security guard going off duty is also expected to brief the security guard coming on duty of any unusual activity or pertinent information at the change of each shift.

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<sup>1</sup> The security unit's supervisor is responsible for personnel at both of Health's facilities of Harwood and Herbert Gregg.

Based on discussions with the “night shift” security guards, this was not done at the beginning of the “night shift” because there was typically no one to brief the incoming person at the beginning of the shift. The “swing shift” security guard frequently left early. In addition, as was alleged and verified by our surveillance, the “day shift” security guard was typically late coming in to work, often by several hours. The “night shift” security guard waiting to be relieved would leave once the individual became aware that the “day shift” security guard was on the Harwood premises. Accordingly, there usually was no face-to-face communication from one shift to another.

Both “night shift” security guards stated that the log showed that they were frequently required to work overtime. They also stated that the security unit’s supervisor instructed them that if they left their posts before being properly relieved, they would be dismissed. For many months, they were not allowed to claim overtime for the time they worked past their shifts.

An analysis of the log did indicate that the “day shift” personnel frequently did not sign-out until after the end of the shift and well into the morning. The “day shift” security guard would sign-in as if the individual came on duty at 7 a.m.; however, this entry was made after the “night shift” personnel signed-out, frequently several hours after the 7 a.m. shift was to begin. This situation was confirmed during our surveillance activities.

The “night shift” security guards indicated that they did not mind working past the end of their shift when they were paid for the overtime, but since the overtime pay was terminated, they complained to the security unit’s supervisor and were told again that if any security guard left the premises without proper relief, they would be fired. A memorandum dated October 27, 2002, from the security unit supervisor directed that; “ Any security officers who do not relieved [sic] the out going shift on time or will be reporting to work late and do not notify their supervisor will be subject to disciplinary actions [sic].” We were told that during the renovations of Harwood, overtime was paid so that security was provided, however, when funds ran out, the overtime payments stopped. The “night shift” personnel continued to work the overtime without being compensated.

As part of our review, we sampled, from the log, a schedule of recorded shift times for the month of January 2002. The document showed that the “day shift” security guard signed in on only two days during the month. For pay purposes, the individual’s time cards indicated that the person reported on time and worked a full 8-hour shift.

The security guard’s time cards were supposed to be date-stamped at the time clock located at the security duty station inside of the Harwood facility. We found however, that there were many instances where the times for the “days shift” and the “swing shift” security guards were handwritten, and they showed the correct sign-in and sign-out times for a full 8-hour shift.

The discrepancies between the log entries and the time card entries could not be reconciled. However, our surveillance did confirm that there were times when the “day shift” and the “swing shift” security guards were not present at Harwood at the change of their respective shifts and could not have punched in and out at the Harwood time clock.

During the course of our surveillance, we noted instances where at the 3 p.m. change of shifts, neither the “day shift” security guard nor the “swing shift” security guards were seen. On other occasions, we observed the “swing shift” security guard leaving more than two hours before the end of the shift, although the log was signed as if the individual left at 3 p.m.

### **Security Unit’s Supervisor**

The log contained numerous references to the conflicts noted above among the three security guard shifts. Written references were made directly to the security unit’s supervisor regarding the fact that “day shift” and “swing shift” security guards were not working their full 8-hour shifts, resulting in the “night shift” security guards working overtime to cover the failures of the other two shifts. An October 27, 2002 memorandum noted the “night shift” security guards working overtime, and the security unit’s supervisor’s February 6, 2003 hand written note in the log admonishing the security guards to sign-in on the log are the only references that we were able to find showing the security unit’s supervisor acknowledging the problems the three shifts were having.

The security unit’s supervisor either did not make any regular checks of the log, or if the individual did, the person failed to take notice of the regular and continuous “night shift” security guards’ notations of working past the end of their shift. If in the alternative the log was checked and the individual was aware of the overtime worked by the “night shift” security guards and the apparent absenteeism of the “day shift” and “swing shift” security guards then this situation was allowed to continue without supervisory or administrative action. Either way, there was an obvious failure to supervise.

We also found that there were times when the security unit’s supervisor did not provide a full eight hours of service to Health. Between the months of May 2002 and June 2003, the individual was paid for the same time period allegedly worked for Health and a St. Croix casino. Between May 8, 2002 and April 21, 2003, the security unit’s supervisor was paid \$8.25 per hour for 16.25 days at the casino while still on Health’s payroll. The individual’s Health shift was from 7 a.m. to 3 p.m. During the period in question the individual worked at the casino during the same time period that the person was on Health’s payroll. In addition, the individual worked for six days in 2002 and 15 days in 2003 while on paternity leave from Health.

### **Conclusions**

Based on the documents reviewed, interviews conducted and the surveillance activities, it is our conclusion that the security guards on the “day shift” and the “swing shift” submitted false claims against the Government by claiming to have worked and getting paid for full 8-hour shifts when in fact they did not. The “night shift” security guards were working overtime hours for which they were not being compensated.

The security unit's supervisor submitted false claims against the Government by claiming to be on duty for Health while working and collecting a salary from the St. Croix casino. In addition, the security unit's supervisor did not perform the required supervisory responsibilities by allowing the conflicts among the three shifts to continue without taking action to correct the situation.

## **Recommendations**

We recommend that the Commissioner of Health:

1. Take administrative action against the "day shift" and "swing shift" security guards for claiming hours worked for which they were not on duty.

2. Take administrative action against the security unit's supervisor for claiming hours worked while also working for the St. Croix casino and for the apparent abuse of paternity leave.

3. Determine the total amount of overtime due to the "night shift" security guards, and ensure that they are justly compensated.

4. Establish a written policy manual for Health's security operations and provide instruction in the policy for all security personnel.

5. Incorporate into Health's operating policies regular in-service training for security guards and supervisory personnel.

## **V. I. Inspector General's Comments**

A draft report was submitted to the Commissioner of Health requesting responses to the recommendations made in this report. At the request of the Commissioner, several extensions were granted for the time to respond. However, to date, no response has been received. Accordingly, the report is being issued without a response and the recommendations will remain open and unresolved.

## ADDITIONAL INFORMATION NEEDED TO CLOSE RECOMMENDATIONS

<b><u>Recommendation Number and Status</u></b>	<b><u>Additional Information Needed</u></b>
1. Unresolved	Provide documentation to show that, at a minimum, an administrative hearing was conducted.
2. Unresolved	Same as recommendation 1 above.
3. Unresolved	Provide documentation to show that the overtime worked was paid.
4. Unresolved	Provide evidence to show that a manual was prepared.
5. Unresolved	Provide evidence to show that in-service training will be provided to security guard and supervisory personnel.