



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL
Final Report
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Department of Labor Attorney Resigns
After Inspector General Uncovers Misconduct

SUMMARY OF FINDINGS/RECOMMENDATIONS

An investigation by New York State Inspector General Kristine Hamann resulted in the resignation of Christine Timber, a New York State Department of Labor attorney after the Inspector General found she conducted her private law practice on state time. Timber admitted she engaged in such improper activity since she joined DOL in 1989. A previous Inspector General's investigation, in 1994, found similar misconduct by Timber, for which she was reprimanded by DOL.

ALLEGATION

The Inspector General began an investigation after the Department of Labor referred an anonymous allegation that Timber was conducting personal business for profit from her state office using state equipment.

SUMMARY OF INVESTIGATION

Timber, 58, has been employed by the Department of Labor since November 1989. Most recently, she served as a Workforce Program Manager II responsible for the Single Program Empire Zone, which involves the analysis of reforms/revisions in economic incentive programs. Timber's work schedule was Monday through Friday from 9:00 a.m. to 5:00 p.m.

The Inspector General's investigation determined that Timber has maintained a private law practice throughout her tenure at the Department of Labor. According to the Department of Labor's Director of Employee Relations, Timber was required to inform the Commissioner of Labor of her outside employment, but failed to do so. Timber did file financial disclosure statements with New York State Ethics Commission (now the

Commission on Public Integrity) from 2000 to 2006 in which she revealed that she maintained a private law practice and that she received compensation from this business.

The Inspector General's examination of Timber's state computer found numerous text files, dating to 1999, that pertained to Timber's private law practice. The Inspector General's analysis of telephone and facsimile machine usage for the period January-May 2007 also showed that Timber utilized these resources during her state work hours to contact clients of her private law business.

Section 0606 of the Department of Labor's Policy and Procedure Manual, entitled "Policy Regarding Outside Employment and Activity," states in relevant part:

No employee may accept any outside employment or engage in any outside business or activity (including unpaid or voluntary activities) during hours in which the employee would normally be on duty with the Department.

Each employee has the responsibility to adhere strictly to this policy. Any employee who has a question relating to the interpretation of the policy stated here or its application to a specific situation, whether because of existing outside employment or activity, or prospective outside employment or activity, should present the problem in writing to his or her supervisor who will take the matter through channels to the Associate Commissioner for Human Resources Management who will obtain a decision from the Commissioner of Labor.

Persons holding exempt positions, Assistant Commissioners, Bureau and Division Heads, and staff officers are responsible for informing the Commissioner of Labor by memorandum of all outside employment or business or professional activity of consequence in which they engage.

When interviewed by the Inspector General's Office, Timber admitted that she conducted her private law practice during state time using state resources, which she conceded was a willful violation of agency policy. She also admitted that she has been engaged in similar activity since 1989. It should be noted that in 1994 the Inspector General's Office conducted an investigation into similar allegations of misconduct by Timber. That investigation found that Timber used state telephones for her private business, resulting in her reprimand by the Department of Labor.

FINDINGS AND RECOMMENDATIONS

The Inspector General's investigation determined that Department of Labor employee Christine Timber used state resources during her work day to conduct her outside law practice. Timber's conduct constituted a knowing violation of agency policy

over a long period by a supervisory employee. Timber also violated agency policy when she failed to inform the Commission of Labor of her outside employment. Notably, Timber was previously reprimanded by the Department of Labor for similar conduct, following an investigation by the Inspector General's Office more than a decade ago.

As a result of the instant investigation, Timber resigned her Department of Labor position effective June 8, 2008.