



Office for People With Developmental Disabilities

ANDREW M. CUOMO
Governor

THEODORE KASTNER, MD, MS
Commissioner

January 28, 2021

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Dear Governor Cuomo:

Attached is the Office for People With Developmental Disabilities' comments on the Office of the State Comptroller's Final Audit Report 2019-S-38 entitled "Controls over Transportation Services and Transportation-Related Expenses."

This response is being submitted to you in accordance with Section 170 of the Executive Law.

Sincerely,

A handwritten signature in black ink that reads "Theodore Kastner MD, MS". The signature is written in a cursive, flowing style.

Theodore Kastner, MD, MS
Commissioner

Office for People With Developmental Disabilities'
Response to the Office of the State Comptroller's Final
Audit Report (No: 2019-S-38): "Controls Over
Transportation Services and Transportation-Related
Expenses"

The following are the New York State Office for People With Developmental Disabilities' ("OPWDD") comments in response to the Office of the State Comptroller's ("OSC") Final Audit Report 2019-S-38 entitled "Controls Over Transportation Services and Transportation-Related Expenses" ("Report").

OPWDD provides services and support to over 130,000 individuals with developmental disabilities throughout New York State. OSC's review focused on transportation expenses (outside New York City) for the period April 1, 2016 through March 31, 2019 and subsequent documentation and information obtained through March 13, 2020.

OSC's audit findings and recommendations concern whether OPWDD has established adequate controls to effectively monitor and ensure accountability over transportation expenses and services. OPWDD recognizes the need for improved recordkeeping to provide greater assurance that transportation expenses are fully documented and used exclusively for business purposes. OPWDD has already implemented a number of initiatives and is in the process of refining its policies to address OSC's recommendations, as discussed below:

RESPONSE TO OSC'S RECOMMENDATIONS

Recommendation #1: Develop and implement procedures to improve employee driving practices, such as offering training, counseling, or reassignment, to ensure safety of clients, passengers, and the public.

Response:

OPWDD disagrees with the suggestion that it does not have adequate procedures in place to ensure the safety of clients, passengers, and the public. OPWDD is committed to implementing corrective actions to ensure that employees who receive traffic infractions while using State vehicles are addressed through retraining, coaching, and counseling. Employees that continue to receive traffic infractions after training and counseling have been administered may be the subject of disciplinary action.

Further, to properly ensure that its employees have the necessary qualifications to drive a State vehicle, OPWDD participates in the License Event Notification Services ("LENS") program, which is directly connected to the New York State Department of Motor Vehicles. OPWDD receives daily email notifications from the LENS program in order to closely monitor the licenses of its employees for suspensions, revocations, expirations, and appropriate classifications of employees who regularly operate a vehicle to conduct State business or for whom the license is a condition of employment. No employee is allowed to operate a State vehicle without a valid driver's license. An employee whose driving privileges have been restricted is not permitted to drive an OPWDD vehicle unless those restrictions comply with the

state's requirements for operating a State vehicle. OPWDD takes swift action to ensure that employees whose driving privileges have been suspended or revoked are not allowed to drive State-owned vehicles or transport the individuals OPWDD serves. Employees who monitor the LENS program quickly notify the supervisors of employees whose licenses have been suspended to ensure that these employees stop driving State vehicles immediately. OPWDD takes further action to terminate those employees whose positions require them to maintain a valid driver's license when their driver's license is suspended or revoked. OPWDD ensures that staff responsible for monitoring LENS notifications receive proper training for implementing existing processes and protocols. OPWDD sends notices to all employees regarding the use of State vehicles and the importance of maintaining a valid driver's license.

Recommendation #2: Develop processes to track recalls and vehicle inspections and provide guidance to DDSOs on their responsibilities to maintain vehicles, including ensuring recalls are repaired timely and vehicle inspections are valid.

Response:

OPWDD agrees with this recommendation and has developed a report which includes the tracking and monitoring of recalls and inspections. The reporting system was implemented in June 2020 and is continuously updated and shared with Regional OPWDD transportation supervisors during their monthly meetings. The report is used as a tool to gauge progress on the completion and status of such inspections and recalls. During its review at the monthly transportation meetings, staff responsible for coordinating the completion of recalls and inspections are proactively reminded and encouraged to clear backlogs and become current on both inspections and recalls. Since the development of this tracking system, the number of outstanding inspections has decreased significantly. Less than 7% remain to be completed and OPWDD is working to further decrease this number. Central Office transportation staff will be tracking and monitoring outstanding recalls and engaging staff if there is any delay in resolution that is not related to issues like unavailable parts or dealer delays.

The completion of safety-related recalls is a priority and the Central Office transportation coordinator frequently reaches out to the districts to ensure that recalls in each district are completed and properly documented. Transportation supervisors also use the monthly recall and inspection report to document issues and events beyond OPWDD's control which may prevent a recall from being timely completed, such as the unavailability or back-order of automobile parts necessary to complete the repair necessitated by the recall. If the recall poses a serious safety concern, staff are directed to complete this as a priority and the vehicle is not used until the recall is addressed.

Since the development of this tracking system, the number of outstanding inspections has decreased significantly. In the beginning of 2020, OPWDD had roughly 250 outstanding open recalls. That figure is now down to 15 that are expected to be completed by the end of February 2021. Despite the unprecedented pressures placed upon the agency as a result of the COVID pandemic, OPWDD has made significant progress toward resolving outstanding recalls and inspections and timely completing new inspections and repairs associated with recalls.

Recommendation #3: Develop procedures to monitor repair and maintenance costs agency-wide, including, but not limited to:

- Assessing cost effectiveness of repairs and maintenance (from the Contractor or other sources);
- Obtaining and analyzing detailed services data from the Contractor; and
- Monitoring inactive vehicles against the Contract to avoid unnecessary maintenance fees.

Response:

OPWDD agrees with this recommendation and has contracted with ARI, a fleet management contractor, to monitor repair and maintenance costs throughout its fleet. OPWDD business office staff are not experts on vehicle repairs and related cost effectiveness. ARI is a state vendor with which OPWDD contracts to address this gap in knowledge. ARI is responsible for monitoring costs to avoid overcharges and is bound by contractual terms to perform this function for which OPWDD pays a monthly fee for each fleet vehicle covered. OPWDD regularly assesses and reviews ARI's services data to monitor repair and maintenance costs. OPWDD has also removed inactive vehicles from the ARI system to avoid the payment of unnecessary fees.

Recommendation #4: Communicate and develop processes to periodically verify DDSOs' responsibilities for controls over transportation expenses, including, but not limited to:

- Fully completing and maintaining fuel and mileage logs;
- Utilizing the most cost-effective methods for fuel purchases; and
- Monitoring expenses to ensure they are appropriate and made in accordance with all agency rules and regulations.

Response:

OPWDD agrees with portions of this recommendation and has standardized its mileage log for use throughout the agency and provided instructions for completion. This log has been mandated and implemented statewide since July 2019. OPWDD requires supervisors to review each mileage log and attest to its completion and accuracy.

OPWDD does not agree that using State-operated fuel stations will generate significant cost savings because they are not always within the route of travel and accessing them often requires the OPWDD employee to make unreasonable diversions. OSC's calculations of these purported savings is based on the employee taking a diversion of up to 5 miles one way in order to access State-operated fuel pumps. In heavily congested areas, these trips can result in significant costs of staff time and fuel. Furthermore, OPWDD vans are often occupied by service recipients en route to scheduled appointments. Such diversions can cause

unnecessary delays and stress on these individuals. OPWDD has distributed a list of State-operated fuel stations to all staff and directs the use of such facilities when doing so will not require unnecessary diversion or stress on the transport of individuals.

OPWDD has put purchasing controls in place to prohibit the use of fuel cards for non-fuel purchases. OPWDD continues to make improvements to ensure fuel cards are only being used for the specific vehicle assigned to each card.