



DISTRICT ATTORNEY'S OFFICE

33rd & 424th Judicial Districts

COUNTIES OF

BLANCO • BURNET • LLANO • SAN SABA

Wiley B. McAfee

District Attorney

1701 E. Polk Street; Ste. 24, Burnet, TX 78611 • P. O. Box 725, Llano, TX 78643

(512)756-5449 • (325)247-5755 • smcafee@burnetcountytexas.org

**Memorandum of investigation into the overtime pay for Sheriff's Office employees for
Field Training Officers and Communications Training Officers**

To: Burnet County Attorney Eddie Arredondo

Date: June 10, 2024

Eddie,

Pursuant to your request that my office review the sample of payroll records provided by you, and to investigate whether Sheriff's Office employees were being paid for hours not worked, I am submitting the following report. My investigators reviewed records, and interviewed various members and former members of the Burnet County Sheriff's Office. Only one former employee claimed to have been paid for hours she did not work as an employee of the Sheriff's Office. That employee also claimed her supervisor had authorized her to submit an extra hour of pay for work as a [REDACTED] when she was training another [REDACTED]. However, interviews with her supervisor did not substantiate her claim. The details of the investigation follow in the attached report.

If you have any questions, comments or suggestions regarding this matter, please do not hesitate to contact me.

Sincerely,

Sonny

**INVESTIGATION OF OVERTIME COMPENSATION OF
FIELD TRAINING OFFICERS AND COMMUNICATIONS TRAINING OFFICERS
OF THE BURNET COUNTY SHERIFF'S OFFICE**

PERSONS INTERVIEWED DURING THE COURSE OF THIS INVESTIGATION:

Burnet County Captain Steven Clark
Burnet County [REDACTED]
Burnet County Chief Deputy Treasurer DeAnne Fisher
Burnet County Human Resources Connie Wofford
Burnet County [REDACTED]
Burnet County Sergeant Kristin Davis
Former Burnet County Human Resources Sara Ann Luther
Former Burnet County Employee [REDACTED]
Former Burnet County Employee [REDACTED]
Former Burnet County Captain Chris Jett
Former Burnet County Chief Mike Cummings
Burnet County Employee [REDACTED]

SYNOPSIS:

On 08-02-2023, Burnet County Attorney (BCA) Eddie Arredondo emailed a complaint, that was received from Burnet County Human Resources (HR), to Burnet County District Attorney (DA) Wiley "Sonny" McAfee. The complaint from HR was in reference to Burnet County Sheriff's Office (BCSO) overtime pay for Field Training Officers and Communications Training Officers. In the complaint, BCA Eddie Arredondo relayed the allegation that Burnet County Deputies who were FTOs (Field Training Officers) were receiving overtime (OT) pay compensation for serving as an FTO for hours they did not work. The time sheets presented to BCA Eddie Arredondo, and forwarded to the DA's office, demonstrated that one hour of FTO OT pay was entered at 9:00am by the County computer time keeping software program regardless of whether 9:00am would have been part of the regular (12 hour) shift worked by the employee. Such an entry appeared to indicate that an employee was being paid for overtime that was actually accrued during regular working hours rather than in addition to the regular shift. DA investigators were tasked with investigating this complaint. DA Investigators interviewed multiple former and present employees of the Sheriff's Office, as well as past and current members of the

Sheriff's Office Command Staff.

CONCLUSION:

Based on the investigation of the sample payroll records submitted by the County Attorney's Office, interviews of relevant personnel, and review of compensation records, there is no evidence that anyone in the Command Structure of the Burnet County Sheriff's Office ordered, directed, or suggested overtime compensation to employees for hours those employees had not actually worked.

INVESTIGATION:

DA Investigators first interviewed BCSO Patrol Captain Steven Clark to explain the FTO (Field Training Officer) OT (Overtime) process. On 10/12/2023 Investigators Dwayne Urbanovsky and Jack Schumacher conducted an interview with Capt. Clark at the Burnet County Sheriff's Office (BCSO).

Investigators explained the purpose of their visit in regard to questioned overtime practices to Capt. Clark and asked him how long the BCSO has been using the current time clock computer system. Capt. Clark said the current system has been in place since 2017. Capt. Clark advised that prior to the current time clock system the Sheriff's Office would use paper time sheets. Capt. Clark recalled that the paper time sheet system had been in place for roughly 17 to 18 years.

Investigators provided Capt. Clark with copies of time sheets of several BCSO deputies and dispatchers that were provided to the DA's office by BCA Arredondo. Investigators provided Capt. Clark the time sheet of BCSO dispatcher [REDACTED], dated 01/04/2020 to 01/17/2020. The time sheet for [REDACTED] showed she worked 5:30 am to 5:45 pm on 01/05/2020. On that same date of 01/05/2020, there was a second entry entered on 9:00am, which added one hour of overtime pay. When asked about overtime pay, [REDACTED] confirmed that she had never been paid for overtime unless she actually worked overtime. She further stated that she had never been told by anyone in her chain of command that she could submit for overtime compensation for hours she had not actually worked.

Capt. Clark explained that at the Officer/Dispatcher level, they can only clock in and out for the day. The Officer/Dispatcher's Supervisor then can manually enter one hour of overtime for the day if the Officer/Dispatcher actually worked the overtime. Capt. Clark showed Investigators an example of how a supervisor enters the time worked into

the time clock when it is received from the officer. He referred to [REDACTED]'s time sheets provided by Investigators. Capt. Clark said when the Supervisor entered the overtime hour, the Supervisor did not manually change the time in the system, so it automatically defaulted to "9:00 am" as shown on the time sheets. Capt. Clark stated that to enter the correct date and time you must manually change both the date and time in the system. He also stated the BCSO had not received any prior training and had no policies in place for use of the time clock software system.

Investigator Urbanovsky asked Capt. Clark how long BCSO had been paying Officers/Dispatchers for one hour of FTO (Field Training Officer) overtime. Capt. Clark responded that in 2017 former Burnet County Chief Deputy Mike Cummings, had implemented the one hour of FTO overtime pay. Capt. Clark said in lieu of having FTO Officers flex their shifts, the hour of overtime was paid to them for overtime hours they worked as an incentive for training others. He said at that time it was rather difficult for BCSO to recruit Officers to become FTOs due to the extra paperwork and duties required as an FTO.

Capt. Clark was asked to explain the requirements for being a BCSO FTO and how the FTO actually earned the one hour of overtime. He explained that once the FTO and trainee complete their 12-hour shift the trainee is allowed to leave while the FTO remains on duty and checks the new officer's case reports for errors and correct documentation. Capt. Clark said the FTO is required to ensure all the paperwork done by the new officer is correct. The FTO would then complete Daily Activity Reports (DAR) for the new officer.

Investigators asked Capt. Clark what the approval process was for the time clocks. Capt. Clark said that the Officers/Dispatchers clock in and clock out for their 12-hour shift. If they worked 1 hour for FTO overtime, the supervisor would manually enter the one hour of overtime into the software program. The supervisor then checks the officer's hours and if all the hours are correct, the supervisor approves and sends the time sheet to the Captain. Capt. Clark said the Captain checks and approves the supervisor time clock data and then sends it to the County Treasurer for final approval.

Investigator Schumacher asked Capt. Clark what the process would be if the Sergeant or any other supervisor found any indication that deputies were falsifying the time clock system. Capt. Clark said that the Sheriff's Office would open an Internal Affairs Investigation that would be completed by a Captain. Investigator Schumacher asked Capt. Clark if he personally knew of any BCSO Deputies who were submitting FTO overtime and not actually working it. He replied that he did not know of any BCSO Deputies submitting

FTO overtime and not actually working it as evidenced by the paperwork submitted.

On 10-26-2023, Capt. Clark told Investigator Urbanovsky that Capt. Clark is responsible for Patrol Sergeants, Patrol Deputies, and some Recruit Deputy Sheriff's (Trainees). Capt. Clark said that Trainees' time sheets were supposed to go to Training Sergeant Kristin Davis. Capt. Clark stated the time clock manager at the time was Sara Ann Luther and she was responsible for setting up Sheriff's Office personnel in the time clock system to include assigning employees' time sheets to different Supervisors. That was why Capt. Clark had responsibility for checking some time sheets but not others.

On 10/26/2023, Investigator Jack Schumacher spoke to DeAnne Fisher with the Treasurer's Department, about the FTO OT process. Fisher advised Investigator Schumacher that her department does not exercise oversight of the time clock or question the time sheets submitted by the Sheriff's Office. Fisher stated the Sheriff at BCSO is tasked with oversight of Sheriff's Office employees' time sheets.

On 10/26/23, Investigator Schumacher spoke with Human Resources (HR) employee, Connie Wofford about the FTO OT pay. Wofford told Investigator Schumacher that former HR director Sara Ann Luther could best answer these questions and Investigator Schumacher asked Wofford to have Sara Ann Luther call him.

On 10/26/2023, Investigator Urbanovsky conducted an interview with [REDACTED], an FTO, at the Sheriff's Office. [REDACTED] said that he had been working for the Burnet County Sheriff's Office for approximately one year. Investigator Urbanovsky asked [REDACTED] about the duties of an FTO. He explained that being an FTO encompasses very detailed training. [REDACTED] further explained that being an FTO is basically like being a first line supervisor. He said when the FTO starts the shift, the trainee would transfer all weapons and equipment into the FTO's vehicle. [REDACTED] went onto say that during the shift the FTO would prepare the trainee for a test that he/she had to take once a month. The FTO would also go over job details and work through scenarios throughout the shift. [REDACTED] said that he would go over scenarios daily with the trainee to prepare mentally. He said FTOs were required to fill out a Daily Observation Report at the end of shift. [REDACTED] said every call the FTO and trainee received required details which the FTO had to document. The FTO would document what was done during the call and how the trainee performed during the call, to include the Recruit Deputy Sheriff's radio traffic, driving ability, and reports written by the Recruit Deputy Sheriff. The FTO would have to write a paragraph detailing every call. [REDACTED] said once the Daily Observation Report is completed it is scanned and made a

permanent addition to the Recruit Deputy Sheriff's training file. Investigator Urbanovsky asked [REDACTED] about the Burnet County Sheriff's Office time clock. [REDACTED] said that he would log on duty and off duty by using his cell phone. [REDACTED] said that notes could be entered into the time clock for training, FTO OT, DWI Arrest, Traffic Crash or if a Deputy forgot to log in. [REDACTED] said time was approved every day by the first line supervisor. [REDACTED] said that he would receive a printed copy of the time sheet to sign, then forward it to his Captain. [REDACTED] said he had never observed nor heard of anybody putting in for overtime they did not work.

On 10/27/2023, Investigator Urbanovsky met with Capt. Clark and Sergeant Kristin Davis. Investigator Urbanovsky provided Sgt. Davis with Compete Payroll Time Sheets that contained the notes displayed "FTO pay". Investigator Urbanovsky has learned through this inquiry that FTOs were required to fill out paperwork on the Trainee after the end of each shift, called a Daily Observation Report, detailing every call they went to and detailing how the Trainee performed in all aspects of the job. Investigator Urbanovsky also knows through this inquiry that FTOs earned an hour of OT pay for completing this paperwork. The one-hour OT is put into the time clock system by the FTO's first line supervisor, who assures the one-hour OT was worked. Sgt. Davis provided Investigator Urbanovsky with all the Daily Observation Reports for the days on the time sheets provided to Sgt. Davis which displayed FTO pay. Investigator Urbanovsky retained all the Daily Observation Reports.

On Friday afternoon, 10/27/2023, Investigator Jack Schumacher received a call from acting HR Director Connie Wofford, about the FTO OT. Wofford referred Schumacher to Sara Ann Luther, who was the HR director for five years until recently, and who happened to be in Wofford's office at the time of the call. Chief Schumacher then spoke to Sara Ann Luther about this matter and Sara Ann Luther stated: some time ago she received a report of BCSO FTOs receiving OT payments for hours not actually worked. Sara Ann Luther then checked several BCSO employee time sheets. Sara Ann Luther stated she discovered some OT hours submitted during the regular work shift. Sara Ann Luther said it was in her opinion that the BCSO developed a system to compensate their deputies for working as an FTO. However, there was/is not a budgeted line item for FTO extra pay in the BCSO budget. Therefore, this system of FTO pay came under scrutiny. Schumacher asked Sara Ann Luther how this matter could be prevented/remedied and she said to have a class for all personnel and report work hours strictly by the time clock and no more "shortcut" methods.

On 12/20/2023, Investigator Urbanovsky conducted an interview with former [REDACTED] at the [REDACTED]. [REDACTED] told Investigator

Urbanovsky that she printed out all the weeks that she worked "Communications Training Officer (CTO)" overtime along with her clock in and clock out times. [REDACTED] also provided Investigator Urbanovsky a printed copy of a BCSO Facebook page. [REDACTED] pointed out that the Facebook page was recruiting for Tele-communicators and also advertising ample overtime opportunities and FTO pay for being an FTO/CTO. [REDACTED] explained that originally the BCSO never offered FTO pay because it was not approved. [REDACTED] further explained that the hours printed on the time clock sheet were not overtime but were for FTO compensation pay. She went on to say that BCSO couldn't pay FTO pay because BCSO did not have an FTO budget. [REDACTED] was told by [REDACTED] to add an hour to the time sheet for every day that FTOs had a trainee. [REDACTED] said every hour that is shown on the time sheet provided to Investigator Urbanovsky are all the days that she had a trainee.

[REDACTED] stated she started working for the BCSO in [REDACTED] as a dispatcher. [REDACTED] said that she became a CTO in [REDACTED]. (A CTO is an experienced Communications Operator that is required to train new Communication Operators.) When [REDACTED] was asked when the CTO was implemented, [REDACTED] responded that BCSO always had CTOs. She stated that when she started in [REDACTED] she had a CTO train her, but at that time, there was no compensation for being a CTO. [REDACTED] said her supervisor at the time, [REDACTED], attempted to get CTO compensation for the CTOs but was unsuccessful. [REDACTED] said [REDACTED] became her supervisor in [REDACTED]. According to [REDACTED], [REDACTED] had told [REDACTED] the following: Based on instructions from Command Staff, if a CTO spent a shift with a trainee, and the CTO filled out the necessary training paperwork for that shift, the CTO would receive one extra hour of compensation for that shift. [REDACTED] said compensation for CTO pay started in January of 2020. She stated the command staff at the time was [REDACTED], who was her immediate supervisor, then Captain Chris Jett, Chief Cummings, and the Sheriff.

[REDACTED] said that in August of 2020, [REDACTED] became [REDACTED]'s supervisor. [REDACTED] said when she worked with a trainee, she would do the basic duties like evaluating and critiquing the trainee to include filling out daily activity reports. [REDACTED] said that she did not actually work the one-hour of overtime; it was compensation for having a trainee and the extra work of being a CTO. (i.e., completing daily activity reports and critiquing the trainee.) Investigator Urbanovsky clarified that the one-hour CTO pay [REDACTED] submitted was not actually worked, but to her understanding, was compensation for the extra work required for having a trainee. Investigator Urbanovsky asked [REDACTED] how often she worked as a CTO and received compensation for being a CTO and she responded from [REDACTED] thru [REDACTED].

Investigator Urbanovsky asked [REDACTED] who entered the one hour for compensation for the CTO and she responded that in the beginning, she entered it into the system but then at some point Time Clock Manager (Software) was implemented and the supervisor would input the one-hour compensation. [REDACTED] stated that the first year that they started receiving the CTO compensation she entered the one hour into the system herself.

[REDACTED] did not know who in HR may have authorized the one-hour compensation but was told by [REDACTED] it was authorized. [REDACTED] did not know who told [REDACTED] it was authorized. Investigator Urbanovsky asked [REDACTED] who approved the time sheets and she responded that the employee time sheet was sent to the dispatch supervisor for approval, then the time sheets were given to Donna Fritsch at the BCSO and then to HR. [REDACTED] said that Fritsch was not an approver, just responsible for HR receiving the time sheets. [REDACTED] provided Investigator Urbanovsky with all of her time sheets when she received compensation for CTO and signed and dated the top time sheet. [REDACTED] also provided Investigator Urbanovsky with a copy of the BCSO Facebook post showing recruiting for Tele-communicators and also advertising ample overtime opportunities and FTO pay. This Facebook post was posted on May 13, 2022 by BCSO.

On 01/18/2024, Investigator Urbanovsky conducted a phone interview with former Communications Supervisor [REDACTED] who now resides in [REDACTED]. [REDACTED] said she resigned from the Sheriff's Office [REDACTED] and had not worked until she got a job [REDACTED] in September of 2023. [REDACTED] said she had started working at BCSO in [REDACTED]. [REDACTED] said she started as an entry level dispatcher. [REDACTED] went on to say that at the time the Burnet County Sheriff's Office had a training program but not a standardized training program like the one implemented after Ms. [REDACTED] resigned. Investigator Urbanovsky asked [REDACTED] when she was promoted to the supervisory position and she responded she was promoted in [REDACTED].

Investigator Urbanovsky asked [REDACTED] if she remembered when the Sheriff's Office implemented the one-hour CTO/FTO pay. [REDACTED] stated she couldn't remember the exact date that it was implemented. When she promoted to Communications Supervisor in [REDACTED], Administrative Captain Christopher Jett was her supervisor. [REDACTED] said when she worked as a communications operator her supervisor was [REDACTED]. [REDACTED] stated that if she remembers it correctly, the one-hour CTO pay started sometime while [REDACTED] was the supervisor, which would have been around 2018.

█████ stated that the only two (2) people that she could recall with certainty about having conversations about the one-hour CTO pay was with Chief Mike Cummings and Captain Jett, but she could not remember for sure who exactly made the decision to allow for the one-hour CTO pay. █████ remembers her supervisors talking about compensating communications operators for training because of the extra work involved with training a new communications operator. Investigator Urbanovsky asked █████ if the only time CTO received the one-hour CTO pay was only when they had a trainee. █████ confirmed that was correct. █████ stated the only time CTOs were supposed to add the one-hour to their day was if they had a trainee that day and they stayed after shift to complete their paperwork. █████ explained that CTOs were compensated for one-hour overtime because they had to stay after shift to complete Daily Activity Reports (DAR) when they had a trainee. The DAR consisted of evaluating the trainee on things the trainee did well and what the trainee needed to improve on.

Investigator Urbanovsky asked █████ if she had worked as a CTO while at the Sheriff's Office and she replied yes. Investigator Urbanovsky asked █████ if she ever received the one-hour CTO pay while working as a supervisor and she replied that she had on 1 or 2 occasion. █████ said that without looking at previous documentation she could not remember for sure.

On 02/14/2024, Investigator Urbanovsky conducted a follow-up phone call interview with █████ for clarification of her previous interview. Investigator Urbanovsky asked █████ if she ever put in for one-hour overtime as a CTO that she actually didn't work and she stated no. Investigator Urbanovsky asked █████ if while she was a Communications Supervisor did she ever allow any of the CTOs to get compensated for one-hour overtime they didn't work, and she said no.

On 02/02/2024, Investigator Urbanovsky received a return phone call from former Burnet County Captain Christopher Jett. Investigator Urbanovsky explained the reason for calling Jett was to ask him questions about the CTO/FTO overtime pay. Jett said that he had left BCSO in April of 2022. Jett said he was currently working for the Texas A&M Engineering Extension Service (TEEX). Investigator Urbanovsky asked Jett if he remembered the CTO/FTO overtime pay being implemented while he was working for the SO and he said he did. Jett said he was the Captain of Administration when it was implemented. Investigator Urbanovsky asked Jett why the CTO/FTO overtime pay was implemented. Jett responded that CTO/FTOs were required to complete paperwork after every shift, therefore, when CTO/FTOs had a trainee and they had to

stay over to complete their paperwork. Jett said the CTO/FTO would then be compensated for staying past the end of shift. Investigator Urbanovsky asked Jett who authorized the one-hour pay and he replied ultimately the Chief Deputy. Jett said the Sheriff agreed to it also. Investigator Urbanovsky asked Jett if the Chief Deputy was Mike Cummings and he replied, "Yes."

Jett said other law enforcement agencies offered CTO/FTO pay. Jett said to give the FTO Deputies pay, the CTO/FTO would stay after their shift and complete paperwork. Investigator Urbanovsky explained to Jett that the complaint that came to our office was that CTO/FTOs overtime sheets (time sheets) showed working 12 hour shifts but getting paid for 13 hours. Jett said it was his understanding that the way the overtime worked was that the CTO/FTO would stay after shift and complete paperwork. Investigator Urbanovsky asked Jett if he remembered when the CTO/FTO overtime pay was implemented and he said he could not remember other than it had gone on for a year or two while he was there. Investigator Urbanovsky asked Jett if it could have been 2019 or 2020 and Jett responded it may have been, but he really could not remember.

Investigator Urbanovsky asked Jett if he ever looked at the time sheets. Jett responded that he never saw patrol's time sheets because they didn't go through him. Jett said the time sheets for communications would go through the communications supervisor then Jett would get a copy to pass up the chain of command and then go to the auditors' office. Investigator Urbanovsky asked Jett if there was a specific way CTOs or FTOs were supposed to document if they had a trainee for the day and Jett said he did not remember if there was a specific way.

Investigator Urbanovsky asked Jett if he was aware of the Facebook post advertising for telecommunicator openings and advertising FTO pay. Jett responded he worked on the website for the BCSO. Jett said he remembered putting the FTO pay on the website. The understanding, especially with the deputies, when you have a trainee the paperwork was being completed at the end of shift. FTOs were also required to go over the daily observation reports with the trainee which was always completed after the shift.

Investigator Urbanovsky asked Jett if he knew if the Commissioners ever approved the one-hour CTO/FTO pay. Jett responded that he didn't know if they were aware or not but that the one-hour CTO/FTO pay came out of the Sheriff's budget.

On 02/09/2024, Investigator Jack Schumacher received a return phone call from former Sheriff's

Office Chief Deputy Mike Cummings. Schumacher explained that the nature of the call was in reference to FTO overtime compensation. Schumacher asked Cummings if he was familiar with the process or procedure of compensating an FTO, whether dispatcher or deputy, for one hour of overtime in addition to their regular 12-hour shift. Cummings responded, "Yes," he was very familiar with the overtime compensation pay. Schumacher then asked Cummings if he remembers if the overtime pay was designed for the FTO to actually work that 13th hour for filling out paperwork and evaluations, and other FTO documentation. Cummings responded, "Absolutely." Cummings went onto say that FTOs could not put in for that overtime unless they actually had a Trainee. Cummings said that the FTOs usually received around 7 hours of overtime a month for being an FTO. Schumacher asked Cummings if he knew of anybody cheating or fudging on their overtime and Cummings responded, "Absolutely not." Schumacher asked if anybody told the FTOs, that they could put in for that 13th hour of overtime in the middle of their 12-hour shift and Cummings responded, "Absolutely not." Cummings said there should have been evaluation forms every day that the FTO had a trainee that would back up that one-hour of overtime.

On 02/13/2024, Investigator Urbanovsky conducted a phone interview with former Supervisor [REDACTED]. Investigator Urbanovsky wanted to ask [REDACTED] questions about the CTO/FTO overtime pay, to which [REDACTED] agreed. Investigator Urbanovsky asked [REDACTED] when she began working at the SO and she stated [REDACTED] as a dispatcher and left the SO in [REDACTED]. Investigator Urbanovsky asked [REDACTED] if she was familiar with the process for compensating CTOs for overtime pay to which [REDACTED] stated she thought they had just started the OT pay, or were discussing it at the time she left. [REDACTED] said the discussions about the one-hour OT were with Captain Chris Jett, Chief Mike Cummings, and Sheriff Calvin Boyd. Investigator Urbanovsky asked [REDACTED] what the one-hour OT was designed to compensate CTOs, and she responded that they were supposed to complete evaluation forms. [REDACTED] further explained that at the end of the shift, the CTOs would have to complete a form detailing the shift. For example, what the trainee did well in or what the trainee needed to improve and then go over the evaluation with the trainee. [REDACTED] reiterated that the forms were filled out after the CTO and trainee completed their shift. Investigator Urbanovsky asked [REDACTED] if she was aware of anybody that put in an hour of overtime that didn't work it and [REDACTED] said no. [REDACTED] said that anything communications did with the training program got approval from the Chief and Sheriff before it was implemented.

SUMMARY:

During this investigation, the DA Investigators did not discover any factual evidence which demonstrated that any member of the Burnet County Sheriff's Office (BCSO) Command Staff, including managers or supervisors, had ordered, directed or suggested to any deputy or communications officer working as a Field Training Officer (FTO) to submit for (1) one-hour of overtime pay if the FTO had not indeed worked that extra hour due to FTO duties. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]