



CONFIDENTIAL
State Fraud, Waste, and Abuse Hotline
Document

COMMONWEALTH of VIRGINIA

James F. Lane, Ed.D.
Superintendent of Public Instruction

DEPARTMENT OF EDUCATION
P.O. BOX 2120
Richmond, Virginia 23218-2120
February 13, 2020

Office: (804) 225-2023
Fax: (804) 371-2099

[REDACTED]
Office of the State Inspector General
P. O. Box 1151
Richmond, Virginia 23218-1151

Dear [REDACTED]:

I am writing in response to the hotline case referred to me in a letter dated September 10, 2019, for the Virginia Department of Education (VDOE). The work performed and outcome is as follows:

CASE #: 18047 **AGENCY:** VDOE **DUE DATE:** February 14, 2020 (with extensions)

Summary of Allegations (Italics font)

Allegation #1

The complainant alleged that Ms. Leah Dozier-Walker (Director of Equity and Community Engagement) is using her state position and state resources to develop a consulting company. The complainant stated that her company does many of the same job functions she currently performs.

Allegation #2

*The complainant alleged that [REDACTED] blogs about personnel issues at VDOE. **Note:** OSIG determined prior to referral to VDOE, that the blog was not specific enough about a personnel issue to be considered a potential violation. Consequently, no work was performed on allegation #2.*

Allegation #3

The complainant alleged that Dozier-Walker has not reported the information on her conflict of interest forms. Additionally, the OSIG investigator recommends verifying that Ms. Dozier-Walker has an approval form for secondary employment and making sure she is not doing work for her company on state time.

[REDACTED]

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Allegation #1

The complainant alleged that Ms. Leah Dozier-Walker (Director of Equity and Community Engagement) is using her state position and state resources to develop a consulting company. The complainant stated that her company does many of the same job functions she currently performs.

Finding of Fact

An initial search for a potential outside business involving Ms. Dozier-Walker revealed the following two websites with Internet domains established in the name of Ms. Dozier-Walker:

<https://leahdozierwalker.com/>
<https://leadingimpactnow.com/>

Note that both of these sites are closely linked together allowing the website visitor to see content, sometimes unknowingly, after being launched between these two sites. In reviewing both websites, it is clear that Ms. Dozier-Walker has posted a number of pictures, documents and at least one video that were created by VDOE. Some photos show Ms. Dozier-Walker at various conferences while working in an official capacity of VDOE.

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[REDACTED]

[REDACTED]

[REDACTED] include "Virginia is for Learners" apparel [REDACTED] that is a modification of the Virginia Tourism Corporation's (VTC) "Virginia is for Lovers" brand. VDOE is granted a narrow approval for use of this modified slogan for use in statewide public education campaigns. There is no record of permission granted for using this brand in a commercial setting.

[REDACTED]

[REDACTED]

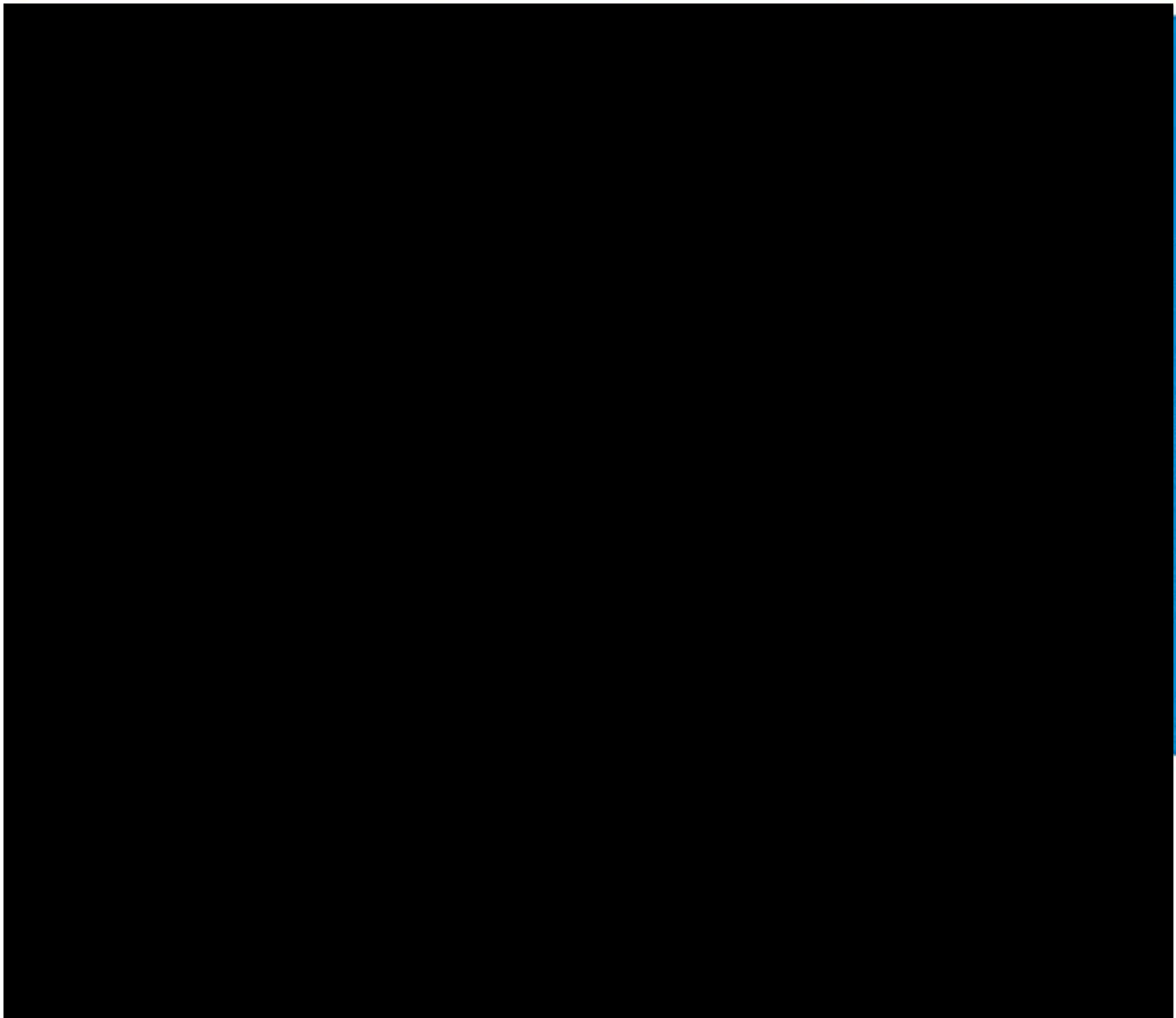
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

Ms. Dozier-Walker's employee work profile (EWP) was obtained from the VDOE Office of Human Capital. This EWP was compared to Ms. Dozier-Walker's websites with Internet domains established in her name.

[REDACTED]

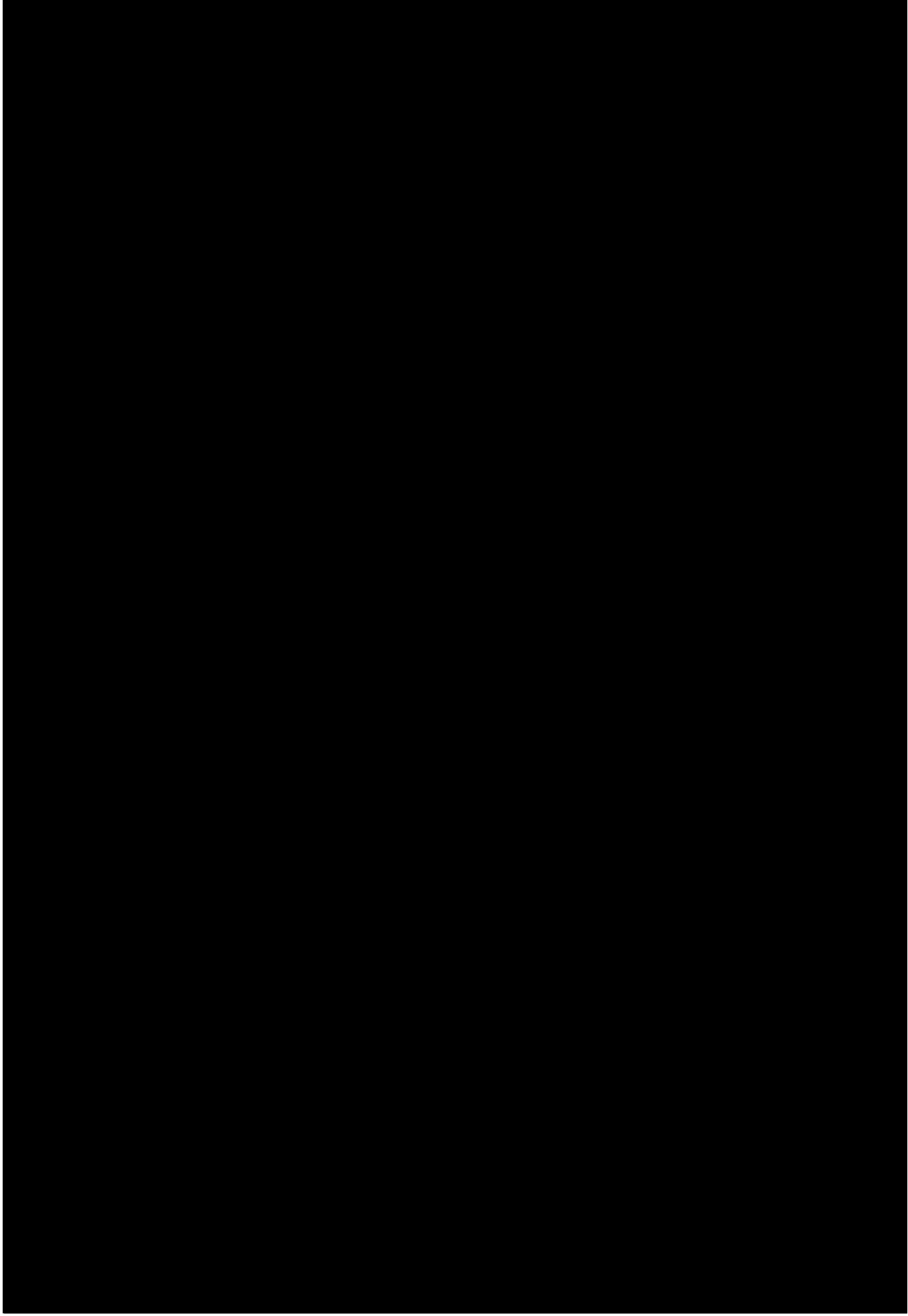
[REDACTED]

[REDACTED] This section of the website contains numerous pictures, video, initiatives, and other VDOE work products.

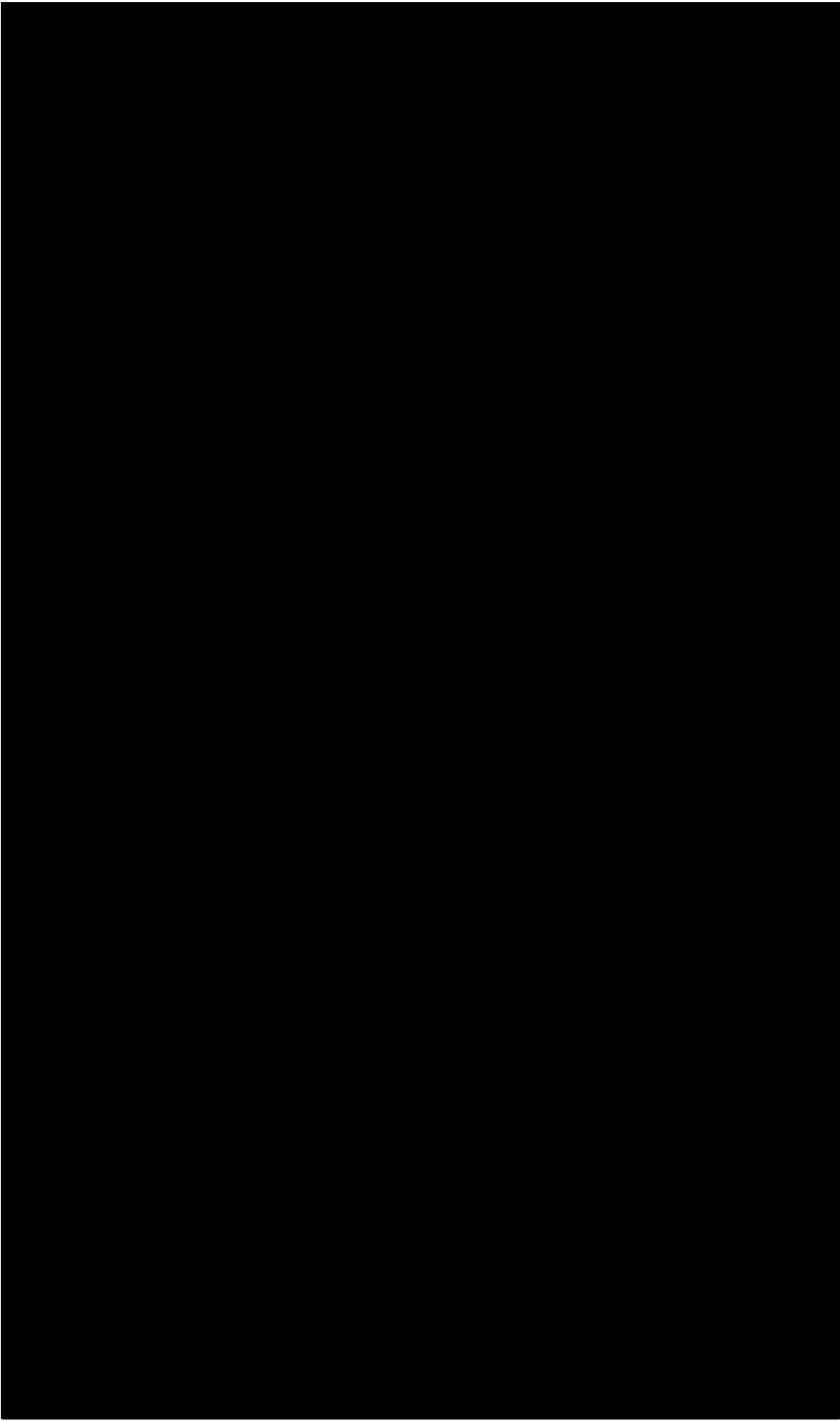
[REDACTED]

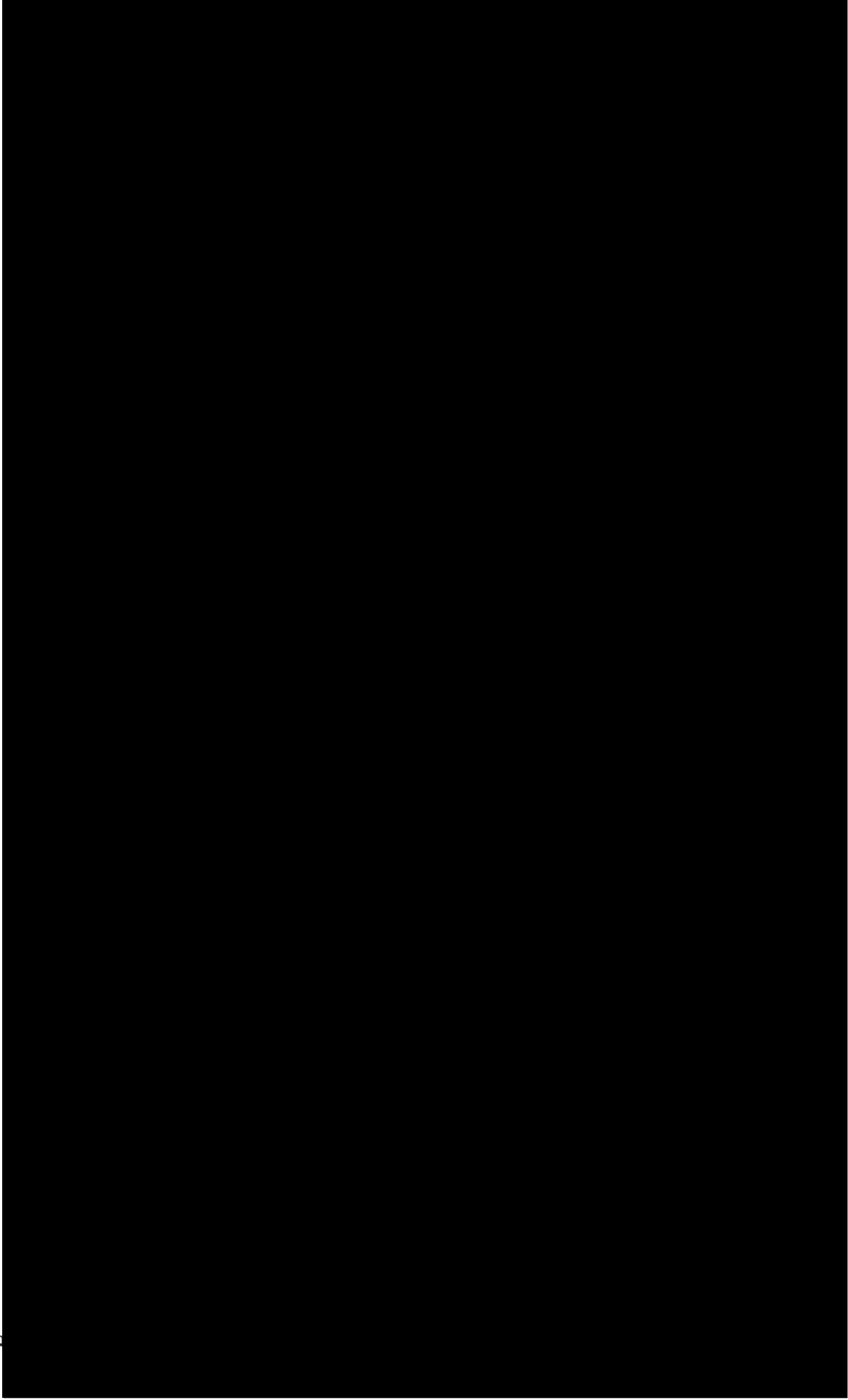
VDOE management was not consulted, nor gave approval for allowing these work products to be used in a commercial manner.

[REDACTED]

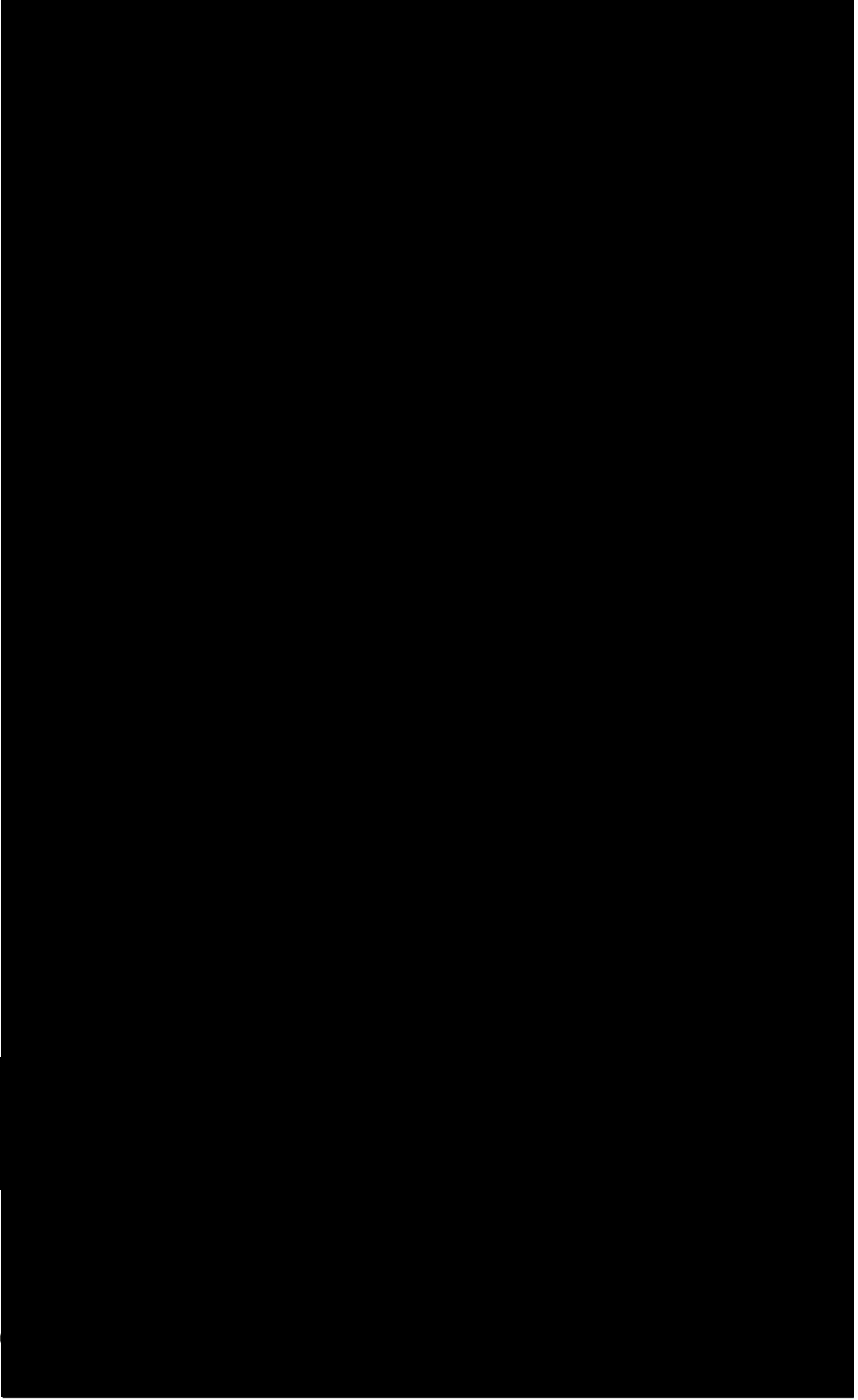


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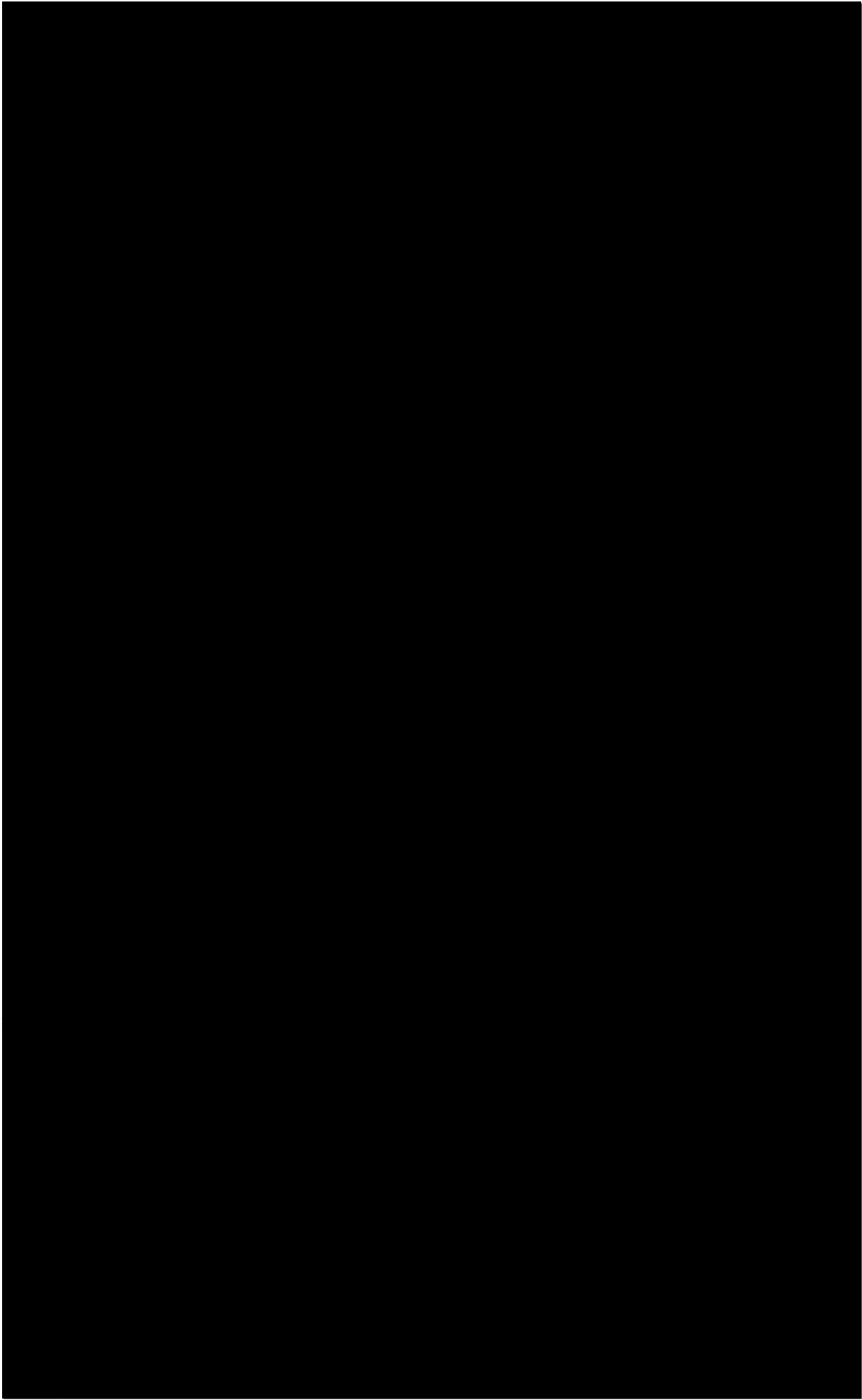


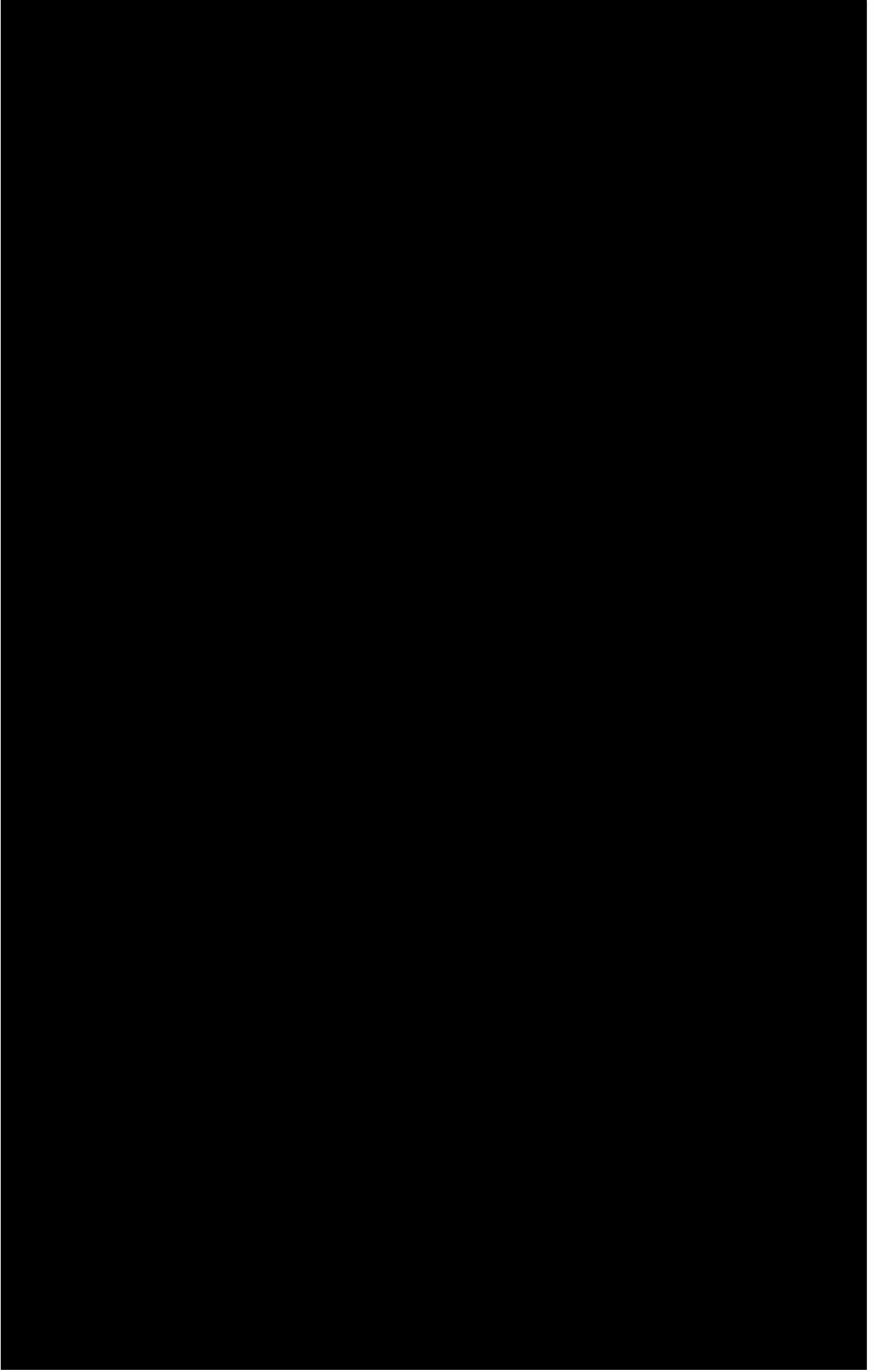






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Note that during the course of the investigation, Ms. Dozier-Walker's position was reorganized. This reorganization occurred in late 2019. As a result, the functions for communications, website, and constituent services were reassigned to another director. As of the date of this report, no EWP has been provided by [REDACTED] for the reorganized position.

[REDACTED]

According to information on the State Corporation Commission (SCC) website [REDACTED] [REDACTED] Ms. Leah Dozier-Walker incorporated a business on August 25, 2019, under the name "Leading Impact Now, LLC." A telephone call with the SCC confirmed that this registration is for a new business, not a renewal.

Allegation # 1 – Conclusion:

The allegation is sustained. The websites in question include a number of confirmed VDOE photos, documents and video produced as a result of Ms. Dozier-Walker's employment. Several resources were developed under her direct work supervision. The services offered in the outside business are either entirely duplicative or closely resemble duties performed by Ms. Dozier-Walker in her state position.

During employee interviews (total of three), the [REDACTED] indicated that [REDACTED] supervisor, Ms. Dozier-Walker asked for a favor during work hours to review a personal logo (Be Impacted Blog logo, see above) designed for her business in early September 2019. [REDACTED]

The [REDACTED] was asked to proof it and make suggestions, which [REDACTED] did while on the job. The [REDACTED] further stated that a lot of agency people ask about [REDACTED] performing personal projects (e.g. wedding announcements, etc.). [REDACTED] stated that [REDACTED] declines these offers and refers them to other commercial firms. Other staff interviewed include the [REDACTED] and the [REDACTED]. [REDACTED]

[REDACTED]

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Allegation #2

This allegation was determined by OSIG to be out of scope prior to assignment to VDOE. Consequently, no work was performed on allegation #2.

Allegation #3

The complainant alleged that Dozier-Walker has not reported the information on her conflict of interest forms. Additionally, the OSIG investigator recommends verifying that Ms. Dozier-Walker has an approval form for secondary employment and making sure she is not doing work for her company on state time.

Finding of Fact

As mentioned above, the business "Leading Impact Now, LLC, was not incorporated until August 25, 2019. Consequently, an annual statement of economic interest (SOEI) is not due until the following calendar year (February 4, 2020). Two statements of Economic Interest were filed by the Director of Equity and Community Engagement on January 31, 2020. The SOEI filed in relation to her state position indicates "no" on the questions regarding: (1) receiving income from an outside business and (2) owning a business with a value greater than \$5,000. A due process response from Ms. Dozier-Walker claims that the business, while incorporated, did not have a business license or Federal tax identification number assigned to the business and therefore, "no business has been established." It cannot be readily determined if these statements are accurate and are beyond the scope of this hotline investigation.

No Authorization for Outside Employment Form has been filed by the Director of Equity and Community Engagement while working for VDOE. However, Ms. Dozier-Walker requested this form in an email to the Human Capital Director on August 26, 2019 at 2:26 p.m. Ms. Dozier-Walker acknowledged receipt of the form at 3:33 p.m. the same day.

During staff interviews, the [REDACTED] alleges that the Director of Equity and Community Engagement is "never around" in the office and these absences create challenges in the management and direction of the office. Additionally, it was learned that a tweet dated August 26, 2019, at 1:54 p.m., was sent by Ms. Dozier-Walker announcing she "started new job at Leading Impact Now (Owner and Founder)." This tweet was confirmed as occurring on state time.

Since both a tweet and a staff interview indicates that the target of the investigation may not be working customary office hours, a review of the Hours of Work Form, timesheets, leave, calendar, travel, and employee DGS swipe card history for the James Monroe Building was undertaken. The scope of the review was January 1 – early September 2019. [REDACTED]

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Ms. Dozier-Walker has a telework agreement on file (dated November 9, 2017) with the VDOE Human Capital Office. Friday is the designated/approved telework day with a standard Monday-Friday 8:30-5:00 p.m. work schedule (with a 30-minute lunch period). A certificate of completion for "Safety Tips for Telecommuters" is also on file.

Interview of the Target

The [REDACTED], [REDACTED], and two [REDACTED] participated in a due process interview on January 8, 2020. Ms. Dozier-Walker was provided with a summary of violations determined by the investigation and a due process letter granting a five business day period to respond in writing. An extension was approved by senior management a few days later due to work schedule conflicts.

A response was received by Ms. Dozier-Walker on January 21, 2020. The due process response was forwarded to the [REDACTED] for analysis. After this review, the following was provided to the [REDACTED]:

- No emails were found asking for an adjustment to work or telework schedules.
- Several days identified as exceptions, were not addressed at all with material provided by Ms. Dozier-Walker.

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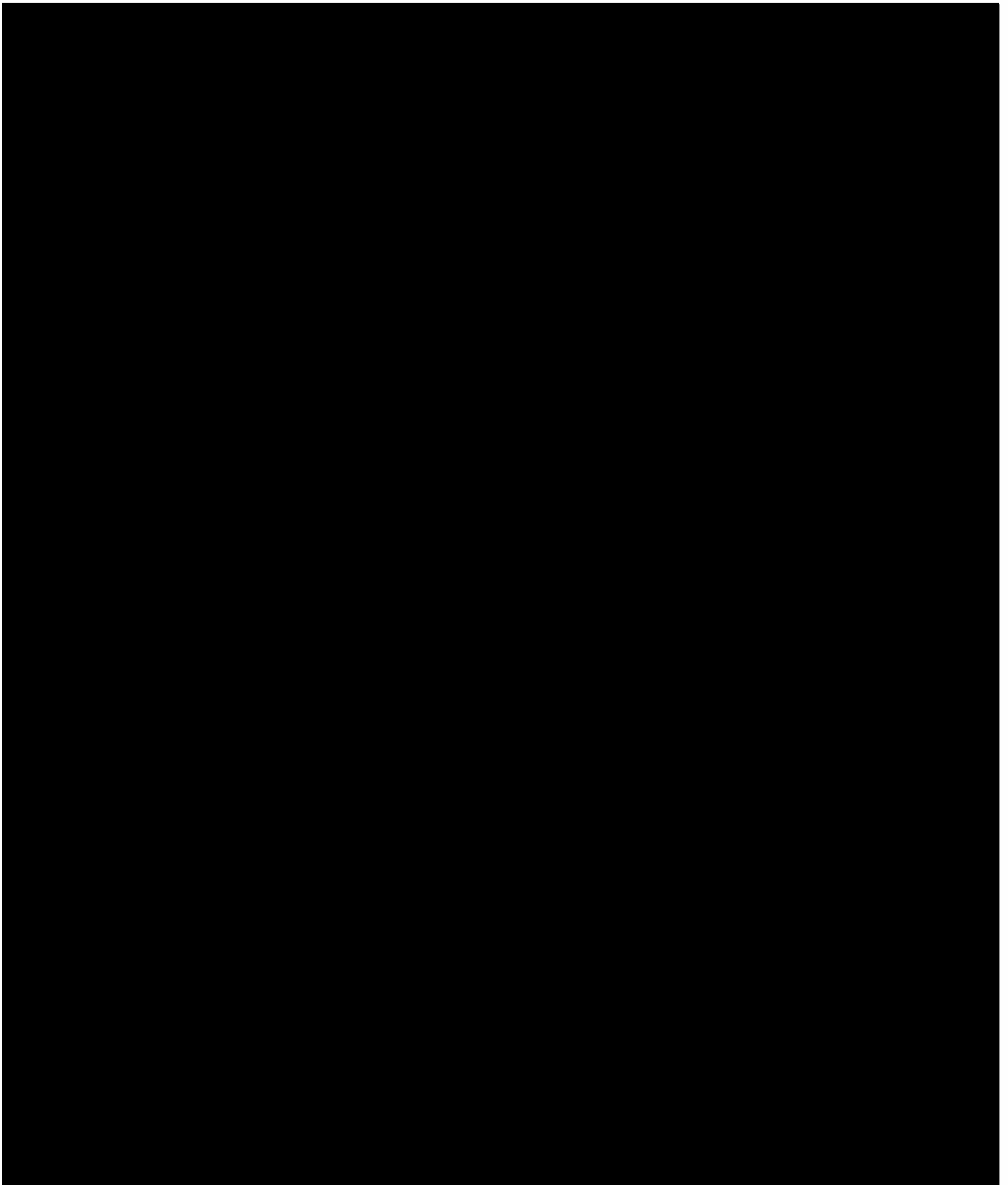
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- Submitted emails in some instances, did not address the particular point of the exception, but instead reflected routine, work-related email traffic. Some of this email activity is identified as coming from a mobile device.
- No documentation was provided regarding an apparent conflict of interest of an outside business and supporting websites as mentioned above. Ms. Dozier-Walker requested, and received an Outside Business form from the [REDACTED] on August 26, 2019. However, there is no record of her submitting this form to the [REDACTED] office. She stated that: "I am willing to remove the LLC from my digital portfolio and close the website to avoid the perception of a conflict of interest."
- It appears that Ms. Dozier-Walker had broad latitude to modify her established office hours, telework, attend offsite meetings, and networking at coffee shops, etc. during work hours.
- Telework was used extensively on other days than her approved Friday telework day.

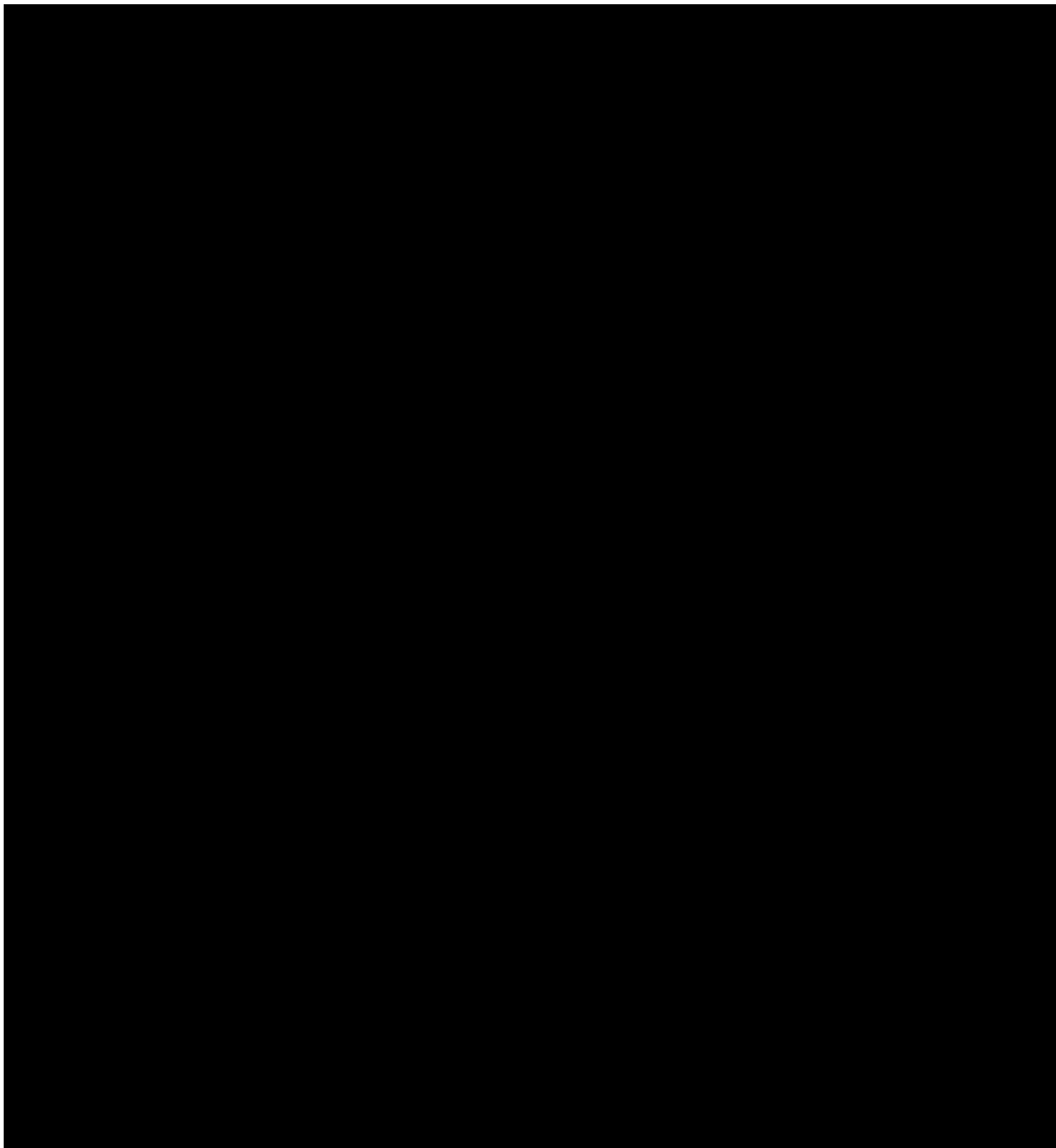
[REDACTED]

[REDACTED]

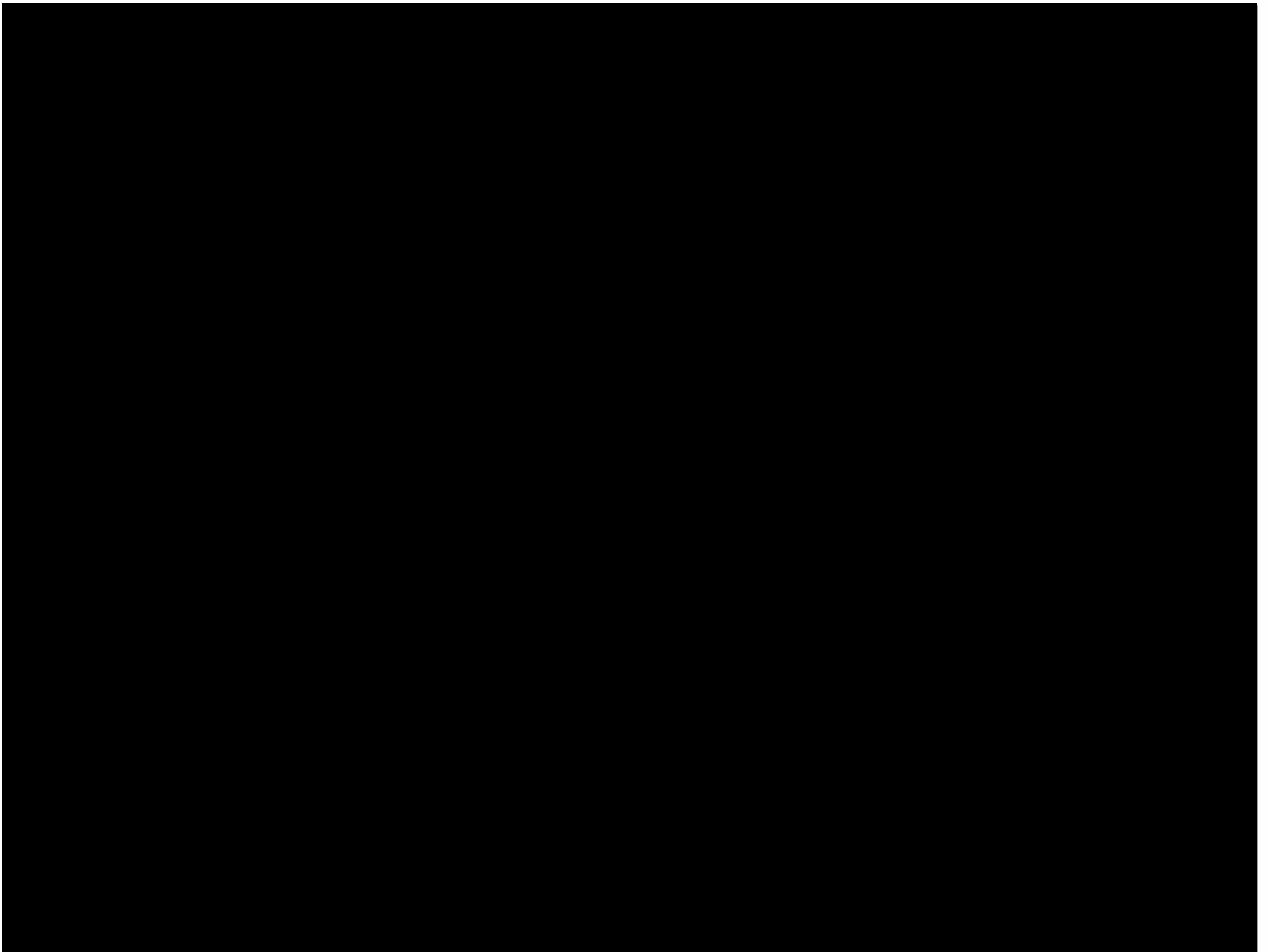
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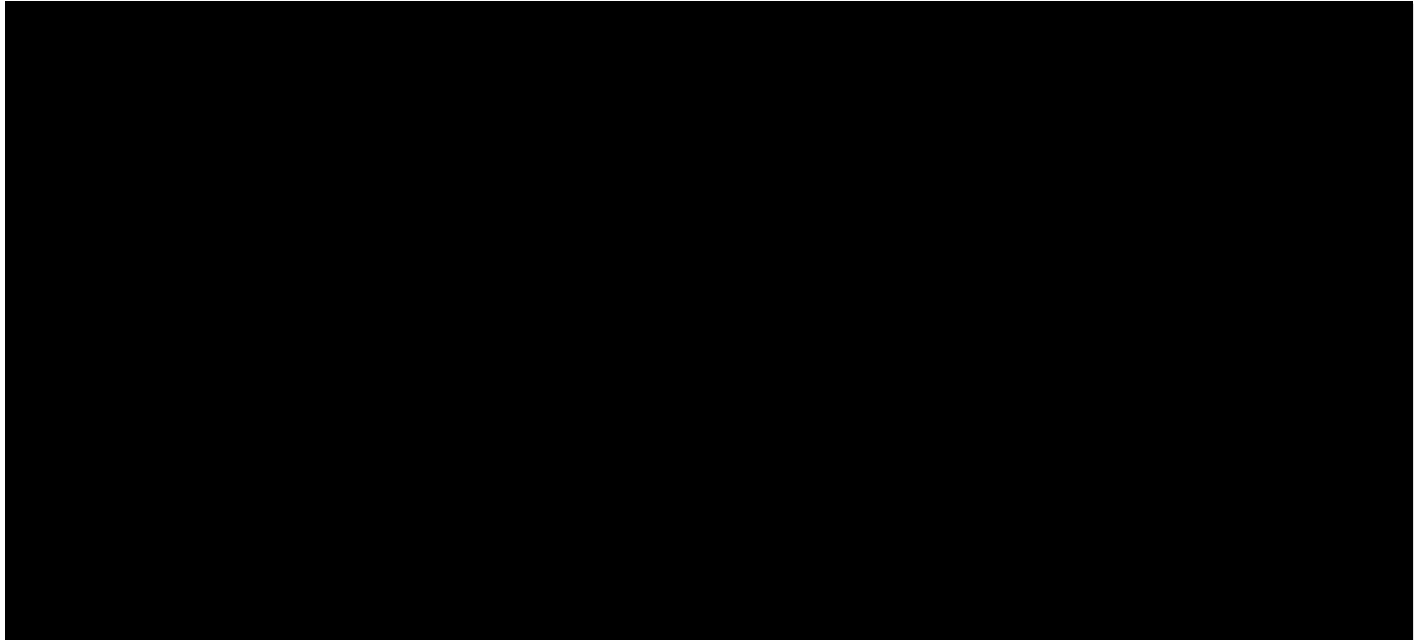
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A total of 125.5 hours were initially identified as unexplained time and attendance exceptions. The
exceptions.

Total 11.00 hours

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Due process documentation regarding the following exceptions are inconclusive, but may warrant an additional review by the [REDACTED]:



Total 19.00 hours

As mentioned in the above table, a total of 125.5 hours were initially identified as unexplained time and attendance exceptions. This figure was determined after a lengthy examination of the following documents:

- Timesheets
- Department of General Services (DGS) building ID access history
- Travel reimbursement vouchers
- Employee's electronic Google (Gmail) calendar history
- Selected emails

A review of the due process material cleared 11.0 hours with 19.0 additional hours determined to be inconclusive despite the response. Giving the benefit of the doubt to the employee, this leaves a net unexplained balance of 95.5 hours (125.5-11.0-19.0). Due to the number of salary increases and the enormous amount of time expended in this investigation, the following information is provided regarding Ms. Dozier-Walker's salary during the year. However, in the interest of time, it won't be costed out in this report.

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	Annual	Annual hrs. & Hourly Rate
Leah Walker Salary History	Salary	2,080
Jan. 1 - Feb. 24, 2019	88,300	42.45
Feb. 25 - June 9, 2019	92,715	44.57
June 10 - June 24, 2019	97,351	46.80
June 25 - Present	102,219	49.14

Recommendations

VDOE management should pursue a fair course of action consistent with the DHRM's Standards of Conduct, Policy 1.60. Any discipline that is metered out must be consistent with the disposition of similar cases. The following are recommendation for consideration:

Ms. Leah Dozier-Walker

Ms. Dozier-Walker should become in immediate compliance with all VDOE and state rules, regulations, and procedures, including, but not limited to the following:

1. Remove all VDOE resources including, but not limited to pictures, documents, and videos from commercial website domains registered by her that are engaged in a private business. This includes the following websites:
<https://leahdozierwalker.com/>
<https://leadingimpactnow.com/>
2. Refrain from engaging in any outside business or employment that may result in the appearance of a conflict of interest.
3. Obtain prior written approval before engaging in any outside employment or business using the appropriate VDOE form.
4. Submit weekly timesheets by their due date as specified in the VDOE Administrative Manual.
5. Maintain an up-to-date and highly visible work calendar indicating office hours, out of office events/appointments with location, and anticipated leave.
6. With the exception of approved training or conferences, maintain consistent office hours at VDOE as specified in an approved Hours of Work Form.
7. Cease altering and/or offsetting hours from day to day due to working off or extended hours.
8. Do not adjust work hours by forgoing a lunch break and leaving early. VDOE supports either a 30 or 45-minute unpaid lunch break for employees.
9. Obtain prior written permission to alter work hours and/or teleworking options.
10. Notify your supervisor in writing and in a timely manner when an adjustment to work hours is necessary.
11. Comply with established telecommuting rules including submission of a written summary of job tasks performed at the alternate work location (while telecommuting) as part of normal timesheet and leave activity reporting.
12. Make restitution of unresolved leave hours in the amount of 95.5 hours (or an agreed upon settlement) as a result of this investigation.

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Suggestions for VDOE

1. Consider implementing an improvement plan and conduct periodic meetings to discuss progress against this plan.
2. Suspend teleworking for a period of time (e.g., 6 mos.) or until management is satisfied that Ms. Dozier-Walker has demonstrated full compliance with state and VDOE policies and procedures.
3. Implement periodic time, attendance, and leave exception reports that identify patterns of policy violations that will facilitate corrective action by management.
4. Stress to first-line supervisors, that senior management expects them to address attendance problems and gaps in timesheet submissions when they occur and that they will be held accountable for deviations of policy.
5. Adopt a policy and add it to the VDOE Administrative Manual stating that leave restitution may occur for undocumented and unaccounted for employee absences.
6. Evaluate and implement employee monitoring software. Prior to using this software, ensure that comprehensive procedures are developed and adopted outlining under what circumstances employee monitoring software would be used, level of management approvals, and how results are protected and disclosed only on a needs to know basis.
7. Periodically perform tests, as part of the state internal controls program (ARMICS), relating to time, attendance, and leave.

Conclusion

As detailed in the table above, several of the allegations are sustained. VDOE should take immediate corrective action with the employee in question and ensure compliance with VDOE and state policies and procedures. Additionally, management should evaluate the above recommendations and implement them to improve internal control. These recommendations were previously provided via email to the [REDACTED] and the [REDACTED] on February 5, 2020. Finally, while Ms. Dozier-Walker may be performing her work effectively, the violation of multiple policies and procedures cannot be overlooked or tolerated.

Results of Investigation

As detailed above, the allegations relating to this complaint are substantiated. The exact number of unsubstantiated work hours and related cost is difficult to determine for the unsubstantiated work hours. [REDACTED]

[REDACTED] As a result of this investigation, **no further action is considered necessary.** However, management action as described above would be prudent in this matter.

Cost to Conduct the Investigation

[REDACTED]: 331.0 hours @ \$52.40 per hour plus fringe benefits (44.55%) = \$25,069.94.

[REDACTED]
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Name, Business Address, and Business Telephone Number of the Target of Complaint

Virginia Department of Education, 101 North 14th Street, Richmond, Virginia 23219.

[REDACTED]
Sincerely,

[REDACTED]