



*State of Louisiana*

OFFICE OF  
STATE INSPECTOR GENERAL

Veterans Home at Monroe

April 8, 1998

Report by

A handwritten signature in cursive script, appearing to read "B. Lynch", written over a horizontal line.

Inspector General Bill Lynch

Approved by

A handwritten signature in cursive script, appearing to read "M.J. Foster, Jr.", written over a horizontal line.

Governor M.J. "Mike" Foster, Jr.

File No. 1-98-0027

# Veterans Home at Monroe

The administrator of the War Veterans Home in Monroe, Barry W. Singleton, had two employees perform personal errands for him and denied other employees earned compensatory time. In an effort to force the resignation of one employee, Dr. Singleton wrongfully offered to provide him with a recommendation provided he resign and not be fired.

Allegations about Dr. Singleton were widely publicized in the Monroe area for much of 1997. Dr. Singleton denies any improper conduct and asserts that he is the victim of a conspiracy to remove him from his post.

Some of Dr. Singleton's personnel actions gave the appearance of retaliation against employees for filing complaints against him. Dr. Singleton stated that his actions were justified.

Dr. Singleton also gave false information about his employment history on his state job application. The false information did not impact his meeting the minimum qualifications for director. However, Dr. Singleton significantly overstated his length of service and pay in a high level management position at a major university hospital and omitted other places of employment.

One instance in which Dr. Singleton kissed and mutually hugged a female employee in an inappropriate, but nonsexual manner was confirmed. There were other allegations of inappropriate touching, all of which Dr. Singleton denied. There were no witnesses to these incidents. In our opinion these incidents, even if true, probably do not rise to the level of sexual harassment under the current state of the jurisprudence, but would have been inappropriate.

Also, complaints were made that Dr. Singleton ordered the hiring of blacks on the basis of their race, which he denies.

Some allegations were unfounded. The allegation a veteran who died several hours after a fall at the Home did not receive adequate attention after the fall was not accurate.

An allegation that Dr. Singleton had two social security numbers was unsubstantiated. An apartment manager did use a second social security number to pull a credit report on Dr. Singleton. The second number was included on a credit report previously pulled by the manager. The manager and Dr. Singleton disagree on whether she told him of the second

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number; however, the manager acknowledged that Dr. Singleton may not have heard or understood what she told him about the second number.

Questioned purchases did not violate state procurement requirements.

An allegation that available grant funds were not being used for needed work was not correct--the funds were not yet available for use.

Conflicts between the administrator and a small group of employees kept the War Veterans Home in Monroe, operated under the Department of Veterans Affairs, in a constant state of turmoil during 1997. Most employees and most of the residents were not involved in the turmoil.

John Caulking, director of the Department of Veterans Affairs, ordered an internal investigation of employee complaints in March and April, 1997. Dr. Singleton was temporarily reassigned to duties at the Veterans Home in Jackson during the final stages of the Caulking investigation. He was restored to his position on May 1, 1997 after the investigation ended.

The Caulking investigation failed to quiet the situation at the Home, which by the end of the summer had spilled over into the ranks of the veterans who resided there and their family members.

An investigation by this office was requested by Governor Murphy J. Foster, Jr. and Mr. Caulking in September, 1997. Mr. Caulking asked that both allegations concerning Dr. Singleton's management of the Home and allegations of a coverup by officials of the department be investigated. In this report we have addressed most of those allegations as well as others, even though no adverse conclusions were drawn in some instances.

We interviewed Dr. Singleton twice, the second time on Feb. 12, 1998, seeking clarification of claims he made concerning personnel and other matters. Dr. Singleton was responsive in supplying general information but when questioned for details to support his statements, he declined to answer and referred us to the department personnel officer.

After this investigation began in September, Dr. Singleton again was reassigned to the Jackson Home. In a move to forestall future problems, Mr. Caulking transferred Dr.

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Singleton to a position in the Baton Rouge Office of the Department of Veterans Affairs as deputy assistant secretary 2.

Although there is no indication that Mr. Caulking attempted to cover up the information gathered in his inquiry, it is our opinion that his "fact finding inquiry" and acceptance of Dr. Singleton's explanation of the events were inadequate.

One of the difficulties encountered in this investigation was the one on one incidents which became the complainant's word against Dr. Singleton's word. In most of these instances it is not possible to confirm or refute the complaint.

Dr. Singleton's credibility in this investigation is diminished at the outset as a result of misrepresentations and omissions he made on his job history in the employment application he submitted to the state. Another factor contributing to his credibility problem is the explanation he offered for using state funds to pay the shipping costs for a gift sent to a colleague. However, the credibility of some of the persons making allegations against Dr. Singleton also is subject to challenge.

An issue was raised regarding race because Dr. Singleton is black and all of the allegations against Dr. Singleton were brought by whites.

## **Background**

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The War Veterans Home in Monroe was opened in December, 1996, constructed at a cost of \$11 million. The Home serves as both a residence and a nursing facility for persons who have served in the Armed Forces of the United States.

By all accounts Dr. Singleton and the Home's staff did a remarkable job by opening and obtaining certification for the Home in record time.

Seventy-five per cent of the funding for construction and operation of the Home comes from the federal government with the state paying the balance. Residents pay a monthly rate which covers their room, board and medical care.

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The Department of Veterans Affairs oversees the Veterans Home in Monroe and has one other home located at Jackson in West Feliciana Parish that it operates. The Home must meet both federal and state standards in order to operate.

## Executive Summary

Allegations discussed in this report as a result of this investigation are outlined in the following executive summary, with details following.

### I. Abuse of Employees Allegations

Dr. Singleton had employees under his supervision babysit and run personal errands for him and offered a job recommendation to one employee to quit rather than be fired. He inappropriately kissed and mutually hugged one female employee in a nonsexual way. Dr. Singleton denies other allegations of improper touching of female employees, and these incidents were not witnessed. In our opinion, based on the current state of the jurisprudence, even if true, the incidents did not rise to the level of sexual harassment. The timing of some personnel actions suggests retaliation against employees who complained against Dr. Singleton. Dr. Singleton stated that his actions were justified. Mr. Caulking forced the resignation of one employee by moving her job position to Baton Rouge without telling her the move was to be temporary.

### II. Purchasing

An allegation that the public bid law was violated in the purchase of carpet for the facility was unfounded. The Office of State Purchasing reported that the procedure followed by Dr. Singleton was adequate. However, two employees stated that Dr. Singleton deliberately had the invoices split into three parts in an effort to cover up what was believed at the time to be a violation. Dr. Singleton denies this allegation.

### III. Employment Application

An employment application submitted to the Department of Civil Service by Dr. Singleton contained misrepresentations and omissions of his job and salary history. Although the false information significantly misstated his job history, he nonetheless qualified for his position as director.

IV. K-Time and Leave Policy

An allegation that Dr. Singleton received compensatory time (K-time) for services not rendered could not be substantiated. Dr. Singleton received substantial K-time for work he claimed. Most of his K-time was due to overtime worked in getting the Home open. Periods of absences were covered by the use of leave time. On the other hand, during one period of time Dr. Singleton told some management staff persons not to claim all of their K-time.

V. Express Mail Usage

An allegation was made that Dr. Singleton misused state funds by paying for items shipped via mail express service on three different occasions. On one of those instances, Dr. Singleton shipped a gift to a colleague at a cost of \$15.50. His contention that he included the gift with job related material was refuted by the recipient. Furthermore, Mr. Caulking accepted Dr. Singleton's explanation without further checking. On the other two shipments, there is nothing to disprove Dr. Singleton's claim they contained job related materials.

VI. Resident Care

Complaints by individual residents ranged from poor medical care to poor food, a nonsmoking policy for the building, high staff turnover and staff inexperience. However, the complaints did not focus on any single problem or appear to concern the resident population at large. A federal inspection report concluded the Home was in full compliance with inspection standards.

VII. Mail Handling

Dr. Singleton instructed his secretary to open and hold all mail received by the Home until he had a chance to review it. This policy did not include residents mail. Dr. Singleton denies giving such instructions. The Home also had an inefficient practice of handling checks for residents received by mail which were to be deposited to their accounts, causing delays in deposits and extra work.

### VIII. Social Security Numbers

An allegation that Dr. Singleton had two social security numbers was unsubstantiated. An apartment manager did use a second social security number to pull a credit report on Dr. Singleton. The second number was included on a credit report previously pulled by the manager. The manager and Dr. Singleton disagree on whether she told him of the second number; however, the manager acknowledged that Dr. Singleton may not have heard or understood what she told him about the second number.

### IX. Federal Grant

Concerns that grant funds were not being used were based on incomplete information. The funds were not yet available.

### X. Donation Offers Refused

Dr. Singleton declined some offers of donated goods, equipment and services, insisting that these donations be in the form of cash. In some instances he may have had justification for rejection of the suggested donation, but as a result of his handling of these situations the potential donors wound up giving the Home nothing.

### XI. Death of a Resident

Suspicious that a resident died as the result of a fall while trying to reenter the Home after a smoking break and inadequate medical attention after the fall were inaccurate. Records show that medical personnel at the Home checked on the resident after the fall. The coroner held the veteran died of natural causes.

### XII. Press Incident

The personnel officer of the Home acted unprofessionally in a confrontation with a television news reporter by aggressively approaching the newsman within inches of his body during an exchange of comments.

XIII. Cover Up

The investigation did not indicate that Mr. Caulking covered up information concerning Dr. Singleton, but rather demonstrated that a "fact finding" investigation the Veterans Department executive conducted was inadequate and his decision to restore Dr. Singleton to his post was based on that insufficient information.

XIV. Discrimination

Complaints were made that Dr. Singleton ordered the hiring of blacks on the basis of their race, which he denies.

## Details

### I. Abuse of Employees Allegations

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#### A. Employees Used to Perform Personal Tasks

Two employees of the Home were used by Dr. Singleton to perform personal tasks for him.

The "abuse of office" section of the state ethics code, La. R.S. 42:1116, historically has been interpreted by the Ethics Board to prohibit supervisors from asking employees to do personal tasks for them due to the inherently coercive nature of the employer-employee relationship.

#### GAY DOUGLAS

Ms. Douglas, director of nursing, stated that she frequently picked up Dr. Singleton's four year-old child at a day care center and babysat him in her home. She said that her normal time for getting off was 4:30 p.m. She said she picked up the child in her car on state time, bringing him to the Veterans Home, so that she could leave by 4:30. She stated that Dr. Singleton, without her prior consent, registered her name with the day care center as authorized to pick up the child. She said that when she was first asked she did not object, but had not expected she would have to pick up the child on a regular basis.

Dr. Singleton admitted Ms. Douglas picked his son up, but denied she did this on state time. He stated that he got her permission first before registering her with the day care center.

She said that she sometimes brought the child to her home 22 miles south of Monroe, where Dr. Singleton picked him up later in the evening. On occasion, she said, Dr. Singleton asked her to keep the child overnight in her home when he had trips to make to Baton Rouge.

She was never paid for the babysitting services, she said, which Dr. Singleton does not deny.

The overnight requests became more frequent, she said, until one day Dr. Singleton called her into his office, came from behind his desk and sat down beside her. She said he put his hand on her leg, told her he had to go to Baton Rouge for a meeting and asked her to babysit his son. She said he told her not to think she would be fired or that "anything would happen" if she didn't. She stated that at that point she did feel threatened and felt she could not say no.

Dr. Singleton denies putting his hand on her leg. He says Ms. Douglas volunteered to babysit.

On another occasion, Ms. Douglas stated, Dr. Singleton left the child with her while he went to Baton Rouge to attend a going away party for the former director of Veterans Affairs being held at the Jackson Home. She said that she told Dr. Singleton that since it was Friday she and her husband would be going out to dinner that evening. She said Dr. Singleton suggested they take the child with them and she said no, that this was a time for her and husband but if he would return at a reasonable time they could go to dinner later. Dr. Singleton, she said, led her to believe he would be back by 6 p.m. However, at 9:30 p.m., Dr. Singleton called her from his office at the Monroe Home and asked her if he needed to pick up the child. She noted that he had passed by her house on the way from Baton Rouge before reaching Monroe and had not stopped. She told Dr. Singleton she would bring the child to him and did. Dr. Singleton does not deny Ms. Douglas' account of this incident.

She said that she continued keeping the child up until the time of her resignation because she felt pressure to do so.

Ms. Douglas resigned effective June 27, 1997, because, she said, she felt she was about to be terminated.

#### KAY SCOTT

Ms. Scott was employed June 26, 1996, as a social services worker but for the first four months served as administrative assistant to Dr. Singleton. She said that Sheila Lee, the department's director of personnel, told her that she was given the social services worker position because of its higher pay.

Ms. Scott stated that she was called on by Dr. Singleton to perform personal errands. On one occasion she transported a bicycle owned by him to a repair shop in the back of his personal vehicle. She said she was assigned the task of finding a shop to do the repair. When the bicycle was repaired, she said that she was assigned to pick it up in his van during the lunch hour. Ms. Douglas accompanied her on one of the trips.

Dr. Singleton said he was sure that Ms. Scott offered to drop off the bicycle using his van and refused to be paid for the errand.

On another occasion, Ms. Scott said, she was assigned by Dr. Singleton to obtain information from the Department of Motor Vehicles relating to registration of a vehicle. She chose to get the information at the motor vehicle office in Winnsboro, which was en route to her residence south of Monroe. She said that to accomplish this, Dr. Singleton gave her the afternoon off without charging leave use time.

Dr. Singleton said she just picked up a drivers license manual and related information. He said he did not recall if she took leave, but he said the Home was getting much more than eight hours a day from employees so he did not know of any case where it required her to take leave.

## B. Mistreatment Allegations

### KAREN HOYLE

Ms. Hoyle, an employee with 14 years of state service, was placed on forced leave after filing a grievance with the Department of Veterans Affairs and felt she was forced to resign because her job position was transferred to Baton Rouge.

Ms. Hoyle was a human resources analyst 3 who initially handled all of the in-house paperwork related to personnel. The director of personnel was Sheila Lee, who was located in Baton Rouge.

Ms. Hoyle and Dr. Singleton developed a strained relationship. They agree that they did not work well together, but each ascribes the fault for this to the other.

She stated that he would not follow rules and procedures in dealing with personnel and was filing questionable time sheets for himself. As examples, Ms. Hoyle cited working employees out of their job classifications and telling employees not to record compensatory time. On one occasion, she said, Dr. Singleton ordered her not to advise the personnel director, Ms. Lee, that another employee was serving a probation sentence for conviction on a federal crime.

Dr. Singleton stated the quality of Ms. Hoyle's advice on personnel matters was poor. He said she circulated information about employee personnel actions to other employees and that he was unable to communicate with her.

The strained relations reached a state where he stopped conferring with Ms. Hoyle about personnel matters and began dealing directly with Ms. Lee. Both Dr. Singleton and Ms. Lee asserted that Ms. Hoyle had an attitude problem and when they confronted her about communications that she denied there was a problem. On one occasion, Dr. Singleton said she became argumentative when he instructed her to give an employee the code for entering personnel records.

Ms. Lee stated that Dr. Singleton asked Ms. Hoyle to prepare a policy statement requiring pre-approval of K-time. She said that Ms. Hoyle strongly protested

because of the paperwork that would ensue. As a result, Ms. Lee said that she wrote the policy. Ms. Lee also stated that Gay Douglas and Cindy Fisher complained about Ms. Hoyle failing to communicate with them. She stated that other employees gave her information that Ms. Hoyle violated employee confidentiality by providing information about their merit pay status and promotions to other employees.

Ms. Hoyle participated in a budget meeting in November, 1996, with Dr. Singleton, Ms. Lee and Robert Hayes, department accountant administrator. Ms. Hoyle stated she was told by Ms. Lee that she appeared to be unhappy and suggested she might want to take another position in the Home or another agency. Ms. Hoyle said she responded that it would be difficult to find other employment at the same pay scale in the area and she would need time to do so. Ms. Lee said take all the time she wanted, according to Ms. Hoyle.

Neither Dr. Singleton nor Ms. Lee documented specific instances leading to their conclusion.

Kay Scott, who served as administrative secretary initially and later as a counselor, related some of the difficulties between Dr. Singleton and Ms. Hoyle in a diary she kept. Ms. Scott said that Ms. Hoyle complained to her as early as August, 1996, that Dr. Singleton ignored her admonitions about civil service rules in the hiring of personnel and then ignored her altogether on personnel matters.

In her last evaluation at the Department of Corrections where she worked at Wade Correctional Center, Ms. Hoyle received a satisfactory rating. At Wade, she was a classifications manager 2, which was two grade levels above her position at the Home. She took a demotion to transfer to the Veterans Home because of the closer proximity to her home near Monroe. Her duties at Wade included directing the classification of inmates, screening inmates for work release and trusty service and counseling inmates. She was employed at the Veterans Home July 16, 1996. She, along with other employees, worked substantial amounts of overtime to prepare the Home for its opening ceremony in December. As a result, Ms. Hoyle was cited by both Dr. Singleton and Mr. Caulking, the department director, for her service. Ms. Lee said that the commendation was only for the performance in getting the Home

opened and the difficulties they were having over communications was a different matter.

On Jan. 10, 1997, Dr. Singleton delayed for up to 30 days a merit pay increase for Ms. Hoyle, citing communication difficulties as the reason. Ms. Lee stated that she recommended not to give Ms. Hoyle the pay increase.

On Jan. 30, according to Ms. Hoyle, she complained to Ms. Lee that Dr. Singleton had to make a decision on her merit pay in order to appeal the decision. Ms. Lee, according to Ms. Hoyle, agreed that a decision had to be made. Dr. Singleton then denied the raise officially. She advised Dr. Singleton that she would file a grievance with the department over the merit pay rejection.

She said she filed the grievance with Mr. Caulking and was assured by him that there would be no retaliation.

On Feb. 5, Dr. Singleton wrote a memorandum to David Perkins, deputy director of the department, in which he recommended that Ms. Hoyle be transferred to the department office in Baton Rouge for a six months training period beginning Feb. 15. Ms. Hoyle said she was not advised of the recommendation. The department did not act on the recommendation.

On Feb. 26, Dr. Singleton prepared a letter placing Ms. Hoyle on forced annual leave. The letter cited the following:

"Your attitude toward the administration and your inability to communicate effectively with me is having a negative impact on your duties as the human resources analyst and is directly affecting the morale of other employees at this facility. All attempts to discuss these problems have resulted in your response to me that your only solution is for you to seek other employment. This enforced leave of absence will serve two purposes. One (1) will be for you to have time away from this facility to re-evaluate your attitude and make considerable improvement, prior to returning to work and, two (2), if you still believe that the solution is to seek other employment, to allow you sufficient time to do so."

On Feb. 28, two days later, she was advised by Mr. Caulking that her grievance over the merit pay was rejected by him for "business related reasons," which referred to the communications problem. That same day, within a few minutes after receipt of the notice, Dr. Singleton notified Ms. Hoyle that she was being placed on forced annual leave. This meant she had to use whatever annual leave she had accrued. No mention was made of the position being transferred to Baton Rouge.

Ms. Hoyle was told to clear out her desk and leave the premises. Two other employees were assigned to observe her while she gathered her personal things and she was escorted out of the building.

On March 10, Mr. Caulking assigned a team comprised of James O'Rear and Ms. Lee to investigate allegations of wrongdoing charged by a number of employees against Dr. Singleton. Employees were urged to step forward and were assured by Mr. Caulking their cooperation would be kept confidential.

While on leave, Ms. Hoyle was interviewed by telephone by Mr. O'Rear. Mr. O'Rear conducted interviews March 11-14. The notes Mr. O'Rear made of the interview indicate that Ms. Hoyle accused Dr. Singleton of filing false time sheets (see section on K-time) and of not keeping her informed of personnel matters.

On March 24, Dr. Singleton was transferred temporarily from Monroe to the veterans home at Jackson pending the outcome of the Caulking investigation.

On April 16, Ms. Hoyle was served with a letter from Mr. Caulking notifying her that her position was being transferred to Baton Rouge and she was directed to report for duty April 28, making the move at her expense.

On April 18, Ms. Hoyle wrote a letter to state Senator Noble Ellington, Winnsboro, complaining about her treatment and that she would be forced to quit because of the hardship of having to move.

On April 23, her attorney wrote a letter to the department advising that Ms. Hoyle would be willing to move, but asked she be allowed to use the remainder of her leave time to report, which was granted to May 16.

However, on April 25, Ms. Hoyle decided it would not be economically feasible to move and resigned, effective May 16 with the completion of her leave time.

Ms. Hoyle stated in her letter of resignation that she had no choice other than resignation.

She wrote: "A move to Baton Rouge at this time would create a hardship on myself and my family and would be cost prohibitive. I own a home and property in Ouachita Parish and have a child in school here. I took a demotion to accept this position because it was located in Monroe. There was never any indication that the position would be relocated nor any reason to believe that the human resources analyst position would ever be located anywhere other than the facility which it serves."

Ms. Lee countered that Ms. Hoyle's husband already was living in the Baton Rouge area, indicating this would have minimized the hardship. Ms. Lee stated that the move to Baton Rouge was temporary and that Ms. Hoyle would have transferred back to Monroe after a training period and when the department obtained another position. However, Ms. Hoyle noted that in his job with the Department of Corrections, Mr. Hoyle was frequently moved about the state and they maintained their home in Sterlington. At the time, Mr. Hoyle was staying in the Department of Corrections bachelor quarters. On the issue of the job being a temporary assignment, Ms. Hoyle said she was never told that by Ms. Lee or Dr. Singleton or anyone else. The letter to her outlining the move contained no language saying the move was temporary.

Dr. Singleton returned to his position as director of the Home in Monroe on May 1.

On May 20, after Ms. Hoyle had resigned from the agency, Dr. Singleton filed an evaluation which cited Ms. Hoyle as having satisfactorily performed her duties with the notation that she needed to address problems of communication with others and maintaining confidentiality.

The position that Ms. Hoyle held was moved to Baton Rouge and filled. It was also upgraded. Another position was created at the same upgraded level for the Monroe Home, but has not been filled.

#### LARRY NELSON

Dr. Singleton improperly offered to provide Larry Nelson with a recommendation if he resigned from his position as activities director for the Home rather than be fired. Mr. Nelson resigned. Mr. Nelson had been hired as a probationary employee Nov. 11, 1996.

Such an offer of a recommendation if an employee will voluntarily resign is improper, in our opinion, because it implies that the recommendation the employee receives in the future is contingent upon resignation, or that it may be more favorable than it otherwise would if the employee resigns. Supervisors should give true and accurate recommendations for former employees, regardless of whether they quit or are fired. Additionally, civil service rules require employers to identify resignations in lieu of dismissal as such when reporting them to civil service.

The timing of this action gives the perception that Dr. Singleton was retaliating against Mr. Nelson for having been one of those employees who gave information adverse to him in the Caulking investigation. Dr. Singleton was restored to his post on May 1 and Mr. Nelson was forced to resign on May 5. However, Mr. Nelson's firing would have been justified for other reasons, in our opinion.

Mr. Nelson said he felt that Dr. Singleton had been made aware of his statements to department investigators even though Mr. Caulking had assured employees that their confidentiality would be protected.

Mr. Caulking told IG investigators that although he did not give the names of employees to Dr. Singleton, it would have been clear from the questions he asked Dr. Singleton regarding the allegations who the complainants were.

As a probationary employee, Mr. Nelson could have been fired for virtually any reason. Dr. Singleton, according to Mr. Nelson and Ms. Lee, listed three reasons,

including (one) sexual harassment, (two) failing to post activity schedules, and (three) participating in the wearing of black as in protest for return of the administrator to the Home.

The alleged sexual harassment was reported by a female employee who stated she did not want to pursue the matter. In a meeting Jan. 28 with Dr. Singleton, Mr. Nelson acknowledged touching the female on the shoulder, but denied it was inappropriate. Mr. Nelson signed a statement that he was aware of the Home's policy on sexual harassment. The document included a statement that Mr. Nelson was being "advised to be careful relative to touching or comments that may be offensive to other employees, guest and residents" of the Home. In our opinion, this incident probably does not rise to the level of sexual harassment under the current state of the jurisprudence.

However, in a letter to Ms. Lee concerning the incident, Dr. Singleton stated that Mr. Nelson denied the event happened. No further action was taken at that time.

Mr. Nelson later stated to IG investigators that he had touched the shoulder of a female employee and told her she looked nice in her dress, that his wife was full figured and dressed nice.

On the posting of activity schedules, Mr. Nelson denied the charge, stating that he posted them without Dr. Singleton's signature because the director failed to return them timely. He said that once when Dr. Singleton complained of not receiving the schedule, he advised Dr. Singleton to look in his mail box where it had been sitting. The agency provided no documentation to support the charge.

Mr. Nelson admitted to the third reason, that he wore black along with other employees who were protesting Dr. Singleton's return as director of the Home. This was a sign of disrespect which would have been ample reason, in our judgment, for dismissing Mr. Nelson as a probationary employee.

Dr. Singleton and Mr. Nelson submitted documents stating the reason for Mr. Nelson's resignation was poor health, and not stating that the resignation was in lieu of dismissal. According to Mr. Nelson, Dr. Singleton prepared the letter of resignation and he signed it. On the civil service "SF-1" form, the form on which

an employer is to note that the employee resigned in lieu of dismissal, Dr. Singleton described the action as a resignation without noting that it was in lieu of dismissal. On the official form filed with the Office of Employment Security Dr. Singleton stated that Mr. Nelson had resigned voluntarily. He stated, "This employee resigned for personal reasons. His personal reasons include poor health." Mr. Nelson signed an exit-interview form noting that he was resigning for health reasons.

Upon his resignation he cleaned out his office under the watch of Ms. Lee and was escorted by her out of the building.

Dr. Singleton does not deny Mr. Nelson's account of his resignation.

## TOM VICTORY

Tom Victory, the assistant chief financial officer at the Home, was fired July 2, 1997. The official reason was: "This employee was separated during the probationary period because he failed to meet the minimum acceptable work standards for the position in which he was employed."

Mr. Victory stated he felt the action was taken in retaliation for having given information adverse to Dr. Singleton during the Caulking investigation of the Home in March.

The department listed failure to meet minimum acceptable work standards as the reason for firing Mr. Victory. When asked what those standards were, Ms. Lee stated the reasons were that Mr. Victory had excessive absences and had made remarks to other white personnel that could be construed as racial. Dr. Singleton stated that Mr. Victory told a white employee that he was the wrong color to advance.

Mr. Victory was employed by the Home Sept. 3, 1996. Like other employees in the Home, Mr. Victory worked overtime in preparing the Home for its opening in December. As a consequence he received compensatory time as well as building up annual and sick leave time. As were other employees who put in substantial

overtime to get the Home ready for opening, Mr. Victory was cited for his efforts by both Dr. Singleton and Mr. Caulking.

The Caulking citation said: "Thomas Victory is hereby awarded this citation in recognition of devotion to duty and meritorious service which has contributed extensively to the welfare of veterans and their dependents and to the high objectives of the Department of Veterans Affairs." This was dated Dec. 2, 1996.

On Feb. 12, 1997, Larry Brouillette, chief financial officer and Mr. Victory's immediate supervisor, signed a form recommending that Mr. Victory be given a merit pay increase and placed on permanent status.

From March 11 to March 14 Mr. O'Rear conducted interviews at the Home, including one in which Mr. Victory complained about Dr. Singleton.

On March 21, after the Caulking investigation had begun but while Dr. Singleton was still at the Home, Dr. Singleton sent a memorandum to David Perkins, deputy administrator for the Department of Veterans Affairs, urging that Mr. Victory's permanent status be delayed.

The memorandum (a copy of which is on the next page of this report) cited alleged problems concerning previous employment that had not yet been investigated and stated the delay had been requested by Chuck Bezio, a representative of veterans groups. Mr. Perkins apparently referred the memo to Mr. Caulking.

Scribbled in the margin of the document is a comment by Mr. Caulking stating:

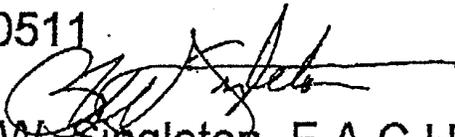
"This is stupid, we don't follow Bezio's advice on employees. Singleton has twisted my words."

On April 22, Dr. Singleton approved a merit pay raise for Mr. Victory but extended his probationary period for another six months. As a reason, Dr. Singleton stated: "Employee has been absent from work a substantial amount of time. Therefore, additional time in probationary status is necessary to properly evaluate work performance."

To Sheila  
- Fax Cover Sheet -

COPY

*This is STUPID! We Don't Follow  
Bezio's advice on employees  
Singleton has twisted my words*

**Date:** 3/21/97  
**Pages:** 1 of 1  
**To:** David Perkins  
**Fax Phone:** 504-922-0511  
**From:**  Dr. Barry W. Singleton F.A.C.H.E.  
**Subject:** Permanent Status of Tom Vickory

Please advise the Executive Director that Mr. Chuck Bezio requested Tom Vickory not be granted permanent status over some alleged problems in pervious employment. I have not had an opportunity to compete a background check of Vickory. But, based on Mr. Caulking's advise that ... "you should listen to Chuck and follow his advise..." I would recommend permanent status not be granted until an investigation is completed on Vickory's prior employers.

Even though he had been transferred temporarily to Jackson, Dr. Singleton retained his status as appointing authority for the Monroe Home, according to Ms. Lee. Mr. Victory was one of those employees who complained about Dr. Singleton.

Ms. Lee said that there was no analysis of Mr. Victory's attendance and leave records made in making the decision to fire him. She said that the conclusion there were excessive absences was based on his absences due to illness.

In a memo to Ms. Lee dated June 19, 1997, Dr. Singleton said:

"I spoke to our new receptionist, Joyce Clower, who said she almost resigned the first day on the job. I asked her why? She told me that a group of all white employees complained about their dislike of the organization and the administrator. Some told her they were interviewing at other businesses.

"Joyce indicated that Jackie Sims was the only reason why she is still employed at our facility. Jackie told her not to listen to the negative comments and not to resign. Joyce stated, 'I believe its racism. Some employees don't like being told what do by someone black.' Joyce said she likes her job and wants to stay. I told her if she has any problems, please share it with her supervisor and if not resolved, come and see the administrator."

Ms. Clower essentially confirmed the statements made in the memorandum.

Ms. Lee stated that Mr. Victory was confronted about remarks he made to two white employees, Ms. Clower and Steve Elliott, analyst 1, that they were the wrong color to advance career wise at the Home. She stated that he responded, "I don't need this job" and left the meeting.

Mr. Elliott confirmed that Mr. Victory made the remarks about being the wrong color, but Ms. Clower said she did not recall hearing such a remark.

Mr. Victory stated that when he was confronted by Dr. Singleton about the remarks, he was surprised and simply said it sounded like "hearsay" to him. Mr.

Victory told IG investigators he did not remember making any comments like that. He said that Dr. Singleton did not continue the discussion and said he was fired. Dr. Singleton asked Ms. Lee, who was standing by, to handle this for him. Ms. Lee observed as Mr. Victory cleaned out his desk and escorted him out of the building.

#### RUSSELL SHOEMAKER

Russell Shoemaker, veterans assistance counselor, stated that he felt intimidated and threatened by David Perkins, deputy director of the department, when they were engaged in a conversation about possible other employment for him. Mr. Shoemaker said that Mr. Perkins told him it was to his best interest to consider another job in the department in which he had expressed interest. He said that Mr. Perkins told him that if he stayed at the Home "I should stay out of any shit that was going on." Mr. Perkins further told him, Mr. Shoemaker said, "I'm telling you for your own good, if you're involved in any outside shit that would discredit that facility, you are in a no-win situation and you better get out of it."

Mr. Perkins said he was trying to help Mr. Shoemaker get a job in Natchitoches and had several conversations with him. However, he stated he did not threaten, intimidate or use bad language, nor did he tell him that he was in a no win situation.

#### C. Sexual Harassment Allegations

Three female employees, Ms. Douglas, Ms. Hoyle and Holly Lemoine, a secretary, claimed that Dr. Singleton improperly touched them, making them feel uncomfortable. One incident with Ms. Douglas was confirmed. The other incidents were not witnessed, and are denied by Dr. Singleton. None of these employees filed a formal sexual harassment complaint.

In our opinion, based on the current state of the jurisprudence, the alleged incidents probably did not rise to the level of sexual harassment. However, touching such as that confirmed in the incident with Ms. Douglas, whether perceived as mutual or not, is inappropriate because it can be expected to make some employees uncomfortable and

because it may provoke claims of sexual harassment, needlessly exposing an agency to the risk of potential litigation and liability.

In the incident involving Larry Nelson, described previously, Dr. Singleton wrote a memo dated Jan. 28, 1997, to Ms. Lee in which he stated "that although the female employee stated she did not want to pursue the matter, he told her that he took all such allegations seriously." This indicates that Dr. Singleton was aware that such conduct is both inappropriate and a serious matter.

#### MS. DOUGLAS

Ms. Douglas said that after a confrontation in his office between her and Dr. Singleton, she began crying and he got up, hugged her and kissed her on the cheek. She said the hug and the kiss were unwelcome. She said she thought it was inappropriate and reported the incident to Ms. Karen Hoyle, a personnel analyst, but took no further action.

Dr. Singleton recalled the incident and said that in an effort to smooth over the situation, he went to Ms. Douglas and they mutually hugged each other and he kissed her on top of the head. Another employee who was present, Jacqueline Sims, stated she saw them mutually hug each other, but did not see the kiss.

Mr. Caulking stated that Dr. Singleton had acknowledged to him that he hugged Ms. Douglas, but said he did not think Ms. Douglas considered it as sexual, but rather an inappropriate act.

During discussion of her babysitting for him, Ms. Douglas said she was sitting on a chair in his office and he came from around the desk and sat beside her in another chair. She said he placed his hand on her leg, which she said made her uncomfortable. She said she did not do anything about the incident except mention it to Ms. Hoyle. Dr. Singleton denied placing his hand on Ms. Douglas' leg.

Ms. Douglas, in a television interview, described another incident. She said Dr. Singleton summoned her to his office. She said the room was dark and that Dr.

Singleton locked the door when she went in. She asked why the room was dark and he asked if it made her feel uncomfortable, to which she responded it did.

When interviewed by this office Ms. Douglas said that when she got to Dr. Singleton's office he was adjusting the blinds and the room was dark. She said that after she told Dr. Singleton that the darkness made her feel uncomfortable he either opened the blinds or turned on the lights. She also said that she did not know whether the door was locked, but thinks it locks whenever it is closed. Ms. Douglas did not allege any misconduct on the part of Dr. Singleton.

Ms. Douglas stated that Dr. Singleton would talk to her about the kind of woman he wanted and mention the possibility of dating various female employees of the Home. She said that he often described their good and bad attributes to her. She said another employee told her Dr. Singleton asked her to fix him up. Dr. Singleton denied the allegations.

The other employee was Dr. Marcelita Bermudez, who confirmed that Dr. Singleton asked if she knew any girls in the Philippines she could fix him up with. She said she assumed he asked her because she was from the Philippines, but said she did not do that. She said that Dr. Singleton asked her personal questions that made her feel uncomfortable. The questions, she said, were about her personal life. Dr. Singleton denied the allegation.

#### KAREN HOYLE

Ms. Hoyle gave conflicting statements in two separate interviews. The first time she stated that Dr. Singleton put his arms around her on "a couple" of occasions and she told him she did not care for that and not to do it again. On the second statement she said there was only one occasion that Dr. Singleton was patting her on the back and arm and putting his arm around her. She said she was not sure if she said anything about it. She said she did not consider it important except in the context of what she heard from other employees. Neither of these alleged incidents was reported to have been witnessed by others.

## HOLLY LEMOINE

Ms. Lemoine, a typist 2, stated that she was typing at her desk when Dr. Singleton came up behind her and began massaging her shoulders. She said, "I proceeded to physically remove his hand and tell him not to touch me like that." She said that another time when she was drinking at a water fountain in the main hallway of the facility, he was standing near her. When she stood upright, he put his arm around her and pulled her close to his body. She said she stopped walking and he said, "come on, Holly, let's go back to your office."

She said she removed his arm and said, "Please don't touch me like that, I can walk back to my office without your arm around me." She said she was scared and frustrated because she thought she had made it clear the first time he had touched her improperly that she didn't want him touching her like that.

Dr. Singleton denied both incidents with Ms. Lemoine. Neither incident was witnessed by others. Ms. Lemoine kept a diary of events that occurred at the Home. However, there was no mention in the diary of the alleged touching incidents. Ms. Lemoine stated the incidents left her feeling strange and she did not know why she didn't enter them in her diary.

Kay Scott, who served as executive administrator for the first few months before the Home opened, supported Ms. Lemoine's version of the neck massage. She stated that Ms. Lemoine came to her and related the event at the time it happened.

Ms. Lemoine left the Home when her husband relocated to Lake Charles.

The Veterans Home Policy and Procedures Manual, which incorporates the department manual, defines sexual harassment in the following statement:

"The policy of this organization has always been, that all of our employees, should be able to enjoy a work environment, free from all forms of discrimination, including sexual harassment.

"Sexual harassment is a form of misconduct, which undermines the integrity of the employment relationship. No employee--either male or female--

should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical.

"Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior, which is not welcome, which is personally offensive, which debilitates morale, and which therefore interferes with our work effectiveness.

"Such conduct, whether committed by supervisors or non-supervisory personnel, is specifically prohibited. This includes: repeated offensive sexual flirtations; advances or propositions; continued or repeated verbal abuse of a sexual nature; graphic or degrading verbal comments about an individual or his appearance; the display of sexually suggestive objects or pictures; or abusive physical conduct.

"In addition, no one should imply or threaten, that an applicant or employee's 'cooperation' of a sexual nature (or refusal thereof) will have any effect on the individual's employment, assignment, compensation, advancement, career development, or any other condition of employment.

"Any question regarding either, this policy or a specific fact situation, should be addressed to the appropriate supervisor or Human Resources Director or the Executive Director."

None of the information alleged about the touching incidents would violate this policy.

The department did not have a written procedure for reporting sexual harassment complaints. Ms. Lee said the unwritten policy was to follow the procedure for filing grievances.

After touching incidents came to Mr. Caulking's attention as a result of his investigation at the Home in the spring of 1997, he required all employees to attend instruction on sexual harassment. Also, he admonished Dr. Singleton not to touch, hug or kiss employees in the future.

Conclusions:

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1. Dr. Singleton asked two employees to perform personal tasks for him which may be a violation of the Code of Ethics.
2. Dr. Singleton and Mr. Caulking placed Karen Hoyle on forced annual leave when her grievance complaint over denial of a merit pay raise was rejected, despite assurances from the director of the Department of Veterans Affairs that there would be no retaliation.
3. Ms. Hoyle was improperly treated by Mr. Caulking when her job position was transferred to Baton Rouge, an action that forced her to resign. Ms. Hoyle was not told by anyone that the assignment was only temporary.
4. Mr. Nelson, one of the complainants against Dr. Singleton during the investigation by the department, was forced to resign a few days after Dr. Singleton was restored to his administrator post at the Home. The offer of a recommendation in exchange for his resignation was improper. The resignation was not properly reported to civil service as being in lieu of dismissal, and was reported to the Office of Employment Security as being for health reasons. The timing of the action gives the appearance of retaliation, but Mr. Nelson's dismissal would have been justified, in our opinion.
5. Dr. Singleton denied permanent employment status to Mr. Victory, even while approving a merit pay raise for him, shortly after he complained about Dr. Singleton in the department's investigation of the administrator in which Mr. Victory was one of the complainants. Mr. Victory was fired two months later. The timing of the action gives the appearance of retaliation, but other reasons for his firing were given.
6. Although Mr. Shoemaker interpreted remarks by Mr. Perkins as threatening and intimidating, in the face of Mr. Perkins' denial and the absence of any supporting documentation, there is no way to determine whose interpretation is accurate.

7. One female employee was inappropriately touched by Dr. Singleton, who acknowledged he mutually hugged and kissed her. Other alleged incidents of inappropriate touching could not be verified or refuted. However, in our opinion, based on the current state of the jurisprudence none of the incidents rose to the level of sexual harassment, nor did they violate the Home's written sexual harassment policy.
8. We concur with Mr. Caulking's finding that the touching was not sexual in nature.
9. Mr. Caulking appropriately required employees to attend training on sexual harassment and admonished Dr. Singleton not to touch employees in the future.

*Recommendations:*

1. The Department of Veterans Affairs should take appropriate action regarding Dr. Singleton.
2. The incidents of personal tasks being done for Dr. Singleton by Ms. Douglas and Ms. Scott should be referred to the Board of Ethics.

II. Purchasing

Allegations were raised that the Home, at the direction of Dr. Singleton, violated the bidding requirements of the procurement code in the purchase of carpet and trash can liners.

A. CARPET

Prior to the opening of the Home in December, 1996, Dr. Singleton decided to enlarge his office, requiring removal of a wall separating the office from a smaller adjoining room. This left a gap in the carpet. Because the cost was more than \$500, state purchasing rules and regulations required the Home to seek bids from at least three vendors.

According to Dr. Singleton, the building contractor, Baron Construction Co., was first approached by Dr. Singleton to install new carpet but declined because of a time factor and recommended he contact the carpet subcontractor, Richmond Floors of Shreveport. L.G. Morris, owner of Richmond Floors, said he couldn't recall such a discussion with Dr. Singleton.

Dr. Singleton also contacted Bob Moss Carpet and Flooring Co., of Monroe, which received the purchase award.

Robert Hayes, accountant administrator for the Department of Veterans Affairs, conducted an inquiry into the carpet purchases as part of the Caulking investigation. Mr. Hayes concluded in a report dated April 1, 1997, that the Home violated state purchasing regulations when it purchased goods and services without obtaining bids. In response, Dr. Singleton stated that Ms. Debbie Nolan, purchasing officer at the Home, advised him that telephone bids were acceptable and three bidders were contacted under purchasing guidelines.

Although neither the contractor nor Richmond Floors submitted a price, the Office of State Purchasing stated that a price did not have to be obtained, only a solicitation made, to meet the requirements of state purchasing rules and regulations, and concluded there was no violation in this case.

Ms. Nolan said that in November Dr. Singleton estimated the cost of the carpet at \$485 when he first discussed acquiring it with her. She said she prepared a supply requisition form, based on that amount. For items \$500 to \$2,000, bids must be taken, which may be done by phone.

On Dec. 6, 1996, Ms. Nolan said she received three separate invoices totaling \$1,198 from Bob Moss Carpet and Flooring for replacing the carpet in the newly expanded office and

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in his secretary's office. The three invoices were all less than \$500, sequentially numbered and two were dated Nov. 29, 1996, thus giving the appearance that the carpet purchase was artificially divided to bypass bidding requirements.

Ms. Nolan said that on Dec. 9, 1996, she asked Dr. Singleton how the Home was to pay for the carpet installation since they exceeded the original \$485 price he had given her initially.

She said he asked if they could get bids "now" and hope that other bidders were higher than the Moss price. She stated this would be improper as an after the fact deed. She stated that Dr. Singleton then stated the purchase was an "emergency" because the opening of the Home was close and the office had to be ready for use by the governor then.

Dr. Singleton denied that he instructed Moss Carpet to issue three invoices under \$500.

Ms. Nolan said that on Dec. 19, 1996, Dr. Singleton called her to his office and suggested an arrangement where he would pay part of the carpet invoices, leaving the state to pay an amount less than the \$500 threshold. She said that he told her that in the event he left the facility, he wanted to keep two end tables and a coffee table purchased by the Home for his office as compensation for paying for the carpet. Ms. Nolan stated she advised him the proposal would not work. Dr. Singleton said he personally purchased the tables for the Home and did not have such a discussion with Ms. Nolan.

Ms. Douglas, the director of nursing, said she and Russell Shoemaker, a veterans assistant counselor who served as deputy administrator at the time, were present when Dr. Singleton met with another person whom they did not know to discuss the carpet. She stated that Dr. Singleton asked the person to make three separate invoices for three separate rooms. Mr. Shoemaker said he also recalled Dr. Singleton requesting the person to put the job on three invoices and keep each one under \$500.

Frank Heyl, manager of Moss Carpet which installed the carpet, stated that he did not participate in the meeting and did not recall who asked him to prepare three invoices, but it was possible that he did it because the company measured for three separate rooms.

A check dated Dec. 12, 1996, for \$1,198.80 was issued by the Home to Bob Moss Carpet to cover the cost of the three invoices.

In a memorandum to the files dated Dec. 19, 1996, Dr. Singleton provided a list of dates on which the solicitations for the carpet were made. He stated Baron Construction Co. was contacted the week of Nov. 18, 1996, Richmond Floors about Nov. 18, and Bob Moss Carpet on Nov. 26, 1996. However, Bob Moss Carpet provided a document that shows the firm ordered the carpet on Nov. 15, 1996, at least three days before Dr. Singleton states he contacted the other two potential vendors, and one day after the supply requisition form was created Nov. 14, 1996, by Ms. Nolan.

#### B. TRASH CAN LINERS

The Home purchased 26 rigid trash can liners costing \$1,330 Nov. 18, 1996, from Unisource, a supply house in Monroe. Since the cost was more than \$500, the Home was required to solicit at least three telephone or fax quotations, unless there was an emergency.

A supply requisition form was issued to the purchasing office by the housekeeping section on Oct. 22, 1996. Dr. Singleton approved the purchase on Nov. 4, 1996. The same day, Ms. Nolan obtained a bid from Unisource to get an idea on the price of the liners. Unisource quoted a price of \$51 each, a total of \$1,330. Ms. Nolan advised Dr. Singleton that Prison Enterprises could manufacture the product but did not provide a price. Ms. Nolan stated that on Nov. 13 Dr. Singleton said that purchase of the liners was an emergency and to use the one bid she had received.

Dr. Singleton said that regulators of the Department of Health and Hospitals inquired about the absence of liners for the outdoor trash containers and as a consequence instructed Ms. Nolan to go forward with the purchase. Ms. Nolan placed the order on Nov. 18, 1996, without contacting any other bidders than Unisource or waiting on Prison Enterprises' response.

The Office of State Purchasing concluded that an emergency existed due to the pending opening of the Home and that since the cost was below the agency's delegated purchasing authority of \$3,000, neither bids nor permission from State Purchasing to avoid bidding were necessary.

Conclusion:

1. The procurement code was not violated in the purchase of carpet and trash can liners. In the purchase of carpet, an effort was made to give the appearance that the purchase was below the \$500 threshold for obtaining bids by splitting the cost into three invoices.

Recommendations:

1. The Home should not divide invoices into separate parts in order to circumvent the procurement code.
2. The Department should take appropriate action regarding those responsible for splitting invoices.

III. Employment Application

Dr. Singleton gave false information about his employment history on the state job application he filed with the Department of Civil Service. The false information did not impact his meeting the minimum qualifications for director. However, Dr. Singleton significantly overstated his length of service and pay in a high level management position at a major university hospital, and omitted other work he did.

In the course of his career, Dr. Singleton was employed twice by the State of Louisiana. The first time was at Charity Hospital in New Orleans from Nov. 18, 1985, to June 30, 1987, as a deputy assistant. He returned to work for the state at the Veterans Home in May, 1996.

In the job application filed in 1996, Dr. Singleton made at least three misrepresentations on his employment history. In addition, he did not provide adequate information to this office to confirm consulting work he claimed from 1993 to 1996.

1. Dr. Singleton listed his employment as vice president for corporate affairs at the University of Cincinnati Hospital for a 26 month period from July, 1987, to September, 1989.

However, he was employed at the hospital during the period July, 1987, to October, 1988, a discrepancy of 11 months.

In explaining the discrepancy, Dr. Singleton said that in November and December, 1988, he worked as a consultant with Valley View, a medical services company in Colorado.

From January, 1989, through May, 1989, Dr. Singleton worked at the Arizona Department of Health, a fact which was not included on his application. Dr. Singleton said he must have made an error in the omission.

For the period June, 1989, through March, 1990, Dr. Singleton said he worked as a consultant for Valley View through the LaBriary Corp.

2. His application shows that when he left the University of Cincinnati, his ending salary was \$120,000 a year. However, his actual ending salary was \$90,525. Dr. Singleton had been assigned to a temporary position and was paid \$10,000 a month for one month, which is how he arrived at the higher figure. The application states he left that position to move to Colorado. He took a position with clinical services for the state of Colorado for \$39,275 a year.
3. His application shows he left the LaBriary Corp., a health services management company in Canon City, CO, in November, 1985, because the business was sold. However, it was not LaBriary which was sold, but one of the companies, Ohodum Co., a health services company which LaBriary managed. His application listed himself as president and chief executive officer of LaBriary.

Dr. Singleton reported on his application that he began work with the LaBriary Corp. at a salary of \$41,490 in 1983 and left in 1985 with a salary of \$120,673 to take a position with Charity Hospital in New Orleans at a salary of \$42,358. Dr. Singleton said that he didn't go to Charity for the money, but it was because Elliot Roberts, whom he knew, was the administrator.

4. His application shows he was employed as Singleton and Associates, health care management consultants in Bakersfield, CA, from February, 1993 to April, 1996. He listed his beginning salary as \$65,000 a year and his ending salary as \$78,000 a year. Singleton and Associates was a business name used by Dr. Singleton.

We asked Dr. Singleton for specific information corroborating this. Dr. Singleton provided only the following:

- a) Empire Health Care Corporation, Spokane, WA. We verified this covered a two month period in 1993.
- b) Goldfield Mining Company, South Africa, 1994. Dr. Singleton provided no information on specific dates, nor did he provide any information that would enable us to independently contact the company to verify this. On his state job application he stated that the reason he left one of his previous jobs in January, 1993 was to "work in Africa."
- c) Jill Olvey (who was considering buying a health care facility), Pueblo, CO, 1995. Ms. Olvey verified that Dr. Singleton did part-time consulting work for her from about February to May, 1995. She said he came to Colorado once for a couple of days, and that she spoke with him on the phone numerous times.

Dr. Singleton was asked to provide any documentation he had to corroborate his work with Singleton and Associates. He said he would consider doing so, but provided none.

The application did not show that during this period he operated a business named "Airport Express" in Bowling Green, KY, from October, 1995, until his employment with the state. He stated he omitted this from his application because

he did not consider it relevant to the Veterans Home position. Dr. Singleton also maintained a residence in Bowling Green and had a Kentucky driver's license.

Conclusions:

1. Dr. Singleton's employment application contained false information, significantly overstating his length of service and pay in a high level management position at a major university hospital, and omitted other employment.
2. The information reported on Dr. Singleton's state application concerning LaBriary is not consistent with his actual work there.
3. Dr. Singleton, despite requests to do so, has failed to provide sufficient information to support his claim of three years of consulting work as Singleton and Associates, of Bakersfield, CA. In addition to the fact we are unable to verify this claimed employment, the claim is questionable because during much of this same time Dr. Singleton was running an airport express business in Bowling Green, KY, maintained a residence there, and had a Kentucky driver's license.
4. The false information on Dr. Singleton's employment application did not prevent him from meeting the minimum requirements for his director position.

Recommendations:

1. The Department should take appropriate action, including requiring Dr. Singleton to submit an accurate employment application.
2. The matter should be referred to the Department of Civil Service for review.

#### IV. K-Time, Leave Policy

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The Veterans Home had an informal and sometimes inconsistent policy in dealing with compensatory time earned by employees. Compensatory time, which is commonly referred to as K-time, is leave time earned by an employee for working overtime. Some employees earned large amounts of K-time. Three of the agency's key personnel stated that Dr. Singleton instructed them that K-time, as compensatory time is denoted, was not to be carried on the books, but he would make it up to whoever earned it. This informal policy was in place until Ms. Hoyle stated while preparing a policy manual on K-time that the Home was in violation of civil service regulations. Dr. Singleton then issued a memorandum in October, 1996, requiring employees to follow civil service rules, including obtaining advance approval before working overtime.

Cindy Fisher, chief dietician, stated that Dr. Singleton told managers that K-Time was not to be recorded and that he would informally work out any overtime hours. She said that she refused to follow the directive and anytime she worked overtime, she put in a slip for K-time earned. According to Ms. Fisher, although Dr. Singleton rejected a request for K-time for her, she received it after complaining to the Veterans office in Baton Rouge.

Karen Hoyle, personnel technician, stated that she was told by Dr. Singleton not to put K-time on the books. Ms. Hoyle claims that she worked overtime because the work had to be done and put in for 70 hours of K-time which was rejected by Dr. Singleton.

Clive Gunter, maintenance foreman, stated that Dr. Singleton instructed him not to record K-time he had earned and that he would get a couple of weeks off after the Home opened.

Mr. Gunter said he worked with the contractors from 7 a.m. to 3:30 p.m. and then would stay later to 4:30 or after until all of the female employees left. He also said he worked some Saturdays and Sundays. He said that he never asked for or received the two weeks off because of all the problems at the facility.

There have been allegations that Dr. Singleton claimed K-time which he did not earn. However, the Department of Veterans Affairs approved all of his K-time as earned prior to the grand opening. Although a number of employees cited Dr. Singleton's absences

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from the Home when he was recorded as working, there is no way to refute he was working away from the Home as long as the Department permitted it. Records show that most of the K-time earned was reported for the period leading up to the opening of the Veterans Home. From May, 1996, when he was first employed, to December, 1996, Dr. Singleton claimed 393 hours of K-time out of a total claim of 431 hours through Oct. 5, 1997. Records show that he received 82 hours of K-time in the four months of June-September, 1996, while Ernie Broussard was executive director of Veterans Affairs. In the two-months of October and November, 1996, Dr. Singleton accumulated 258 hours under Mr. Caulking. After the opening of the Veterans Home, Dr. Singleton took substantial time off, thereby reducing the amount of K-time on the books.

On Jan. 13-14, 1997, weather conditions were abysmal, with icy roads making it difficult to travel. The state declared an emergency leave day for non-essential personnel and for those, like the care providers at the Veterans Home whose presence was necessary and came in, they were given an extra day of K-time earned.

For example, Ms. Douglas reported that she traveled 22 miles from her home to the Veterans Home those days in an "ice storm."

Ms. Douglas and Ms. Fisher stated they did not see Dr. Singleton, whose residence was about a half mile away, at the Home those two days. Ms. Hoyle stated that she saw Dr. Singleton the second day spend about an hour at the Home writing checks.

Dr. Singleton received K-time for those two days. On Jan. 13, he listed the hours he worked as from 11:30 a.m. to 9 p.m. and on Jan. 14, he listed them from 8 a.m. to 4:30 p.m., the normal time.

Dr. Singleton said that he was meeting in Shreveport on Jan. 13 and worked at the facility and at home preparing various VA documents on Jan. 14.

## Conclusions:

1. Although Dr. Singleton claimed K-time for hours when he was not at the Home, there was no way to determine that he was not working while away.

The department director chose to accept Dr. Singleton's requests for K-time approval.

2. Some employees were improperly instructed or told not to put their K-time earned on the books, that the time would be made up. In some instances the time was not made up.

*Recommendations:*

1. The Department should institute a policy requiring employees to document the work performed while earning K-time. This should contain sufficient detail such as hours and project to substantiate K-time claims.
2. The Department should require that all K-time earned be officially recorded.
3. The Department should make an effort to determine any unrecorded K-time due employees and make appropriate adjustments.

V. Express Mail Usage

Dr. Singleton misused state funds by using the Veterans Home FedEx account to send a priority mail letter to James O'Rear, administrator at the Jackson Veterans Home, which included a personal check sent as a wedding gift on Dec. 18, 1996. The express mail amount was \$15.50.

The letter supposedly was a notice that Dr. Singleton would be unable to attend a meeting at the Jackson Home. Mr. O'Rear said he did not recall anything in the package being business related or any meeting scheduled with Dr. Singleton.

However, Mr. O'Rear said he received a package from Dr. Singleton containing a check as a wedding gift and a congratulatory letter to him and his bride, adding that he was unable to attend the wedding.

Dr. Singleton told Mr. Caulking that he sent a notice to Mr. O'Rear that he was unable to go to Jackson for a business related meeting.

Mr. O'Rear said that Mr. Caulking did not contact him about the contents of the shipment.

In an explanation of the express mail shipments, Dr. Singleton sent a memo to Mr. Caulking, in which he said:

"2. On December 18, 1996 I used Federal Express to ship a notice to the administrator of the Louisiana War Veterans Home in Jackson that I was not able to come to Jackson as planned due to the demands of securing VA certification. My plan was to review admission and other systems at the Jackson facility on Oct. 25, 1997, (sic) and then to stay over night and attend Mr. O'Rear's wedding the next day. I also enclosed a gift to Mr. and Mrs. O'Rear."

There are three problems with Dr. Singleton's written explanation:

Number one - the wedding was on Saturday, Dec. 14, 1996, not Oct. 26, as indicated in the explanation. (The 1997 year, we conclude was a typographical error.).

Number two - the package was addressed to Mr. and Mrs. James O'Rear and not to him as administrator.

Number three - The date of the shipment was Dec. 18, 1996, which would have been four days after the wedding. In interviews with this office, Dr. Singleton made it clear he was sending a notice in advance of the wedding to explain why he was not coming.

Robert Hayes, chief fiscal officer for the Department of Veterans Affairs, issued a report to Mr. Caulking concluding that Dr. Singleton misused state funds because the shipment involved personal items. Mr. Hayes made the same conclusion about the shipment of a package from Bakersfield, CA, Oct. 26, 1996, to Dr. Singleton at the Veterans Home.

Dr. Singleton claimed the shipment contained job related materials. He told Mr. Caulking that the shipment from Bakersfield, which cost \$39.75, was for materials used in preparation for his job.

Mr. Caulking accepted Dr. Singleton's explanation of both the Bakersfield and Jackson shipments.

The third mail express was to Singapore May 13, 1997 to prospective nurses he was considering hiring for the Veterans Home. The cost was \$137.81. Since this was obviously job related, although ill advised, it was not a misuse of state funds for personal use.

*Conclusions:*

1. Dr. Singleton misused \$15.50 of state funds by using the Home's express mail account to send personal correspondence to the administrator at the Jackson Home.
2. Dr. Singleton falsely told Mr. Caulking in the investigation that he had sent business related express mail to Mr. O'Rear.
3. Mr. Caulking failed to inquire during his investigation of the Home in April, 1997, as to the accuracy of Mr. Singleton's explanation that the express mail to the Jackson Home contained business related documents.
4. After being provided a copy of our draft report, Dr. Singleton reimbursed the department \$15.50 for the wedding gift mail and \$39.75 for the mail from California via money orders dated March 2, 1998.

**Recommendation:**

1. The Department should take appropriate action regarding Dr. Singleton's misrepresentation of the facts in his response to Mr. Caulking's investigation of this allegation.

## **VI. Resident Care**

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Complaints by individual residents ranged from poor medical care to poor food, a nonsmoking policy for the building, high staff turnover and staff inexperience. However, the complaints did not focus on any single problem or appear of concern to the resident population at large.

The acting administrator of the Veterans Home has changed the nonsmoking policy of the facility, setting aside a specific area within the building for smoking. This followed an incident where a resident who was trying to get back into the building after going outside to smoke got caught in the doorway and fell. The building was designed to accommodate interior smoking with built in "smoke eaters" installed in the recreation room. Dr. Singleton said the reason he banned smoking inside the Home was because he believed state law prohibited smoking inside a state building.

Dr. Singleton's position on a smoke free facility had the support of Mr. Caulking, who advised a veteran group representative that most residents he talked to would be upset if smoking were allowed in the building.

An inspection report on the Home on Oct. 27, 1997, by the U.S. Department of Veterans Affairs stated that it was in full compliance with the inspection standards.

*Conclusions:*

1. Residents at the Home were forced to go outside the building, including during inclement weather, in order to smoke even though a smoking area which included "smoke eater" devices was built into the facility.
2. A federal inspection report concluded the Home was in full compliance with inspection standards.

*Recommendation:*

1. No recommendation is necessary because the Home has changed its policy to allow inside smoking in a restricted area.

VII. Mail Handling

Dr. Singleton's secretary said he instructed her to open, date stamp and hold all mail received by the Home until he had a chance to review it. This policy did not apply to residents mail. Dr. Singleton denied giving such instructions. The Home also had an inefficient practice of handling checks for residents received by mail which were to be deposited to their accounts, causing delays in deposit and extra work for the staff.

Ms. Douglas, the director of nursing, stated that an invitation addressed to her as director of nursing to attend a Saturday Christmas party was sent to the Veterans Home by a doctor. It was given to her on the Monday following the event. She also said that applications addressed to her by prospective nurses remained on Dr. Singleton's desk until he returned to his office, hindering the hiring process.

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Milton Moore, a resident who moved into the Home in January, 1997, was taken to a Houston hospital in June, 1997. A veterans check for \$3,300 was sent to him at the Home. When he returned to the Home about a month later, he said he had difficulty learning the whereabouts of his check, but eventually it was learned by him that it had been deposited to the resident account in his name.

The practice for handling checks for Veterans is to deposit them to a special account in their names. When the checks arrive they are sent to the accounting section, which then obtains signatures on each of the checks each month. Some residents are able to go to the accounting office and the staff has to visit each of the rest of the residents. It might be more efficient to adopt some type of direct deposit system or some other method that reduces the staff work load hunting down residents to sign each check.

Conclusions:

1. Mail addressed to employees at the Home was retained on Dr. Singleton's desk until he was available to review it.
2. The current procedures employed at the Home to obtain residents' signatures on their checks are inefficient.

Recommendations:

1. The Home should insure that mail is distributed in a timely manner.
2. The Home should take steps to improve the efficiency of handling resident checks and accounts.

## VIII. Social Security Numbers

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Dr. Singleton was alleged to have two social security numbers, based on a credit report run on him when he rented an apartment in Monroe. He denied having two numbers.

In June, 1996, Dr. Singleton applied to rent at the Westchester Square Apartments in Monroe, convenient to the Veterans Home. The apartment house manager ran a credit check on Dr. Singleton based on the social security number he provided. On the credit report, however, was another social security number associated with his name. She ran a check on the second number on her own, generating a new credit report on which Dr. Singleton qualified for renting the apartment.

The apartment manager said she could tell the second social security number was for Dr. Singleton because it showed some of the same addresses on the second report as had appeared on the first report.

She said she told Dr. Singleton that she had discovered and used a second number but it was possible that he did not understand what she was saying.

The second credit report also listed other persons' names as having the same social security number. The second number was just two digits off from the first number.

When interviewed on television in Monroe about the two social security numbers, Dr. Singleton denied having two, saying it was impossible to have two numbers.

When asked by IG investigators whether the manager of the apartments informed him that the credit reports referenced another social security number associated with his name, he responded, "I don't recall. I do recall that there was some problem she had originally and she did something twice to get two reports." He said that all he knows is he has one number. He said he did not know anything about the apartment house manager using multiple numbers.

*Conclusion:*

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1. An allegation that Dr. Singleton had two social security numbers was unsubstantiated. An apartment manager did use a second social security number to pull a credit report on Dr. Singleton. The second number was included on a credit report previously pulled by the manager. The manager and Dr. Singleton disagree on whether she told him of the second number; however, the manager acknowledged that Dr. Singleton may not have heard or understood what she told him about the second number.

## IX. Federal Grant

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Questions have been raised over the disposition of a federal grant totaling \$491,665 earmarked for grounds improvements at the facility. Complaints were made that the money was available to do needed landscaping and additional facility improvement projects, but that it was not being used.

However, the funds to do this work are not yet available for spending.

*Conclusion:*

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1. The federal funds were not yet available to the Home.

## X. Donation Offers Refused

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Some potential donors of items for the Home complained that their offers to purchase specific items were rejected by Dr. Singleton who suggested they provide cash instead. The Home maintains an activities account and records show that it had received \$13,815 in cash donations through Aug. 8, 1997. Expenditures, totaling \$6,847, were made for such items as refreshments, fishing supplies, and picnics, with the largest being \$6,513 for pews for the chapel.

Those who complained about Dr. Singleton requesting cash instead, said they wound up not donating any of the items.

1. Pete Whitman, member of the Veterans Advisory Board, stated that Dr. Singleton refused offers by organizations to supply things they felt would be of use at the Home, requesting cash instead.

Mr. Whitman said that in one instance, Dr. Singleton rejected an offer by the auxiliary of the Monroe Moose Lodge to install concrete benches and chairs on the grounds because he preferred wooden benches which he felt would be more comfortable. As a consequence nothing was done and it was noted that residents were sitting on empty paint buckets outside the building for the lack of anything else to sit on.

2. Mrs. Odielee Gossett, president of the District 14 Auxiliary of the Veterans of Foreign Wars in Monroe, said that the auxiliary wanted to assist the Home in getting started and provide things the residents might need, such as subscriptions. She said, Dr. Singleton told her to give the Home the money and he would subscribe to the magazines he felt they should have. As a result, she said, no donations were made.

Mrs. Gossett said that the VFW received a list of items wanted for the Home from the coordinator of volunteer services in September, 1997, but wanted Dr. Singleton's approval of the list before soliciting the items for donation to the Home. The list included such items as a big screen television, VCR, handicraft supplies

and rocking chairs. Dr. Singleton responded that he did not issue the list and would provide one when it is developed. None was provided and as a result no items were donated by the VFW, she said.

3. Thomas Blackman, a resident, said his church wanted to donate an item such as a bench to the Home in his name, but that Dr. Singleton rejected the proposal and stated the Home could only accept cash for the general resident account because the items offered were being covered by budgeted funds. The church chose not to donate the cash.

Dr. Singleton said that there was no policy in place for receiving donations to the Home and he made a judgment call on each case. He said if the item was something the Home could use and was appropriate and keeping with the decor of the facility, it was accepted.

### Conclusions:

1. Some organizations planning to donate items to the Home decided not to contribute anything when they were asked for cash instead.
2. Dr. Singleton failed to work with some groups that wanted to make donations to the Home.

### Recommendations:

1. The Home should review its policy in dealing with organizations seeking to donate items to ensure that the residents receive maximum benefits from donors.
2. When donations offered to the Home are not acceptable, the director or his designee should work with the donors to facilitate their making a donation if they do not wish to donate cash.

## XI. Death of a Resident

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Chester Rushing, a resident at the Home, fell and injured himself while trying to enter a rear door of the facility with his wheelchair. Mr. Rushing had gone outside the building to smoke because of a non-smoking policy in effect at the time. The rear doors are not automatic openers as are the front doors, making it more difficult for wheelchair users to exit and enter. It was necessary for Mr. Rushing to get out of the wheelchair, open the door and then maneuver through it. When he fell, aides were summoned and he was assisted to his room. Records show that medical personnel checked on Mr. Rushing. Mr. Rushing's condition deteriorated during the night and he was taken to a hospital where he died at 1:32 a.m. Sept. 2.

The Parish coroner attributed death due to natural causes.

### Conclusion:

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1. A coroner has concluded that the death of a veteran who had previously fallen at the Home was due to natural causes. Records show the resident received adequate attention.

## XII. Press Incident

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A television reporter who was seeking an interview in the Home was confronted in an unprofessional manner by the Home's personnel officer. Steve Elliott, the personnel official, approached Ken Booth, a reporter for KNOE-TV in Monroe, in an aggressive manner, getting within a few inches of his face, where they exchanged unfriendly comments related to a previous encounter. Mr. Elliot states he approached Mr. Booth only

after Mr. Booth approached him in his office and made a provocative comment. Both Mr. Booth and a cameraman stated that Mr. Elliott physically contacted Mr. Booth in blocking him. Mr. Elliott denied touching Mr. Booth. Two employees of the Home who witnessed the encounter stated they did not see any physical contact. A third witness who did not see all of the encounter also said no physical contact was seen.

The previous encounter involved an incident where Mr. Elliott threatened to call the sheriff to remove Mr. Booth from the facility because he was interviewing a resident in his room on camera. Mr. Elliott stated cameras were not allowed in the resident area. Dr. Singleton had issued a policy a few weeks before prohibiting the use of cameras in filming staff and residents without administration approval. Mr. Booth stated he was invited by the resident and had every right to be there and would leave only if he were physically removed. Mr. Elliott said that Dr. Singleton summoned sheriff's deputies, who arrived, but Mr. Booth had concluded his interview and left.

Mr. Booth had been doing a series of television reports regarding the Veterans Home which were uncomplimentary to the Home's administration.

*Conclusion:*

1. The Home's personnel officer acted unprofessionally in confronting a television newsman.

*Recommendation:*

1. The Home should take appropriate action regarding this incident.

### XIII. Cover Up

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This investigation did not indicate that Mr. Caulking covered up information concerning Dr. Singleton, but rather demonstrated that the "fact finding" investigation he conducted was inadequate and the decision to restore Dr. Singleton to his post was based on that insufficient information.

Other than a separate examination by the department fiscal officer into potential purchasing violations and misuse of state funds, there was no true investigation into the problems at the Veterans Home by Mr. Caulking. The investigator merely collected information resulting in a list of 36 allegations, both direct and perceived, against Dr. Singleton's management of the Home, but did nothing further to determine whether there was substance to them. A number of the allegations did not appear to be substantial in nature. No conclusions were drawn by the investigator.

According to Mr. Caulking, he initiated the fact-finding inquiry in March, 1997, after several employees and veterans' organizations voiced concerns regarding Dr. Singleton and his handling of operations.

Mr. Caulking said he instructed Mr. O'Rear, the administrator of the veterans home in Jackson, and Sheila Lee, department human resource director, to visit the Home and conduct interviews of employees to determine their concerns and complaints. Mr. Caulking also said that he instructed department fiscal manager Hayes to conduct an inquiry of any financial matters that arose during the interviews. Mr. Hayes did not participate in the interviews.

Mr. Caulking said that he and the inquiry team arrived unannounced at the Home. Mr. Caulking said he conducted meetings with the employees and supervisors to advise them of the purpose of the inquiry. He said he tried to emphasize that anyone with any concerns should feel free to speak to the team.

According to an April 15, 1997, inquiry report issued by Mr. O'Rear to Mr. Caulking, the inquiry team interviewed 24 employees, including all department heads and supervisory personnel, during the period March 11-14, 1997. The team obtained written statements

from nine of the employees who said they were aware of questionable behavior by Dr. Singleton. Notes maintained by Mr. O'Rear showed that the other interviewed employees were not aware of any illegal or unethical activities.

In summary form, the report provided a brief explanation of 36 allegations against Dr. Singleton concerning sexual harassment, racial discrimination, racial favoritism, purchasing violations, payroll irregularities, and mismanagement. The report did not include any conclusions regarding whether the allegations were founded, unfounded, or unsubstantiated.

Mr. O'Rear advised that his inquiry was not a full investigation. His assigned role was to interview anyone who wanted to talk and to collect as many facts as possible. He said he did not interview Dr. Singleton regarding the allegations because of the awkward position it would have placed him in as Dr. Singleton's peer. He said Mr. Caulking and he mutually agreed that Mr. Caulking would personally interview Dr. Singleton. Mr. O'Rear said he could not draw conclusions about the allegations since he did not interview Dr. Singleton.

Mr. O'Rear said that many of the allegations, particularly those dealing with sexual harassment, did not have any witnesses and were very difficult to examine since they are largely based on people's perceptions.

Mr. O'Rear's report did recommend mandatory training for supervisory staff in team development. The report also recommended training for Dr. Singleton in areas concerning human relations, sensitivity, and sexual harassment.

Mr. Caulking said he reviewed Mr. O'Rear's report with attached written statements from employees and then conducted two to three meetings with Dr. Singleton to discuss some key issues. Mr. Caulking stated he talked to Dr. Singleton about 25 different items from the report but he did not discuss some allegations.

Mr. Caulking said his primary objective with interviewing Dr. Singleton was to determine if sexual harassment and racial discrimination had occurred. He said he did not find any sexual harassment but Dr. Singleton may have done things that could be interpreted as such. Mr. Caulking also said there was a perception by some employees that Dr.

Singleton was holding up merit increases and permanent status for probationary employees. Mr. Caulking said much of this was due to budget problems.

Mr. Caulking said that Dr. Singleton admitted that he once gave Gay Douglas a hug. Mr. Caulking said he did not think Ms. Douglas perceived the hug as sexual, just inappropriate. Mr. Caulking said that Dr. Singleton also admitted that Ms. Douglas did baby-sitting duties for his child but that she asked to do it.

Mr. Caulking interviewed Dr. Singleton, using the report prepared by Mr. O'Rear, placing notes in the margins on the questions asked and the answers received. It does not appear that every allegation was addressed by Mr. Caulking in the interview. There were notes by five of the listed allegations indicating Dr. Singleton denied them.

Mr. Hayes provided Mr. Caulking a report with a transmittal memorandum dated April 1, 1997, showing the results of his inquiry regarding allegations of purchasing violations and misuse of state funds. Mr. Hayes' report included conclusions citing the Home and Dr. Singleton for violations of state law and regulations.

Mr. Caulking said when he reviewed Mr. Hayes' report he noted that Mr. Hayes developed formal conclusions and cited violations but he knew Mr. Hayes had not interviewed Dr. Singleton. Mr. Caulking said he discussed Mr. Hayes' report with Dr. Singleton and requested a written response to the findings.

By way of a letter to Mr. Caulking dated April 15, 1997, Dr. Singleton provided his explanations to the violations and stated that he did not violate state purchasing rules or misuse state funds. This included Dr. Singleton's claim that he included job related material in a FedEx letter he sent to Mr. O'Rear.

Mr. Caulking made a handwritten notation on Dr. Singleton's response that he accepted Dr. Singleton's explanations. According to Mr. Hayes, Mr. Caulking did not discuss Dr. Singleton's responses with him before accepting them as valid. Mr. Hayes said they discussed the response afterwards and Mr. Caulking told him he just made a judgment call in accepting them.

Mr. Caulking said he did not prepare any written findings after his meetings with Dr. Singleton. There is no evidence that the department further examined any of the

allegations after the meetings. Mr. Caulking accepted Dr. Singleton's verbal and written explanations. Mr. Caulking stated that he personally may have been overprotective of Dr. Singleton because he knew Dr. Singleton had experienced difficulties trying to get the Home opened.

Mr. Caulking confronted Dr. Singleton with the list of allegations, but made no independent inquiry to determine their validity. On April 16, 1997, Mr. Caulking sent a letter to Dr. Singleton admonishing him against improper actions even though he made no findings that he had done anything wrong. The letter stated:

"This is to inform you that, at all times, you are to manage the Northeast Louisiana War Veterans Home (NELWVH) in accordance with acceptable American standards of managerial practices.

"You are instructed not to touch, hug or kiss an employee. You are not to engage in any managerial or personnel practices that racially or sexually discriminate, or give the appearance of racial or sexual discrimination. You must at all times engage in personnel practices in accordance with the Louisiana Civil Service rules and regulations, and financial practices in accordance with Louisiana State Government accounting and purchasing rules and regulations. You must not use state property or personnel for personal reasons or gain, or create the appearance of misuse of public property and personnel.

"Public servants and managers are constantly under scrutiny of the citizenry and hold a special public trust. Our employees and citizens have a right to expect us to make correct, prudent decisions, while also listening to their concerns and considering their opinions. We, as managers, do not have the luxury of displaying moodiness or engaging in behavior that is or gives the appearance of rudeness to employees or the public.

"You are a gifted, energized, creative intellect. I am confident you will correctly interpret this letter for its intended purposes and will willingly adhere to its stated word and spirit.

"I look forward to your successful operation of the NELWVH."

*Conclusions:*

1. There was no evidence of a cover-up by Mr. Caulking following his investigation of complaints at the Home in April, 1997.
2. The investigation conducted by the department at the direction of Mr. Caulking was intended as a fact finding inquiry, which consisted of interviews and statements provided by complainants. No effort was made to determine the veracity of the allegations. Mr. Caulking relied on the responses by Dr. Singleton to reach the conclusion that he should be restored to his position. The investigation was inadequate, considering the nature and extent of the complaints.

*Recommendation:*

1. Any further complaints made by employees, residents or citizens should be fully investigated by the Department.

XIV. Discrimination

During the course of the turmoil at the Home in 1997, allegations were raised by both Dr. Singleton's critics and supporters that racism was a factor. Charges were made that Dr. Singleton was being attacked because he was black and that Dr. Singleton instituted efforts to replace white employees with blacks.

The available evidence indicates there were situations at the Home which caused some employees to believe that personnel decisions were motivated by racism, a factor contributing to the turmoil at the Home, in our opinion.

All of the complaints by staff were brought by white employees, and none was brought by blacks.

Veterans homes operate under guidelines set forth by the Department of Veterans Affairs which follows federal guidelines. This includes an "underutilization plan," which is part of a federal affirmative action program in employment. The plan divides up the job positions into categories and sets a minimum percentage quota for the employment of minorities. The underutilization plan has no reverse quota for the employment of whites.

An analysis of the affirmative action plan prepared under Mr. Caulking, which is dated February, 1997, was distributed by the Department of Veterans Affairs to the veterans homes, including the one in Monroe, in July, 1997.

The analysis showed that the Monroe Home was low in only one category in the employment of minorities. The category is "professional/advanced," which includes such positions as registered nurse supervisors, counselor supervisors, human resource analysts and recreation therapists and supervisors. The shortfall in this category was 7.2 per cent.

Dr. Singleton stated that he was unaware of the department's written policy on affirmative action, which is part of the Home's written policy manual. Nonetheless, he said, one of his goals was to attain diversity, to avoid having all whites, or all blacks or all males or females.

In a memo dated Sept. 25, 1997, unrelated to the underutilization plan, Mr. Caulking referred to Dr. Singleton's quest for diversity in employment at the Home. In the memo, Mr. Caulking stated, "Last week I was informed there were 136 employees at the Monroe Home of which 107 were of one race (79 percent). Your originally stated objective of 'diversity' among the employees has not been achieved. Please double your efforts and communicate to your senior staff members the need to have a diversified work force." The majority of the employees were black at that time.

Dr. Singleton stated that the overriding policy of the Home was to hire the most qualified person for a particular job. Some employees disagreed with his assessment.

1. Mr. Victory said he was involved in some of the interviewing of prospective employees and that Dr. Singleton wanted them to hire black applicants whenever

possible. Dr. Singleton, he said, wanted diversity in all of the areas, but the Home was having difficulty in accounting because there were not many minority applicants in that field. Mr. Victory stated that he wasn't a racially prejudiced person up until about a year ago, but he has since changed.

2. Amy Moore, a white, was hired as a custodial supervisor I on Oct. 16, 1996. On Feb. 18, 1997, the director of housekeeping, who was Ms. Moore's supervisor, resigned. The position was filled by Dr. Singleton's detailing of the transportation coordinator, a black, to duties over the housekeeping section. Ms. Moore complained that although she did not get the title and pay, she was performing the work of the director of housekeeping. When Dr. Singleton was temporarily reassigned in April, 1997, Ms. Moore complained to the acting administrator, Richard Edwards, who requested detailing her to the position along with back pay. Dr. Singleton as the appointing authority approved it.

Dr. Singleton, upon his return to the Home posted the position to be filled. Ms. Moore said she received a brief interview by Dr. Singleton, was given only a few questions to answer, was cut off during her answers, and was told at the end that she was not being considered for the job. The person hired for the job, who was black, was ranked one point higher than Ms. Moore on the employment application graded by Civil Service. Ms. Moore subsequently filed a civil service petition charging racial and gender discrimination.

A civil service referee has determined the petition was insufficient and it was dismissed.

3. Gay Douglas stated that Dr. Singleton instructed her to employ a black as the assistant director of nursing, which Dr. Singleton denies. She said that even though both a white applicant and the black applicant were qualified, she felt the white person should be hired because she had more nursing experience in dealing with the elderly. Ms. Douglas said that Dr. Singleton said he had the fullest confidence that she could train the black applicant to do the job. The white person, Jennifer Babb, was given the next highest post, that of registered nurse supervisor 2. Ms. Babb subsequently was forced to resign, an action in which Ms. Douglas participated, because of her inability to work regularly following an injury in her home. The

assistant job was one of those which fall into the category which does not meet the federal quota for employing minorities.

Ms. Babb filed a grievance dated Feb. 25, 1997 alleging "racial and nonracial discrimination." It was rejected at the office level and she did not pursue the grievance further.

4. On the day after he was forced to resign, Mr. Nelson made racially inflammatory remarks about Dr. Singleton in a telephone conversation with Mr. O'Rear, who conducted the internal investigation of the Home. Mr. Nelson acknowledged making the comments. In a memorandum dated May 6, 1997, Mr. O'Rear wrote:

The caller (Mr. Nelson), who appeared to me to be quite angry and upset, then stated that Dr. Singleton was 'out to get us' and that employee morale was extremely low. He proceeded to make derogatory comments about Dr. Singleton, including 'he's a nigger who only wants to screw white and oriental women' and 'it wouldn't bother me if someone went in there (the Home) and blew him away.' ... The caller also said that the Ku Klux Klan had been contacted and that he had heard that there had been discussions about cross burnings."

Both Dr. Singleton and Mr. Caulking have raised the specter of a conspiracy among Dr. Singleton's accusers to confect allegations designed to strike back at him for their grievances.

To bolster his position that there was an ongoing effort to displace him, Dr. Singleton furnished the IG with the following transcript of a message left by Mr. Caulking since he was transferred to Jackson the second time. The transcript states:

"Barry, this is John Caulking. It's about 5:20. I usually stay at work until about 5:30 and I apologize for calling you at home. I almost never do that to anyone but, I'm calling because you have got very, very good men who support you, Chuck Bezio, Milt Lang and Huey O'Neal. They have told me what I believe them to be true that there are some racists out there who are out to get Barry Singleton.

"These three all men can be completely trusted and they would like to sit down with you and have a man-to-man discussion with you and I think it's in your interest to do that. They honestly think you got to know who your enemies are, who your friends are and these three men are your friends.

"That's Milt, Huey and Bezio, I wouldn't trust too many others frankly. Sit down with them, they know the landscape, they know the minefields. Bezio wants to get with you. Please call Chuck Bezio either tonight or first thing tomorrow. He wants to sit down with you and the other two and just talk with you. They support you entirely, Barry.

"There are several who do not and who are out to get you, I think. So, I, I mean, just you know, in a larger sense don't worry, but I just don't trust some of those people. But those three are men that you can trust and they want to help. Please call Chuck Bezio. Please put your faith in Chuck and sit down with him, Milt and Huey and let them give you some guidance, help and advice.

"Uh, OK, look you hang in there. I know it's a very stressful time for you and it's a bit stressful for all of us. But right now I know it's far, far more stressful for you. We're behind you, I support you. You need to know that. We've solved, I believe, the vast majority of the money problems. You have to stick to what we gave you and I will talk to you personally tomorrow.

"Um, and David Perkins is a great, great person. You can trust him, and uh, do call Chuck. He is a man who wants to help you and I will tell ya, (sic) those three men are super men. Put your faith in them. OK? That's Milt, that's Chuck and that's Huey. All right, buddy, hang in there. Bye-bye."

After receiving the message from Mr. Caulking, Dr. Singleton sent it to the Inspector General with a letter in which he said, "I honestly believe there has been and continues to be a conspiracy designed by former and two existing disgruntled employees to attempted (sic) to remove me from my post as administrator."

An effort was made by investigators to contact 50 former employees who were outside the management circle to ascertain their views on events at the Home. Twenty were reached and only one of the group expressed the view that racism was a problem, and this was a reference to a fellow employee.

*Conclusions:*

1. Complaints were made that Dr. Singleton ordered the hiring of blacks on the basis of their race, which he denies.
2. An employee who was forced to resign from the Home used racially charged epithets in conversation with an official investigating problems at the Home.
3. Mr. Caulking told Dr. Singleton that he believed there were racists out to get him.

*Recommendation:*

1. The department should ensure that employees are hired on the basis of their qualifications and not on the basis of their race.

*Responses:*

Responses to this report from Dr. Singleton, the department, Mr. Victory, Mr. Nelson, Ms. Hoyle and Mr. Elliott are attached to the report. Attachments, which the department added, may be obtained from the agency. Mr. Nelson's response was paraphrased in order to eliminate new allegations and items not responsive to the report.

*IG Comments:*

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Contrary to the department's claim, Mr. Caulking was interviewed several times during the investigation and was offered the opportunity for a "formal" interview, but he declined.

A case on abuse of office cited by Dr. Singleton did not include the fact that the Supreme Court took the unusual step of specifically declining to approve the appellate court's ruling on abuse.

The department's defense that civil service rules were followed in the actions against various personnel is not an issued raised by the report.

File No. 1-98-0027

BL/CW/fs

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April 8, 1998

Mr. Bill Lynch  
Office of State Inspector General  
P.O. Box 94095  
State Capitol Annex  
Baton Rouge, La. 70804-9095

VIA FAX

Re: Response to Report Regarding Investigation of  
Allegations Against Dr. Barry Singleton

Dear Mr. Lynch,

I represent Dr. Barry Singleton and, on his behalf, have reviewed the second Draft Report, as amended, by the staff of the Inspector General's office regarding complaints made against Dr. Singleton during his tenure as Administrator of the Northeast Louisiana War Veterans Home (NELWVH) in Monroe, La., hereafter referred to as the Home. While this document shows some improvement over the last draft, there are still significant problems with the draft report as presented.

In order to avoid repetition, I will address the major problem areas by category, roughly following the outline in the Details of the report. I will also assume, in this response, that your office has available to it our previous response and will not belabor points made in that response.<sup>1</sup>

I. Abuse of Employees Allegations:

A. Employees Used to Perform Personal Tasks

There is a finding in this section: that Dr. Singleton had employees perform personal errands.

The second draft report, as amended, cites La. R.S. 42:1116 as the standard by which these allegations are to be judged. However, the report then proceeds to add its own interpretative gloss to this statute, and asserts that there is an "historical" interpretation of that section which "prohibits supervisors from asking employees to do personal tasks for them due to the inherently coercive nature of the employer-employee relationship."

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<sup>1</sup> I understand that the previous responses will not be attached to the final draft which is forwarded to the Governor's office; however, I will assume that your office has had access to the information in those responses and that they have been considered accordingly in preparing the final report.

(See Draft, p. 9).

To my understanding, this is not an accurate statement of the law in Louisiana, as set forth by state statute and reflected in case law interpretation. La. R.S.42:1116 does not stand for the proposition for which it is offered; i.e., there is no "inherently coercive nature of the employer-employee relationship" pursuant to La. R.S.42:1116 which prohibits per se a supervisor asking an employee to perform off-duty work. In fact, the language of the statute and case law applying it completely refutes this proposition.

La. R.S.42:116, in pertinent part, states:

Section 1116. Abuse of office

A. No public servant shall use the authority of his office or position, directly or indirectly, in a manner intended to compel or coerce any person or other public servant to provide himself, any other public servant, or other person with any thing of economic value. This Subsection shall not be construed to limit that authority authorized by law, statute, ordinance or legislative rule in carrying out official duties. (emphasis added)

There is absolutely nothing in the language of this statute that creates an inference of compulsion or coercion by the mere asking of an employee by their supervisor to do a personal task on their behalf. In fact, the language of the statute is very explicit in requiring proof of an intention to compel as well as the use of the authority of the office as an instrument of coercion before a violation can be found.

In the only reported case dealing with this section relevant to this investigation, the employee involved, the Director of a state vocational school was found not to have violated La. R.S.42:1116 when the following occurred: the supervisor asked the employee (whom he directly supervised), to type his papers for his masters thesis. He offered to pay her and she declined payment. While her job at the school didn't involve typing, she frequently helped others with typing and editing because she was good at it. This task took over 300 hours to complete, half of which was done during school hours using school equipment and supplies. The employee continued to perform her school duties while doing the typing. She never filed a grievance; she was not compelled or coerced into doing this work; she only complained to other workers about doing this work when it interfered with her free time. Tebbe v Commission on Ethics for Public Employees 526 So.2d 1354 (1st Cir

1988), set aside on other grounds, 540 So.2d 270 (La. S.Ct. 1989).<sup>2</sup>

If the assertion in the draft report was a correct statement of law, the mere asking by the supervisor in Tebbe would have been sufficient to find a violation of the statute. Instead, no violation was found because there was no proof of the supervisor using the authority of his office to coerce the employee into doing personal errands.

Contrary to the assertion in the second draft report, there is no violation of R.S.42:1116 merely by a supervisor asking an employee to perform personal tasks. Perhaps there are arguments to be made that there should be such a rule, but the consequences for such a rule could be far-reaching and the pros and cons of such a policy are beyond the scope of this response. The point is that no such "bright line" of demarcation was in effect at the time of the events involved herein and is not the law today.<sup>3</sup>

It is clear that, applying the clear language of LA R.S:42:1116 to the facts at hand, there is no legal support for a finding that Dr. Singleton has engaged in any violation of that statute. See Tebbe, *infra*.

Even if all of the allegations made by Ms. Douglas and Ms. Scott regarding personal errands were true (and Dr. Singleton denies the truth of their allegations), there would still not be a violation of La. R.S. 42:1116. Louisiana does not recognize an inferred compulsion or coercion for personal errands between a supervisory and subordinate employee merely by virtue of the

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<sup>2</sup> On appeal, the Supreme Court was not asked to review the appellate court's decision regarding La. R.S.42:1116. However, nowhere in comments in dicta does the Supreme Court ever indicate its support of such an interpretation of La. R.S.42:1116 as is presented in this draft report.

<sup>3</sup> Undersigned counsel contacted the State Ethics Board in an effort to determine whether there are any published opinions or guidelines of the Board interpreting La. R.S.42:1116, to the effect that there is a *per se* finding of coercion or compulsion by a supervisor asking an employee to perform some personal tasks, off-duty, as stated in the draft report. Counsel has been informed that there are no such published opinions or guidelines. Apparently the Ethics Board is now working on a draft of a general opinion on the subject, but it has not been yet been adopted and was not in effect in 1996 and 1997, when the events at issue in this investigation allegedly occurred. Similarly, to counsel's knowledge, there is no agency regulation prohibiting a supervisor from asking or accepting an employee's offer to perform off-duty work, unrelated to the state job.

employment relationship under R.S.42:1116.

A key element in this statute is that the public servant (in this case, Dr. Singleton) must have "intended to compel or coerce" another public servant to provide him with any thing of economic value. There is no violation of this statute when there is no proof of compulsion or coercion.

Dr. Singleton is charged with asking Kay Scott to pick up his bicycle during lunch and to pick up a drivers manual or registration info. There is no allegation or evidence that Dr. Singleton ever used the authority of his office to coerce Kay Scott to perform any personal errand for him. There is no allegation that Kay Scott ever objected to this or that she filed any complaint or grievance regarding this request. Also, there is no proof that Kay Scott was subject to any reprisals if she refused to perform these tasks.

Kay Scott, in a memo written by her and previously furnished to your office, stated, in pertinent part, that

"I told him (the reporter) more than once that I had no first hand knowledge of wrongdoing at the War Veterans Home, that everything I knew was second-hand---just hearsay....

The incident about the bicycle was not even included in the material I gave to the interviewers from Department because it seemed so insignificant to me. The reporter caught me off-guard when he asked me specifically about that incident. I think it is obvious from my telling of the incident on the videotape that it didn't seem to be significant."

These comments hardly indicate that this is an employee who is alleging that she was coerced into doing something against her will or that Dr. Singleton used the position of his office to coerce her.

With regard to Gay Douglas, there is no evidence that Dr. Singleton ever ordered her to do personal errands for him against her expressed will or did anything to use the power of his office to coerce her to do so.<sup>4</sup> There is no evidence that she ever told Dr. Singleton or gave him any notice that she did not want to babysit. She filed no grievances or complaints. She can point to no act of reprisal by Dr. Singleton related to any refusal on her part

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<sup>4</sup> In fact, according to Dr. Singleton, Ms. Douglas volunteered to help out with his son. When he offered to pay her for these off-duty services, she refused to accept payment.

to babysit. <sup>5</sup>

The employee in the Tebbe case, after doing a significant amount of work typing her supervisor's masters thesis, (over 300 hours), subsequently told her supervisor that she didn't want to continue to perform the typing duties requested by him as it interfered with her free time. There was no effort made to compel her to continue and therefore, no violation of La. R.S.42:1116.

Unlike the employee in the Tebbe case, there is no record of Gay Douglas ever saying to Dr. Singleton that she didn't want to babysit or that she wished to withdraw her initial agreement to do so. In fact, Ms. Douglas admits that "when she was first asked she did not object..." but that it was later, that she felt burdened by providing this assistance. Gay Douglas said nothing to Dr. Singleton about her changed attitude. Instead, she tries to use Dr. Singleton's re-assurance that she need not help him out of any concern relating to her employment, to try and suggest that she felt "threatened."

This statement attributed to Dr. Singleton by Gay Douglas is not evidence of the intent of Dr. Singleton to compel or coerce Ms. Douglas to perform personal errands for him. In fact, it is evidence of the lack of intent to compel or coerce her into helping him out. According to Ms. Douglas own statement, Dr. Singleton explicitly told her that she didn't have to help him out with his son if she didn't want to and that she should have no fear of any consequences for her job if she chose not to.

This statement attributed to Dr. Singleton is exculpatory to any charge of coercion. He is assuring her that there is no

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<sup>5</sup> It should be noted that the agency did not have policies or practices in place which were "child friendly" or which gave assistance to single parent employees, such as Dr. Singleton. It should be recalled that Dr. Singleton was new to the area and did not have family or friends nearby to assist with his young son. Oftentimes events were scheduled at the last minute or Dr. Singleton would receive late notice of events yet was expected to attend. The agency did not provide any assistance or recommendations for baby-sitters or child care. It would not be unusual in that situation for Dr. Singleton to ask people he knew from work to babysit or for those employees to offer to help out by babysitting. In the absence of any policy prohibiting such an arrangement, it would seem to be left up to the employees to decide this. If Ms. Douglas felt uncomfortable with the situation she should have said something. There is simply no proof presented here to show that Dr. Singleton ever knew that Ms. Douglas did not want to babysit or that he ever did anything to use the authority of his office to compel her to babysit or help out with child-care.

connection between helping him out with his child and her job and that Ms. Douglas is free to walk away from the personal support, with no consequences whatsoever. That this reassurance is later twisted to make it appear to be the opposite is not proof of any effort by Dr. Singleton to coerce her. His words make clear that there is no coercion, yet in an upside down way worthy of Lewis Carroll's Alice in Wonderland, the words are now transformed into their exact opposite.

The salient question under La. R.S.42:1116 is whether Dr. Singleton ever used the authority of his office to force Gay Douglas to babysit. There is absolutely no proof of this and the suggestion in the draft report to the contrary is wrong and legally unjustified.

If the law were as the draft report says, then there are numerous off-duty contacts between state employees and their supervisors, which would be outlawed. According to this draft report, a supervisor asking an employee to babysit off-duty is engaging in a per se "abusive" act. What happens if the employee solicits or volunteers to babysit? Is the acceptance of this invitation by the employer also an abusive act? What if the employee later decides that he or she doesn't want to continue to babysit but says nothing to the employer about their change in attitude? Is the employer, without any notice that the situation has changed, now transformed into an "abuser"?

What happens if a supervisor asks an employee for a ride home after work (anything of economic value)? According to the "per se" standard advanced in this draft report, it would be an "abuse of office" for the supervisor merely to ask, even if the employee was completely willing to do so. What if the employee offers the ride and the employer accepts? Is the act of acceptance of the ride by the supervisor "per se" abusive? What if the employer says to the employee, "Thanks for the offer/ride; but I don't want you to think that you have to give me a ride; it has nothing to do with your job and there are no consequences at all if you don't want to give me a ride." Is that reassurance by the supervisor that there are no job-related consequences now transformed through some double-speak alchemy, into the exact opposite of what is being said? Is there no distinction between this comment and one that says "give me a ride home or you lose your job"? Have we come to the point where any comment at all made by a supervisor is evidence of wrongful intent, regardless of what is actually said?

The fact is, that it is not impermissible in the State of Louisiana for a state supervisor to ask an employee to do off-duty work. What the supervisor cannot do is use his or her official position to compel the employee to comply. Perhaps there is an argument to be made that such a per se rule prohibiting all off-duty, private business relationships between supervisors and employees should exist, but La. R.S.42:1116 is not such a law and

does not prohibit such acts as those described here.

Another point remains to be made regarding this section. Obviously it is impermissible for supervisors to require state employees to perform personal errands for the supervisor while being paid by the state to do so. There are explicit statutes governing this conduct and both the supervisor and the employee are held accountable for their conduct in this regard; the draft report contains no finding that Dr. Singleton or the employees involved here have violated those statutes.

#### B. Mistreatment Allegations

##### **Karen Hoyle**

The Department of Veterans Affairs has provided extensive documentation regarding the handling of this matter. Dr. Singleton supports their response.

##### **Tom Victory**

Dr. Singleton denies any retaliation against Mr. Victory and states that any action taken against Mr. Victory was completely justified.

##### **Larry Nelson**

This portion of the report deals with circumstances surrounding the termination of employment of Larry Nelson.

Dr. Singleton does dispute Mr. Nelson's account of his resignation as he denies that anything improper or "wrongful" occurred. Dr. Singleton did not "offer a recommendation in exchange for his resignation". And Mr. Nelson was not "forced" to resign as alleged in the Conclusion. Either Mr. Nelson misunderstood what Dr. Singleton was saying or he is lying about what happened in his exit interview.

Ms. Shelia Lee, personnel director, was present throughout the exit interview with Mr. Nelson, yet nowhere in the report is that indicated. Apparently, the investigators chose to credit the account of Mr. Nelson, although it is a disgrace that any credibility at all is given to anything said by Larry Nelson about Dr. Singleton.<sup>6</sup>

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<sup>6</sup> This is the same Larry Nelson who called Mr. James O'Rear on May 6, 1997, first saying he was terminated, then later saying he had resigned. He made extremely derogatory comments about Dr. Singleton, using racial epithets and not-so-veiled threats of racially motivated violence, to wit: "it wouldn't bother me if someone went in there (the Home) and blew him away". He also stated

At the exit interview, Dr. Singleton and Shelia Lee called Larry Nelson into Dr. Singleton's office. Dr. Singleton told Mr. Nelson that his performance at the Home was unsatisfactory and that he was going to be terminated. Mr. Nelson requested that he be permitted to resign, rather than be terminated. Dr. Singleton and Ms. Lee approved this request; he was told that he could resign and that his record would then show a resignation instead of termination.

The letter of resignation was typed up and Mr. Nelson signed it. Ms. Lee was handling the preparation of the official paperwork. Mr. Nelson asked if he could put on the forms that the resignation was for poor health, since he had recently had health problems and there was a section on the form which included this as a reason. Ms. Lee informed Mr. Nelson that this was acceptable and the paperwork was prepared accordingly.

Mr. Nelson participated throughout this discussion in the negotiations of the conditions for the termination of his employment and the result was an agreed-upon, consensual resolution of this dispute. Mr. Nelson never requested the opportunity to consult with counsel or requested a delay to obtain legal advice as to his options. He negotiated the terms of the end of his employment with the Home with Dr. Singleton and Ms. Lee.

Mr. Nelson was a probationary employee. This means he had no vested right to his position and there is no requirement that his termination be for cause. The only rights of appeal he would have to the Civil Service Commission would be if he could show discrimination. Louisiana Constitution Article 10, Section 8.

Dr. Singleton did nothing wrong in the way he handled the termination of Larry Nelson. The draft report admits that there was cause for termination. Even in a situation where there is lawful cause and the employee is probationary, there are legitimate interests on both sides for an appointing authority and an employee to negotiate favorable terms for each side for ending the employment relationship, either at the exit interview or previous or subsequent thereto.

A probationary civil service employee who is terminated may still file a claim for unemployment benefits against the agency, at which time the agency would have to prove that the employee engaged

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that "the Ku Klux Klan had been contacted and that he had heard that there had been discussions about cross burnings." While the draft report includes Dr. O'Rear's memo about this conversation, (which incidentally should have been referred to law enforcement authorities for investigation) the report accepts without question the credibility of Larry Nelson's account of his exit interview with Dr. Singleton.

in misconduct to avoid paying unemployment benefits. This can happen even when there is cause for the termination as the standard of misconduct for denial of unemployment benefits is greater than the requirement of just cause for termination. It is not unusual for an employee, even one fired for cause, to be eligible for unemployment benefits if they are terminated.

If the employee resigns, however, he or she will forfeit any claim for unemployment benefits unless he/she can show good cause for the resignation, which is very difficult to do under Louisiana case law.

Also, a probationary employee could still file complaints of discrimination for wrongful termination with civil service, which, even if frivolous, still have to be defended against.

Therefore, it is often in the interest of the Agency to have just such a negotiated resolution as occurred here. It is much more difficult for an employee who has resigned to later claim that a resignation was involuntary and to prevail in subsequent proceedings than if there was just a straight termination.

From the employee's point of view, a termination from state employment goes on their permanent employment history and will follow them whenever they apply for jobs in the future. Termination from state employment can be a substantial obstacle for many individuals and can have particularly harsh results for an employee who is probationary and has no way to contest whether the discharge was for just cause or not. Therefore an employee in this situation has a strong incentive to try to negotiate a resolution of this matter, so as to have a "clean" record for leaving the job. A "resignation in lieu of termination" on their record is meaningless for an employee in this situation as it gives the employee nothing in the settlement. The only thing of value the employee can negotiate for in this situation that has any real meaning is a simple "resignation" on their employment record. This would mean that future, prospective employers contacting the state agency would be told that the employee's record shows that they resigned for personal reasons, which in the common vernacular of employment references, usually translates as "resigned in good standing." This is something of value and is obviously something that Larry Nelson wanted and was willing to negotiate for.

This type of negotiated resolution happens every day in state employment, as well as the private sector.

There is nothing wrong with a negotiated termination of the employment relationship whereby the employee is permitted to simply resign in good standing rather than be terminated. If there is something "wrongful" or "improper" about such a negotiated settlement, then someone better tell the many state employees, personnel directors, civil service appeals personnel, attorneys and

the Civil Service Commission who have participated in similar types of negotiated settlements for decades, because it is a standard and common practice which has beneficial results for both the employee and the state.

Furthermore, while Civil Service Rule 12.11(f) provides that the SF-1 of an employee who resigns to avoid dismissal shall indicate this fact and that a copy should be furnished to the employee, there is no prohibition against a negotiated resolution of an employment dispute which results in a settlement like what occurred here. In fact, the law encourages and promotes the negotiated resolution of conflicts.<sup>7</sup> This occurs in all spheres of life, including criminal cases, civil disputes, employment disputes, etc. There has never been a civil service commission decision which prohibits such a negotiated settlement; there is no civil service rule which prohibits such. How then can this draft report conclude that Dr. Singleton acted "wrongfully" or "improperly"? How, based on these facts, can this report conclude, at p. 28, that Larry Nelson was "forced" to resign, when he in fact negotiated his resignation.

### C. Sexual Harassment Allegations

The report concludes that there is no finding of any violation of the law regarding sexual harassment for any of the allegations made against Dr. Singleton. In one witnessed event, the report finds that Dr. Singleton "inappropriately kissed and mutually hugged a female employee in a non-sexual way." (Executive Summary). There is no assertion that any law or departmental regulation was violated as a result of the physical contact between Dr. Singleton and Ms. Gay Douglas described in the report.

This then raises the obvious question: what exactly is the standard for what is "appropriate" or "inappropriate" non-sexual touching? Where is the term "inappropriate" defined and what are the rules? Is it any touching at all? Is it only cross-gender touching? Is it only touching between employees of different rank?

If the touching is consensual or mutual, under what circumstances, if any, could it be deemed "inappropriate"? If the touching is mutual yet "inappropriate" for one participant, isn't

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<sup>7</sup> Additionally, it should be noted that resignation in lieu of dismissal comes up in the civil service rules in the context of an employee who has been "dismissed from the public service for delinquency or misconduct or has been permitted to resign in lieu thereof". Civil Service Rule 7.5(7) and Rule 8.13(a)(9). This is a much higher standard than dismissal for cause. While the dismissal of Larry Nelson did not legally require cause, the draft report found that there was justification for the termination. However, there is no finding of "delinquency or misconduct".

it also "inappropriate" for the other? Under what circumstances is a hug and a platonic kiss to comfort someone who is emotionally distraught, considered to be appropriate or inappropriate? Does it make a difference if witnesses are present? Does "inappropriateness" require an element of lack of consent? Does it make a difference if the allegedly offended party never says or indicates in any way that the contact is unwelcome?

Another question which must be asked in this context is whether the fact that Dr Singleton is a black man and Ms. Douglas is a white woman, has anything to do with a finding of "inappropriateness." Would this situation be different if all concerned were of the same race? Are there different standards being applied here? Is the same "rule" of what is "appropriate" applied to other instances of mutual touching by state employees where race is not a factor?

It is submitted that this case is a good example of the peril of trying to determine "appropriateness" or "inappropriateness" of human physical contact in the workplace without clear guidelines and policies and a clear consensus as to what those terms mean in what circumstances. What is appropriate to one person may be deemed inappropriate to another, which is precisely the problem. When there are no clear lines of demarcation or definition it is impossible for an individual to know what conduct is permissible and what conduct is subject to sanction. This is why the fundamental requirements of due process of the law provide that an individual must be on notice as to what conduct is permitted, through written law or policy. In this instance, there is no such law or written standards.

The report finds that Dr. Singleton's participation in mutual hugging and a kiss on the top of the head, (acts which are conceded to be non-sexual) of an employee who was distraught and crying, while in the presence of another employee, was "inappropriate." There is no indication that Ms. Douglas ever indicated to Dr. Singleton that she considered this to be inappropriate or that she objected to being consoled in such a manner in such a circumstance. She never filed a complaint or grievance regarding this event. This is the same Gay Douglas who baby-sat for Dr. Singleton's son, with no complaints made.

Significantly, there was an independent eye witness to the event who, according to the draft report, was present throughout and who stated that she saw Dr. Singleton and Ms. Douglas "mutually hug each other" (emphasis added). This mutuality would seem to belie Ms. Douglas' now assertion to the contrary.

This is not a one-on-one, he said/she said situation. There was an independent witness who confirmed that the contact was mutual; it is undisputed that it wasn't sexual. Yet the conclusion states that the touching was "inappropriate" with no citation to

any legal or agency authority for this proposition.

To my knowledge there is no prohibition or policy against state employees mutually hugging or kissing each other in a non-sexual manner. In fact, like human beings everywhere, state employees frequently form close personal bonds with their co-employees and/or supervisors and share many personal and family experiences of their lives with each other. Frequently state employees, like human beings everywhere, will share with each other their joys and sorrows through expressions of human contact and support which are physical as well as verbal.

This type of touching is a part of human nature and expressions of non-sexual, physical touching are a normal part of everyday life in our culture. We shake hands with people when we meet them, we put our arms around people who are upset, we hug each other when we're happy or sad. Americans are generally very expressive physically, some more than others, and there are no generally accepted cultural taboos against these types of contacts, in the workplace or in other arenas of life. For example, many church services now regularly incorporate into their service a few moments of the churchgoers mutually hugging, touching and shaking hands with those around them, in an expression of fellowship. At awards ceremonies we frequently hug and kiss each other when sharing congratulations or honors. When someone is upset or hurt in some way, we often reach out and physically touch that person in order to comfort them.

There is also plenty of room within our culture for those who don't like to be hugged or kissed, even while being comforted or congratulated, to express their individual choice. All that person has to do is "just say no". Once that will is expressed, then, we look at the question differently. If an individual affirmatively states a reasonable preference not to be touched and another person knowing that preference, persists in ignoring it, then there is no presumption of consent or mutuality.<sup>8</sup> The violation however is not that the touching in and of itself is "inappropriate". It is that the specific individual has expressly asserted his or her lack of consent and as to that individual, the touching is not consensual.

This is a critical point, which seems to be missing from this report. Nowhere in the report is it claimed that Dr. Singleton was on notice from Gay Douglas that she did not wish to be mutually hugged or kissed by him, or that he knew this yet persisted in doing so, against her wishes. In fact, the very circumstances of the touching involved here belie this. There was another person

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<sup>8</sup> This request must be reasonable as the law recognizes certain de minimis or ordinary touching that human beings must expect to encounter every day, just as a result of sharing physical space, i.e., in an elevator, in an office, in public places, etc.

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present in the room, who witnessed the exchange. The hug was mutual. The kiss was platonic. It is conceded that the touching was non-sexual. Ms. Douglas was emotional, crying and upset. Dr. Singleton was trying to comfort her, as best he could. Ms. Douglas expressed nothing, physically or verbally, that would inform any observer or participant that the contact was unwelcome or without her consent.

If non-sexual, mutual touching of this nature is to be outlawed, then somebody needs to tell that to all those state employees who regularly touch and hug or kiss each other every day. Such a rule needs to be clearly stated and the parameters defined. Is it only prohibited if the employees are of different sexes and/or of different employment positions? Are there exceptions if the employees are emotionally distraught and being comforted? What if the employees are happy and are hugging each other as a way of sharing joy? Is that prohibited?

To my knowledge, there is no per se non-touching rule among state employees. Mutual, physical touching, hugging and kissing of employees by each other is not prohibited. Likewise, mutual, non-sexual, physical touching between a supervisor and an employee is not prohibited per se.

By its finding of "inappropriateness", the Inspector General's office seems to be suggesting that the state either has or should adopt a per se rule prohibiting mutual touching between state employees similar to the military code prohibiting officers from "fraternizing" with enlisted personnel. If this is what is being recommended, then the report should say so and let's open the debate on the wisdom and practicality of such a rule. But there is no such rule presently in effect and to find that Dr. Singleton has engaged in "inappropriate" touching in this situation, is clearly not supported by any known standard or law.

The extremes to which this issue can be carried are demonstrated by the Department's own reaction to this allegation. Dr. Singleton has now been instructed by Mr. Caulking, former head of the Department, to refrain from "touching" employees at all. Dr. Singleton, like most polite and well-mannered Americans, often shakes the hands of people when he greets them. This is definitely a form of touching. Under this instruction, he is now prohibited from even shaking hands with his own employees.

It is truly unfortunate that the serious problems of sexual harassment on the job, which are outlawed by specific statutes and laws (none of which Dr. Singleton has violated) has been used to distort the workplace environment to such a degree that normal human contact like shaking hands is virtually outlawed. There is a big difference between illegal acts of sexual harassment and basic, human physical contact. This report shows the peril involved when an agency attempts to impose its own unwritten and unclear

definition of "inappropriate" behavior in a situation where there are no clear guidelines and the opportunity for over zealousness abounds. It is with some serious trepidation that one wonders where such an unguided, undefined effort will lead in investigations of employees conduct in the future.

## II. Purchasing

Dr. Singleton denies that he ever instructed any merchant or vendor to split an invoice into three parts to cover up an alleged purchasing violation. There are serious questions regarding the credibility of the two witnesses who say otherwise, Ms. Gay Douglas and Mr. Russell Shoemaker. Ms. Douglas bias against Dr. Singleton is apparent; Mr. Shoemaker's credibility is likewise in question. He had earlier been recommended for a verbal warning after an incident in which he was charged with waving his arms and shaking his finger at a resident. According to the investigation of that incident, three witnesses, along with the resident, directly contradicted Mr. Shoemaker's account.

Additionally, according to the manager of the business in question, Moss Carpet, it is entirely possible that the company itself broke the invoice down into three parts because they were measuring three separate rooms and simply invoiced for each.

## III. Employment Application

Civil service rules do not require that the memory of every applicant to state employment as to every job they have ever held in the past, rates of pay, etc., must be 100% accurate or complete. Civil Service rules prohibits the making of a false statement of any material fact or the practice of deception or fraud. There is no evidence that Dr. Singleton was being deceptive or engaged in any acts of fraud with regard to his employment application nor that he made a false statement of any material fact.

Regarding the job with University of Cincinnati Hospital 10 years ago, sufficient information was provided about the job that any alleged discrepancy regarding the exact dates worked and wages could be easily determined. There was clearly no attempt to hide this employment and no proof of any intent to deceive or commit any act of fraud. With regard to the private consulting business, there is no requirement that individuals who perform consulting services are required to list the names of their clients and amounts earned from various clients, on state employment applications.

That the employment application was not 100% complete or that there was an error in some dates of employment, without more does not show deception or fraud, which requires a showing of intent. Inadvertent, non-material omissions or errors in an application is not grounds for disciplinary action and does not support any finding of wrongdoing or deliberate acts of falsification.

Furthermore, it is submitted that any errors or omissions on the application are not material, are not significant, and have absolutely no bearing on Dr. Singleton's qualifications and abilities to satisfactorily perform his job duties.

#### IV. K-Time and Compensatory Leave

There seem to be two separate allegations involving K-time. One concerns Dr. Singleton allegedly telling management employees not to record all of their K-time and the other suggests an improper denial to employees to use their K-time. In particular, the Introduction specifically charges that Dr. Singleton abused employees by denying them earned compensatory leave.

With regard to the allegations that Dr. Singleton told employees not to keep a record of their annual leave, Dr. Singleton denies having given that directive or having knowingly violated any provisions regarding the recording of earned compensatory leave. His response denying this allegation should be clearly stated in the report; it appears to have been omitted.

With regard to the allegation that Dr. Singleton abused employees by not permitting them to use K-time leave, from the Details section it appears that this allegation involves 3 employees, Cindy Fisher, Karen Hoyle and Clive Gunter. Implicit in the use of the term "abuse" is the perspective that any denial of the use of the use of K-time leave in these instances was an abuse of Dr. Singleton's discretion. There is no basis for such a conclusion, as a specific review of the facts involving each employee demonstrates.

Initially, it should be noted that there is no evidence whatsoever that Mr. Gunter was ever improperly denied the use of K-time leave. By his own admission, Mr. Gunter never requested to use the promised leave, so how can there be a finding that it was improperly denied?

Cindy Fisher states that she in fact kept a record of her K-time hours. She complains that Dr. Singleton rejected a request for her to use K-time but she received it after complaining to Baton Rouge. There is no mention of the date upon which this request was made, what the reason for the request was, the length of time requested or of what reason Dr. Singleton gave for denying the K-time.

It is within the prerogative of a manager of a facility to deny the use of K-time; permission to use it is discretionary and depends upon whether the facility's needs can be met at the particular time involved if the leave is granted and the employee is absent. Use of leave time can be denied because of the amount of time requested, the time of year it is requested, the conflict with scheduling of other employees, a facility being short-handed,

consideration of other employees' requests, etc. There are many legitimate reasons for this request being denied. Oftentimes state employees' requests to use compensatory leave are denied.

State Civil Service Rule 11.19 governs compensatory time and provides, in pertinent part:

11.19 Compensatory Leave

(c) Subject to the provisions of Subsections (e) and (f) of this Rule, compensatory leave credited to an employee may be used by him, with the approval of his appointing authority. (emphasis added)

(Subsections e and f deal with transfers of the leave time on transfer or termination of employment)

Rule 11.19 (c) gives the discretion to the appointing authority whether to grant or deny the request to use compensatory leave. The rule is discretionary (may), not mandatory (shall).

The draft report alleges no impropriety against Dr. Singleton for denying Cindy Fisher the use of her compensatory time. There is no allegation of retaliation or discrimination in the denial. It was well within his discretion to deny her request, as it is for any appointing authority. It is also within the rights of the employee to appeal this denial, as Ms. Fisher did, and as frequently happens in state government, the higher ups decided to use their discretion differently. This does not mean however that Dr. Singleton abused Ms. Fisher in denying her request. There is no evidence that Cindy Fisher was ever improperly denied the use of K-time by Dr. Singleton, contrary to the assertion in the report.

There is no reason given as to why Karen Hoyle's request for K-time was denied or whether it was denied for good reasons or allegedly improper ones. Denying an employee the use of K-time per se is not a violation of any rules or regulations; it happens all the time in state employment. The question here is what, if anything about the denial was improper? Also, if Karen Hoyle, the personnel technician who is presumably knowledgeable about personnel rights and procedures, felt that this denial was wrong, why didn't she appeal it?

Even were the denial of Karen Hoyle's K-time to be improper, (and there is no showing that it was), this constitutes only one (1) employee who was allegedly denied the use of K-time, not employees, plural, as presented in the draft report.

VII. Mail Handling

Dr. Singleton denies that there were any improprieties

regarding mail handling. He also denies that the Home had an inefficient practice of handling mail causing delays in deposits. The Home did and continues to upgrade its procedures for operating efficiently.

#### X. Donation Offers Refused

The draft report says that Dr. Singleton "failed to work with" some groups who wanted to make donations to the Home. (p.49). In fact, Dr. Singleton refused to turn over decision making for the Home to outside groups and individuals who sought to dictate aesthetic issues and activities inside the Home. There were individuals who gave generously to the Home, with whom Dr. Singleton worked well; these were individuals who respected the fact that Dr. Singleton was the final decisionmaker and who recognized reasonable requests regarding the handling of donations.

Again, the report seems to fault Dr. Singleton for exercising appropriate judgment; one may differ with his decisions but the fact remains, that he was the Administrator of the facility and was acting well within his authority and discretion in the decisions made.

For example, Dr. Singleton declined a donation of cement benches and suggested that woods benches would be more appropriate aesthetically and for the comfort of frail, geriatric patients. Dr. Singleton also informed at least one potential donor that the Home was still in the process of receiving items ordered and purchased by the State and requested that some donations be delayed until all the Home's capital equipment had been delivered, as then it would be possible to see what was actually needed.

Additionally, individuals who were emptying their garages of old magazines, books and unwanted items did receive a request from Dr. Singleton to refrain from doing so because the Home did not have the space or need of those items. Those groups and individuals who did want to make donations were informed that the Home had a patient morale and welfare fund that accepted donations to cover the expenses for patient's personal needs, admission fees for resident activities, etc. and encouraged cash donations to that fund. Also, potential donors were told that new magazine subscriptions were welcome, but donors were asked to co-ordinate those with the Activities Director to ensure the residents would enjoy the publication.

#### XIV. Discrimination

There is no finding of any unlawful acts of discrimination on the part of Dr. Singleton in the report. The attached roster of Department heads as of 9/23/97 reflects admirable diversity of the race and sex of employees in high administrative positions at the Home.

Omissions from Report:

The second draft report still lacks specific information of what was done during the investigation itself, except for a brief reference on p. 3 that all of the allegations against Dr. Singleton were made by white employees and on p. 60 that 20 former employees were contacted about "their views" on events at the Home and that only one complained of racism being a problem, and that was in reference to a fellow employee.

Unlike the "Fact-Finding" report of April 15, 1997 by Mr. James R. O'Rear on behalf of the Department of Veterans Affairs, there is no way to determine the breadth or scope of the investigation conducted by your office. Mr. O'Rear reported the following:

I conducted fact-finding interviews at the Northeast Louisiana War Veterans' Home in Monroe from Tuesday, March 11, 1997 to Friday, March 14, 1997. Twenty-four employees, including all Department heads and supervisory personnel, and ten non-supervisors, were interviewed. Of the supervisory group, those interviewed included four white males, four white females, two black males, two black females, and one male and one female of Asian ancestry. Of the non-supervisors, one was a white male, four were white females, two were black males, two were black females and one was a female of Asian ancestry.

P. 1, O'Rear Report

Mr. O'Rear also found that

All of the above allegations and perceptions of a critical or negative nature were expressed to me by white employees. All of the black employees whom I interviewed stated that they had no knowledge of any unethical or illegal behavior at the Home. Additionally, several of them indicated that they felt the rumors and concerns they had heard were the result of Dr. Singleton's race. (Emphasis in the original)

P. 6, O'Rear Report

In contrast, there is no way to evaluate the investigation conducted by your office. How many people were interviewed? Were there marked differences between the black and white employees regarding their experiences and perceptions? If so, to what is this attributed? Are there white employees who believe they were treated fairly? Are their voices important to be heard also? Is there a difference of opinion between disgruntled ex-employees and employees who have remained at the facility?

The introduction mentions "conflicts" between the Administrator and

a "small group of employees." Were all of those employees white? Did racial conflict have anything to do with these disagreements? Would there have been the same kind of criticisms or attacks against the Administrator if he were white?"<sup>9</sup>

There were a number of active leaders in the local veterans community as well as residents who supported Dr. Singleton throughout his tenure at the Home. Were supporters of Dr. Singleton interviewed or just the critics?

Also, it is my understanding that your staff never formally interviewed Mr. John Caulking in this investigation before the first draft report was completed. It is my understanding that, after the first draft was completed, Mr. Caulking was given the opportunity to submit to a formal interview, which he declined. The failure to formally interview Mr. Caulking in the early stages of the investigation would seem to be a serious omission as Mr. Caulking was directly and indirectly involved in many of the issues involved and would presumably have had useful comments and factual information which could be important to an objective evaluation.

Conclusion:

As this response indicates, while this draft report shows some improvement there are still significant substantive problems with the report.

The issuance of a report of this nature can have significant consequences to the individual involved, to the agency, and to the community at large. It is essential that everyone involved knows exactly what the rules are and what, if any actions are alleged to be in violation of those rules. Without clear guidelines, there can

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<sup>9</sup> There is an additional point to be made regarding the importance of understanding the climate in which many of the allegations against Dr. Singleton were made. Shortly after Dr. Singleton's arrival at the Home as Administrator (within 2-3 weeks), a swastika, drawn in chalk, appeared on the wall of a building where Dr. Singleton worked, near the entrance he used. At that time the Home was not yet officially open and Dr. Singleton was one of the only, if not the only, employee of the Home working there.

Obviously there were many people in the local community and employees, white and black, who supported Dr. Singleton and appreciated his work in getting the Home established and operating. But it should also be kept in mind that there were certain elements in the community who actively resented Dr. Singleton's prominence and authority, at least in part because of his race; this animus and racial hatred was a real element in some of the discord which occurred and should not be lightly dismissed.

be no accountability. Once clear guidelines are established, the credibility of those alleging violations must be closely scrutinized for bias and other motives.

It is submitted that this draft report is still fundamentally flawed in several of its findings, as indicated previously.

One significant weakness of the report remains the failure in certain sections to specifically identify what statutes or policies were allegedly violated. The right to be informed as to the charges one faces is a fundamental aspect of the right of due process. The deficiencies in the report in those instances are serious and remain uncorrected.

Thank you for the courtesy of the opportunity to respond to this draft report. If any additional information is needed, please advise.

Sincerely,

  
Mary E. Howell

MEH/meh  
Enclosure  
cc: Dr. Barry Singleton  
David Perkins  
Shelia Lee

b:sing.res



STATE OF LOUISIANA  
OFFICE OF THE GOVERNOR  
DEPARTMENT OF VETERANS AFFAIRS

M.J. "Mike" Foster, Jr.  
Governor

April 3, 1998

David C. Perkins, Acting  
Executive Director

Mr. Bill Lynch  
State Inspector General  
P.O. Box 94095  
Baton Rouge, LA 70804-9095

RE: File No. 1-98-0027

Dear Mr. Lynch:

This is the Department of Veterans Affairs and Mr. John E. Caulking's response to the Inspector General's revised draft report dated March 27, 1998, on File No. 1-98-0027. Since there are so few changes from the first draft, all rebuttals to the first draft are still valid. However, the Department is attempting to address some additional concerns and provide management's response to items contained in the revised draft.

**PAGES 1-3**

The Department takes issue with the first three pages of the Inspector General's revised draft dated March 27, 1998. It is not clear to the reader if these pages are summary in nature or chronological events surrounding the investigation. The opening paragraph leads the reader to form an opinion and conclusion before examining the body of the report. The majority of the remaining paragraphs discuss allegations and chronological events.

The Department requests that, in all fairness, the first three pages of the revised draft be amended to outline allegations and chronological events with no conclusions that could possibly cause the reader to form a subjective opinion before examining the entire report. Additionally, we respectfully request, (1) factual information supported by documentation be used throughout the report; and (2) any allegations or individual misinterpretations without supporting documentation be considered non-substantiated and excluded in the final report.

**PAGE 2, PARAGRAPH 8**

Dr. Barry Singleton was never placed in a position of Deputy Administrator, as stated in the revised draft. Mr. Caulking offered a reassignment to Dr. Singleton to the position of Deputy Assistant Secretary 2 to be effective January 19, 1998. Dr. Singleton accepted the reassignment. (See Attachment A)

**Mr. Bill Lynch, State Inspector General**

**April 3, 1998**

**Page 2**

**PAGE 28, CONCLUSIONS 2 AND 3**

Ms. Hoyle was not improperly treated when placed on forced annual leave and when her position was temporarily transferred to Baton Rouge. The Department provided substantial documentation to support our position in the March 4, 1998, response to the first draft. (See Attachment **B**)

**PAGE 29, RECOMMENDATION 1**

Reference to Conclusions 2 and 3, Page 28, the ultimate decision concerning Ms. Hoyle solely rested on the Executive Director, who made the assurances of no retaliation. Mr. Caulking was aware of the action and could have overridden Dr. Singleton's decisions, if so desired. Management does not feel that action can be justified against Dr. Singleton.

Paragraphs 4-6, Page 28, are insignificant as far as actions being taken.

Paragraphs 7-9, Page 29, conclude no wrong doing; in fact, Paragraph 9 outlines the appropriate action already taken by Mr. Caulking. Therefore, it is unclear why action should be taken regarding Dr. Singleton as stated on Page 29, Recommendation 1. Management agrees with the Inspector General's findings that Mr. Caulking appropriately admonished Dr. Singleton.

**PAGE 34, RECOMMENDATIONS 1 AND 2**

On Page 30, Paragraph 7, Ms. Debbie Nolan, Purchasing Agent, stated she received three (3) separate invoices from Bob Moss Carpet and Flooring. The Inspector General's investigation has not identified the responsible party that split the invoices. There is no evidence that the Northeast Louisiana War Veterans Home or a state employee split the invoices. Therefore, the recommendations are invalid and should be removed, unless the Inspector General's Office identifies the culprit. Management disagrees with these recommendations because facts and findings do not support the conclusion and the conclusion does not support the recommendations.

**PAGE 37, RECOMMENDATIONS 1 AND 2**

In Paragraph 4, the Inspector General acknowledges that false information on Dr. Singleton's employment application did not prevent him from meeting the minimum requirements for his "Director" position. This should read "Long Term Care Hospital Administrator" position. Management contends that the Inspector General's Office is the investigation office of jurisdiction and should be responsible for referrals to other agencies on investigative bodies concerning any violations they feel should be pursued. Management presumed this would have been done prior to the official report.

Mr. Bill Lynch, State Inspector General  
April 3, 1998  
Page 3

**PAGE 40, RECOMMENDATIONS 1-3**

The Department does have a policy requiring employees to officially record and document K-time, which was provided to the Inspector General's Office in response to the first draft. (See Attachment C) The Department will comply with Recommendation 3.

**PAGE 42, RECOMMENDATIONS 1 AND 2**

Dr. Singleton has reimbursed the Department for the personal correspondence charged to the Northeast Louisiana War Veterans Home's express mail account (See Attachment D). The Department will take appropriate actions in accordance with laws and regulations based on the recommendations made in the final, released Inspector General's report and supporting evidence regarding Recommendation 2.

**PAGE 45, RECOMMENDATIONS 1 AND 2**

The Department has complied with these recommendations.

**PAGE 49, RECOMMENDATIONS 1 AND 2**

The Department has complied with these recommendations.

**PAGE 51 RECOMMENDATION**

The Department has complied with the recommendation.

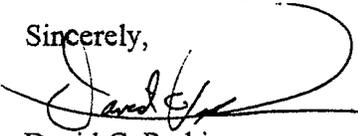
**PAGE 61 RECOMMENDATION**

The Department has complied with the recommendation.

The Department of Veterans Affairs will take appropriate actions in accordance with laws and regulations based on the recommendations made in the final, released Inspector General's report and supporting evidence.

Mr. Caulking expressed that he would have liked the opportunity to have been formally interviewed.

Sincerely,

  
David C. Perkins  
Acting Executive Director

DCP:cb  
Attachments

INSPECTOR GENERAL'S INVESTIGATION DRAFT  
NORTHEAST LOUISIANA WAR VETERANS HOME  
MONROE, LOUISIANA

PART I

KAREN HOYLE - MISTREATMENT ALLEGATIONS, CONCLUSIONS, AND RECOMMENDATIONS

PAGE 27 - CONCLUSION I-# 2.

Ms. Hoyle was improperly treated by Dr. Singleton and Mr. Caulking when she was placed on forced annual leave when her grievance complaint over denial of a merit pay raise was rejected, despite assurances from the director of the Departments of Veterans Affairs that there would be no retaliation.

We disagree with this conclusion. Civil Service Rule 11.9, Enforced Annual Leave, copy attached, Attachment # 1, permits an appointing authority to require an employee to take annual leave when it is determined that it is in the best interest of the Department. We believe that the enforced annual leave of Ms. Hoyle was in the best interest of the Department. By Ms. Hoyle's own admission she could not communicate with Dr. Singleton due to her interpretation of what the rules and procedures were. However, it was determined jointly by Dr. Singleton and myself, Sheila Lee, Human Resource Director, that Ms. Hoyle did not have a clear grasp of what the rules and regulations were. Ms. Hoyle admittedly discussed her problems with Dr. Singleton with other employees and discussed merit increase status of some employees with other employees. I personally witnessed her attitude and demeanor in her unhappiness with Dr. Singleton. On more than one occasion, I witnessed Ms. Hoyle totally ignore Dr. Singleton when he addressed her with a good morning. This was also witnessed by Ms. Anita Knighton, Human Resource Manager for the Louisiana War Veterans Home in Jackson. I witnessed Ms. Hoyle being emotionally distraught at her desk, crying. When I inquired of Ms. Hoyle as to what the problem was she would only respond, "I just can't work with him". Ms. Hoyle was argumentative with Dr. Singleton when he either disagreed with her opinion or asked her if he had any other options available in processing certain personnel actions. Many times after Ms. Hoyle advised Dr. Singleton, he would call me to check her answers. There were many instances where her answers were incorrect and she had failed to check with our office to insure that she was providing correct information. Ms. Hoyle's admitted conversations with other employees regarding Dr. Singleton and other employees is a totally unacceptable behavior for an employee in the Human Resource Office.

Ms. Hoyle was not placed in enforced leave as retaliation for filing a grievance on the denial of her merit increase. The timing may have made it appear so, however using enforced annual leave was an administrative option in the best interest of the Department to remove an employee whose attitude and demeanor were continuing to deteriorate. Dr. Singleton's letter to Ms. Hoyle on February 26, 1997, informing her of being placed on enforced annual leave accurately outlines the reasons that this action was taken. Denial of her grievance by the Director added to Ms. Hoyle's negative attitude and she was discussing her situation with other employees, adding to the morale problem. Dr. Singleton asked how we could deal with Ms. Hoyle's attitude and I suggested the enforced annual leave as a solution.

Ms. Hoyle was verbally counseled on two separate occasions by Dr. Singleton and myself, regarding her communication and attitude problems. Verbal counseling is acceptable by Civil Service to support attempts by management to change the behavior of employees prior to taking disciplinary action for specific incidents. The first written documentation was the denial of the merit increase by Dr. Singleton. There was no disciplinary action taken against Ms. Hoyle, therefore there was no specific requirement for written documentation for any of the actions taken by the Department, relative to Ms. Hoyle. Also, throughout the I.G. report, it indicates that Ms. Hoyle admits that she had meetings with me and Dr. Singleton and that she was discussing personnel matters with other

employees who should not have had access to other employees information and that she could not communicate with Dr. Singleton. Ms. Hoyle wants us to believe that Dr. Singleton was the problem in the communication matter, however, I believe that Ms. Hoyle was the one that was not able to effectively communicate, based on my own experiences with her and with my personal observation of her interaction with Dr. Singleton.

### PAGE 27 - CONCLUSION I-#3

Ms. Hoyle was improperly treated by Mr. Caulking when her job position was transferred to Baton Rouge, an action that forced her to resign.

We disagree with this conclusion. Civil Service Rule 8.16(c), Change in Duty Station, copy attached, Attachment #3, permits a Department to change the duty station of a permanent employee from one geographical area to another. Additionally, the Civil Service Personnel Manual, Page 14.10, copy attached, Attachment #4, specifically states "A change of duty station is not a disciplinary action".

Management is responsible for making decisions relative to positions, that are in the best interest of the Department. The Human Resource Analyst 3 position was moved and a Change in Duty Station of Ms. Hoyle was processed for two reasons. (1) The position was more critically needed in the Administrative Office in Baton Rouge to assist in processing personnel transactions necessary to complete the opening of the North East Louisiana War Veterans Home, see Attachment #5 and (2) to provide necessary extensive training to Ms. Hoyle on the operations of the Department of Veterans Affairs and Civil Service Rules and Regulations, see Attachments #5 and #6. This move was temporary until the newly budgeted position for the Human Resource Office, was funded and allocated in July, 1997.

I will address each of the two reasons separately.

Reason # 1- Beginning in October, 1994, when preparing budget requests for the Human Resource Office, I requested for FY 95/96, FY 96/97 and FY 97/98, that a new position be approved for the Human Resource Office. The justification was due to the increased workload due to the addition of the North East Louisiana War Veterans Home to the Department, see Attachment #7. This new position was not approved until FY 97/98, which meant that the earliest it could be allocated and filled in the Administrative Office was July, 1997. The workload in the Administrative, Human Resource Office was backed up to a point where we were critically in need of assistance by January, 1997. The workload was heavy enough under normal operation, but was also being directly affected by the continuing problems we were experiencing at the North East Louisiana War Veterans Home, by the negative atmosphere which created a large turnover.

Reason #2- Ms. Hoyle was in need of extensive training in both the Rules and Regulations of the Department of Veterans Affairs as well as in areas of Civil Service, Retirement, Insurance, etc., see Attachment #6. Dr. Singleton's request to Mr. Perkins, dated February 5, 1997 as well as my personal observations of the problems experienced with Ms. Hoyle's actions, were instrumental in making the decision to temporarily move Ms. Hoyle to the Administrative Office for training.

In support of Reason #1 for moving the position and Ms. Hoyle, attached is Attachment #8 which includes, SF-1 and SF-20-Change in Duty Station-Karen Hoyle, effective 5/2/97; SF-1-Resignation-Karen Hoyle, effective 5/16/97; SF-1-Transfer In-Debbie Smith into position vacated by Karen Hoyle, effective 5/19/97. As soon as Ms. Hoyle submitted her official letter of resignation, I began recruiting to fill the Human Resource Analyst 3 position, due to the critical need in the Administrative Office to process personnel actions for the North East Louisiana War Veterans Home. This position was filled in Baton Rouge in the Administrative Office. On June 26, 1996, SF-3's, Job Description Forms, were submitted to Civil Service requesting establishment of the new position, Human

Resource Manager 2 in the Human Resource Office, Administrative Office, Baton Rouge, and reallocation of the Human Resource Analyst 3 position to a Human Resource Manager 1 position and movement of the position back to Monroe. The additional part of Attachment #8 includes the approved SF-3 for the Human Resource Manager 2 and the SF-20, the approved SF-20 requesting reallocation and movement of the Human Resource Analyst 3 position, the SF-1 on Debbie Smith processing a Detail to Special Duty and Domicile Change to the Human Resource Manager 1 position, now relocated to the NELWVH in Monroe, effective June 27, 1997, the SF-1 approving a Transfer In and Detail for Debbie Smith to the new Human Resource Manager 2 position in the Administrative Office effective 7/16/97 and an SF-1 processing a Detail for Steven Elliott, from Human Resource Analyst 1 to the reallocated position of Human Resource Manager 1, effective 7/16/97. The sequence of transactions and the effective dates should prove that we were sincere that there existed an extreme need to have assistance in the Administrative Human Resource Office, temporarily.

Ms. Hoyle contends that she was never informed that the move to Baton Rouge would be temporary. While this was not specifically stated in those words, the language in the letter to Ms. Hoyle, Attachment #5 states in part "The position in which you are employed is more critically needed in the Administrative Office in Baton Rouge, under the direction of the Human Resource Director, Sheila Lee, to assist in processing personnel transactions necessary to complete the opening of the North Each Louisiana War Veterans Home in Monroe." "While assigned to the Administrative Office you will be provided extensive training in the Rules and Regulations that govern the operation of the Louisiana Department of Veterans Affairs." "If you have any questions, please feel free to contact Ms. Lee at (504) 922-0504." Ms. Hoyle never contacted me nor any other staff member for any clarification. If Ms. Hoyle did not understand any part of the assignment, she should have followed the suggestion in the letter. Instead, by her own admission, Ms. Hoyle chose to write to a State Representative to complain about her perceived mistreatment. Attachment #9 is part of Chapter 16 of the Civil Service Rules entitled "INVESTIGATIONS". Civil Service rule 16.2(a) reads "Any person who suspects that there has been a violation of the Civil Service Article or a Civil Service Rule may file a request for investigation with the Director". The definition of Director in this Rule is the Director of Civil Service. Ms. Hoyle had other avenues available to her under Civil Service Rules if she believed she was being mistreated. This is also an example that Ms. Hoyle was not thoroughly familiar with the Civil Service Rules that govern classified employees and that she needed additional training. Part of Attachment #9, includes a portion of a Civil Service Commission decision relative to Political Interference in selection. While the subject is not the same as in Ms. Hoyle's situation, I believe the concerns of the Civil Service Commission are quite clear and relative to contacting Politicians in regards to Civil Service employment concerns. This is another example of Ms. Hoyle's lack of knowledge and poor sense of judgement.

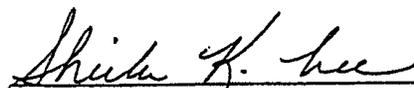
In support of Reason #2, the need for extensive training, reference is made to the above paragraph as a beginning. Additionally, Attachment #10 is a copy of Ms. Hoyle's job description as Human Resource Analyst 3. By Ms. Hoyle's own admission, she was not able to explain the process of approving and/or holding merit increases to employees. Merit increases were being held due to budgetary reasons and this subject should not have presented Ms. Hoyle with such a difficult situation. It was totally improper for her to discuss with employees any merit increase status other than their own personal status or that of an employee under their direct supervision. Ms. Hoyle claims that Dr. Singleton was telling employees not to record compensatory time. Ms. Hoyle's job description stated that the incumbent is responsible for ensuring that time was reported accurately and in compliance with rules and regulations. If Ms. Hoyle believed that the rules were being violated, it was her responsibility to notify this office of the violations and to provide sufficient information to support her claims. She never did this. The vast majority of Ms. Hoyle's job description involves analyzing, interpreting and advising management and employees with complete and accurate information. This meant that Ms. Hoyle had to be able to communicate with all concerned. Ms. Hoyle's communication skills were severely lacking. She did not communicate with my office nor with Dr. Singleton. She interjected her personal opinion into interpretation of Rules and Regulations and did not seek out the advice and guidance that was readily available to her from the Administrative Human Resource Office. This conclusion is supported by the fact that Dr. Singleton had to contact me on a regular basis, after having

consulted Ms. Hoyle relative to rules and regulations, to receive more complete information and alternative procedures that were available to him in accordance with Civil Service Rules and Regulations. Ms. Hoyle either could not or would not provide Dr. Singleton with alternative solutions to problems, as she should have been able to do.

Another example of Ms. Hoyle's need for training, is her own Civil Service Appeal, which was determined to have been untimely filed, by the Civil Service Referee and upheld by the Civil Service Commission. Ms. Hoyle should have been familiar enough with the Civil Service Rules to have properly informed her attorney of the required deadline for submitting appeals, see Attachment #11.

Two small issues worth noting, Ms. Hoyle points out that she took a demotion to accept the Human Resource Analyst 3 position at the NELWVH of two levels. This statement if true, however, no where has it been mentioned that the Department processed a request to the Department of Civil Service to waive the reduction in pay requirement. Our request was approved and Ms. Hoyle did not have any pay reduction from her former position, see Attachment #12. Also, reference is made to Ms. Hoyle's satisfactory rating in her previous position as a Corrections Classification Manager with the Department of Corrections, where her job duties involved interaction with inmates. While Ms. Hoyle's performance in dealing and communicating with inmates was deemed by her supervisors as being satisfactory, I submit that dealing and communicating with managers and employees is an entirely different scenario and Ms. Hoyle was extremely lacking in communication skills in this area.

[MATERIAL REDACTED BY THE DEPARTMENT OF VETERANS AFFAIRS.]



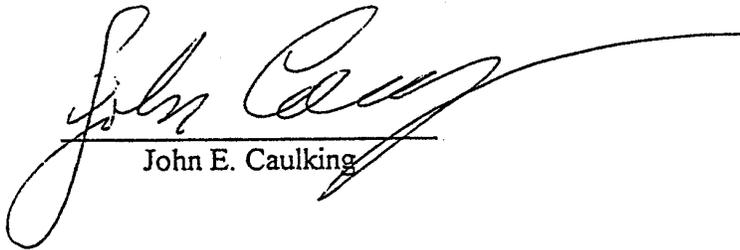
Sheila K. Lee, Human Resource Director

## STATEMENT FROM MR. CAULKING

This conclusion implies that Mr. Caulking retaliated against Ms. Karen Hoyle. Retaliation is an action which (1), requires "subjective intent" and (2), has no legal basis. How can the Inspector General's Office conclude that Mr. Caulking had a subjective intent to retaliate when Mr. Caulking was never interviewed concerning this issue?

Further, the Human Resource Director clearly points out the legal and Civil Service basis for the temporary assignment. All actions taken by Mr. Caulking were based on the recommendations of the Human Resource Director. Mr. Caulking was informed that Ms. Hoyle was in need of training; Ms. Hoyle admittedly could not explain why some employees received merit pay increases and others did not; employees indicated they were receiving confidential information from Ms. Hoyle concerning other employees; and Ms. Hoyle incorrectly advised Dr. Singleton to promote an employee when, in fact, Department policy required posting internally.

It was the Department's desire to keep Ms. Hoyle employed by attempting to retrain her. There was never any retaliation intended and clearly the change in duty station was not "improper" because it was in accordance with law and Civil Service regulations. There were numerous advantages to Ms. Hoyle coming to the Headquarters and working with Headquarters personnel, such as Ms. Hoyle developing a trust and understanding of the Headquarters operation.



John E. Caulking

END OF TAB A

MR. Bill LYNCH  
STATE INSPECTOR GENERAL  
FAX 1-504-342-1947

Re: File No. 1-98-0027

DEAR MR. LYNCH,

I have the following response's to the DRAFT report provided by your office.

- 1) The official reason to extend my probation period was because of excess absences. Most of my absences were because of needed surgery that was approved ahead of time.
- 2.) I was dismissed because "my work did not meet the minimum acceptable standards". Then why did it take 10 months to determine this and why was I given the Merit Increase in pay if I was not doing a good job? Not to mention the commendations I received from DR. Singleton & MR. Caulkings for devotion & meritorious service!
- 3.) I would also like to know why a Mr. Chuck Bezio, not employed by the state, would have any say or recommendation concerning my permanent status. If my permanent status had been approved as it should have, when Singleton fired me I would have had an opportunity to defend myself with the Civil Service Commission. I have been working out-of-state for the last 6 months at great hardship for my family. I feel that Singleton's actions against me were in retaliation for my complaints against him during the investigation.

Thank you for all your department's effort  
to get to the root of the problem with the  
management of the Veteran's Home.

Sincerely,  
Tom Victory

## Summary of the response made by Larry Nelson February 23, 1998:

Mr. Nelson states he feels Dr. Singleton planned to get rid of him for retaliatory reasons. He says he had a conversation with Ms. Lee about his permanent status "only days" before his forced resignation, and that she told him she could not find the paperwork for his permanent status but "supposed" it had been signed. He also says he felt harassed by Dr. Singleton from the beginning. He says he could not please Dr. Singleton, and felt Dr. Singleton wanted him gone.

He says he felt like a "common criminal" when he was walked out of the building and not allowed to speak to anyone.

Mr. Nelson says it is absurd to say he wore black in "protest." He says he did this "in mourning for the future of the home." He says a resident asked him if he was wearing black "mourning the leaving of Mr. Edwards or the returning of Singleton," to which he replied, "Take your pick." He says it was a joke.

He says he resigned because he "didn't want this to appear on my record."

Concerning his conversation with Mr. O'Rear, he states: "I did not say the Klan had been contacted. I did say someone said if the Klan got word of these actions, they might show up. There could be cross burnings." He said he did not think he used the word "nigger."

February 26, 1998

Bill Lynch  
State Inspector General  
Office of Inspector General  
P.O. Box 94095  
Baton Rouge, LA 70804-9095

RE: File No. 1-98-0027

Dear Mr. Lynch:

The following is submitted in response to your correspondence of February 19.

I am not aware of any occasion on which Dr. Singleton was given wrong or insufficient personnel information. Dr. Singleton never at any time indicated to me that he had any problems with my job performance, nor did Ms. Lee. Both in fact stated that my work was excellent. Any information that Dr. Singleton ever asked for was given to him promptly and if there was ever a problem, none was expressed to me. Dr. Singleton on several occasions requested information for budget preparation and updates on status of departments for State and Federal Inspections when I was the only Department Head who furnished information in a timely manner. Dr. Singleton had a habit of asking for reports and other information only a few hours before a deadline. Such information was still furnished in a timely manner. One such report was used in a report that Dr. Singleton forwarded to the Department of Veterans Affairs in Washington, D.C. Any information given to Dr. Singleton was either in accordance with Civil Service Rules and Regulations, Department of Veterans' Affairs policies or applicable laws. Any questions connected with policy matters were referred to Ms. Lee as she supervised that portion of my job.

Dr. Singleton's only comment about my job ever voiced to me was that he didn't think that I was "happy" in my job. He wanted to know what to do to make my happy and I advised him that I needed to know about actions that were taken that affected the Personnel Office. This occurred at some time in November and by this point, Dr. Singleton was conferring with Ms. Lee on personnel actions rather than me. He hired employees without my knowledge, changed positions of employees and conducted interviews without my having an idea of what he was doing. Dr. Singleton wanted to conduct business as he wanted to do it and became very angry and defensive if told that something was not in accordance with rules and laws. He often stated that he would do things his own way and didn't really care what the rules said.

Ms. Lee did express to me that several Department Heads stated to Dr. Singleton that they had problems communicating with me. I found this difficult to believe since I talked with most Department Heads on a daily basis and had a good working relationship with them. I did speak with each of the Department Heads after this conversation, however, and almost unanimously was told that the only person they had difficulty communicating with was Dr. Singleton.

I did not become argumentative with Dr. Singleton over codes for personnel records. Dr. Singleton burst into a small office where attempts were being made to determine how to input time for our nursing staff. Nurses were going on shifts for the first time and this was being done at the end of a pay period. The persons who were sent from Headquarters and were supposed to be training our staff to enter time did not know how to handle this situation. Dr. Singleton expressed no concern at all for this issue. He wanted his Secretary to enter the time for the Administrative Section. All Supervisors, including Dr. Singleton, had been notified some three weeks prior that the names of those to be Timekeepers should be submitted and the deadline for submission had long since passed. I was the Timekeeper for the Administrative Section as I was over payroll at that time. I had a great deal of experience with payroll and no one else at the Home at that time did. I did not even understand at first what Dr. Singleton was actually asking for since I don't think he knew what he really wanted to have done. I had to stop in the middle of trying to resolve important payroll issues to obtain a code for his Secretary to use. These codes had to be obtained from Baton Rouge as Ms. Lee should know and there were forms that had to be completed and signed. If this was so important, I wonder why it was never mentioned to me by Dr. Singleton. Ms. Lee made some mention of the incident several weeks later.

I believe that it would be somewhat difficult for Dr. Singleton to criticize any employee's work at the Veterans' Home since he spent very little of his time there. His work hours were erratic at best and he was often away from the facility and no one had any idea where he was or how to contact him. Dr. Singleton's directions were inconsistent and he would change his mind from one day to the next as to how he wanted business conducted. He once changed the type of timesheet that he wanted to use three times in one week causing problems and delays in trying to get our payroll done.

Part of the job of a Personnel Officer is to work with Department Heads and this involves giving information and discussing employees

under their supervision. Any information discussed was in this context. The vast majority of information in personnel files of State Employees is covered under the Public Records Act and is open to the public. I have also never known of an institution run on a 24 hour basis that did not have its share of rumors and sharing of information among employees which does not come from the Personnel Office or personnel records.

I do not know what kind of training was to be given in Baton Rouge. I underwent 4 weeks of so-called training when I first transferred to the Department of Veterans Affairs. I spent two weeks at the Home in Jackson and was told by the Human Resource Analyst there that there was not anything that she could really teach me as I had more experience and background than she did. I drafted an on-call policy for their Maintenance Department while there. During the two weeks spent at the Headquarters Office in Baton Rouge, Ms. Lee barely spoke and never gave me any training. Most of the time was spent going through the applications that had been submitted for employment at the Home in Monroe. I spent one week in Baton Rouge because there was no office space to work in at Monroe. There were no office supplies or equipment for use in Monroe for several weeks and many of us supplied various items out of our own pockets. None of this was ever reimbursed.

Ms. Lee expressed at the time that I interviewed for the job that she wanted me in the position because I had the background and experience to open a new facility. She presented a letter to Civil Service to this effect in November in order for me to maintain my salary even though I had taken a demotion. I did not ask that this action be taken; it was Ms. Lee's idea to do this. Ms. Lee stated that she was tired of having to come to Monroe and take care of personnel work. She also stated that this work could not be done from Baton Rouge.

My husband does not live in Baton Rouge and never has. We own a home in Sterlington. Our family lives in this area and this is where we plan to retire. I accepted the position at the Veterans' Home because it was in Monroe. Where my husband worked or was employed should have had no bearing on my position in any event.

I always did my job at the Veterans' Home as I have any place I have ever worked. I did not have any problems with any of the employees there except Dr. Singleton. He stopped talking to me or communicating with me and never expressed a reason for this. Most of what is expressed in this report I read for the first time here.

Comments about the operation of the Home were made to me by persons who did not even work at the Home but were members of Veterans' organizations or volunteers. Many people in the community recognized that there were problems at the Home. I did not seek out anyone to make comments to. Anyone that I spoke to concerning the situation at the Home, I spoke to on advice of my attorney.

Sincerely yours,

  
Karen Hoyle



M. J. "Mike" Foster, Jr.  
GOVERNOR

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February 23, 1998

Mr. Bill Lynch, Inspector General  
P.O. Box 94095, Capitol Station  
Baton Rouge, LA 70804-9095

RE: Response to draft of NELWVH investigation

Dear Mr. Lynch,

Regarding item XII (Press Incident), I have the following comments.

Paragraph one states that I approached Ken Booth in an aggressive manner. The fact is, he approached me while I was in my office. He made a provocative comment toward me, *then* I stepped over to him and responded.

Further, I categorically deny any physical contact with Mr. Booth.

Sincerely,

Steven E. Elliott  
Human Resource Analyst 2