



B. J. Walker, Commissioner

Georgia Department of Human Resources • Two Peachtree Street, NW • Suite 29.250 • Atlanta, Georgia 30303-3142 • Phone: 404-656-5680

March 5, 2009

Elizabeth P. Archer, Esq.
Office of the Inspector General
2 Martin Luther King Dr., S.W.
1102 West Tower
Atlanta, Georgia 30034

Re: File Number 08-080

Dear Ms. Archer:

Thank you for your Report of Investigation dated January 28, 2009, and the recommendations contained therein. We have carefully reviewed the report and recommendations, and wish to inform you of corrective actions we are taking in response.

As you know, during your investigation we took immediate steps to strengthen documentation requirements for hourly employment. Since August of 2008, we have conducted two audits of our hourly paid staff who are earning the equivalent of \$50,000 or more annually. The audits have determined that employees are recording their time on the appropriate forms and that the hours claimed are being independently verified by managers and supervisors. Assigned job functions are also memorialized.

Nonetheless, we believe that additional recommendations as a result of your investigation will further strengthen our hourly employment program. Accordingly, we will implement a new DHR policy on Hourly Employment, effective March 15, 2009. The policy, which contains provisions addressing each of your recommendations, is attached for your information and record. This policy ensures that all managers and supervisors will now have immediate means to comply through the use of appropriate documentation. The documentation includes Memorandums of Understanding around alternate work arrangements to include Teleworking.

Finally, the Office of Human Resource Management and Development has determined that we will not approve hourly employment when there is an expectation that the prospective employee's services will regularly exceed forty hours a week. In those instances, a time limited contract will be drawn to better serve DHR. We will also continue to periodically audit our hourly worker performance as outlined in your final report.

We are grateful that your recommendations helped to strengthen our performance in service to Georgia's families.

Sincerely,

A handwritten signature in black ink, appearing to read "B. J. Walker", is written over the typed name.

B. J. Walker

BJW:dfn

c: Ms. Rosa D. Waymon

Attachment

HOURLY EMPLOYMENT

General—An hourly employee should not average more than 29 hours per work period for a period of more than eight months. If the director's/administrator's intention is that an hourly employee work more than 29 hours per week for longer than eight months, the employee must be placed on a regular, salaried position, with eligibility for benefits. Each hourly employee must have a designated work period, in accordance with the Fair Labor Standards Act (FLSA) and DHR policy. Unless otherwise designated, this work period shall be 6:00 a.m. Monday to 6:00 a.m. the following Monday.

1. Each hourly employee must complete, on a daily basis, the "Georgia Department of Human Resources FLSA Time Record" (Attachment). The employee must certify that the FLSA Time Record is an accurate reflection of the hours worked by the employee during the period covered.
2. The immediate supervisor of each hourly employee is responsible for ensuring that the Department receives value for each hour claimed by, and paid to, the employee. The immediate supervisor must review, approve and sign the employee's FLSA Time Record on a weekly basis. The signed FLSA time record shall be maintained by OHRMD.
3. An hourly employee may not work more than forty (40) hours in a work week without the written approval of the director/administrator of the applicable DHR organizational unit (Regional Hospital Administrator, County DFCS Director, Regional Child Support Services Director, Office Director, etc.). The written approval must specifically describe the circumstances requiring that the employee work more than forty (40) hours in the week, and the expected duration of such a work schedule. The written approval shall be filed in the employee's official personnel file. All hours worked in excess of forty (40) in a week must be compensated in accordance with the FLSA.
4. Prior to the employment of an hourly employee at a rate of \$25.00 or more, the director/administrator of the applicable DHR organizational unit shall prepare and submit to OHRMD a written description of the employee's job functions. OHRMD shall determine whether the proposed hourly employment relationship is the most effective and economical means of obtaining the needed service. This description shall be maintained in the employee's personnel file.
5. If telework has been approved for an hourly employee, the supervisor and the employee shall execute a memorandum of understanding which shall include the basis for the alternative arrangement, estimated costs, expected work

products, and estimated duration of the hourly employment. The supervisor shall ensure compliance with the DHR Telework policy.

6. At least annually, OHRMD will conduct an audit to ensure the continuing appropriate use of each hourly position and compliance with this policy. Violations of this policy will be presented to the appropriate DHR Division Director for appropriate corrective action.