

NATIONAL RAILROAD PASSENGER CORPORATION
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF THE INVESTIGATIONS

CLOSING REPORT

CASE NUMBER: 08-099

DATE: December 9, 2008

TO: [REDACTED]
Deputy Inspector General/Counsel

FROM: [REDACTED]
Special Agent, LAX Field Office



BACKGROUND:

On August 1, 2008, Office of the Inspector General ("OIG"), Office of Investigations ("OI"), Agents received information from an anonymous source that [REDACTED], [REDACTED], had been allowing [REDACTED] [REDACTED] to use his sick time for an unauthorized purpose. Specifically, the source alleged that [REDACTED] allowed [REDACTED] to use his accumulated sick leave to attend the State of [REDACTED] Correctional Officer Academy. After investigating this complaint, the OIG was able to sustain the allegation.

FINDING OF FACTS:

On August 18, 2008, OI Agents interviewed [REDACTED] regarding [REDACTED] receiving sick time pay from Amtrak while attending the State of [REDACTED] Correctional Academy, while [REDACTED] was an employee of the State of [REDACTED].

[REDACTED] said that she was aware that [REDACTED] had sought employment with the State of [REDACTED] and that he would be leaving Amtrak in February 2008. [REDACTED] further stated that she had informed [REDACTED] that if he had failed to graduate the academy, he would be allowed to return to Amtrak as a [REDACTED]. [REDACTED] stated that she would be able to keep [REDACTED] with Amtrak by allowing him to use his personal, holiday and accumulated unused sick time while he was attending the academy. [REDACTED] said that [REDACTED] was an experienced [REDACTED] with thirty-one (31) years experience and that she did not want to replace him with a less experienced employee, if she could avoid doing so.

On August 18, 2008, OI Agents interviewed with [REDACTED] regarding his receiving excessive sick time pay from Amtrak while employed and attending the State of [REDACTED] Correctional Academy.

[REDACTED] said that, when he received confirmation that he had been accepted to the State of [REDACTED] Correctional Academy, [REDACTED] had contacted [REDACTED] and informed her that he would be leaving Amtrak in February 2008. [REDACTED] stated that he wanted to safeguard his job at Amtrak in the event that he failed the academy. [REDACTED] said that he had told [REDACTED] that he had worked out a daily pay schedule that allowed him to use all of his earned vacation, holiday and sick time which covered nearly the entire time that he would be attending the academy. [REDACTED] said that [REDACTED] thought it was a good idea and told him to give his schedule to the time keepers in [REDACTED] and tell them that she had approved the schedule.

██████████ said that he believe he didn't do anything wrong since he had checked with his supervisor and that he had accumulated all of his vacation, holiday and sick time that he was allowed to use that time, but stated that if Amtrak believed that he wrongfully received payment for his unused sick time, he would repay Amtrak. ██████████ was concerned that if this incident was made known to his current employco (State of ██████████ Department of Corrections) he would be terminated.

OI estimated that ██████████ was over paid \$3,964.40 for sick time and uniform allowance that he was not entitled to receive. ██████████ said that he would be willing to repay the amount that Amtrak believed he owed.

OI had showed and had both ██████████ and ██████████ read TCU Agreement Rule #19 Section (d)¹, Rule #21 "Leave of Absence" Sections (a)² & (d)³.

On September 23, 2008, OI issued a management report to ██████████ ██████████ ██████████, recommended that ██████████ he disciplined

On December 1, 2008 OI sent a thirty (30) day notice to ██████████ for failure in responding back to OIG on the management report that had been sent to him.

On December 8, 2008, OI received a response from ██████████ ██████████ ██████████ that ██████████ was suspended for 30 days.

RECOMMENDATION:

Close this case. ██████████ had agreed with OI that ██████████ had over stepped her authority and suspended her without pay for a period of thirty (30) days, effective September 29, 2008 through October 28, 2008.

██████████ ██████████ had drafted a letter requesting that ██████████ re-pay Amtrak for payment for the misuse of sick time in which he received payment for.

CLOSED

Chief Inspector _____
██████████

Deputy Inspector General/Counsel _____ *all* *11/8/08*

¹ Rule #19 Sections (d) Employees resigning to accept an annuity under the railroad Retirement Act will be allowed 50 percent of their accumulated sick leave. Employees leaving the service for other reasons and those dismissed for cause will forfeit any unused sick leave. (Emphasis added)
² Rule #21 Section (a) Employees will be granted reasonable leaves of absence when they can be spared without interference to service. Except for physical disability or as otherwise provided in the rule, leaves of absence in excess of ninety (90) days in any calendar year shall not be granted unless by agreement between the officer designated by the company and the designated representative of the organization.
³ Rule #21 Section (d) An Employee on leave who engages in other employment shall forfeit his seniority and be considered out of service, unless special arrangements shall have been made with the official granting the leave and the designated representative of the organization.