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Clerk/Auditor

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Weber County Audit Committee
2380 Washington Blvd.
Ogden, UT 84401

Dear Committee Members:

I recently completed a review of the Weber County Library - Human Resource Questionnaire response follow up. This review was initiated by the Weber County Audit Committee after questionnaire responses implied violations of 29 USC Chapter 8: Fair Labor Standards Act (FLSA), specifically related to unpaid overtime for non-exempt employees.

Scope:

I interviewed the Department Director and all Division Managers that control scheduling work assignments and approve payroll time and attendance. I used a Comprehensive Key Control Fraud Questionnaire and five additional questions for my interview format. The five additional questions were based on the HR Questionnaire responses that implied violations.

I compiled a response comparison of Library personnel with the responses of all non-library Weber County personnel. The results of that comparison are found on Attachment A.

Observations:

There were 52 Library employee responses and 189 non-library responses returned. The detailed results for objective, measureable questions, are shown on Attachment A. The summary, by question, is shown below:

Question 9 How would you rate your supervisor in seven areas overall?

Non-library	Positive	85.26%
Library	Positive	81.82%

Question 12 How would you describe communication within your department and your peers?

Non-library	Positive	87.10%
Library	Positive	78.85%

Question 14 How would you rate your work schedule?

Non-library	Positive	80.32%
Library	Positive	30.19% *

*Work schedule complaints defined in subjective responses on questions 10, 11, 13, 15, and 21

The subjective questions are as follows. All are Open-Ended Responses:

- Question 10** **What could your supervisor do to improve?**
- Question 11** **What is your supervisor doing well?**
- Question 13** **What solutions could improve communication within your department and your peers?**
- Question 15** **How could your work schedule be improved?**
- Question 21** **Please address 3 aspects of your job that are moving you forward or holding you back. ****

** Responses from Library only available for Question 21.

The responses to these subjective questions give an indication of employee morale. This is where implied overtime violations and toxic work environment were reported. Other responses range from the highest praise to less than positive criticism.

The Library employees' responses that I targeted for my interviews were:

- 1) "Holding me back - working with a co-worker that has unaddressed anger issues. It can be very stressful to be in his presence, and this happens several times a week."
- 2) "She doesn't respect her employee's time. Bullying them into donating 4 or more hours of work without pay because "That's what professionals do.""

These two responses represent risk to Weber County. Number 1) implies a toxic work environment is either being ignored by, or unknown to, upper management. There is no legal claim for "toxic" work environment. However, state and federal law prohibits hostile work environments and require employers to remedy them. Number 2) represents a violation of law.

Other constructive and destructive criticism should be reviewed for potential improvement, but do not necessarily present risk.

Conclusion:

None of the directors that I interviewed were aware of an employee creating a toxic working environment. There were several complaints of a toxic work environment in the Library employees' responses. Division and Department Directors will try to identify the primary offenders and train them on more appropriate behavior.

The Library Department Director and all but one of the Division Directors were very knowledgeable of the overtime requirements specified in the FLSA. All insisted that they do not violate the law. All but one were very specific about never requiring or allowing non-exempt employees to work more than 40 hours per week without overtime compensation, either paid or through compensatory hours at time and a half. Three of the Division Directors did admit that they had required exempt employees to fill in for scheduled, non-exempt employees, when the non-exempt could not complete their shifts. One Division Director was not aware of the requirement to pay unauthorized overtime for employees that were known to come in early and/or work beyond their scheduled shifts, but only reported 40 hour work weeks. This director talked with the employee explaining that it was inappropriate to donate hours, and that work stations would not be accessible before or after scheduled shifts.

Background:

At the time of my review, 13 January 2023, Weber County Library had 168 approved employee positions. There were 16 vacancies. The total employed at the library was, therefore, 152 active employees. Twenty-four of the positions were exempt with two vacancies.

The libraries are open seven days a week and some holidays. When open, each library is required to have specific skill sets available to the public. When an employee cannot work an assigned shift, every effort is made to fill the shift with the skill set of the scheduled employee. These factors contribute to the employee scheduling complexity. Initial drafts of monthly schedules are submitted to all employees for review. Required adjustments are made and an initial final schedule is published. After review by staff, final adjustments are made and a final schedule is published. Every effort is made to accommodate employees with the final schedule. When an employee cannot fill a scheduled shift, and the skill set of that employee is not available, exempt employees are required to fill the shift.

A workable model was developed and utilized for scheduling for a Friday thru Thursday payroll week. When the payroll week was changed to Saturday through Friday, the model was no longer appropriate. The payroll week change was not welcomed by library personnel responsible for scheduling work shifts. The Human Resource Questionnaire was released during this period. At the time of my review, a workable solution had been found and implemented. The solution is not as favorable as the pre-change model, but managers are making it work, with some frustration. I often heard, “..it is what it is and we’re doing our best.”

Through all of this, the FLSA was not compromised. There has been no intentional or known violations. The questionnaire allowed employees to vent their frustrations, and proved to be a positive motivator for management.

Sincerely,

Roger K Larsen
Weber County Internal Auditor