
South East Yard Investigation

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1. Introduction

In June 2005, the City Auditor was contacted by an employee to discuss a suspected violation of the Code of Conduct by the employee's supervisor. After meeting with the employee to discuss the specifics around the allegation, the City Auditor agreed that a possible breach had occurred and further investigation by the Office of the City Auditor (OCA) was warranted.

Administrative Directive A1100C – Employee Code of Conduct (Code) establishes principles for the appropriate conduct in the work place by employees in the discharge of their duties. The Code assigns responsibilities to all City employees as well as to the City Auditor. Employees are responsible for reporting suspected violations of the Code of Conduct to their supervisor(s) or their General Manager or the City Manager or the City Auditor. The City Auditor is responsible for notifying the City Manager and to investigate any alleged violations as requested by the City Manager.

The Code requires that the identity of the complainant be kept confidential, except as allowed by the FOIP Act and states that no retaliation will be tolerated where reporting of a potential violation is made in good faith.

Before initiating the investigation, the City Auditor informed the City Manager as well as the Transportation and Streets General Manager, and Streets Engineering Branch Manager. The OCA agreed to investigate two specific allegations that an employee violated the City Assets section of the Code – “*We will safeguard and protect City Assets.*”

2. Objectives

The objective of this project was to investigate the following alleged violations of the Code of Conduct:

- 1) Waste of City Assets by ordering the dumping of liquid calcium in the City's South East Yard
- 2) Causing damage to City Streets and Private Property by ordering improper equipment be used to clear snow from paved roadways

3. Scope and Methodology

The scope of this investigation was limited to determining whether the two specific violations of the Code of Conduct had occurred as alleged. The investigation included the following steps:

- a) Notify the City Manager of the allegations.
- b) Notify Management that an investigation is underway.
- c) Review applicable policies and procedures.
- d) Research the likelihood of any environmental damage.
- e) Review relevant documents and reports.
- f) Interview staff that were involved or may have observed the incident(s).
- g) Determine the value of the waste or damage.
- h) Discuss the audit observations with the reporting employee.
- i) Discuss the audit observations with Management and the City Manager.

4. Observations and Analysis

The OCA contacted the Director, Roadway Maintenance and was pleased that allegations of Code violations are taken seriously. The Director demonstrated strong leadership and full cooperation to resolve the incidents in question.

4.1. Waste of City Assets

The OCA was able to confirm that calcium in the South East Yard was dumped. The amount dumped is estimated to be between 6600 and 8250 litres, with a value of between \$990 and \$1200 (\$0.15/litre). The dumping took place in the City's South East Yard, and is not seen as posing an environmental risk as it was a controlled release having no adverse effect due to the area being contained. The calcium will become part of the sand/salt/calcium mixture used in future sanding operations.

During interviews with Roadway Maintenance management and staff the OCA learned that there are normal operating reasons why liquid calcium would be disposed of in a city yard. To determine whether the dumping was a waste of City Assets, the OCA attempted to determine the reason why the product was dumped in this specific instance (over a 2-day period). While one witness came forward stating that the dumping was ordered so that the inventory levels would be reduced and fall more into line with management expectations, this could not be confirmed. The other three employees alleged to be involved in the incident told the OCA that they could not remember why an order was given to dump the product. As a result, the investigation was non-conclusive regarding the motive.

4.2. Damage to City Streets and Private Property

This incident was confirmed and the OCA was informed that it had already been investigated and resolved by Roadway Maintenance Management.

The OCA requested an estimate of the damage to City roadways and personal property (2 separate locations) caused by this event. Roadway Maintenance management provided an estimate indicating the damage totaled \$6200.

The OCA reviewed Administrative Directive A1102 – Discipline of City Employees and the “Staff Discipline Manual” distributed by the Human Resources Branch to determine whether Roadway Maintenance Management’s actions were appropriate. The OCA is satisfied that this incident was addressed in accordance with the City’s discipline guidelines.

5. Conclusions and Recommendations

5.1. Waste of City Assets

During this investigation, the OCA interview three employees who were alleged to be either directly or indirectly involved with the dumping of liquid calcium in the South East yard. In accordance with the Staff Discipline Manual, management prepared, and the employees received, individual “Notice of Investigation” documents outlining the complaint and informing them that the matter was under investigation.

Each of these employees told both the OCA and Roadway Maintenance management that they could not remember any details of the incident as reported. Consequently, the OCA interviewed additional witnesses who confirmed that liquid calcium had been dumped as alleged. It was at this point that the employee directly involved agreed that this had occurred. Efforts to determine the reason for the dumping were unsuccessful as no other witnesses were available to corroborate or refute the alleged reason for the dumping.

Recommendation	Management Response and Action Plan
The OCA recommends that Roadway Maintenance Management meet with each of the employees who were provided a Notice of Investigation and conclude the matter as appropriate per the City Discipline Guidelines.	Accepted Comments: The Director, Roadway Maintenance will personally meet with each individual to conclude the matter as per the City Discipline Guidelines. This will be concluded prior to September 30, 2005.

5.2. Damage to City Streets and Private Property

This incident had already been investigated and concluded by Roadway Maintenance Management. The OCA is satisfied that this incident was appropriately addressed as per City discipline guidelines.

5.3. Conclusion

The OCA is satisfied that the employee who brought these issues forward did so in the best interests of the City of Edmonton. To address concerns expressed by the employee, the Director, Roadway Maintenance has provided both the OCA and the reporting employee with his assurance that no retaliation will occur and that he will demonstrate so by advising the OCA of any job reassignments over the next year.

The OCA thanks the Roadway Maintenance staff who participated in this investigation. We would also like to acknowledge the full cooperation and participation from the Director, Roadway Maintenance as well as the courage of the reporting employee who brought these issues forward in the best interests of the City of Edmonton.