



**Report and Findings of Investigation  
to the  
Mayor of Salem, Massachusetts**

**CONFIDENTIAL**

**August 26, 2014**

**FINAL REPORT**

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**CAUTION**

**CONFIDENTIAL**

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# **Report and Findings of Investigation to the Mayor of Salem, Massachusetts**

## **Procedural History**

Pomeroy Resources, Inc. was retained by Mayor Kimberly Driscoll of the City of Salem, Massachusetts to conduct an internal investigation into allegations of impropriety involving the utilization of vacation time and the working of police details in the Salem Police Department.

## **Issue**

Chief Paul Tucker of the Salem Police Department recently received information from an officer in his department regarding potential abuse of the overtime system by Captain Brian Gilligan. Chief Tucker immediately initiated an internal investigation into the allegations about Captain Gilligan. Specifically, the allegations were that Captain Gilligan would be working his regularly assigned day shift and would then take vacation time to work a private detail. The underlying issue was whether sufficient vacation time was being utilized to prevent "double dipping."

Chief Tucker's investigation concluded that Captain Brian Gilligan had improperly logged his working hours and engaged in "double dipping"<sup>1</sup>.

Questions were then raised by some employees whether other officers had improperly logged working hours as well.

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<sup>1</sup> "Double dipping" - when an employee is being paid by two entities simultaneously. In this particular case, the allegations were that Captain Gilligan was working private details during his normal work hours thereby being paid simultaneously by the contractor and the City for some of the same work hours.

## **Scope**

The scope of this investigation was the following: Conduct an internal investigation into allegations of impropriety involving the utilization of vacation time and the working of police details in the Salem Police Department. Interview the Chief of Police, interview involved officers, review relevant police records and documents and provide a report of findings to the Mayor.

For reasons that will be explained later in this report, the time period for the review of records in this matter was one year - from May of 2013 through approximately mid May 2014.

The scope of this investigation was limited to the above and did not include a review of any prior disciplinary actions that were wholly irrelevant to the issue at hand - the investigation of possible "double dipping."

## **Documents Reviewed**

- Salem Police Department attendance records - Command Personnel
- Salem Police Department attendance records - Criminal Investigative Division & Community Impact Unit
- Salem Police Department door access control time records
- Salem Police Department daily detail sheets
- Salem Police Department computer logon records
- Salem Police Department contractor vendor records
- Documents supplied by Captain Brian Gilligan
- Documents supplied by Captain Rodney Comeau
- Superior Officer Collective Bargaining Agreement
- Patrol Officers Collective Bargaining Agreement
- Disciplinary Letter Issued to Captain Brian Gilligan
- Salem Police Department Detail Policy

## **Methodology**

Chief Tucker was requested to provide the time and detail records for all four Salem Police Captains. Chief Tucker thought it prudent to also include the records of all officers assigned to an administrative schedule.

Captain Thomas Griffin produced an analysis of time and detail records for all officers assigned to an administrative schedule including the four Salem Police Captains and the members of the Criminal Investigative Division and the Community Impact Unit.<sup>2</sup>

### **Criminal Investigative Division & Community Impact Unit**

Regarding the members of the Criminal Investigation Division and the Community Impact Unit, it was determined that there were no occasions when an officer was at work and left on a half vacation day to work a detail. On eight occasions, members of these units that were assigned to the evening shift were late for their evening shift due to working a detail during the day-time that caused them to be late for the beginning of their shift. On each occasion, the officer that was late used either a half vacation day or "E-time" to cover their absence.<sup>3</sup>

### **Patrol Division**

Patrol Officers assigned to the uniformed (patrol) division did not have the ability to commence a regular shift and then utilize vacation time to work a detail.

### **The Captains**

The Salem Police Department has four Captains. Captain Thomas Griffin, who was just named as the new Chief of Police in Peabody, MA, Captain Rodney Comeau, Captain Brian Gilligan and Captain Mark Losolfo.

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<sup>2</sup> An Administrative Schedule consists of a Monday-Friday work-week.

<sup>3</sup> E-time, or Excused Time, is similar to Earned Time, Compensatory Time, or Time Owed. Essentially, it is hours owed to the employee.

It was determined that Captain Griffin did not work details. Captain Losolfo did work details, however all details worked by him were for time periods after 4PM (after his scheduled shift had concluded) and on his weekend days off.

Therefore, the analysis in this report focused on the two remaining individuals on an administrative schedule that worked details and utilized vacation days to do so - Captain Brian Gilligan and Captain Rodney Comeau.

### **Interviews**

This investigator interviewed Chief Paul Tucker, Captain Brian Gilligan, Captain Rodney Comeau, union officials, other current and past officers, reviewed anonymous correspondence sent to this investigator as well as receiving anonymous telephone reports.

### **Police Contract**

The collective bargaining agreement between the City of Salem and the Police Superiors Officers recognizes the members of the union as including all Sergeants, Lieutenants, and Captains in the Police Department.

### **Work Week**

The collective bargaining agreement states that the regular work week shall consist of forty (40) hours with a regular workday of eight (8) hours. The contract specifies certain designated fixed hours for the "Platoons" (refers to the uniformed patrol officers assigned to either the day shift, evening shift or night shift). The contract also provides that officers in the collective bargaining unit will be assigned to a four day on, two day off schedule.

The foregoing provisions are fairly standard in collective bargaining agreements, although in many police departments the rank of Captain is a non-union position.

The collective bargaining agreement does not specify an Administrative schedule consisting of Monday through Friday with hours such as 8AM-4PM. However, it is common to find administrative personnel assigned to such a schedule as a matter of practice and necessity.

## **Overtime**

Since Captains are recognized as part of the bargaining unit, they are entitled to overtime for any hours worked beyond their normally scheduled work-week.

Officers working details are entitled by contract to a four-hour minimum payment and if the detail exceeds five hours, the officer is entitled to an automatic eight hours of pay.

As a matter of practice, Captains rarely submit for payment of overtime for regular police functions except in the case of a special event or other similar circumstance when the work is treated like a detail. Therefore, if a Captain comes in early to work, stays late, answers work telephone calls while off duty, reports during an emergency or during a police issue, attends City council meetings or neighborhood meetings, the Captains rarely submit a request for overtime. In a one-year period, three Captains used documented compensatory time on only a few occasions. However, It is noted that three of the four Captains receive Night Differential pay. The collective bargaining agreement provides for the payment of a 9% premium for officers whose work day consists of recognized "night hours." A long standing practice in Salem, prior to Chief Tucker's administration, was that Captains who worked during recognized "night hours" received Night Differential pay. The practice has been discontinued for recently promoted Captains with the effect that only three of the four Captains currently receive night differential pay. Future Captains will not receive Night Differential pay.

In Salem, as with most other police departments, administrative personnel are permitted some flexibility in their start/end time. Administrative personnel generally are not required to keep a log of their hours or activities, although Captain Gilligan had been previously advised to do so.

## **Limitations in Records**

In any investigation involving the reconstruction of attendance and payroll records, the matter can be more complicated than one may envision. Although Chief Tucker and his staff were extremely cooperative and efficient in producing any requested records, the provided records had certain limitations.

## **Attendance Records**

The Salem Police Department currently has an older computer records management system. The system has limited capabilities and will soon be replaced with a very robust system with attendance and payroll interface capabilities.

However, in the meantime, daily attendance records are maintained on handwritten logs. Part of the difficulty with hand written attendance sheets include claims of inaccuracy or manipulation. Additionally, some members of the Department are not aware of the schedule of other members of the Department thereby leading to questions about verification of attendance.

Captains were not required to submit a vacation use request form when they used 1/2 of a vacation day. However, such use was required to be entered into the attendance sheet in the payroll office.

## **E-Time Records (Excused Time)**

A long standing practice has developed where an officer in the Department may work for a few hours on what would be an overtime basis. For example, a patrol officer may have to work late covering a motor vehicle accident or writing an arrest report. That officer is entitled to overtime for those extra hours. However, rather than submit an overtime payment request, the officer could fill out the payment request that would then be signed by the shift supervisor. Rather than submit the voucher for overtime payment, the officer could keep the voucher and use it for time off. For example, an officer with a two hour voucher may ask to leave early some shift. If permitted by the on-duty supervisor, the officer would submit the voucher to the supervisor to use as payment for the time off. By contract, officers may only hold up to sixteen hours of E-time, which equals 24 hours of compensatory time.<sup>4</sup>

## **Door Access Control Logs**

The door access control logs would appear to provide solid evidence of when an employee enters the police station. Although an entry on a door access control log is evidence that the

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<sup>4</sup> Compensatory time must be equivalent to time and one-half per the Fair Labor Standards Act and collective bargaining agreement.



user's electronic card key accessed a door, the absence of such an entry does not equate to the officer not being at work.

Occasionally, an employee could enter through a door not equipped with an electronic access, such as the garage. An employee who possessed a key could access a door using the key without a record of entrance. An employee could enter the building at a door equipped with a card key while the door was held open by another employee entering or exiting. This investigator personally witnessed officers holding the door open for one another.

Lastly, the electronic door access control log is only maintained for a one-year period. Therefore, any research beyond a one-year period will not contain any door access control logs.

### **Daily Detail Logs**

A daily detail ledger is maintained by a designated "Detail Officer." The daily ledger has a handwritten record that includes:

- The name of the officer working the detail
- The number of hours worked at the detail
- The name of the contractor hiring the detail officer
- The location of the detail
- The start time of the detail
- An indication of whether a detail slip from the vendor was submitted
- Comments which usually provide the name and telephone number of the contractor

A severe limitation when re-constructing the detail records is that the "Start Time" in the detail ledger is not always accurate nor are the "Hours worked" that are recorded in the ledger.

Often, details are requested by a contractor in advance, sometimes days or weeks in advance. If a detail is requested in advance, the detail officer endeavors to fill the detail in advance with an officer willing to work. If the detail officer is unable to fill the detail with a Salem Police officer, the detail officer may reach out to police officers in other designated communities to fill the assignment.

The contractor generally provides the officer with a "detail slip" signed by the contractor. The detail slip includes the contractor's name, location of the detail and the hours of work to be paid to the officer. Often, the contractor must submit a copy of the detail slip to his employer.

However, sometimes the officer arrives at the detail on time, but the contractor is late. Nevertheless, the officer is entitled to be paid since he was on the site. Sometimes, the officer may arrive late to the detail. Generally, the contractor on-site will simply authorize payment to the officer from the designated time, not the officer's actual arrival time.

More problematic is the situation created when a contractor makes a "late call." Contractors may require an officer for an emergency or an unforeseen repair. Occasionally, some contractors will closely watch the weather and will not schedule their own work crews or request an officer unless it appears that the weather will cooperate with their construction activities. In such "late call" situations for example, a contractor may call the police department at 7:55AM requesting a detail at a specified location starting at 8AM. The reality is that it can sometimes take an hour or two to fill a detail as an entire list of officers is required to be called and offered the opportunity. The officer accepting the detail must then dress and proceed to the detail with his police equipment (which may necessitate first stopping at the police department).

In some communities, contractors are subject to an additional administrative fee for "late calls." In many communities, a practice (sometimes unofficial) of paying the "late call" detail officer from the requested start time of the detail, rather than the officer's actual arrival time, has become the norm.

Consequently, a records review may indicate a specific start time for a detail when, in reality, the officer may not have actually arrived for an hour or two later. Contractors will generally sign off on a detail slip with the "scheduled time" rather than the actual time.

Complicating the entire matter are the actual hours worked. As stated previously, an officer working a detail is entitled by contract to a minimum of four hours pay, and if the detail exceeds five hours the officer is entitled to eight hours pay.<sup>5</sup> Therefore, for example, an officer arrives on

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<sup>5</sup> The minimum pay is common in most communities although the number of hours required for 8 hours of minimum pay may be different. Eight hours minimum pay after five hours work does not apply to work for the City of Salem.

time for a detail commencing at 8AM. The contractor completes the job at 10AM. The officer is contractually entitled to four-hours minimum pay. Generally, most contractors will submit a detail slip that reports the hours as 8AM-12PM for four hours pay. The end result is the same for pay purposes, however the records are inaccurate.

Such inaccuracies can plague the reconstruction of such records. For example, an officer in the scenario above completes his detail at 10AM and is entitled to four hours pay from the contractor. However, at 10:30AM another detail from another contractor may become available. If the same officer then proceeds to the next detail with a start time of 10:30AM and again only works for two hours because the job is completed, the officer is entitled to another four hours of pay from that contractor. When reconstructing the records, it appears that the officer worked 8 hours when, in reality, he only worked four hours but was entitled to eight hours pay.

Lastly, the actual contractor detail slip is not maintained by the Police Department after the City has received payment from the contractor.

Another issue that has been reported anecdotally, is a situation that occasionally occurs as with the following example. A detail has a start time of 7AM but it cannot be filled due to the unavailability of officers. The detail is located in an area in which a traffic officer must be present. Faced with this situation, a shift commander may be forced to send an on-duty patrol officer for traffic control. The on-duty officer may be required to stay at the detail site until a detail officer can be located or, if need be, until the detail is concluded. Of course, an on-duty officer would not be entitled to detail pay. However, occasionally an on-duty officer may be sent to the traffic location for example, for the last hour of his regular shift and then remain at the detail until it is concluded. In this situation, the officer should not receive detail pay for the first hour of work since he is actually still working on his regular shift. The officer should start receiving detail pay when his normal shift concluded. Often, the actual amount of detail pay would not change due to the minimum contractual amount due to the officer.

It was reported that at least one superior officer assigned to the patrol division has a long standing practice of reporting for duty approximately 1/2 hour early and leaving approximately 1/2 hour early when his relief arrives for work. Further, any superior officer assigned to patrol may request his relief to come in early so that he may leave early. The first officer would later reciprocate. Although adequate supervisory coverage is provided, the informality of the process

complicates recreating events at some point in the future. A review of several specific situations provided to this investigator did not reveal evidence of "double dipping" but did illuminate inconsistencies in record keeping practices, some informal "past practices" that should be revisited and frequent late arrival times at details.

### **Computer Logon Records**

The Department provided computer logon records for a one-year period. As with most computer systems, each police user has an individual username and password.

Again, the analysis seems straightforward until one learns that the computer workstations used by administrative staff do not have a time-out feature. Therefore, unless an administrative user actually logs off the system, his account may remain open, or it may time out after fifteen minutes.<sup>6</sup> Additionally, with the current computer system in the police department, one cannot differentiate between a user logging on from a desktop computer or an iPad. Lastly, although the computer logon printout supplied by the Department identifies a specific terminal that the user logged on from, that information is not accurate as any available terminal may be shown as being accessed.

### **GPS Records**

The Department does not maintain GPS tracking of the Department issued cell phones. At present, there is no GPS monitoring of Department vehicles.

### **Recollection of Past Events**

Obviously, it may be difficult for an officer to precisely reconstruct his activities from up to one year ago. Unless some unusual event occurred, an officer could not reasonably be expected to recall exactly at what time he arrived for work at the police station or at a detail site without precise documentation of such activities.

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<sup>6</sup> Information provided by the software system IT personnel.

Captain Brian Gilligan and Captain Rodney Comeau provided this investigator with their recollections regarding details they worked over the past year. These explanations are provided in the analysis section of this report.

### **Other Issues**

It was well noted by officers that Captain Gilligan has taught classes at both North Shore Community College and Salem State College during business hours. Chief Tucker was aware that Captain Gilligan has taught college classes during business hours (a couple of hours a week). Chief Tucker stated that in approximately twenty years, Gilligan has taught approximately three college classes. Chief Tucker stated that he instructed Captain Gilligan to make up the hours that he dedicated to teaching. Chief Tucker stated that he is proud that a member of his command staff had been selected to teach at the local colleges and believes that it enhances the Department image and the law enforcement profession.

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## Analysis of Records

### Captain Brian Gilligan

Date: 5/1/2013

Dept Attendance: Vacation Day  
Door Access Log: Record no longer maintained  
Dept Computer Log in: No logins recorded  
Detail Sheet:  
Start Time: 830AM  
Company/Location: Verizon/Bridge St  
Hours Submitted: 8

Officer Explanation: *"Records indicate I began work at 7AM and worked approximately 1.5 hours before taking a full vacation day to work a detail. I believe this would entitle me to 1.5 hours credit."*<sup>7</sup>

CONCLUSION: There are no records to support the officer's statement that he began work at 7AM and therefore was entitled to 1.5 hours credit. However, he utilized a full vacation day and was entitled to work the 8 hour detail and be paid for same.

Date: 5/8/2013

Dept Attendance: Vacation Day  
Door Access Log: Record no longer maintained  
Dept Computer Log in: No logins recorded  
Detail Sheet:  
Start Time: 830AM  
Company/Location: Mass Elec /Jefferson Ave  
Hours Submitted: 7 (appears corrected/ white out beneath)

Officer Explanation: *"Records indicate I began work at 7AM and worked approximately 1.5 hours before taking a full vacation day to work a detail. I believe this would entitle me to 1.5 hours credit."*

CONCLUSION: There are no records to support the officer's statement that he began work at 7AM and therefore was entitled to 1.5 hours credit. However, he utilized a full vacation day and was entitled to work the 8 hour detail and be paid for same.

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<sup>7</sup> Captain Brian Gilligan and Captain Rodney Comeau both provided this investigator with a written explanation regarding their recollection regarding each detail. Note: Captain Gilligan provided an addendum with additional comments as well.

Date: 5/9/2013

Dept Attendance: 1/2 Vacation Day  
Door Access Log: Record no longer maintained  
Dept Computer Log in: 14:33:33 TTYP23 LOGON  
Detail Sheet:  
Start Time: 9:00  
Company/Location: Verizon/Carpenter and Bridge  
Hours Submitted: 5.5

Officer Explanation: *"I am unable to say when I arrived at work but according to my notes the detail was for Verizon at Bridge and Carpenter. My memory of this detail is that I was the second officer called and that I arrived later than 9AM. (I have worked this location several times consequently I am not completely sure.) Bridge Street was down to one lane and public safety would have been compromised had I not worked the detail. I am sure that like on many other mornings someone else used their key card to allow me in the building." Addendum: "In addition to the information I have provided for this detail I feel that given the fact that the detail only went 5.5 hours it is extremely likely that I worked after the detail."*

CONCLUSION: It appears that the officer returned to the station at 14:33 after the detail was completed. No records exist to support that the officer was working prior to the detail or how long he worked after returning to the station at 14:33 hours.

Date: 5/16/2013

Dept Attendance: 1/2 Vacation Day  
Door Access Log: 7:53, 12:16  
Dept Computer Log in: 10:08:10 TTYP23 LOGON  
Detail Sheet:  
Start Time: 1PM  
Company/Location: SSU /O'Keefe Center  
Hours Submitted: 8

Officer Explanation: *ADDENDUM "On this date it appears I arrived for work at 7:53AM and left at 1PM taking a 1/2 vacation day. I believe this would credit me with one hour of time. While I have no records to confirm I believe the 7:53 AM arrival time would be late for me and that I may have actually begun work an hour or more earlier."*

CONCLUSION: Officer appears to have fulfilled 1/2 day working in the station, plus an additional hour working.

*Note: While reviewing the attendance records for Captain Gilligan, the schedule for May 21, 2013 was observed to be blank. There is no notation if he used any time off that day and there is no record of any computer logons for that day. Conclusion: Unable to determine if Captain Gilligan worked that day.*

Date: 5/30/2013

Dept Attendance: Scheduled to work

Door Access Log: 12:17

Dept Computer Log in: No logins entered

Detail Sheet:

Start Time: 1:30PM

Company/Location: Point Productions/Old Town Hall various locations

Hours Submitted: 5

Officer Explanation: *"I cannot explain why the access time says 12:17PM other than someone may have let me in building in the morning. My memory of this day is being in in the morning and using 4 hours vacation to get out a couple of hours early. I was most likely using more time than I had to on this date." Addendum: "Again, it is extremely unlikely that I came in at 12:17PM and worked a detail at 1:30PM. If I am marked in for the day it much more likely I worked 6AM-2PM. This detail was for a photo shoot on the mall and I distinctly remember being in in the morning and the detail officer asking me several times to take it because she could not fill it. I recall discussing with her and the Chief separately my amazement that we couldn't get anyone to take this job."*

CONCLUSION: No vacation time taken (1/2 or full). Appears from the records that the officer did not fulfill full day of work at station. From the records, it appears the officer arrived at the station one hour and 13 minutes prior to reporting for the 1:30PM detail. However, Chief Paul Tucker specifically recalls the photo shoot and recalled Gilligan at work from approximately 630AM-1130AM. If so, the officer still required the use of 1/2 vacation day.

Date: June 5, 2013

Dept Attendance: 1/2 Vacation Day

Door Access Log: 7:10 13:07

Dept Computer Log in: No logins recorded

Detail Sheet:

Start Time: 9AM

Company/Location: Verizon, Saugus/Moffat Rd

Hours Submitted: 4

Officer Explanation: *"I believe this was a very brief Verizon detail on Moffat Road and that while I am not completely certain I believe I worked the rest of the day which was well over 4 hours."*

CONCLUSION: Log indicates officer worked approximately 2 hours prior to the detail and returned to work at the station at the conclusion of the detail. The officer would have been required to work at least 2 more hours at the station. Officers are not required to log out of the station. No records to support the officer's end time of the work day.



Date: 6/10/2013

Dept Attendance: 1/2 Vacation Day

Door Access Log: 6:58

Dept Computer Log in: 09:56:06 TTPY25 LOGON

Detail Sheet:

Start Time: 1:30PM

Company/Location: National Grid/44 Balcomb St

Hours Submitted: 9

Officer Explanation: *ADDENDUM: "It appears I used 4 hours vacation time to get out 1 1/2 hours early. I believe I would be entitled to 2.5 hours credit."*

CONCLUSION: The officer's explanation appears accurate. However, officers are not permitted to use hourly vacation requests. At the time, an officer could take either a 1/2 or a full vacation day.

Date: 6/12/2013

Dept Attendance: 1/2 Vacation Day

Door Access Log: 7:03, 12:52

Dept Computer Log in: No logins recorded

Detail Sheet:

Start Time: 1 PM

Company/Location: City/Central St

Hours Submitted: 8

Officer Explanation: *ADDENDUM "It appears I used 4 hours vacation time to get out 1 1/2 hours early and would be entitled to 2 hours credit."*

CONCLUSION: The officer's explanation appears accurate. However, officers are not permitted to use hourly vacation requests. At the time, an officer could take either a 1/2 or a full vacation day.

Date: 6/24/2013

Dept Attendance: Vacation Day

Door Access Log: 7:12

Dept Computer Log in: No logins recorded

Detail Sheet:

Start Time: 8AM

Company/Location: Bay Contract/Derby@Lafayette

Hours Submitted: 7

Officer Explanation: *"It appears I used a vacation day for 7 hours and may be entitled to credit for one hour."*

CONCLUSION: No full hour worked for "credit."

Date: 6/26/2013

Dept Attendance: 1/2 Vacation Day

Door Access Log: No access

Dept Computer Log in: 6:54:57 TTYP10 LOGON

Detail Sheet:

Start Time: 9AM

Company/Location: SSU/Vets Hall Campus Center

Hours Submitted: 4

Officer Explanation: *"This again was a brief detail at Salem State University where I believe I came back and worked the 4 hours necessary." ADDENDUM "In addition to it being very likely that I came back and worked after this detail I am fairly certain that I would have worked at least two hours before the 9AM start time. Again I remember that this detail as one the detail officer requested I take as she could not fill it and that Salem State was concerned about safety as this was a special class registration for challenged students. Microsystems indicated I logged into the system at 6:54:57 which would tend to support my belief I came in at least 2 hours before the start of the detail."*

CONCLUSION: Logged onto computer at 6:54AM, detail at 9AM. No records indicate return to complete 4 hours at station.

Date: 7/1/2013

Dept Attendance: 1/2 Vacation Day

Door Access Log: 6:41; 15:09

Dept Computer Log in: 6:55:39 TTYP9 LOGON

Detail Sheet:

Start Time: 10AM

Company/Location: National Grid/4 Ugo Rd

Hours Submitted: 8

Officer Explanation: *"This detail was for National Grid on Ugo Road. I believe this was a late start time and that I reported later than the listed 10AM start time. My memory is that this job came in late and the detail officer was out of officers. I took this detail because they were going to need to close the street and no one could take it. I believe it was 2-3 hours long and I worked after the job."*

CONCLUSION: If the officer worked only 2-3 hours at the detail as he stated, he would not be entitled to 8 hours compensation, only a 4 hour minimum. Therefore, the officer was paid for working at the station and the detail during same time period according to his statement.

Date: 7/9/2013

Dept Attendance: 1/2 Vacation Day  
Door Access Log: 6:49, 7:19, 10:50  
Dept Computer Log in: 8:46:49 TTYP18 LOGON

Detail Sheet:

Start Time: 11:00  
Company/Location: Broadband/Dow @ Congress  
Hours Submitted: 8

Officer Explanation: *ADDENDUM "It appears I worked slightly over 3 hours and took 1/2 vacation day to work at 11. I feel it is likely that I didn't report to the detail until after 11 considering my 10:50AM reentry time."*

CONCLUSION: It appears that the officer entered and left the station three times. There is no explanation for the entry/exits or if a "full" half day was completed at station.

Date: 7/10/2013

Dept Attendance: Vacation Day  
Door Access Log: 12:19  
Dept Computer Log in: 7:28:20 TTPY11 LOGON

Detail Sheet:

Start Time: 8AM  
Company/Location: Kodiak/Loring Ave  
Hours Submitted: 5.5

Officer Explanation: *ADDENDUM " On this date I took a full vacation day to work a detail that began at 8AM and went approximately 5.5 hours. While there is no early entry time I would be surprised if I had not come in at 6 or 7 like I normally do and left at 8AM or after for the detail. My re-entry at 12:19 would indicate to me I likely worked after the detail as well."*

CONCLUSION: No issue as officer used a full vacation day.

Date: 7/15/2013

Dept Attendance: E-time (Excused time or compensatory time)  
Door Access Log: 6:58,7:02,9:25,11:58,16:48, 19:12  
Dept Computer Log in: 7:17:14 TTYP6 LOGON; 12:49:07 TTYP6 LOGON

Detail Sheet:

Start Time: 8AM  
Company/Location: Broadband/Loring Rainbow Terrace  
Hours Submitted: 8

Officer Explanation: *"On this day I worked 6:58-8AM and then took an excused day to work the detail. The multiple entries in the day indicate to me I worked after the detail however I have no way of confirming that. Microsystems indicates I was working. It appears I may be entitled to some credit." ADDENDUM "I used an excused day I was granted as a carryover from unused vacation time. While this was a long standing practice I believe the practice has now been terminated."*

CONCLUSION: Excused for day shift at station -no conflict.

Date: 7/17/2013

Dept Attendance: 1/2 Vacation Day

Door Access Log: 7:00, 8:30, 11:58

Dept Computer Log in: No logins recorded

Detail Sheet:

Start Time: 8:30

Company/Location: Gibraltar Management/7 Crombie

Hours Submitted: 4

Officer Explanation: *"This was a detail for Gibraltar Property Management on Crombie Street. My memory of this detail is that it was a crane job and that they needed to close Crombie Street and no one could take it. I believe it was 2-3 hours long and I worked after the job." ADDENDUM "On this date I worked at Gibraltar which manages buildings at Crombie and Essex Street. Generally they get a crane and need to shut the street down. Similar to the Ransom detail it is only a four hour job so it is difficult to get an officer yet you need one due to the likely street closure. It is not uncommon for someone in my division to take a detail like this and return to work after. Here it appears I worked 7-8:30AM, went to the detail and returned to the station at 11:58. If I were not working after I would not return to the station, particularly at lunchtime, since the detail was less than a mile from my home."*

CONCLUSION: Officer entered and exited building twice prior to detail's start at 8:30. Re-entered station after detail. It cannot be determined if the officer remained at the station after detail long enough to complete the 1/2 day.

Date: 7/23/2013

Dept Attendance: 1/2 Vacation Day

Door Access Log: 10:10, 11:18, 13:10

Dept Computer Log in: 11:32:33 TTPY8 LOGIN

Detail Sheet:

Start Time: 6AM

Company/Location: Consigli Const/MBTA Lot

Hours Submitted: 4

Officer Explanation: *ADDENDUM "On this date it appears I worked at the MBTA station from 6-10AM took 1/2 vacation day and worked after. My 11:32 sign in to Microsystems would tend to support this."*

CONCLUSION: It appears that the officer's time in the station equals half day.

Date: 8/12/2013

Dept Attendance: Scheduled to work

Door Access Log: 7:04, 12:24

Dept Computer Log in: 11:23:41 TTYP20 LOGON

Detail Sheet:

Start Time: 1PM

Company/Location: Shetland Prop/Congress St

Hours Submitted: 4

Officer Explanation: *"On 8/12 and 8/13 I worked a detail at Shetland Properties from 1-5PM. According to my records per Captain Comeau I was charged a 1/2 vacation day to cover the two hours I used on each day. The half V day may have been charged on 8/13/13."*

CONCLUSION: The officer's explanation for this detail encompasses the next entry on 8/13/14 as well. Although it appears that the correct number of hours have been accounted for, it is problematic that the 1/2 vacation day was split over two days.

Date: 8/13/2013

Dept Attendance: 1/2 Vacation Day

Door Access Log: 7:01, 12:34

Dept Computer Log in: No logins recorded

Detail Sheet:

Start Time: 1PM

Company/Location: Shetland Prop/Congress St

Hours Submitted: 4

Officer Explanation: *"On 8/12 and 8/13 I worked a detail at Shetland Properties from 1-5PM. According to my records per Captain Comeau I was charged a 1/2 vacation day to cover the two hours I used on each day. The half V day may have been charged on 8/13/13."*

CONCLUSION: The officer's explanation for this detail encompasses the previous entry on 8/12/14 as well. Although it appears that the correct number of hours have been accounted for, it is problematic that the 1/2 vacation day was split over two days.

Date: 8/20/13

Dept Attendance: 1/2 Vacation Day

Door Access Log: 7:25

Dept Computer Log in: No logins recorded

Detail Sheet:

Start Time: 1PM

Company/Location: Shetland Prop/Congress St

Hours Submitted: 4

Officer Explanation: *ADDENDUM "On this date it appears I worked from 7:25AM- 1PM and then used a 1/2 vacation day for 2.5 hours. As a result I may be entitled to 1.5 hours credit."*

CONCLUSION: It appears that the correct number of hours are accounted for. Again, however, there should be no credit for extra hours.

Date: 8/27/2013

Dept Attendance: Administration Day<sup>8</sup>

Door Access Log: 7:01

Dept Computer Log in: No logins recorded

Detail Sheet:

Start Time: TWO SEPARATE DETAILS 8AM AND 9PM

Company/Location: National Grid/ Linden and Atlantic AND Cora/ Kernwood Bridge

Hours Submitted: 8 AND 4

Officer Explanation: ADDENDUM "On this date I worked from 7AM-8AM and then took a full Administrative Day to work a detail at 8AM. As a result I may be entitled to 1 hour credit."

CONCLUSION: Actually worked two details for a total of 12 hours while on a full Administrative day (equivalent to a vacation day),

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<sup>8</sup> Administrative Day - per contract the Captains are entitled to a 4 day on/2 day off schedule. By being assigned to an administrative schedule of 5 days on/2 days off, the Captains work more days per year. The difference in the number of days off are granted in the form of "Administrative Days." This type of arrangement is typical in police collective bargaining agreements.

Date: 8/28/13

Dept Attendance: 1/2 Vacation Day

Door Access Log: NO ACCESS

Dept Computer Log in: No logins recorded

Detail Sheet:

Start Time: 11AM

Company/Location: Verizon Medford/Derby @ Turner

Hours Submitted: 4

Officer Explanation: *ADDENDUM "On this date I worked a detail at 11AM and took 1/2 vacation day. While there is no access time listed I find it extremely unlikely I was not at work in the morning before this and had worked the required hours."*

CONCLUSION: There is no documented computer or door access. Therefore, there is no documentation to support the officer's assertion that he actually worked a 1/2 day.

Date: 9/6/2013

Dept Attendance: 1/2 Vacation Day

Door Access Log: 10:04, 13:08

Dept Computer Log in: 10:11:02, 11:59:21 TTYP38 & 13:23:20 TTYP42 LOGON

Detail Sheet:

Start Time: 6AM

Company/Location: Consigli/MBTA lot

Hours Submitted: 4

Officer Explanation: *ADDENDUM "On this day I worked a detail 6-10AM and took a 1/2 vacation day. The key card access times show me returning to station at 10AM and again at 1:08 PM (possibly after lunch) which indicates to me that I worked after the detail. My log in of Microsystems at 13:23 would tend to support my belief that I worked after the detail."*

CONCLUSION: It appears that a sufficient hours were likely spent at the station for a half day.

Date: 9/11/2013

Dept Attendance: E Excused (6 hours used)

Door Access Log: 7:08

Dept Computer Log in: No logins recorded

Detail Sheet:

Start Time: 8:30AM

Company/Location: National Grid/Linden @ Atlantic

Hours Submitted: 5.5

Officer Explanation: *"On this date I worked at least an hour and a half and used a 4 hour OT card for 6 hours E time . I believe this was documented by Captain Comeau."*

CONCLUSION: Records show 6 hours of "E" time (compensatory time) was used. There is no indication of officer's return to station after detail to complete station time required. Note: Department attendance records show a full E-day used.

Date: 9/18/2013

Dept Attendance: Administration Day

Door Access Log: 13:26

Dept Computer Log in: 13:59:51 TTPY19 LOGON

Detail Sheet:

Start Time: 7:30 AM

Company/Location: National Grid/37 Warren St

Hours Submitted: 8

Officer Explanation: ADDENDUM *"On this day I used an Administrative Day to work at 7:30AM. My entry at 1:26PM may indicate that I worked after. My log in of Microsystems at 13:59 would tend to support this. I would find it unusual if I had not worked before the 7:30 start of my detail."*

CONCLUSION: Officer utilized a full day off to work a detail.

Date: 9/19/2013

Dept Attendance: 1/2 Vacation Day

Door Access Log: 7:09, 13:14

Dept Computer Log in: 8:40:09 TTYP17 & 8:45:05 TTYP18 LOGON

Detail Sheet:

Start Time: 11AM

Company/Location: National Grid/Warren @ Pickering

Hours Submitted: 6

Officer Explanation: ADDENDUM *"On this date I worked from 7AM -11AM and took 1/2 Vacation day to work a detail."*

CONCLUSION: Officer appears to have worked sufficient number of hours in addition to the 1/2 vacation day.

Date: 9/26/2013

Dept Attendance: 1/2 Vacation Day

Door Access Log: 7:09, 11:16, 12:53

Dept Computer Log in: No logins recorded

Detail Sheet:

Start Time: 1PM

Company/Location: National Grid/Andrew @ Webb

Hours Submitted: 13

Officer Explanation: ADDENDUM *"On this date I worked from 7AM-1PM and took a 1/2 vacation day to work a detail. It appears I may be entitled to 2 hours credit."*

CONCLUSION: Officer worked sufficient number of hours.



Date: 10/17/2013

Dept Attendance: 1/2 Vacation Day

Door Access Log: 7:03, 12:05, 16:51

Dept Computer Log in: No logins recorded

Detail Sheet:

Start Time: 1PM

Company/Location: T Mackey/101 Columbus Ave

Hours Submitted: 4

Officer Explanation: ADDENDUM *"On this date I worked from 7AM -1PM and took a 1/2 Vacation day to work a detail. It appears I may be entitled to 2 hours credit."*

CONCLUSION: Officer worked sufficient number of hours.

Date: 11/5/2013

Dept Attendance: 1/2 Vacation Day

Door Access Log: 8:05, 17:53

Dept Computer Log in: No logins recorded

Detail Sheet:

Start Time: 1PM

Company/Location: Paper Route Pro/Pioneer Village

Hours Submitted: 4

Officer Explanation: No explanation

CONCLUSION: Officer worked sufficient number of hours.

Date: 11/6/2013

Dept Attendance: Vacation Day

Door Access Log: 8:18

Dept Computer Log in: No logins recorded

Detail Sheet:

Start Time: 8AM

Company/Location: National Grid/Federal @ Flint

Hours Submitted: 16

Officer Explanation: No explanation

CONCLUSION: No explanation required. Officer was using a full vacation day. However, it appears officer was late arriving to his detail.

Date: 11/22/2013

Dept Attendance: 1/2 Vacation Day

Door Access Log: 8:09

Dept Computer Log in: No logins recorded

Detail Sheet:

Start Time: 10AM

Company/Location: Ransom/Derby @ Lafayette

Hours Submitted: 4

Officer Explanation: *"On this date I worked for Ransom environmental at Derby and Lafayette St. This detail typically goes an hour and I generally work the full day after. It is difficult to get an officer to do this leaving the tech alone in a dangerous intersection. Working after taking this detail has been standard practice for many officers as it is a difficult job to fill because of the time and it presents significant risk to the tec."*

CONCLUSION: There is no documentation that the officer returned to work after the detail to complete his required number of hours. There is no door access or computer logon to verify that the officer returned to work.

Date: 12/3/2013

Dept Attendance: 1/2 Vacation Day

Door Access Log: 8:10, 13:53, 14:34, 15:35

Dept Computer Log in: 7:24:19 TTYP12 LOGON

Detail Sheet:

Start Time: 8AM

Company/Location: Verizon Dracut/49 Moffat St

Hours Submitted: 6

Officer Explanation: *"On this date I worked Verizon on Moffat Road and have no memory of arriving late or going to this detail at all. It appears it should be a full vacation day, however I do not recall requesting a half day."*

CONCLUSION: Door access indicates in and out of station after detail ended. Computer logon prior to detail. No record of officer working enough hours for 1/2 of a vacation day. Officer's explanation is correct, he should have been charged for a full vacation day.

Date: 12/4/2013

Dept Attendance: 1/2 Vacation Day

Door Access Log: 11:19AM, 12:29

Dept Computer Log in: No logins recorded

Detail Sheet:

Start Time: 10AM

Company/Location: National Grid/Lowell Street

Hours Submitted: 10

Officer Explanation: *"On this date I worked for National Grid on Lowell St. I have no explanation for why my key card says I did not access the building until 11:17 AM other than my memory is working that morning and arriving at detail very late. Again, someone may have let me in the door in the morning. Occasionally I enter through the front of the building using my key."*

CONCLUSION: There is no documentation to support that the officer worked at the station prior to the detail. There is no documentation to support that the officer worked after the detail, either. Therefore, there is no documentation that the officer worked at least four hours for the City.

Date: 1/15/2014

Dept Attendance: 1/2 Vacation Day

Door Access Log: 7:15 AM

Dept Computer Log in: no log in record

Detail Sheet:

Start Time: 8:30AM

Company/Location: National Grid/ Lafayette @ Front

Hours Submitted: 12

Officer Explanation: *"I worked for National Grid Electric at Lafayette and Front St. I have very little memory of this detail and can only speculate that I adhered to my general practice of going to the job late because of lack of officers. This job may have been the result of the manhole explosions in the area. I do not know why this is marked a half day."*

CONCLUSION: The officer should have taken a full day vacation.

Date: 3/7/2014

Dept Attendance: 1/2 Vacation Day

Door Access Log: 6:50; 13:36

Dept Computer Log in: 8:19:39 TTYP21 LOGON & 11:45:01 TTYP32 LOGON

Detail Sheet:

Start Time: 10AM

Company/Location: Ransom/Derby@ Lafayette

Hours Submitted: 4

Officer Explanation: No explanation provided.

CONCLUSION: It appears that the officer worked at the station for approximately three hours in the morning prior to working the detail. The officer came back to the station at 13:36 and it is possible that he continued work. However, again there is no documentation to support this.

Date: 3/12/2014

Dept Attendance: Scheduled to work

Door Access Log: 6:00, 13:43

Dept Computer Log in: 7:08:20 TTYP13 LOGON

Detail Sheet:

Start Time: 10AM

Company/Location: National Grid/Lafayette @ Rosedale

Hours Submitted: 10

Officer Explanation: *"On this date I worked for National Grid at Lafayette and Rosedale. While I have no specific memory of this detail it appears to me that I was charged a 1/2 vacation day on 3/11/14 in error instead of 3/12/14"*

CONCLUSION: The officer claims that he should have been charged for 1/2 vacation day on this date but that it was inadvertently placed on the attendance schedule for 3/11/14. If accurate, then it appears that the officer worked a sufficient number of hours at the police station.

Date: 4/1/2014

Dept Attendance: 1/2 Vacation Day

Door Access Log: 6:05, 6:56

Dept Computer Log in: 6:35:58

Detail Sheet:

Start Time: 8:30AM

Company/Location: Verizon/Loring Ave

Hours Submitted: 10.5

Officer Explanation: *"On this date I worked for Verizon and have no recollection of when I actually reported for the job. My general practice would have been to wait until I had worked over 3 hours however I cannot be certain and would therefore have to be charged a full vacation day."*

CONCLUSION: The officer should have taken a full vacation day.

Date: 4/7/2014

Dept Attendance: 1/2 Administrative Day  
Door Access Log: 7:43AM, 9:36AM  
Dept Computer Log in: 8:01:36 TTYP16 LOGON  
Detail Sheet:  
Start Time: 8:30AM  
Company/Location: Verizon/Highland  
Hours Submitted: 8

Officer Explanation: *"On this date I worked for Verizon on Highland Ave. The arrival time of 7:43AM seems late for me and I have no memory of what time I reported for the job. I do not understand the 1/2 Administration day for this date and should have been charged a full day if the times are accurate."*

CONCLUSION: The officer should have taken a full Administration Day.

Date: 4/18/2014

Dept Attendance: 1/2 Administrative Day  
Door Access Log: 7:49  
Dept Computer Log in: 7:00:24 TTYP10 LOGON  
Detail Sheet:  
Start Time: 9AM  
Company/Location: National Grid/441 Lafayette  
Hours Submitted: 11

Officer Explanation: *"On this date I worked for National Grid at 441 Lafayette. Again the 7:49AM arrival time appears late for me. I don't recall my actual report time but believe it was later than 9AM. This was Good Friday also past practice has been for those on administrative schedule to work a half day. This coupled with my 1/2 Vacation day would have given me the whole day off."*

CONCLUSION: At best, the employee only worked one hour for the City rather than the four that should have been required.

Date: 4/21/2014

Dept Attendance: Holiday  
Door Access Log: No Access  
Dept Computer Log in: No logins recorded  
Detail Sheet:  
Start Time: 7AM  
Company/Location: Nel Corp/MBTA lot  
Hours Submitted: 8

Officer Explanation: No explanation offered.

CONCLUSION: Officer worked a detail on a holiday day. No conflict.

Date: 4/24/2014

Dept Attendance: Scheduled to work

Door Access Log: 8:17, 16:12

Dept Computer Log in: no log in recorded

Detail Sheet:

Start Time: 5AM

Company/Location: DPW/ Street Sweep

Hours Submitted: 4

Officer Explanation: No explanation offered.

CONCLUSION: It appears that the officer worked for the City public works on a detail from 5AM until 8AM, then accessed the police department at 8:17AM. The officer submitted a time slip for 4 hours for the City detail. It cannot be ascertained at what time the officer completed work that day. If the officer is entitled to a 4 hour minimum pay for the DPW assignment, his work day at the police department could not start until 9AM and he would be required to work 8 hours for the police department.

Date: 4/25/2014

Dept Attendance: 1/2 Vacation Day

Door Access Log: 7:49

Dept Computer Log in: No logins recorded

Detail Sheet:

Start Time: Two details - 7:30 AM and 8PM

Company/Location: National Grid/ 1 Lafayette and SSU/Dining Hall North

Hours Submitted: 10 and 4

Officer Explanation: *"On this date I worked for National Grid at Lafayette and Front Street. The times make no sense to me however I do recall being at work this day and requesting a full day because job was starting early. This should be marked as a full day."*

CONCLUSION: The officer should have taken a full vacation day.

Date: 4/28/2014

Dept Attendance: 1/2 Vacation Day

Door Access Log: 7:46, 8:40, 8:42

Dept Computer Log in: 6:59:14 TTYP3 LOGON

Detail Sheet:

Start Time: Two details - 8:30 AM and 11AM

Company/Location: Verizon/ Forest Ave; Cahill Development/Columbus Ave

Hours Submitted: 4 and 9.5

Officer Explanation: *"On this day I worked for Verizon on Loring Ave and finished quickly. The detail officer asked me to work a second job with Cahill Landscaping because he had no officers. This should not have been a half vacation day and I have no memory of requesting a 1/2 day."*

CONCLUSION: The officer should have used a full vacation day.

Date: 5/2/2014

Dept Attendance: 1/2 Vacation Day  
Door Access Log: 7:04AM  
Dept Computer Log in: 6:45:42 TTYP1 LOGON  
Detail Sheet:  
Start Time: 9AM  
Company/Location: National Grid/60 Derby St  
Hours Submitted: 9

Officer Explanation: *"On this day I worked for National Grid Gas on Derby St. I do not recall exactly what time I reported but recall that there were a large number of details and I was given the impression that this could possibly go unfilled. If the times were accurate I do not know why I was given a 1/2 Vacation day other than the possible belief that if I was here working I would get credited with 1/2 a day. As I thought I had in this instance, I requested a full day personally the next week because of the early start time."*

CONCLUSION: The officer should have used a full vacation day. Attendance records indicate that the officer was placed on the schedule for a 1/2 vacation day on 5/8/14. However, there is no documentation if the officer was merely charged for the 1/2 day or actually took another 1/2 day off.

Date: 5/7/2014

Dept Attendance: Vacation Day  
Door Access Log: 6:00, 7:20, 7:21, 7:24, 7:25, 7:29, 13:38  
Dept Computer Log in: 6:41:43 TYYP1 LOGON  
Detail Sheet:  
Start Time: 8AM  
Company/Location: National Grid/ 339 Lafayette  
Hours Submitted: information not included on detail sheet

Officer Explanation: No explanation required.

CONCLUSION: The officer had a full vacation day. No issues.

## Overnight Details

This investigator received information that Captain Gilligan worked "numerous details during the evening/night time" and consequently was late arriving for his regular shifts the next day.

Captain Griffin researched the records and found that Gilligan worked ten details during the evening/night time during the one-year look back period.

Date: 7/18/13

Dept Attendance 7/19/13 : E- Day

Door Access Log: 05:01

Dept Computer Log in: No logins recorded.

Detail Sheet:

Start Time: 7/18/13 9PM

Company/Location: Phoenix Comm/ Derby@Lafayette

Hours Submitted: 8

CONCLUSION: The officer was on a day off the day after the detail. No issues.

Date: 10/9/13

Dept Attendance 10/10/13: Scheduled to work.

Door Access Log: 11:23

Dept Computer Log in: No logins recorded.

Detail Sheet:

Start Time: 10/9/13 10PM

Company/Location: Consigli @ MBTA lot

Hours Submitted: 8

CONCLUSION: Records show that the officer did not access the police station until 11:23 the following morning and there is no record he logged on to the computer system.

Date: 11/7/13

Dept Attendance 11/8/13: Vacation Day

Door Access Log: 09:27

Dept Computer Log in: No logins recorded.

Detail Sheet:

Start Time: 11/7/13 10PM

Company/Location: Consigli/ MBTA@Bridge St

Hours Submitted: 7.5

CONCLUSION: The officer was on a day off the day after the detail. No issues.



Date: 11/14/13

Dept Attendance 11/15/13: Scheduled to work

Door Access Log: 08:20; 15:35

Dept Computer Log in: No logins recorded.

Detail Sheet:

Start Time: 11/14/13 10PM

Company/Location: Consigli @ Bridge Street

Hours Submitted: 8

CONCLUSION: The officer was scheduled to work the day after the detail and did enter the station in the morning. However, he did not log on to the computer that day.

Date: 12/19/13

Dept Attendance 12/20/13 Vacation Day

Door Access Log: 10:54

Dept Computer Log in: No computer logins recorded.

Detail Sheet:

Start Time: 12/19/13 10PM

Company/Location: MASS DOT @ Bridge Street

Hours Submitted: 8

CONCLUSION: The officer was on a day off the day after the detail. No issues.

Date: 1/27/14

Dept Attendance 1/28/14 Scheduled to work

Door Access Log: 08:30; 11:53

Dept Computer Log in: 1/28/14 7:14:27 TYP14 LOGON

Detail Sheet:

Start Time: 1/27/14 11PM

Company/Location: NSMC/ 7E

Hours Submitted: 8

CONCLUSION: The officer was scheduled to work the morning after the detail and computer records showed that he logged on at 07:14AM. No apparent issues.

Date: 2/19/14

Dept Attendance 2/20/14 Scheduled to work

Door Access Log: 08:11

Dept Computer Log in: No logins recorded

Detail Sheet:

Start Time: 2/19/14 1030PM

Company/Location: DPW snow removal @ Jefferson Avenue

Hours Submitted: 8

CONCLUSION: The officer was scheduled to work the morning after the detail and door access records showed that he entered at 08:11. However, he did not log on to the computer system.

Date: 4/10/14

Dept Attendance 4/11/14 Personal Day  
Door Access Log: 07:22  
Dept Computer Log in: No logins recorded  
Detail Sheet: 4/10/14/ 11PM  
Company/Location: Consigli @ MBTA lot  
Hours Submitted: 8

CONCLUSION: The officer was on a day off the day after the detail. No issues.

Date: 4/14/14

Dept Attendance 4/15/14 Scheduled to work  
Door Access Log: No access  
Dept Computer Log in: No logins recorded  
Detail Sheet: 4/14/14 930PM  
Company/Location: National Grid/Vinnin St  
Hours Submitted: 8

CONCLUSION: There is no record of the officer working on the day after the detail although he was scheduled to do so.

Date: 4/29/14

Dept Attendance 4/30/14 Scheduled to work  
Door Access Log: 07:06  
Dept Computer Log in: 10:28:58 TTYP25 LOGON  
Detail Sheet: 4/29/14 730PM  
Company/Location: National Grdi @ Highland Avenue  
Hours Submitted: 9

CONCLUSION: The officer was scheduled to work the next day and he apparently arrived on time and was present for his shift.

## Captain Rodney Comeau

Date: 5/7/2013

Dept Attendance: Scheduled to Work. Used two hours E-time.

Door Access Log: Record no longer maintained

Dept Computer Log in: No login recorded

Detail Sheet:

Start Time: 12PM

Company/Location: National Grid/95 Derby

Hours Submitted: 8

Officer Explanation: *"No Access Time available-I would assume I arrived around 7:00AM. The detail was for National Grid at 95 Derby Street. The start time was listed as 12:00. I don't remember starting any detail at 12:00PM due to the fact that is during lunch time. I can only guess that I arrived on scene between 1:00 and 2:00 PM. I don't think I returned to work on this day."*

CONCLUSION: If the officer arrived at 7AM (no records to substantiate this), he still would not have worked a sufficient number of hours during the day.

Date: 5/16/2013

Dept Attendance: Scheduled to work

Door Access Log: Record no longer maintained

Dept Computer Log in: No login recorded

Detail Sheet:

Start Time: 1PM

Company/Location: SSU/ O'Keefe Center

Hours Submitted: 8

Officer Explanation: *"No access time available-The detail sheet indicates that the detail was for Salem State University graduation. The start time was listed as 1:00 PM. I don't remember working this detail. However, I know that SSU graduations are held on Saturdays."*

CONCLUSION: May 16, 2013 was a Thursday. The officer was scheduled to work. There is no record to substantiate that the officer ever worked for the department this day.

*Note: While reviewing the attendance records for Captain Comeau, the schedule for May 17, 2013 was observed to be blank. There is no notation if he used any time off that day and there is no record of any computer logons for that day. Conclusion: Unable to determine if he worked that day.*

Date: 5/21/2013

Dept Attendance: Scheduled to work  
Door Access Log: Record no longer maintained  
Dept Computer Log in: 09:18:50 TTYP15 LOGON

Detail Sheet:

Start Time: 6 AM  
Company/Location: Lee Kennedy/La Fayette Faculty Parking Lot  
Hours Submitted: 4

Officer Explanation: *"No Access time available- This detail started t 6:00AM and was for SSU on Lafayette Street. I was relieved at approximately 9:00 and reported to work and stayed until 5:00PM."*

CONCLUSION: If the officer's explanation is accurate, there are no issues. However, records are not available to substantiate that he worked the remainder of the day after the detail.

Date: 5/28/2013

Dept Attendance: Scheduled to work  
Door Access Log: Record no longer maintained  
Dept Computer Log in: 07:01:46 TTYP5 LOGON

Detail Sheet:

Start Time: 1:30PM  
Company/Location: Bartlett Consolidated/73 Loring Avenue  
Hours Submitted: 4

Officer Explanation: *"No access time available however, I have a Microsystems log in time of 07:01:46. This detail was for Bartlett Consolidated at 73 Loring Avenue. The start time is listed as 1:30PM. My actual arrival time was after 2:00PM and I don't believe I returned to work."*

CONCLUSION: The officer reportedly arrived late to the detail. No evidence to substantiate that the officer worked 8 hours at the police department.

Date: 6/10/2013

Dept Attendance: Scheduled to work  
Door Access Log: Record no longer maintained  
Dept Computer Log in: 10:05:10 TTYP8 LOGON

Detail Sheet:

Start Time: 1PM  
Company/Location: NS Survey/Jackson Street  
Hours Submitted: 4

Officer Explanation: *"No access time available- This detail was for North Shore Survey on Jackson Street. The start time was listed as 1PM. I believe I responded to the detail after 1:30PM and I don't remember returning to work."*

CONCLUSION: The officer reportedly arrived late to the detail. No evidence to substantiate that the officer worked 8 hours at the police department.

Date: 6/18/2013

Dept Attendance: Scheduled to work. Used one E-time.

Door Access Log: Record no longer maintained

Dept Computer Log in: 14:59:52 TTYP21 LOGON and 15:21:52 TTYP5 LOGON

Detail Sheet:

Start Time: 1PM

Company/Location: National Grid/87 Washington Street

Hours Submitted: 5.5

Officer Explanation: *"No access time available- This detail was for National Grid at 87 Washington St. with a start time of 1:00PM. I reported there at approximately 1:00PM. The detail was over at approximately 2:30 and I returned to work. I logged in at 14:49:50 and worked until approximately 5:00PM."*

CONCLUSION: No record of the officer arriving at the police department before the detail. By the officer's own admission he worked 1.5 hours and submitted for 5.5 hours of payment. At best, only a 4 hour minimum was due to the officer.

Date: July 9, 2013

Dept Attendance: Scheduled to work

Door Access Log: 12:58

Dept Computer Log in: No logins recorded

Detail Sheet:

Start Time: 9:30AM

Company/Location: Ransom Consulting/Derby St @ Lafayette

Hours Submitted: 4

Officer Explanation: *"Access time 12:58PM- This detail was for Ransom with a start time of 9:30AM. Details for Ransom run 1.5-2 hours. I arrived at the detail at approximately 10:00AM. I used 2 hours of e time and returned to work. I can only assume /I returned to work after taking a lunch break. The access time reads 12:58."*

CONCLUSION: There is no record of the officer arriving at work prior to the detail. The officer arrived late to the detail by his own admission. There are no records of use of E-time used by the officer. There is no evidence that the officer worked the required number of hours at the station.

Date: 9/2/2013

Dept Attendance: Holiday

Door Access Log: 6:48

Dept Computer Log in: No computer logins

Detail Sheet:

Start Time: 7AM

Company/Location: SSU Marsh Hall/Move in Day

Hours Submitted: 6

Officer Explanation: "Holiday (Day off)"

CONCLUSION: Detail in no conflict with schedule.

Date: 9/13/2013

Dept Attendance: 1/2 Vacation Day

Door Access Log: 6:47

Dept Computer Log in: No logins recorded.

Detail Sheet:

Start Time: 10:30AM

Company/Location: National Grid/7 Hillside Ave/6 West Circle

Hours Submitted: 9

Officer Explanation: *"Access time 6:47AM- this detail was for National Grid on West Circle. The start time is listed as 10:30AM. I arrived on site after 11AM. I used a 1/2 vacation day."*

CONCLUSION: If the officer was late arriving at the detail, he worked 4 hours at the police department. If the officer did not report to the detail in a timely manner, then perhaps only 8 hours were due to him and not 9 hours.

Date: Sept 26, 2013

Dept Attendance: 1/2 Vacation Day

Door Access Log: 7:05

Dept Computer Log in: No logins recorded

Detail Sheet:

Start Time: 9:30AM

Company/Location: National Grid/Essex and Crombie

Hours Submitted: 4

Officer Explanation: *"Access time 7:05AM-This detail was for National Grid on Essex St. The start time is listed as 9:30AM. I arrived at the site at approximately 10:am. I used a 1/2 vacation day. The detail only lasted 2 1/2 hours. I got a sandwich and returned to work until 3PM."*

CONCLUSION: The officer was late to the detail. Unable to substantiate that the officer worked a sufficient number of hours at the police department.

Date: 10/3/2013

Dept Attendance: 1/2 Administrative Day

Door Access Log: 6:57

Dept Computer Log in: No logins recorded

Detail Sheet:

Start Time: 10 AM

Company/Location: National Grid/Andrew @ Webb

Hours Submitted: 8

Officer Explanation: *"Access time 6:57AM-This detail was for National Grid on Webb St. The start time is listed as 10:00AM. I am not sure when I arrived but I assume it was well after 10AM. I used a 1/2 Administrative Day."*

CONCLUSION: Officer did not report to detail in a timely manner. Officer did not complete a half day at station.

Date: 10/4/2013

Dept Attendance: 1/2 Administrative Day

Door Access Log: 8:30

Dept Computer Log in: No logins recorded

Detail Sheet:

Start Time: 9AM

Company/Location: National Grid/Willow Avenue

Hours Submitted: 6

Officer Explanation: *"Access time 8:30- I don't believe the access time is an accurate reflection of my start time. I cannot remember arriving to work at that hour of the day on any occasion unless I attended a meeting or had a work related appointment. The detail was for National Grid on Willow Ave. I am not sure of my arrival time and can only assume it was well after the 9:00AM start time. I used a 1/2 administrative day."*

CONCLUSION: Officer again did not report to the detail in a timely manner. If he did report to detail at a later time, a 4 hour minimum might have been appropriate. No records support a half day of work at the station.

Date: 10/8/2013

Dept Attendance: 1/2 Administrative Day

Door Access Log: 7:02

Dept Computer Log in: No logins recorded

Detail Sheet:

Start Time: 8:30

Company/Location: National Grid/Allen St

Hours Submitted: 5.5

Officer Explanation: *"Access time 7:02- This detail was for National Grid on Allen St. The start time is listed as 8:30AM. I arrived at 9AM. The detail was short and I returned to work. I used a 1/2 administrative day."*

CONCLUSION: Officer did not report to detail in timely manner. If actual detail hours were short as the officer stated, a 4 hour minimum would be appropriate, not 5.5 hours. No record of return to station to work.

Date: 10/17/2013

Dept Attendance: 1/2 Vacation Day

Door Access Log: 7:16

Dept Computer Log in: No logins recorded

Detail Sheet:

Start Time: 9AM

Company/Location: National Grid/50 Grove St

Hours Submitted: 12

Officer Explanation: *"Access time 7:16- This detail was for National Grid on Grove St. The start time is listed as 9AM. I arrived at approximately 10:00AM. I used 1/2 of a vacation day."*

CONCLUSION: Officer did not complete half day of work at station, did not report to detail in timely manner. Unable to substantiate if officer was entitled to 12 hours of detail pay.

Date: 10/18/2013

Dept Attendance: 1/2 Vacation Day

Door Access Log: 7:11

Dept Computer Log in: No logins recorded

Detail Sheet:

Start Time: 12 PM

Company/Location: National Grid/ 203 Canal St

Hours Submitted: 7

Officer Explanation: *"Access time 7:11- This detail was for National Grid on Canal St. The start time is listed as 12:00PM. I arrived at approximately 12:30PM. I used 1/2 a vacation day."*

CONCLUSION: Officer did not report to the detail in a timely manner. Officer worked a sufficient number of hours for 1/2 day.

Date: 11/29/2013

Dept Attendance: Scheduled to work

Door Access Log: 10:53

Dept Computer Log in: No logins recorded

Detail Sheet:

Start Time: 12 PM

Company/Location: Wal-Mart/Highland Ave

Hours Submitted: 4

Officer Explanation: *"Access time is 10:53AM- I dispute this access time. I must have either been let in earlier or used my garage door opener and parked in the garage. I would never show up 4 hours late for work. This detail was for Wal-Mart. The start time is listed as 12:00PM. This detail was on Black Friday, the day after Thanksgiving. This day is listed as a non-premium holiday. Past practice has been administrative personnel work only a 1/2 day."*

CONCLUSION: No records to support spending 1/2 day at station. No records to support use of 1/2 Administrative day.



Date: 12/4/2013

Dept Attendance: 1/2 Vacation Day

Door Access Log: 8:27

Dept Computer Log in: 07:45:13 TTYP12 LOGON

Detail Sheet:

Start Time: 10AM

Company/Location: National Grid/203 Canal St @ Forest

Hours Submitted: 8

Officer Explanation: *"Access time 8:47AM- I don't believe this time reflects my actual start time. This detail was for National Grid on Canal St. The start time is listed as 10AM. I do not remember my actual start time but I assume it was well after 10. I used a 1/2 vacation day."*

CONCLUSION: The officer arrived late to the detail by his own admission. Officer failed to work a 1/2 day at the police station.

Date: 3/27/2014

Dept Attendance: Scheduled to work

Door Access Log: 6:53

Dept Computer Log in: No logins recorded

Detail Sheet:

Start Time: 130PM

Company/Location: NSMC Strike/Highland Ave

Hours Submitted: 4

Officer Explanation: *"Access time 6:53- This detail was for a Salem Hospital with a start time of 1:30PM. I arrived on the site at approximately 2:15. The detail was for informational picketing by the nurses. The picketing was not scheduled to start until 2:30."*

CONCLUSION: Officer did not work a full 8 hour shift before leaving for detail, arrived at detail after time expected.

Date: 4/21/2014

Dept Attendance: Holiday

Door Access Log: 8:41

Dept Computer Log in: No logins recorded

Detail Sheet:

Start Time: 7AM

Company/Location: Pumel/ Mason@ Flint

Hours Submitted: 8

Officer Explanation: *"Holiday (Day off)"*

CONCLUSION: No requirement to report to station on day off.

Date: 5/2/2014

Dept Attendance: 1/2 Vacation Day

Door Access Log: 8:41

Dept Computer Log in: No logins recorded

Detail Sheet:

Start Time: 8:30AM

Company/Location: Caruso National Grid/Charter St

Hours Submitted: 8

Officer Explanation: *"Access time 8:23- I don't believe his time accurately reflects my actual start time. The detail was for Caruso-McGovern on Charter St. The start time is listed as 8:30AM. I arrived on site at approximately 9:30AM. At 11:30 the work crew released me for 2 hours due to a cement delivery being scheduled for approximately 2:00-2:30. I returned to work during the break. I had a conversation with Chief Tucker when I returned to work and explained to him that I was on break from my detail. I used a 1/2 vacation day."*

CONCLUSION: Officer was late for the detail. Officer was apparently working at the station and detail at same time. Officer did not work the required 4 hours for the police department.

Date: May 21, 2014

Dept Attendance: Scheduled to work

Door Access Log: 6:34

Dept Computer Log in: 10:44:33 TTYP2 LOGON

Detail Sheet:

Start Time: 10AM

Company/Location: National Grid/112 Boston St

Hours Submitted: 8

Officer Explanation: *"Access time 6:34- This detail was for National Grid on Boston St. The start time is listed as 10AM. The actual start time was 3PM which is after my tour of duty."*

CONCLUSION: Unable to determine exactly what time the officer worked the detail and when he worked at the station.

## Findings

- There were no instances of "double dipping", working details while on City time, or shorting hours for Captain Thomas Griffin or Captain Mark Losolfo.
- There were no instances of "double dipping", working details while on City time, or shorting hours for members of the Criminal Investigation Division or Community Impact Unit.
- No findings are made with respect to the same issues with members of the uniformed patrol division due to the fact that the noted abuse of the system was found to have taken place with the use of 1/2 vacation days or 1/2 administrative days to work details - a non-issue for the uniformed branch since such activity was not permitted.
- Captain Brian Gilligan's responsibilities included oversight of details.
- Captain Rodney Comeau responsibilities included keeping time records for administrative personnel.
- There are numerous instances where it appears Captain Brian Gilligan was engaged in "double dipping", or working details while on City time, or shorting hours during the time-period examined in this investigation.
- There are numerous instances where it appears Captain Rodney Comeau was engaged in "double dipping", or working details while on City time, or shorting hours during the time-period examined in this investigation.
- There is at least one instance where Captain Rodney Comeau admittedly took it upon himself to change a request by Captain Gilligan for a full day vacation to a 1/2 day vacation. However, he informed Gilligan of the change.
- In most instances, the two Captains involved worked at the police station for a period of time on the day shift and then worked a detail while submitting a 1/2 vacation day.

- The explanations offered by both officers are often unsubstantiated due to the fact that the officers do not specifically account for their work hours or activity.
- Captain Gilligan admitted that Chief Tucker had been adamant that he maintain a diary of work hours but that he failed to do so.
- The excuses offered that a Captain felt compelled to work a detail so that it would not go uncovered is without any merit whatsoever.
- There are numerous instances where the two Captains were admittedly significantly late for the start time of the detail yet submitted a detail slip for full payment.
- It is recognized that the Captains may work beyond their normally scheduled work hours on police business. However, that time is not documented.
- There is no posted schedule with regular start and end times for the Captains.
- There are contractual start/end times for uniformed ranking officers assigned to the patrol division. However, at least one superior officer assigned to the patrol division has altered his work schedule.
- The use of 1/2 vacation days and 1/2 administrative days to work details was problematic, lacked sufficient audit controls and created a very poor perception even when all working hours were accounted for.
- The records and documentation regarding police details, the use of vacation time, E-time, and Administrative days requires additional audit controls.
- The Salem Police Department records management software system has inadequate capabilities (*Chief Tucker was been in the process of acquiring a new records management system prior to the initiation of this investigation*)
- The two Captains involved in the analysis above were noted by others to have spent an inordinate amount of time concerned about the availability of details.

- The two Captains involved abused their positions of rank, privilege and trust to engage in self-dealing regarding the working of details.

## **Recommendations**

The primary concern permeating the issues involved in this investigation are accountability and documentation. Some of the recommendations suggested below were already addressed by Chief Tucker prior to the initiation of this investigation. Others have already been implemented as a result of recommendations by this investigator.

- Eliminate the use of 1/2 vacation days in order to work details. *(Implemented by Chief Tucker on June 16, 2014 prior to the initiation of this investigation.)*
- Eliminate the use of 1/2 Administrative days in order to work details. *(Implemented by Chief Tucker on June 16, 2014 prior to the initiation of this investigation.)*
- Prohibit officers from working a second detail when released early from a prior detail and while still "on the clock" from the first detail. *(Implemented by Chief Tucker on May 22, 2014 prior to the initiation of this investigation.)*
- Purchase and install a robust records management system that incorporates scheduling, attendance and payroll function. *(Chief Tucker has already secured funding for such a purchase and has been in the process of selecting a vendor. The records management upgrade has been in progress for a number of months prior to the initiation of this investigation.)*
- The Administrative Schedule should be formalized and designated working hours specified. The working hours for those assigned to an administrative schedule need not be identical and could be tailored to the needs of the Department.
- Contractual hours for the uniform division should be adhered to unless a formalized system is instituted to permit *hour for hour* swaps.

- All employees working hours and excused absences (vacation, compensatory time, court, bereavement leave, personal leave, sick leave, injury leave, shift swaps, etc.) should be posted daily for all administrative and superior officers. Such posting should be accomplished electronically with the new records management system. Once a full 24 hour period has been completed, the attendance should be reviewed by administrative staff and permanent unalterable copies should be archived.
- Administrative staff should be required to maintain activity logs with start/end times and noting significant events.
- The Department should maintain the door access logs for a longer period of time. *(If the door access software permits. Chief Tucker researching this issue.)*
- All requests for time off should be made in writing. Once approved, the requesting officer should receive written approval for his records. This can be as simple as a small form in duplicate. All such requests should be archived with the payroll records for a period of at least three years unless a longer period is required by statute.<sup>9</sup>
- Require Salem Police detail slips for all details. *(Implemented by Chief Tucker on 7/25/14)*
- All detail slips, overtime slips and detail ledgers should be archived for a period of at least three years unless a longer period is required by statute.
- All detail slips should contain the actual start and end time for each detail. *(Implemented by Chief Tucker on 7/25/14)*
- All department computer terminals should time out after a designated period of disuse. *(This will likely be accomplished with the installation of the new records management software.)*

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<sup>9</sup> See Massachusetts Records Retention Schedule <http://www.sec.state.ma.us/arc/arcmu/rmuidx.htm>

- E-time or Excused time should be formalized. Rather than have officers retain unsubmitted overtime vouchers, all overtime should be required to be submitted in the work week in which the work was performed. If the Department or union contract permits the accrual of compensatory, the Department should maintain those accruals on a weekly basis. The employee would then be allowed to draw on that compensatory time, but only with use a formal written request as with a request for a vacation day. Again, a formal written form with proper authorization should be required with a copy provided to the employee.
- Employees should be required to personally sign all requests for time off and all overtime vouchers. Employees should not be permitted to have others submit such requests on their behalf. *(If called in time off requests are honored, the employee should sign the request upon his return to duty.)*
- All submissions for overtime payment should be on a standard form signed by the employee over a pre-printed statement that all requests for overtime are accurate.
- The Department should formalize a procedure for "late calls" for details. The policy should specify exactly what hours the contractor is responsible for paying a detail officer - the contractor's time of request or the time of actual arrival of the officer.
- If a police officer is required/or otherwise authorized to perform detail work for public safety reasons when traffic direction is required, and the officer is actually working during his normal tour of duty, those hours of work performed while the officer is on his normal tour of duty are not compensable as detail work.
- The arrival and departure time of a detail requires additional documentation. *(Chief Tucker instituted a procedure requiring officers to call in by radio to verify such attendance prior the initiation of this investigation.)*
- The City may wish to consider removing the rank of Captain from the collective bargaining unit and make a determination if the rank of Captain is exempt from the provisions of the Fair Labor Standards Act.

Respectfully submitted,

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*Disclaimer*

*It should be noted that although this consultant is also an attorney, the contractual relationship with the City is not one of attorney/client. This consultant was retained solely as an independent investigator. Therefore, nothing contained in this report should be construed as a legal opinion or legal advice. Any legal opinions or legal advice should be sought from the City Solicitor, labor counsel, or other counsel representing the City.*