Understanding the Office of Inspector General

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Have you heard about Nickolai going to the Soviet Union’s Agency to immigrate to America?
What does the OIG investigate?

A. Discrimination
B. Retaliation
C. Whistleblower Act
D. Fraud, Waste, Abuse
E. Corruption
F. Conflict of Interest
G. Ethics Violations
H. Wage Theft
I. All of the above
Who does OIG investigate?

- City employees
- Elected officials
- Mayoral appointees (boards, commissions and authorities)
- Vendors and contractors
Who does OIG **not** Investigate?

- Classified Police Officers
- Civilians Employed by the Houston Police Department
How does a complaint get to OIG?

- Employee Complaint
- Citizen Complaint
- Mayor Referral
- Director Referral
- City Attorney Referral
- Civil Service Commission Referral
Is it difficult to make an OIG complaint?

No, it’s easy

• Sworn Complaint

• As promptly as Possible – Usually within 30 days, but usually not after 180 days
Discrimination List

**Protected characteristic** – means an individual’s sex, race, color, ethnicity, national origin, age, familial status, marital status, military status, religion, disability, sexual orientation, genetic information, gender identity, pregnancy, or any other legally protected characteristic.
Any protected classes you have questions about?
1) Harassment

2) Retaliation

3) Hostile Work Environment
Multiple Meanings of “Harassment”

Workplace Harassment – includes, but is not limited to, any unwelcome verbal, written, or physical conduct that denigrates or shows hostility or aversion toward a person on the basis of a protected characteristic:

- Casual Usage
Multiple Meanings of “Harassment”

- Legal Usage
Multiple Meanings of “Retaliation”

- Casual Usage
Multiple Meanings of “Retaliation”

- Legal Usage

“Discourage employees from exercising rights”
Multiple Meanings of “Hostile Work Environment”

- Casual Usage
Multiple Meanings of “Hostile Work Environment”

- Legal Usage
No No’s

- Untruthfulness
- Failure to Cooperate
- Failure to Provide Information/Documents
- Non-OIG Investigation
- Retaliation Against Complainant or Witnesses
- Discussing OIG Investigations
- Keeping Complaint “in house”
Good Management Practices

• Keep written documentation (especially of employee discipline)
• Report suspected violations to OIG promptly
• Provable consistency is your friend
How is an OIG investigation like Fight Club?

First Rule of Fight Club?
• Do Not Talk About Fight Club

Second Rule of Fight Club?
• Do Not Talk About Fight Club
What Happens in an OIG Employee Investigation?

- Complainant Statement
- Documents
- Witness/Respondent Interviews
- Legal Advice to Director
- Follow-Up
Employee Standards of Conduct

Employee shall not:

• Accept or solicit money or gifts
• Take other work that may impair independent judgment for City
• Take extra jobs without written permission
• Have private interest conflicting with public trust
• Disclose confidential matters
• Attempt to use City position for special privilege for self or others
• Negotiate future employment with employer doing City business with City conflict
• Represent private person before City, except for free for public concern
• Represent anyone against the City
• Violate ethical rules
• Fail to disclose personal interest
May I Accept Gifts?

Gifts

• Don’t ask for ‘em, don’t take ‘em.
Fraud, Waste, Abuse Examples

- Double-dipping Jobs
- Misconduct with Vendors
- Funny business with P-Cards
- False Receipts
- False Documents
• Potential Conflict of Issue Rule of Thumb
  - Disclose
  - Abstain
Other OIG Duties?

- Wage Theft
- Whistleblower Act
- Ombudsman
  - Independent Police Oversight Board
Wage Theft Complaint

- A person employed in connection with a City contractor or sub-contractor may file a wage theft complaint with the IG.

- Not City employees: City employees contact Payroll
WHISTLEBLOWER ACT

• Different from vanilla retaliation claim
• Only applies to employees who have complained to an “appropriate law enforcement agency”
INDEPENDENT POLICE OVERSIGHT BOARD

- Appeals from Internal Affairs
- OIG acts as Ombudsman
Questions?