



**Office for People With
Developmental Disabilities**

ANDREW M. CUOMO
Governor

THEODORE KASTNER, MD, MS
Commissioner

June 25, 2021

Ms. Aida Solomon
Audit Manager
Office of the State Comptroller
Division of State Government Accountability
110 State Street – 11th Floor
Albany, NY 12236-0001

Dear Ms. Solomon:

Attached is the Office for People With Developmental Disabilities' comments on the Office of the State Comptroller's follow-up audit report 2021-F-1 entitled "Accountability and Surplussing of Vehicles."

Sincerely,

Anthony Dolan

Anthony J. Dolan, CPA
Principal Internal Auditor

**Office for People With Developmental Disabilities’
Response to the Office of the State Comptroller’s
Follow-up Report (No: 2021-F-1):
“Accountability and Surplussing of Vehicles”**

The New York State Office for People With Developmental Disabilities (“OPWDD”) appreciates the opportunity to respond to the Office of the State Comptroller’s (“OSC”) Follow-up Audit Report (2021-F-1) entitled “Accountability and Surplussing of Vehicles.” OPWDD provides services and support to over 130,000 individuals with developmental disabilities throughout New York State. OSC’s review focused on the use of 455 state-owned vehicles in the New York City region. These vehicles are used to transport individuals with developmental disabilities, to bring maintenance crews to OPWDD offices and residences, and to assist managerial staff in providing necessary oversight and supervision.

OSC’s audit findings and recommendations concern accountability and surplussing of State vehicles in OPWDD’s fleet. OPWDD recognizes the need for improved recordkeeping and monitoring. However, OPWDD disagrees with some of the conclusions drawn in the report, particularly the recommendations described as not having been implemented. Contrary to the findings of the report, OPWDD has a number of procedures in place to maintain the accuracy of vehicle inventory records and to ensure vehicle assignments efficiently meet the needs of the people served. In addition, OPWDD is in the process of implementing further refinements, as discussed in the responses to OSC’s recommendations below:

RESPONSE TO OSC’S RECOMMENDATIONS

Recommendation #1: Ensure vehicle logs are maintained for each vehicle, and that they are collected, reviewed, and approved as required by the Policy.

OSC Finding: Not Implemented.

Response: OPWDD implemented the use of a new statewide vehicle log on June 26, 2019. The log requires local supervisory review, evidenced by the provision of printed name and signature for each completed log. OPWDD acknowledges that some logs reviewed by OSC were not fully completed. Most notably, OSC found that some logs omitted a description of the trip purpose in the box designated for that information. Nevertheless, in most cases the purpose of the trip is clear based on the documented destination, as many trips are routine, such as going to the same day program address each day.

In light of the findings in this report, OPWDD is taking steps to ensure logs are completed in their entirety. The vehicle log form will be revised to include a separately delineated and larger space for detailing a description of each trip’s purpose. Also, OPWDD is increasing the number of log forms being internally audited/reviewed to monitor compliance with completion and required review by supervisors.

Recommendation #2: Establish a standard vehicle log that captures all required trip information, as per the Policy.

OSC Finding: Implemented.

Response: As stated in the OSC report and above, OPWDD has implemented this recommendation.

Recommendation #3: Follow up on the instances of unrecorded vehicle usage identified in this report to determine whether they occurred during official State business, and take appropriate action, as needed.

OSC Finding: Not Implemented.

Response: OPWDD's priority is to monitor current and future logs to better ensure the completeness of records going forward. Attempting to determine unrecorded previous vehicle usage is not practical and may not even be possible after a significant amount of time has passed. Therefore, OPWDD has revised its monitoring methods to review logs more frequently and contemporaneously. Furthermore, based on the findings in this follow-up audit, OPWDD is now extensively monitoring logs for times coinciding with traffic camera violations.

Recommendation #4: Issue guidelines that require DDSOs to conduct periodic inventories to account for the location and status of their vehicles.

OSC Finding: Not Implemented.

Response: OPWDD is in the process of implementing a new fleet management application to manage its fleet inventory. The application is used to track movements of vehicles in the OPWDD fleet and helps ensure overall accountability. Data has been uploaded into the system and it is being used statewide. As part of this technological upgrade, OPWDD is developing guidelines to require DDSOs to review vehicle inventories of their fleets on a consistent timeline. Central Office has worked with the local districts to verify the vehicle status and location data being input into the new system and will continue to provide technical assistance going forward. This transition process acts as an ongoing inventory validation to accurately account for the location and status of vehicles.

Recommendation #5: Research the missing vehicle assigned to the Bernard M. Fineson DDSO to determine its whereabouts and its correct status.

OSC Finding: Implemented.

Response: As discussed in the report, OPWDD implemented this recommendation as part of the 2019 audit. Through internal review, it was determined the vehicle was in use by the maintenance department in a different DDSO within the agency. The vehicle inventory documents were updated to reflect the location change.

Recommendation #6: Review the OPWDD employee's purchase of vehicles to determine whether any policies or laws were violated and take appropriate action.

OSC Finding: Implemented.

Response: As stated in the report, OPWDD implemented this recommendation. OPWDD reviewed the employee's purchase of vehicles and determined no laws or OPWDD policies were violated.

Recommendation #7: Establish surplussing policies and procedures that address the deficiencies identified in this report, including the purchase of surplus vehicles by employees (and their family members) and the time frames for sending surplus vehicles to auction and returning their license plates.

OSC Finding: Partially Implemented.

Response: OPWDD did not establish all the policies recommended by OSC because, in some instances, OGS guidelines and procedures already cover the underlying issues.

As recommended by OSC, OPWDD has implemented a new surplussing policy which prohibits employees from purchasing surplus vehicles.

OPWDD has not created its own separate policies establishing timeframes for sending surplus vehicles to auction. Decisions on when vehicles are to be sent for surplussing are based on the approach and justification described in OGS's Business Case for State Vehicles as more fully described in Recommendation #8 below.

OPWDD has not established separate policies for returning surplus vehicle license plates. However, OPWDD has followed OSC guidelines which state, "license plates must be returned to OGS two weeks prior to any auction." OPWDD objects to the implication in OSC's report that OPWDD did not follow this guideline when it filed surplussing paperwork for a vehicle on November 4, 2020 but had not returned the license plates for that vehicle as of March 4, 2021. OSC's conclusion was wrong because the vehicle had not yet been scheduled for auction, therefore the plates were not yet required to be returned.

Recommendation #8: Determine whether each DDSO (including its transportation office) has the correct number of vehicles based on need and identify those that should be surplus or reassigned.

OSC Finding: Not Implemented.

Response: OPWDD disagrees with OSC's finding. OPWDD is constantly evaluating information on its inventory of vehicles. First, OPWDD relies on the guidelines contained in the OGS Business Case for State Vehicles, which offers a concise, reasonable way to assess the suitability of a vehicle depending upon factors such as age, mileage and repair costs. In addition, OPWDD identifies the right mix of vehicles based on the determinations of clinicians, direct

support staff and management who are familiar with the transportation needs of the individuals served. Health and physical needs, as well as programmatic needs are considered in light of expected provision of both individualized and congregate transportation.

OPWDD has recently reviewed data regarding type of vehicle and vehicle location for each program/site. However, each facility's vehicle need is fluid. It is based on the abilities of the individuals served, which can change. Such changes impact the type of vehicles assigned to a home (e.g. people at a home who once got around by walking now use power wheelchairs, so a wheelchair van is purchased instead of replacing a minivan for that home). Transportation services for programs operated by OPWDD are built around program needs and are the product of tailored, individual-level decisions made in consultation with direct support and clinical staff. Such determinations follow a person-centered approach just like any other element of OPWDD services. This commitment to individualization leads to better service delivery.