
**Thomas P. DiNapoli
COMPTROLLER**



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**OFFICE OF THE
NEW YORK STATE COMPTROLLER**

**DIVISION OF STATE
GOVERNMENT ACCOUNTABILITY**

**DEPARTMENT OF
CORRECTIONAL SERVICES
GREEN HAVEN
CORRECTIONAL FACILITY**

**SELECTED PAYROLL
PRACTICES**

Report 2007-S-61

AUDIT OBJECTIVE

Our objective was to determine whether Green Haven Correctional Facility has established and maintained an adequate system of internal controls over employee time and attendance practices, payroll changes, and other selected payroll activities.

AUDIT RESULTS - SUMMARY

We identified significant weaknesses in the controls over employee time and attendance practices at Green Haven Correctional Facility (Green Haven). We also identified weaknesses in the controls over undelivered paychecks and remittance advices, and found that Green Haven does not always recover overpayments from its employees.

Correction officers at Green Haven and other State correctional facilities are allowed to swap shifts with one another, as long as the swaps are approved at least 48 hours in advance and certain other prescribed procedures are followed. However, we found correction officers at Green Haven often do not follow these prescribed procedures when they swap shifts. For example, they sometimes swap shifts informally and sometimes do not obtain the required prior approval. As a result, the controls over the swaps are weakened and officers may be paid for shifts that are never worked.

We also found that swaps between civilian employees are permitted at Green Haven, even though such swaps are not authorized by the Department of Correctional Services. We further determined that employee time cards often are not maintained in accordance with requirements and undelivered paychecks and remittance advices are allowed to accumulate for long periods without followup or other action being taken by Green Haven. We also found that Green Haven had attempted to

recover overpayments from only 13 of 24 employees with overpayments, and had recovered only about half of the total amounts overpaid to these 13 employees.

Our report contains 15 recommendations for improving controls over payroll activities at Green Haven. Department of Correctional Services officials agree with most of our recommendations and indicate that they have either taken, or plan to take, corrective action.

This report, dated November 20, 2008, is available on our website at: <http://www.osc.state.ny.us>. Add or update your mailing list address by contacting us at: (518) 474-3271 or Office of the State Comptroller
Division of State Government Accountability
110 State Street, 11th Floor
Albany, NY 12236

BACKGROUND

The Department of Correctional Services (DOCS) has an annual budget of about \$3 billion. It is responsible for the confinement and rehabilitation of approximately 62,600 inmates, as of December 2007, held at 69 correctional facilities and 1 drug treatment facility.

Green Haven Correctional Facility (Green Haven), which is located in Stormville in Dutchess County, is a maximum security correctional facility for males 21 years or older. As of June 27, 2007, Green Haven had 873 employees. Its total payroll cost for the 2006-07 fiscal year was \$40.4 million.

The DOCS Central Office is responsible for establishing an overall system of internal controls for its correctional facilities. In addition, nine regional HUB offices are responsible for overseeing facility operations within their regions. Each individual

correctional facility has an administrative office that conducts the facility's business operations.

Most payroll activities at correctional facilities, such as adding employees to the payroll or paying overtime, are processed through the State's centralized PayServ payroll system, which is operated by the Office of the State Comptroller (OSC). However, the facilities are responsible for entering the correct data onto the PayServ system for each payroll transaction, such as employees' actual starting dates or the number of overtime hours worked.

Employees at Green Haven are responsible for documenting their attendance at work. They are required either to use a time clock when they arrive and depart (inserting their time card in the time clock), or to maintain their own time sheet. Correction officers are required by DOCS Directive 2205 to use the time clock to record their daily attendance, unless specifically exempted. All absences are to be documented by approved time-off requests.

Supervisors are to review and initial employees' time cards daily to verify that they are accurate. They are also to forward the time cards to the Timekeeping Unit for input into the automated timekeeping system at the end of every two-week payroll period. Absences and lost time are also documented through this system. Any variances found between the time cards and the automated system are to be returned to the supervisors for additional documentation or explanation.

Correction officers are allowed by DOCS Directive 2223 to swap shifts. The Directive provides a standard policy for recording, monitoring, and controlling these swaps. A swap is defined as a voluntary exchange (trade) of specific shifts by two employees in

the same title that (a) is initiated solely for the benefit of the affected employees, and (b) under normal circumstances, will not affect the compensable hours worked by each employee.

A swap is further defined as a total exchange with two parts: the initial swap and the payback swap. All swaps must be repaid within 1 year (365 days) of the initial swap date. If the swap partner is unable to work the swapped shift, the original officer whose shift it is must work. If the original officer does not work the shift, he or she is to be considered absent without leave (AWOL) for the day and docked a day's pay.

All swaps must be requested by completing Swap Form 1032. This authorization form must be signed by the swapping employees and approved by the facility's staffing lieutenant no later than 48 hours before the initial swap date. The form specifies the dates of the initial swap and the payback swap. The two employees are also required to annotate their time cards for those days to confirm that the swap took place. They are to indicate on their time cards the name of the employee they are substituting for (or who is substituting for them).

Swapping employees receive their regular bi-weekly pay, with no change in spite of working fewer or more shifts due to swaps - the basic concept being that the swaps must balance each other. Working a swapped shift does not entitle an employee to overtime. At Green Haven, there are reportedly about 34,000 swaps each fiscal year.

Green Haven's Security Staffing Unit is responsible for reviewing, approving, processing, and monitoring all swaps. Once approved, the timekeeper posts the swaps to the employees' records on the computerized time system. The timekeeper compares all

approved swaps by pay period with the time cards and reports all discrepancies to Facility Administration. Officers who do not comply with the DOCS Directive governing the swap process, or have repeated violations, are to be counseled. A counseling log is maintained to record these counseling sessions.

AUDIT FINDINGS AND RECOMMENDATIONS

Controls over Swaps

We found that improvements are needed in the controls over swaps at Green Haven, because swaps between correction officers can be done in an informal manner (verbally, without appropriate forms), which is contrary to the DOCS Directive 2223. Also contrary to the Directive, an officer's pay is not always docked when a swapped shift is not worked. In addition, swaps between civilian employees are permitted, even though such swaps are not authorized by DOCS.

Uniformed Swaps

To determine whether swaps among correction officers were performed in accordance with the DOCS Directive authorizing the transactions, we reviewed a sample of swaps. We selected our sample from Green Haven's log of incomplete or otherwise-unresolved time cards, which is maintained by the Timekeeping Unit. The log identifies time cards with omissions, errors, or discrepancies that have to be resolved.

The log identified numerous unresolved swap discrepancies – i.e., instances in which a correction officer's approved time card for a day did not agree with the approved swap authorization form for that day. For example, the swap authorization form may have indicated that one officer was to work another officer's shift on a certain date, but the

officers' time cards for that date may have indicated that neither officer worked the shift and the scheduled officer was not recorded as AWOL.

We judgmentally selected our sample from April 2007, because we were conducting our review in September 2007 and wanted to allow ample time for the discrepancies to be resolved. We selected a total of 14 swaps from the 2-week period April 11 through April 25, 2007. The 14 swaps involved 8 different correction officers. We reviewed all official records of the officers' work activities (by post, by shift, and by day) to ensure that the officers' time for those days was fully accounted for.

We found that, in all 14 swaps, some aspect of the DOCS Directive was not followed:

- In 11 of the swaps, involving the same 2 officers, the shifts were swapped informally. There was no documented approval for the swaps (i.e., no approved swap authorization form 1032). Instead, the two officers verbally agreed to swap shifts and were allowed to do so by the watch commander and /or the assistant watch commander (the supervisors who, at the beginning of each shift, are responsible for ensuring that all posts are filled).
- In three of the swaps, involving six different officers, the swaps were approved properly. However, in each case, the initial swap was not performed, as the shift that was supposed to be swapped was not worked by either officer and neither officer was considered AWOL for that day. For example, in one of the swaps, Officer A was supposed to work Officer B's shift on April 12,

2007. However, the officers' time cards show that neither Officer A nor Officer B worked Officer B's shift on that date. According to the Directive, Officer B should have been considered AWOL for the day and docked a day's pay. However, Officer B was instead allowed to charge sick leave for the day. In one of the other two unperformed swaps in our sample, the officer was inappropriately allowed to charge vacation leave for the missed shift; and in the third unperformed swap, no leave was charged for the missed shift.

When officers are allowed to swap shifts informally, there is less assurance the shifts will be worked as claimed, because the arrangements are not subject to the same monitoring as formal swaps. In addition, allowing officers to charge leave for missed shifts that were supposed to have been swapped (rather than being considered AWOL and docked a day's pay) weakens controls over time and attendance because the officers have less incentive to ensure that the swaps are performed as agreed. In the absence of this incentive, there is a greater risk that shifts will be missed and no leave charged, as was the case in one of the swaps in our sample. We also note that the overall control environment is weakened when supervisors allow practices that are contrary to stated policies.

We further note that, when we were conducting our review of the 14 swaps in September 2007, the Timekeeping Unit was suddenly provided with approved swap authorization forms for the 11 informal swaps. The 11 forms were dated 5 months prior (April 2007); accordingly, they appeared to indicate that the swaps had been authorized. However, when we questioned a Green Haven official about the forms, he

acknowledged that they had been back-dated to April and the swaps were not authorized in accordance with the DOCS Directive. We immediately instructed the appropriate officials to stop back-dating these records.

We recommend Green Haven fully comply with the DOCS Directive governing swaps. Moreover, in accordance with that Directive, we recommend that the three employees in our sample who failed to work swapped shifts be considered AWOL on those days. In their response to our preliminary audit findings, Green Haven officials agreed to require adherence to the Directive and to hold employees accountable for any noncompliance. In addition, these officials issued a memo reminding employees of appropriate swap procedures.

We also recommend that Green Haven investigate and resolve all its unresolved swap discrepancies. We were advised that some of these discrepancies involved correction officers who had transferred to other correctional facilities. Because of their unresolved swap discrepancies at Green Haven, the officers' accrual records could not be transferred to the new facilities and personnel at those facilities had to call Green Haven when they needed to know the officers' accrual balances. It is, therefore, important that their swap discrepancies be resolved without further delay.

We identified similar weaknesses in Green Haven's controls over swaps when we performed an unannounced physical verification of the employees who were scheduled to be working at the facility on October 19, 2007. Specifically, one correction officer was allowed to charge sick leave (rather than be considered AWOL) when a shift that was supposed to be swapped on that day was not worked. We also found that swap authorization forms allowing two

correction officers to work swapped shifts had been approved after the swap took place. The forms should be approved at least 48 hours before the initial swap, but 1 form was approved 1 day after the initial swap and the other was approved 5 days after the initial swap.

Swaps by Civilian Employees

While the DOCS Directive allows uniformed employees to swap scheduled shifts with one another, the Directive does not cover civilian employees. In fact, there is no Directive that would permit swapping by civilian employees.

While examining time cards and time sheets completed by civilian employees, we found that two civilians, an employee in the Plant Engineer's Office, and an employee in the Medical Unit had swaps listed on their time cards/sheets.

In the absence of a DOCS Directive or other action authorizing civilian swaps, we question how such swaps are allowed. At the very least, such swaps cannot be controlled adequately because there are no written procedures describing how civilian swaps should be approved, documented, and monitored; and there is no established documentation for any part of the civilian swap process. In the absence of such controls, Green Haven management has no assurance civilian employees are being paid only for the time they have actually worked. We recommend Green Haven cease the practice of civilian swaps unless such swaps are authorized explicitly by the DOCS Central Office.

In response to our preliminary audit findings, Green Haven officials indicated that they would not cease the practice of civilian swaps. They stated that they are evaluating

the practice and formulating a policy for the practice. They added that they will continue to monitor civilian swaps. However, we found no evidence that civilian swaps had been properly documented or monitored, or that DOCS Central Office was aware of the practice. We recommend the Central Office review the practice and determine whether it should be allowed.

Recommendations

To Green Haven:

1. Comply fully with the DOCS Directive governing swaps.
2. Hold supervisors accountable for noncompliance with the DOCS Directive governing swaps, and counsel and/or take disciplinary action against employees and supervisors who repeatedly violate the Directive.
3. Cease the practice of back-dating approvals on swap authorization forms.
4. Treat the three employees in our sample who failed to work swapped shifts as AWOL on those days and recover a day's pay from each employee.

(DOCS officials replied to our draft audit report they disagree with the recommendation because, prior to the audit, supervisors allowed employees to charge leave. They added it would be unfair to just penalize the three employees identified by the audit.)

Auditor's Comments: Directive 2223 clearly sets forth the steps to be taken when a SWAP is not completed. The directive states that the employee who should have worked is to be reported as AWOL when his/her job/post is not covered. Thus, the supervisors should not have allowed employees to charge leave. The Department should take action to

ensure all employees are in compliance with the Directive.

5. Investigate promptly and resolve all unresolved swap discrepancies.
6. Cease the practice of civilian swaps unless such swaps are authorized explicitly by the DOCS Central Office. Prepare a schedule of the status of all civilian swaps that have not been completed and set a date for each swap to be completed.

To DOCS Central Office:

7. Monitor swapping practices at Green Haven to ensure that they comply with all requirements, and monitor Green Haven's resolution of its unresolved swap discrepancies to ensure that the discrepancies are resolved in a timely and appropriate manner.
8. Investigate Green Haven's practice of back-dating approvals on swap authorization forms and take appropriate corrective action.
9. Determine whether civilian swaps should be allowed; if so, establish formal procedures for such swaps.

Documentation of Attendance

According to DOCS Directive 2205, all employees at correctional facilities must maintain adequate and accurate records of attendance. Most employees are required to use a time card and time clock, while some employees may use a daily time sheet. Facility management is responsible for establishing and implementing proper timekeeping controls, and supervisors responsible for ensuring accurate and timely reporting of employee attendance.

We found that employee time cards are not always used and maintained in accordance

with requirements. For example, as part of our audit, on October 19, 2007, we performed an unannounced physical verification of employees on the night and day shifts to determine whether they were working as scheduled. We observed 326 uniformed employees and 165 civilian employees during these 2 shifts. We were able to account for all scheduled employees, but we identified the following weaknesses in the maintenance of their time cards:

- Contrary to facility timekeeping requirements, one correction officer did not punch his time card for that day or seven other days during the payroll period. Rather, he wrote his "in" and "out" times on the time card. We believe that time cards should be annotated to reflect the reasons for instances where the time clock was not used. There were no such annotations on this time card.
- We examined all the available time cards and found that 150 of the 500 time cards (30 percent) had one or more unexplained handwritten entries.

We also attempted to verify the accuracy of certain overtime payments. First, we selected the top five overtime earners during our audit period. We verified the payments against the supporting documentation, such as the employees' time cards and the daily records of overtime at each unit, and found that the payments were properly supported.

However, when we attempted to verify the overtime payments that were made to 15 correction officers for attending a specialized training session on April 4, 2007, we found that only one of the officers used the time clock to record his overtime. The other 14 officers made handwritten entries on their time cards to record their overtime. We note

that all 14 time cards were approved by the supervisors. Since these officers did not use the time clock to record their overtime, there is less assurance their \$2,033 in overtime was actually earned.

We identified similar timekeeping weaknesses when we verified a sample of payroll changes. For example, in our review of time cards or time sheets for 24 employees added to the payroll, we found that the attendance records for 13 of the 24 employees were completed as required. However, the attendance records (time cards) for the other 11 employees were either missing (2 employees) or contained unexplained handwritten entries (9 employees). The two employees with missing time cards were unusual cases. One employee worked at Green Haven for only one day. The other one was added for two weeks vacation and then returned "out on disability." In the case of the other nine employees with handwritten entries on their time cards, the time cards did not have annotations as to the reason the time clock was not used.

Recommendations

To Green Haven:

10. Ensure that all employees who are required to use time clocks use the time clocks and that they provide written explanation when time clocks are not used and handwritten entries are recorded on their time cards.
11. Ensure that supervisors enforce timekeeping requirements.

Payroll Changes

All additions to and deletions from the payroll should be authorized and documented in accordance with requirements. If these payroll changes are not properly authorized and documented, there is an increased risk that paychecks could be issued for individuals who were not bona fide employees during the periods covered by the paychecks.

We examined a sample of payroll changes to determine whether they were processed in accordance with requirements. We randomly selected for review 27 of the 1,607 payroll additions and 25 of the 117 payroll deletions from our audit period.

Nine of the 27 employees transferred to other facilities. We examined their time cards and time sheets. We also examined the personnel records of the other 18 employees who were still at Green Haven. We found that all 27 payroll additions had been processed in accordance with requirements.

We also determined that 22 of the 25 payroll deletions were processed in accordance with requirements. However, the remaining three deletions either were not processed properly or were not fully documented, as follows:

- An employee worked for only one day and then quit. This employee was never put on the automated timekeeping system and never physically worked at Green Haven. He was added to PayServ on time, but was not deleted from PayServ in a timely manner. As a result, he was overpaid \$814 and currently owes \$611.
- Another employee also appeared to work only one day. The employee was paid for only one day of work, but there was no documentation to confirm that the

payment was correct and the deletion had been properly processed.

- An employee was deleted from the payroll on August 30, 2006. The deletion appeared to be processed in accordance with requirements, but the employee's time card for the two weeks ended on August 30, 2006, was not in the files. The time card for the preceding two-week period was available, but we were unable to verify that the employee's last day of work was, in fact, August 30.

Recommendation

To Green Haven:

12. Ensure that deletions from the payroll are processed in a timely manner and fully documented.

Recovery of Overpayments

If a correctional facility makes an overpayment to an employee, and the overpayment is recoverable, the facility is required by DOCS Directive 2703 to take certain actions to recover the overpayment. For example, the facility is to notify the employee in writing of the amount overpaid and the method of recovery. The facility is also supposed to track the recovery until the overpayment is paid in full and, if the full amount cannot be recovered, refer the collection to the Attorney General's Civil Recoveries Unit.

According to information provided to us by the OSC personnel responsible for PayServ, at the time of our audit, Green Haven had outstanding payroll overpayments totaling

\$43,145 that had been made to 24 different employees. Generally, the overpayments were salary paid for hours that were not worked by the employees or excessive salary payments made because of payroll calculation errors that should have been obvious to the employees.

We examined the actions taken by Green Haven in recovering these overpayments. We found that Green Haven did not follow the recovery procedures described in DOCS Directive 2703. For example, Green Haven did to notify the employee in writing of the amount overpaid, did not track the recoveries until the overpayments were paid in full, and did not refer uncollected amounts to the Attorney General's Civil Recoveries Unit.

At the time of our audit, Green Haven attempted to recover these overpayments from 13 of the 24 employees. These employees were overpaid a total of \$40,415. Green Haven recovered \$22,036 of this amount, but had not recovered the remaining \$18,379, which was owed by all 13 of the employees. Green Haven made no attempt to recover the \$2,730 that was owed by the other 11 employees, one of whom had been overpaid in April 1999.

Recommendations

To Green Haven:

13. Follow DOCS Directive 2703 when overpayments are made to employees.
14. Make an active attempt to recover overpayments made to employees and refer uncollectible amounts to the Attorney General's Civil Recoveries Unit.

Undistributed Paychecks

According to OSC Payroll Bulletin 456, undelivered paychecks should be returned to OSC after 30 days. In addition, according to OSC Payroll Bulletin 746, unclaimed payroll remittance advices can be destroyed after 30 days, as long as employees have been notified of this practice.

On June 27, 2007, we requested all undelivered paychecks and payroll remittance advices at Green Haven. We received two paychecks, one travel reimbursement check, and 361 payroll remittance advices. The 364 payments were made to 198 different employees, 17 of whom were no longer on Green Haven's payroll roster as of that date (e.g., transferred to other correctional facilities, resigned from Green Haven, or retired).

We determined that both paychecks, issued May 24, 2007, were undelivered for more than 30 days. We did not open the remittance advices to determine their age, but Green Haven officials acknowledged that they had been around for some time.

If a paycheck or a remittance advice at Green Haven is not picked up by the employee, it is placed in a file and held until the employee asks for it. Green Haven staff do not attempt to contact the employee to arrange for the check or advice to be picked up.

We recommend that Green Haven staff follow up with the employees when paychecks or remittance advices are not picked up, and return the paychecks to OSC and destroy the remittance advices (after notifying employees of this practice) after 30 days. When undelivered paychecks and remittance advices are allowed to sit around for longer than 30 days, there is an increased risk that paychecks

can be distributed to individuals who are not entitled to them.

It should be noted that OSC Payroll Bulletin 746 (which authorizes the destruction of unclaimed payroll remittance advices after 30 days) had not yet been issued on June 27, 2007, the day we reviewed undelivered paychecks and remittance advices at Green Haven (the Bulletin was issued August 22, 2007). However, to prevent the accumulation of so many unclaimed advices, Green Haven staff should have been following up with employees when their remittance advices were not picked up.

Recommendation

To Green Haven:

15. Follow up with employees when their paychecks or remittance advices are not picked up. Return undelivered paychecks to OSC after 30 days. Notify employees that undelivered remittance advices will be destroyed after 30 days, then routinely destroy all such advices unless they are claimed by the employees.

AUDIT SCOPE AND METHODOLOGY

We conducted our performance audit in accordance with generally accepted government auditing standards. We audited Green Haven's internal controls over employee time and attendance practices, payroll changes, and other selected payroll activities for the period April 1, 2005, through December 12, 2007.

To accomplish our objective, we interviewed Green Haven officials, reviewed documentation supporting payroll transactions, and reviewed payroll-related bulletins and directives. We also reviewed undelivered paychecks and remittance advices, and performed an unannounced

physical verification of the employees who were scheduled to be working at the facility on October 19, 2007.

In addition to being the State Auditor, the Comptroller performs certain other constitutionally and statutorily mandated duties as the chief fiscal officer of New York State. These include operating the State's accounting system; preparing the State's financial statements; and approving State contracts, refunds, and other payments. In addition, the Comptroller appoints members to certain boards, commissions and public authorities, some of whom have minority voting rights. These duties may be considered management functions for purposes of evaluating organizational independence under generally accepted government auditing standards. In our opinion, these functions do not affect our ability to conduct independent audits of program performance.

AUTHORITY

The audit was performed pursuant to the State Comptroller's authority as set forth in Article V, Section 1, of the State Constitution; and Article II, Section 8, of the State Finance Law.

REPORTING REQUIREMENTS

A draft copy of this report was provided to DOCS and Green Haven officials for their review and comment. Their comments were considered in preparing this final report, and are included as Appendix A.

Within 90 days of the final release of this report, as required by Section 170 of the Executive Law, the Commissioner of the Department of Correctional Services shall report to the Governor, the State Comptroller, and the leaders of the Legislature and fiscal committees, advising what steps were taken to implement the recommendations contained herein, and where recommendations were not implemented, the reasons therefor.

CONTRIBUTORS TO THE REPORT

Major contributors to this report include Carmen Maldonado, Robert C. Mehrhoff, Erica Zawrotniak, Marianne Boyer, Bruce Brimmer, Farhan Ahmad, and Dana Newhouse.

APPENDIX A - AUDITEE RESPONSE



BRIAN FISCHER
COMMISSIONER

STATE OF NEW YORK
DEPARTMENT OF CORRECTIONAL SERVICES
THE HARRIMAN STATE CAMPUS – BUILDING 2
1220 WASHINGTON AVENUE
ALBANY, N.Y. 12226-2050

October 22, 2008

Ms. Carmen Maldonado
Audit Director
Office of the State Comptroller
Division of State Government Accountability
123 William Street, 21st Floor
New York, NY 10028

RE: Draft Audit of Green Haven
Correctional Facility Selected
Payroll Practices (Report 2007-S-61).

Dear Ms. Maldonado:

In accordance with Section 170 of the Executive Law and in response to your correspondence of September 16, 2008, attached is the Department's reply to the Draft Audit of Green Haven Correctional Facility Selected Payroll Practices, Report 2007-S-61.

DOCS would like to acknowledge the time and effort of all employees that were involved with this audit and their desire to improve the Department's operation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brian Fischer', written over the word 'Sincerely,'.

Brian Fischer
Commissioner

Attachment



BRIAN FISCHER
COMMISSIONER

STATE OF NEW YORK
DEPARTMENT OF CORRECTIONAL SERVICES
GREEN HAVEN CORRECTIONAL FACILITY

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ROBERT E. ERCOLE
SUPERINTENDENT

October 20, 2008

Carmen Maldonado
Audit Director
Office of the State Comptroller
Division of State Government Accountability
123 William Street – 21st Floor
New York, NY 10038

RE: Green Haven Correctional Facility
Selected Payroll Practices – Report
2007-S-61

Dear Ms. Maldonado :

Allow me to take this opportunity to express to you our appreciation for the time and effort your office put into the audit conducted at the Green Haven Correctional Facility during 2007.

We have reviewed the Audit Report of selected Operating Practices and offer the following comments:

Recommendation #1 - *Comply fully with DOCS Directive governing swaps.*

Agree. We have increased supervisory oversight and accountability regarding swaps and take appropriate corrective action when discrepancies are discovered. Memorandums were issued to all security staff and read at line-up for seven (7) consecutive days from the Superintendent on November 30, 2007 and the Deputy Superintendent for Security on March 18, 2008 reminding staff of their obligations concerning swaps. Both stated that full compliance with Directive #2223 - Intershift/RDO Swaps - was expected and failure to do so could result in penalties that may include suspension of, or permanent loss of swapping privileges.

We now include copies of Directive #2223 in the orientation packet given to all new Security employees. We also include memorandums issued to all staff regarding Directive #2223 which state that full compliance is expected and failure to do so may incur penalties that may include suspension or permanent loss of swapping privileges.

Recommendation #2 - *Hold supervisors accountable for noncompliance with the DOCS Directive governing swaps, and counsel and/or take disciplinary action against employees and supervisors who repeatedly violate the Directive.*

Agree. We have increased supervisory oversight and accountability regarding swaps. A bi-weekly swap discrepancy report is issued by the Timekeeper. This report is distributed to the Deputy Superintendent for Security, Captains and Staffing Lieutenant for the previous payroll period.

The Captain reviews each discrepancy with the Staffing Lieutenant to insure appropriate action is taken. This insures that each instance is promptly investigated and resolved.

On March 18, 2008 a memorandum was issued to all Security Supervisors reminding them that Directive #2223 - Intershift/RDO swaps must be strictly adhered to - in particular Section D, 1-5 , Section E, 1-9 and Section F, 1-5. This memorandum, with a copy of Directive #2223 attached, was distributed to all Security Supervisors.

On March 19, 2008 a memorandum was issued to all Security Supervisors from the Deputy Superintendent of Security with a basic outline of Directive #2223. This outline included a list of acceptable swap practices, as well as appropriate action to be taken should a discrepancy be noted. This memorandum was to serve as a quick reference guide for supervisors.

On June 18, 2008 a memorandum was issued by the Captain to all Watch Commanders and Chart Sergeants regarding discrepancies with swap paperwork. The memorandum states that swap exchanges (Form #1032) will be verified by the Chart Sergeant against the Daily Swap Report, on each shift. It further states that any discrepancy will be addressed at the time of discovery, and corrected.

Recommendation #3 - *Cease the practice of back-dating approvals on swap authorization forms.*

Agree. The practice of back-dating approvals on swap authorization forms was not done on a routine basis but rather to remedy specific cases, such as when swaps were submitted for approval when the Staffing Lieutenant is not on duty. In some cases these swaps would be worked without the Staffing Lieutenant's approval, as he was designated to approve all swap requests. The Watch Commanders have now been designated to approve swaps in instances when the Staffing Lieutenant is not available and would not be available prior to the working of the swap. As noted in the June 18, 2008 memorandum, issued by the Captain, the swap exchanges (form #1032) on each shift will be verified by the Chart Sergeant against the Daily Swap Report. It further states that any discrepancy will be addressed at the time of discovery, and corrected.

Recommendation #4 - *Treat the three employees in our sample who failed to work swapped shifts as AWOL on those days and recover a day's pay from each employee.*

Disagree. Prior to the audit, supervisors allowed this practice. It's unfair to penalize these employees for what was considered an acceptable practice. These three (3) employees were only some of the employees who would fall into this category. The OSC audit dealt with a specific block of time and it would not be feasible to ascertain what other employees would fall into this category since the implementation of Directive #2223. It would be unfair to penalize them and not all others. The Facility Administration's focus since the OSC audit has been to require the security supervisors to enforce the provisions of Directive #2223.

Recommendation #5 - *Investigate promptly and resolve all unresolved swap discrepancies.*

Agree. On March 19, 2008 a memorandum was issued to all Security Supervisors from the Deputy Superintendent of Security with a basic outline of Directive #2223. This outline included a list of acceptable swap practices, as well as appropriate action to be taken should a discrepancy be noted. This memorandum was to serve as a quick reference guide for supervisors.

On June 18, 2008 a memorandum was issued by the Captain to all Watch Commanders and Chart Sergeants regarding discrepancies with swap paperwork. The memorandum states that swap exchanges (Form #1032) will be verified by the Chart Sergeant against the Daily Swap Report, on each shift. It further states that any discrepancy will be addressed at the time of discovery, and corrected.

We have increased supervisory oversight and accountability regarding swaps. A bi-weekly swap discrepancy report is issued by the Timekeeper. This report is distributed to the Deputy Superintendent for Security, Captains and Staffing Lieutenant for the previous payroll period. The Captain reviews each discrepancy with the Staffing Lieutenant to insure appropriate action is taken. This insures that each instance is promptly investigated and resolved.

Recommendation #6 - *Cease the practice of civilian swaps unless such swaps are authorized explicitly by the DOCS Central Office. Prepare a schedule of the status of all civilian swaps that have not been completed and set a date for each swap to be completed.*

Agree, in part. Central Office is presently working on a Directive which would cover Civilian swaps. We continue to allow Civilian swaps to maintain vital facility services. Civilian staff members are required to file the same swap forms that the Officers currently use and are entered on the Civilian computerized timekeeping system. Both parts of Civilian swaps are limited to occur within one (1) payroll period. The swaps are monitored closely to ensure there are no improprieties. We are currently awaiting direction from Central Office.

Recommendation #7 (to Central Office) – *Monitor swapping practices at Green Haven to ensure that they comply with all requirements, and monitor Green Haven's resolution of its unresolved swap discrepancies are resolved in a timely and appropriate manner.*

Central Office Response: We Agree. On August 6 and 7, 2008, members of the Central Office Bureau of Personnel visited Green Haven to review swapping practices at the facility. A report of their findings was submitted on September 29, 2008. The report includes direction on actions to take to resolve swap problems. The report was forwarded to the Superintendent on September 30, 2008 with direction to notify us within 30 days that the corrective steps have been taken.

Recommendation #8 (to Central Office) – *Investigate Green Haven's practice of back-dating approvals on swap authorization forms and take appropriate corrective action.*

Central Office Response: Agree. During the OSC audit, the auditors called to the attention of facility personnel that several swaps were worked which did not have accompanying paperwork. For several of these swaps (where the repayment had not yet been worked) the facility had the employees submit the paperwork. They then approved the swap retroactively. This is not a standard practice except in some cases when a swap was approved by the Watch Commander but the Staffing Lieutenant was not available to sign the form. This has since been addressed as noted in the Superintendent's response to recommendation #3.

Recommendation #9 (to Central Office) – *Determine whether civilian swaps should be allowed; if so, establish formal procedures for such swaps.*

Central Office Response: Agree. The Central Office Bureau of Personnel has prepared a draft departmental directive concerning swapping shifts by civilian employees. It has been reviewed by Counsel's Office and the appropriate union representatives. It is being prepared for review by the Division of the Budget in accordance with Title 9 of the NYCRR.

Recommendation #10 - *Ensure that all employees who are required to use time clocks use the time clocks and that they provide written explanation when time clocks are not used and handwritten entries are recorded on their time cards.*

Agree In Part. Green Haven has taken steps to ensure that all employees required to use time clocks comply with current timekeeping policies and procedures.

Memorandum was issued on May 21, 2008 by the Captain to reaffirm Directive #2205, Record of Attendance, which states that all employees must submit accurate, legible and completed timecards no later than the Monday following the close of the payperiod. Timecards must: (1) state the actual times of arrival for duty at the beginning of the workday and actual times of departure at the end of the workday; (2) contain entries of Regular Days Off; (3) state the type and amount of accruals charged (i.e. vacation, holiday, sick); and (4) entries of swaps, including, the name of the swap partner employee is working for (swap on), or name of the swap partner working for the employee (swap off). When an employee fails to make a time clock entry, the Directive states that the employee's supervisor must determine the reason the entry was not made and direct the employee to manually enter the appropriate time and then initial the entry, unless the supervisor determines such an entry would be fraudulent. If the supervisor believes the entry is fraudulent, direction is given on what action must be taken.

Although not a feature of Directive #2205, Green Haven takes the additional step of requiring employees to enter the reason why the time clock entry was not made (i.e. outside hospital detail, CERT, training, etc.) on the back of the timecard.

Recommendation #11 - *Ensure that supervisors enforce timekeeping requirements.*

Agree. We have instituted a practice where a report is generated at the end of each payroll period indicating individual timecard discrepancies. This report is sent to the Deputy Superintendent for Security, the Captains and the Staffing Lieutenant for resolution.

Recommendation #12 - *Ensure that deletions from the payroll are processed in a timely manner and fully documented.*

Agree. We have reviewed the process of removing employees from the payroll to ensure these transactions are processed in a timely manner. We will continue to foster communication between our Payroll office and our Personnel Officer to ensure that transactions are processed expeditiously.

Recommendation #13 - *Follow DOCS Directive #2703 when overpayments are made to employees.*

Agree. Directive #2703 is currently being followed. When an overpayment is discovered, a letter is sent to the employee via certified mail, return receipt requested, with a breakdown of the overpayment. A deadline is given to the employee, and, if that deadline is not met, all paperwork is then forwarded to Central Office Payroll.

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Recommendation #14 - *Make an active attempt to recover overpayments made to employees and refer uncollectible amounts to the Attorney General's Civil Recoveries Unit.*

Agree. When an overpayment is discovered, a letter is sent to the employee via certified mail, return receipt requested, with a breakdown of the overpayment. A deadline is given to the employee and if that deadline is not met, all paperwork is then forwarded to Central Office Payroll. In accordance with Directive #2703, Central Office Payroll is required to make that notification the Attorney General's Civil Recoveries Unit which it is doing.

Recommendation #15 - *Follow up with employees when their paychecks or remittance advices are not picked up. Return undelivered paychecks to OCS after 30 days. Notify employees that undelivered remittance advices will be destroyed after 30 days, then routinely destroy all such advices unless they are claimed by the employees.*

Agree. We have had no actual paychecks that have not been delivered. A memorandum was distributed to all employees advising them that if remittance advices (direct deposit) are not picked up within 30 days, they will be destroyed. We have been destroying any advices over 30 days old.

Sincerely,



Robert E. Ercole
Superintendent

REE/hhb
cc: file