



STATE OF NEW YORK  
**OFFICE OF THE INSPECTOR GENERAL**

EMPIRE STATE PLAZA  
AGENCY BLDG. 2, 16<sup>TH</sup> FLOOR  
ALBANY, NEW YORK 12223  
(518) 474-1010

Catherine Leahy Scott  
INSPECTOR GENERAL

61 BROADWAY, SUITE 2100  
NEW YORK, NEW YORK 10006  
(212) 635-3150

65 COURT STREET, 5<sup>TH</sup> FLOOR  
BUFFALO, NEW YORK 14202  
(716) 847-7118

March 11, 2014

Nirav R. Shah, M.D., M.P.H.  
Commissioner  
New York State Department of Health  
Corning Tower  
Empire State Plaza  
Albany, New York 12237

RE: NYS IG 1991-012-2013

Dear Commissioner Shah:

In November 2013, following a preliminary investigation by the Department of Health Bureau of Employee Relations and Staff Development, my office received a referral of a complaint that [REDACTED], Head Offset Print Machine Operator, misused state resources and falsified his time records. Specifically, it was alleged that [REDACTED] spends large amounts of time on Facebook, exchanges sexually explicit emails, and leaves work for extended periods. Our investigation confirmed these allegations and revealed additional misconduct by [REDACTED].

During a sworn interview with our office, [REDACTED] admitted that he failed to disclose prior criminal convictions on his initial employment application at DOH. He also admitted to regularly arriving at work late and leaving early, falsifying his time sheets, smoking cigarettes in the print shop, driving on a suspended license, and illegally parking at state facilities. [REDACTED] falsification of time sheets was confirmed through visual surveillance conducted by our office on four occasions as well as interviews of [REDACTED] and other DOH employees. A review of [REDACTED]'s work email revealed that he regularly exchanges sexually explicit emails during work hours and takes extended, uncharged lunches, apparently to further this personal relationship.

Evidence indicates that [REDACTED] has had time and attendance problems that were not sufficiently addressed, despite efforts by his supervisor. Accordingly, this office recommends that DOH ensure that supervisors are properly trained on progressive disciplinary procedures as a

means to address poor performance and other conduct issues. We also recommend that DOH ensure that all employees have been provided with agency policy on computer usage, and that they have been required to sign acknowledgements of their receipt, review, and understanding of this policy. In addition, DOH should review [REDACTED] conduct as described above and take appropriate action. It is requested that you advise us of the results of your review within 45 days.

If you require further information or assistance please contact me at (518) 474-1010.

Sincerely,

[REDACTED]

Catherine Leahy ~~Scott~~  
Inspector General