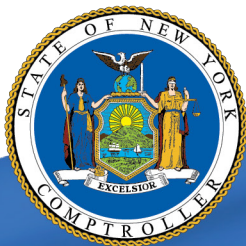


Town of Alexandria

OCTOBER 2018



OFFICE OF THE NEW YORK STATE COMPTROLLER
Thomas P. DiNapoli, State Comptroller

Contents

Report Highlights	1
Justice Court Time and Attendance	2
How Should the Town Board and Justices Help Ensure That Hours Reported on Time Sheets Are Accurate?	2
The Justices Did Not Review the Clerk’s Time Sheets for Accuracy	3
Hours Reported on the Clerk’s Time Sheets Coincided With Hours Worked at Other Municipalities	4
Hours Reported on the Clerk’s Time Sheets Did Not Always Provide for Adequate Travel Time Between Municipalities	5
The Clerk Charged Sick Leave at the Town While Working at Another Municipality	5
The Clerk Did Not Provide Sufficient Detail on Her Time Sheets to Allow for the Verification of “Call-In” Hours	6
What Do We Recommend?	7
Justice Court Operations	8
How Should Justices Account for Court Funds?.	8
Court Funds Were Properly Recorded, Deposited and Reported	8
Monthly Accountability Analyses Were Not Prepared	9
What Do We Recommend?	9
Appendix A – Response From Town Officials	10
Appendix B – OSC Comments on the Town’s Response	14
Appendix C – Audit Methodology and Standards	15
Appendix D – Resources and Services	17

Report Highlights

Town of Alexandria

Audit Objective

Determine whether the Court Clerk (Clerk) reported hours on her Town of Alexandria (Town) time sheets that coincided with hours worked at other municipalities.

Determine if Justice Court (Court) money is properly recorded, deposited and reported.

Key Findings

- Sixty-three of the 67 time sheets (approximately 94 percent) completed by the Clerk showed no evidence of supervisory review and approval.
- The Clerk reported 405 hours on her Town time sheets totaling \$5,868 that coincided with hours worked at other municipalities.
- The Clerk did not allow for travel time between the Town and another municipal employer. As a result, we estimate she was paid an additional \$1,800 for 123 hours not worked.
- The Clerk claimed 112 hours of sick leave at a cost of \$1,795 on her Town time sheets on days that she also reported working at another municipality.
- Court moneys were properly recorded, deposited and reported.

Key Recommendations

- Consult with legal counsel and take appropriate action to recover any wages paid for time not worked.
- Adopt policies and procedures that clearly inform all employees, and those who directly oversee employees, of their responsibilities for the preparation and review of time sheets.

Town officials agreed with our recommendations and plan to initiate corrective action. Appendix B includes our comments on the Town's response.

Background

The Town is located in Jefferson County. The Town is governed by an elected Town Board (Board) composed of four members and a Town Supervisor. The Board is responsible for the general oversight of Town operations, including implementing controls over time and attendance and overseeing the financial activities of the Court.

Two elected Justices preside over the Court. The appointed full-time Clerk assists the Justices and handles most of the Court's day-to-day operations. A part-time clerk assists with the day-to-day operations. The Clerk is responsible for collecting payments, issuing receipts, posting payments into the computer system, preparing and making deposits and preparing the monthly reports to the Justice Court Fund (JCF).

Quick Facts

Population	4,100
2017 General Fund Appropriations	\$1.51 million
Fines, Fees and Bail Collected During Audit Period	\$587,166

Audit Period

January 1, 2016 – March 16, 2017. The audit period was extended back to April 3, 2014 to review the Clerk's time sheets.

Justice Court Time and Attendance

The Clerk has worked full-time for the Town Court since August 2014 and part-time for the Town of Clayton Court since April 2014.¹ She was paid on an hourly basis at both Towns² and recorded the hours she worked on time sheets. The Clerk also worked for the Village of Alexandria Bay for a brief period³ where she was required to use a time clock to record her hours worked on time cards.

The Clerk uses a computer system at the Towns to perform most of her job duties. The Clerk uses the computer system to download tickets, record payments and dispositions, generate correspondence and JCF reports, maintain case files and bail records and perform other activities.

From January 19 through January 20, 2017, a jury was convened to hear a case within the Town of Clayton Court. The Clerk worked both days and recorded her hours on her time sheet for the Town of Clayton. A part-time clerk at the Town accompanied the Clerk during the trial to learn how such trials are conducted. The Clerk also recorded her work hours, for both days, as “Training,” on her Town time sheet. When the Town Supervisors from the two Towns contacted each other to determine how to split the cost of the Clerk’s wages for these days, they reviewed her time sheets and found that her hours for the two Towns coincided with each other. As a result, the Clerk was paid twice for the same hours worked. Subsequently, the Town Supervisors compared additional time sheets and found multiple instances where the hours worked for the two Towns coincided with each other.

Officials at the Town brought this issue to our attention during an unrelated technical assistance visit. As a result, we engaged in separate audits of each Town. Distinctions are made in this report between findings specific to the Town and those concerning both Towns. See our related report of the Town of Clayton (2017M-286) at <http://www.osc.state.ny.us/localgov/audits/>. We have referred our findings to the State Comptroller’s Division of Investigations.

How Should the Town Board and Justices Help Ensure That Hours Reported on Time Sheets Are Accurate?

The town board has certain administrative controls over a court, such as fixing salaries of court staff, and setting various employment policies (e.g., vacation, sick and personal leave).⁴ The justices have general responsibility over the supervision of court staff.

¹ The Town of Clayton has an agreement with the Village of Clayton whereby the Town of Clayton and Village of Clayton share the Clerk’s employment costs. The Clerk fills out time sheets for the Town of Clayton, which pays the Clerk and invoices the Village of Clayton for reimbursement.

² Effective March 12, 2017, the Clerk began to receive a salary at the Town of Clayton.

³ From the beginning of our audit period through June 18, 2015

⁴ The Town Board should discuss such policies with the Justices to help avoid implementing policies that could conflict with the Justice’s supervision of court staff.

The Board, in consultation with the Justices, should adopt policies and procedures that inform all employees, and those who directly oversee employees, of their responsibilities regarding the preparation and review of time sheets. Such policies and procedures can help ensure that employees record the information necessary to account for their entire workday, including the dates when work was performed and starting and ending times.

The Justices should develop a work schedule for court employees, review time sheets for accuracy and completeness,⁵ and familiarize themselves with town leave policies and monitor work hours and sick leave usage. Effective management oversight and monitoring of employees' attendance are necessary to help ensure accountability over hours worked and accurate payments to employees.

The Justices Did Not Review the Clerk's Time Sheets for Accuracy

The Board did not adopt policies and procedures over the preparation and review of time sheets. We reviewed all 67 time sheets completed by the Clerk during her employment with the Town and found 63 time sheets, (approximately 94 percent) showed no evidence of review and approval by a Justice. We interviewed two Justices⁶ who both stated they were unaware they needed to review the Clerk's time sheets.

The Justices were part-time officials who did not generally work at the Town offices during the day to directly observe the Clerk's work hours and there were no other controls to help ensure the Clerk's time sheets were accurate. The Justices did not establish a work schedule or set the number of hours the Clerk was expected to work each day and the Town's website did not include the Court's public office hours. The Justices allowed the Clerk to set her own work hours, which change from day to day and included working on weekends. Had the Justices established work hours for the Clerk and had one of the Justices reviewed her time sheets, they could have more closely monitored her attendance during the expected hours and questioned her if anything unusual was noted on her time sheets.

The lax oversight of the Clerk's work hours and lack of review and approval of her time sheets enabled her to submit inaccurate time sheets for over two years without detection and resulted in the Town paying the Clerk for hours not actually worked.

⁵ The Town Law, Section 120 provides that all payrolls or other claims for compensation for personal services rendered to the town by any person, other than an elected town officer, be certified by the town officer or employee having direct supervision of the claimant. The Town Board may, by resolution, determine that, in lieu of certification, these payrolls and claims shall be verified by such officer or employee to the same effect.

⁶ Subsequent to the end of field work, one Justice retired effective December 31, 2017.

Hours Reported on the Clerk’s Time Sheets Coincided With Hours Worked at Other Municipalities

We obtained time records from the three municipal employers for which the Clerk worked and compared them from April 3, 2014 (the first day when the Clerk was employed at multiple municipalities) through the start of our fieldwork on March 16, 2017. We found 282 days, or over 26 percent, when the Clerk’s hours at one municipality coincided with the hours at one or both of the others. In other words, more than one out of every four work days in our audit period showed overlapping hours. For example, on September 23, 2016, the Clerk reported working for the Town from 7:00 a.m. to 3:00 p.m. and for the Town of Clayton from 7:30 a.m. to 11:00 a.m. resulting in three and a half hours of overlap. We estimate the cost of the overlapping hours involving the Town to be \$5,868 and the cost of overlapping hours between all three municipalities to be \$5,984. The Clerk stated that the overlapping hours on her time sheets were the result of recording mistakes.

Figure 1: Overlapping Hours^a

Municipalities with Overlap	Hours	Estimated Cost
Town and Town of Clayton	374.75	\$5,443 ^b
Town and Village of Alexandria Bay	30.25	\$425 ^c
Subtotal - Overlap Involving the Town	405.00	\$5,868
Town of Clayton and Village of Alexandria Bay	9.25	\$116 ^c
Total Overlap	414.25	\$5,984

^a From April 3, 2014 through March 16, 2017

^b Because it is unclear whether the Town or Town of Clayton was shorted because of the overlap, we used the Clerk’s average hourly wage between the Towns to estimate this cost.

^c Because the Clerk punched time cards at the Village of Alexandria Bay, we allocated the cost of the overlap to either the Town or Town of Clayton using the Clerk’s respective hourly wage at each Town.

We compared the hours reported by the Clerk on her Town time sheets to activity logs generated from her court computer system and found the Clerk reported working 298.5 hours for the Town on 87 days when no corresponding activity or log-ins were recorded on the court computer system from any user. The Clerk was paid a total of \$4,576 for these hours.⁷ Some of these hours were on days the Clerk reported working only for the Town and others were on the days the Clerk reporting working overlapping hours at more than one municipality. Over 91 percent of these hours at the Town were recorded on Saturdays and Sundays: days when municipal offices are typically closed and there is only limited business activity. The Clerk told us she performs various duties outside of the Court’s computer system including completing paperwork related to sexual and driving while intoxicated (DWI) offenses, suspending licenses and writing receipts.

⁷ We found a similar situation in the Town of Clayton, where the Clerk reported working 340 hours on 107 days with no corresponding computer activity for which she was paid \$4,825. When combined with the Town, the Clerk was paid a total of \$9,401 for reporting 638.50 hours of work with no corresponding computer activity.

While we acknowledge that the Clerk performs some duties outside of the Court's computer system, we found that the Clerk reported working an average of about three and a half hours per day on the 87 days that had no corresponding computer activity. Given that the Court's case files, financial records, calendars, letters and reports reside within the computer system and that the Clerk needs access to the computer system to perform most of her duties, we question whether she worked all the hours reported on her time sheets for these days.

Absent the review and approval of hours reported on the Clerk's time sheets, the Clerk was able to report overlapping hours she did not work and hours with no corresponding computer activity she may not have worked. While it is unclear which municipality the Clerk worked at when she reported working overlapping hours, the misstatements on the Clerk's time sheets have resulted in unjust financial benefit to the Clerk and unnecessary costs, at taxpayers' expense, to the municipalities involved.

Hours Reported on the Clerk's Time Sheets Did Not Always Provide for Adequate Travel Time Between Municipalities

We compared the Clerk's time sheets for the Town and Town of Clayton and found multiple instances where the Clerk's recorded end time at one location and the start time at the second location were the same. As a result, one or both Towns paid the Clerk for her travel time between the two locations.

Out of the 942 days when the Clerk reported working for both Towns, we identified 483 days (approximately 51 percent of all days in the period), when the Clerk did not allow for any travel time between the two court offices. For example, on June 22, 2015, the Clerk's time sheets showed she ended work at the Town at 2:00 p.m. and started work at the Town of Clayton at 2:00 p.m. – an impossible task. For this to occur, the Clerk must leave the first Town early and/or arrive at the second Town late. Considering that the minimum amount of time needed to travel between both court offices is 15 minutes,⁸ we estimate the Clerk was paid an additional \$1,800 for 123 hours not worked.⁹

The Clerk Charged Sick Leave at the Town While Working at Another Municipality

As a full-time employee of the Town, the Clerk earned and accrued sick leave. Sick leave is designed to permit an employee's absence from work without loss of pay when such absence is due to an illness or another medically related circumstance (e.g., doctor appointment). However, an employee should not use sick leave at one job and report to work at another as this would indicate that the employee was well enough to work, and as a result, is abusing sick leave.

⁸ Travel time calculated by using Internet-mapping software and by driving between court offices.

⁹ Since it is unclear whether the Town or Town of Clayton was shorted these hours, we used the Clerk's average hourly wage, between the Towns, to estimate the cost of this travel time.

The Clerk used sick leave on 21 occasions during our audit period for a total of 152.25 hours. On 14 of these occasions, the Clerk claimed eight hours of sick leave on her Town time sheets on days that she also reported working on her Town of Clayton time sheets. In this manner, the Clerk abused 112 hours of sick leave at a cost to the Town of \$1,795.

The Clerk Did Not Provide Sufficient Detail on Her Time Sheets to Allow for the Verification of “Call-In” Hours

Although the Town does not have a policy addressing whether employees are eligible for “call-in” hours,¹⁰ we found that the Clerk would record “call-in” hours on her time sheets, using a two-hour minimum per occurrence and was paid for them.¹¹ The Clerk stated that she recorded “call-in” hours when she reported to work outside of her normal schedule and when she received work related phone calls off duty. For example, on the first day of our fieldwork (March 16, 2017) at the Town, the part-time clerk contacted the Clerk by phone, who was on vacation, to inform her that we were on-site and had engaged the Court in an audit. We also spoke to the Clerk during this call and on one other call to explain the audit process and to ask questions about our cash count with each call lasting no more than 15 minutes. On her corresponding time sheet, the Clerk recorded four “call-in” hours, at two hours per call, accompanied by the description “Auditors.”

We interviewed both Justices to ask if they told the Clerk she was eligible for a minimum number of “call-in” hours when she reported to work or took a phone call outside of her regular schedule. Both Justices stated that they had not told the Clerk she was eligible for “call-in” hours, and furthermore, they were not aware that she was recording “call-in” hours on her time sheets. We then interviewed the Clerk who stated that she believed officials at her other municipal employers (the Town of Clayton and Village of Alexandria Bay) had told her she was eligible for “call-in” hours using a two-hour minimum, and as a result, she continued the practice at the Town. Although the Town of Clayton does have an employee handbook¹² that includes provisions for “call-in” pay, the employee handbook for the Town does not address whether employees are eligible for “call-in” hours. Subsequent to the end of fieldwork, however, one Justice stated he did recall telling the Clerk she was eligible for “call-in” hours, at a minimum of two hours, because he believed it was an Office of Court Administration (OCA) rule.

¹⁰ Typically, “call-in” hours relate to circumstances in which an employer requests an employee to report to work during a time that is outside his or her normal work schedule. In exchange, the employee receives a minimum number of paid “call-in” hours regardless of the actual number of hours worked. The legal propriety of the Clerk receiving additional compensation for “call-in” hours is not addressed in this report. Instead, we recommend that the Town consult with its legal counsel to address whether the Clerk was eligible for “call-in” hours.

¹¹ On one occasion, the Clerk recorded a three-hour “call-in.”

¹² According to the Town of Clayton employee handbook, Fair Labor Standards Act (FLSA) non-exempt employees, who are called in to work outside of their regularly scheduled work shift, are to be credited with the greater of two hours of “call-in” pay or time actually worked. Time actually worked is considered to start at the time the employee arrives at the worksite and clocks-in.

We reviewed the OCA Justice Court Manual¹³ and did not note any reference to “call-in” hours.

During our audit period, the Clerk reported 73 “call-in” hours on her time sheets totaling \$1,169. The Clerk provided no description or detail on her time sheets for 43 of these hours, and the remaining 30 were accompanied by vague descriptions such as “Arraignment” or “DWI,” which, in our view, lacked sufficient detail to help substantiate that the Clerk actually worked such hours. For example, the Clerk did not document which Justices or individuals contacted her, the times she was contacted, or the specific cases she worked on. Furthermore, none of the “call-in” hours reported on the Clerk’s time sheets were accompanied by time entries indicating the in and out times. As a result, the actual number of hours worked per “call-in” could not be verified.

What Do We Recommend?

The Board should:

1. Consult with legal counsel and take appropriate action to recover any wages paid to the Clerk for time not worked.
2. Consult with legal counsel and the Justices and adopt policies and procedures that clearly inform all employees, and those who directly oversee employees, of their responsibilities for the preparation and review of time sheets
3. Ensure that employees’ direct supervisors review and approve hours reported on time sheets.
4. Consult with legal counsel to address whether employees of the Town are eligible to receive additional compensation for “call-in” hours. If eligible, the Town should adopt appropriate policies or procedures to address the conditions in which an employee may receive “call-in” hours.

The Justices should:

5. Develop an expected work schedule for court employees, establish procedures to monitor work hours and sick leave usage and have at least one of the Justices approve court staff time sheets.

¹³ Current as of January 31, 2015

Justice Court Operations

The Court has jurisdiction over vehicle and traffic, criminal, civil and small claims cases. Justices adjudicate legal matters within the Court's jurisdiction and administer money collected from fines, surcharges, civil fees, restitution and bail. The Clerk, who is appointed by the Justices, is largely responsible for collecting payments, issuing receipts, posting payments into the computer system, preparing and making deposits and preparing the monthly reports to the JCF.¹⁴

The Clerk issued duplicate receipts for all payments received and then entered the amount of each payment, along with its corresponding receipt number, into each Justice's cashbook within the computer system. The computer system used these cashbook entries to populate each Justice's monthly JCF report, which the Clerk generated from the system. All bail transactions were recorded within the computer system and a separate pending bail list was maintained for each Justice.

How Should Justices Account for Court Funds?

Justices must ensure that Court personnel issue receipts to acknowledge the collection of funds paid to the Court. Justices should ensure each receipt is recorded in the accounting records and that all funds are deposited intact (i.e., in the same amount and form as originally collected) as soon as possible but no later than 72 hours from the date of collection, exclusive of Sundays and holidays. Deposited amounts should always agree with amounts received and recorded. Justices are required to submit monthly reports detailing all fines, fees, surcharges and forfeited bail collected to the JCF by the tenth day of the succeeding month. Justices should perform a monthly accountability analysis of funds they hold by preparing a list of court liabilities and comparing it to reconciled bank balances and money on hand. Court liabilities, such as bail held on pending cases and unremitted fines and fees, should equal the Justice's available cash balance.

Court Funds Were Properly Recorded, Deposited and Reported

We selected 100 duplicate receipts totaling \$17,270 (50 from each Justice's receipt book) for April 2016 and found that all payments were properly recorded in the cashbooks and deposited intact. Furthermore, we selected all cashbook entries for each Justice for April 2016 and found the total cashbook entries for each Justice (\$23,753 and \$16,218) matched the amounts reported on each Justice's monthly JCF report.

We also selected all three bails totaling \$6,250 received by the Justices from September 2016 through February 2017. We found they were all deposited intact and either appropriately conveyed or remained pending (i.e., included on a Justice's pending bail list and in the bank, applied to the defendant's fines/fees, returned to the defendant or forfeited and reported and remitted to the JCF).

¹⁴ A part-time clerk maintains paper case files, updates the Court calendar, answers phones, opens the mail and performs other administrative duties.

In addition, we performed testing to determine whether Court funds were properly administered. This included comparing originally submitted JCF reports to newly printed reports of the same months to determine whether reports were adjusted after submission, reviewing cashbook entries to identify missing or out of sequence receipt numbers and investigating discrepancies between information reported to the JCF and the Department of Motor Vehicles (DMV). It also included reviewing pending cases to determine why they were outstanding and tracing checks, charges and withdrawals from both Justice's bank statements to supporting documentation to determine whether the transactions were valid and appropriate. Except for minor discrepancies that we discussed with Court officials, the Court funds and documents were in proper order.

Monthly Accountability Analyses Were Not Prepared

Although the Clerk generally maintained organized and up-to-date records that included monthly bank reconciliations, neither the Clerk nor the Justices formally completed monthly accountability analyses to compare available cash with Court liabilities.

We performed an accountability analysis for each Justice as of the first day of our fieldwork on March 16, 2017. We found that liabilities matched cash assets for one Justice; however, liabilities exceeded cash assets by \$575 for the other Justice. The Clerk was aware of this discrepancy and provided documentation to explain it. The documentation showed this discrepancy was largely attributable to mistakes made by the previous Clerk prior to her separation from the Town in October of 2014. Incidentally, when a former Justice retired in December 2015, his cash assets exceeded his liabilities by \$687. This overage was subsequently reported and remitted to the JCF and is currently held in trust. Because some of the former Clerk's mistakes were instances where receipts were deposited into the wrong Justice's accounts, the current Justice's¹⁵ shortage may be related to the former Justice's overage. Court officials are working with the JCF regarding this matter.

What Do We Recommend?

Court officials should:

6. Perform a formal accountability analysis each month and promptly investigate and resolve any discrepancies.
7. Continue to work with the JCF to address the current Justice's shortage and former Justice's overage.


¹⁵ Subsequent to the end of field work, this Justice retired effective December 31, 2017.

Appendix A: Response From Town Officials

SUPERVISOR
Brent H. Sweet

Supt. of Highways
Mike Tibbles

COUNCIL MEMBERS
John Stine
James VanCour
Michael Fayette
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July 13, 2018

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Attn: Ms. Rebecca Wilcox, Chief Examiner

**Re: Town of Alexandria Draft Report of Examination
2017M-284 Justice Court Time and Attendance and Court Operations**

Dear Ms. Wilcox:

This letter is submitted in response to the Draft Audit Report issued by your agency in connection with its examination of the Town of Alexandria's "Justice Court Time and Attendance and Court Operations." Although signed by me, this response has been shared with the Town Board as a whole, and represents the Board's view of the matters reported.

The Town Board-appointed position of Confidential Clerk to the Town Justice is one designated as exempt by Jefferson County. Indeed, the title "Confidential Clerk" pre-supposes that the position is one of special, and important, trust and confidence. That is why the Town Board, as a whole, is particularly saddened by some of your agency's findings. We say some, and not all, as it appears that the clerk's performance of duties for the Court itself has been admirable, and for that we applaud her efforts. What we cannot ignore, however, are your agency's findings that the employee engaged in what appears to have been purposeful overlapping billings of the same claimed work time to more than one municipality, an obvious duplication of time billing for a two-day trial, and an equally obvious abuse of sick leave accrued under the Town's personnel policy. Each of these findings lead the Board to the conclusion that a person who is so particular and meticulous in one field of endeavor (Court Clerk work) would not somehow simply make "mistakes" in reporting her time for performing that work. Her repeated padding of hours evinces a clear disregard of the taxpayers.

Duplicate Billings

Page 4 of your agency's report makes reference to a 2-day trial in the Town of Clayton Court. The Clerk recorded her time for the Town of Clayton for the work. She also

The Town of Alexandria is an equal opportunity provider, employer and lender.
To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W.,
Washington, D.C. 20250-9410 or call (800) 795-3272 or (202) 720-6382(TDD)

See
Note 1
Page 14

then reportedly recorded the same time for the Town of Alexandria, entering her work hours as “training,” presumably representing training by her of the part-time clerk who accompanied her at the trial. This double billing was clearly inappropriate, and the Board intends to recoup the amount paid.

Overlapping Billings

The Draft Audit Report provides a great deal of detail concerning overlapping hours being recorded by the Clerk among the Town of Alexandria and the Town of Clayton; and the Town of Alexandria and the Village of Alexandria Bay. Your conclusion, in a footnote, is that “it is unclear whether the Town [of Alexandria] or Town of Clayton was shorted...” We understand why that must be true, and have no ready response as to which set of taxpayers was being intentionally and inappropriately double-billed.

The Report of Examination recites the discovery of 282 days on which the Clerk’s hours at one municipality coincide with the hours at “one or both of the others.” The Report provides one example of an overlap that was three and a half hours.

More specifically, however, the State’s investigators provided the Town with a listing of the overlapping time-sheets. The listing reveals the following:

- 282 total overlaps
- 202 overlaps of a .25-1.75 hour overlap
- 45 days of a 2-2.75 hour overlap.
- 20 days of a 3-3.75 hour overlap.
- 13 days of a 5 hour overlap
- 2 overlaps of 11 hours or more

See Note 2 Page 14

While the Comptroller’s office reports the double billing at \$5,868.00, we feel that the report ignores the plain and simple fact that the affected municipalities additionally paid contributions for Social Security (6.2%) and Medicare (1.45%); Worker’s Compensation Insurance; and NYS Retirement Benefits (15.3%).

The numerous dates of “overlap” bring one to the fairly inescapable conclusion that these were not simple “mistakes.”

The Report also addresses the Clerk’s limited court computer activity on days where the Clerk’s time sheets reflected work on weekends. Based on a reported lack of computer log-ons and activity, you “question whether she worked all the hours reported on her time sheets for these days.” While we understand your Draft Report’s questioning of that recorded time, the Board views the matter as virtually impossible of proof.

If one of the purposes of this required response is to provide your agency with this Board’s intention to recoup funds in connection with these matters, it can only be stated this

way: unless the People of the State of New York recoups all funds, and the affected municipalities agree to a division of amounts recouped under the “overlapping hours” category of your report, the Town of Alexandria, without the joinder of the Town of Clayton and Village of Alexandria Bay as Plaintiffs, would likely not have standing to pursue a civil remedy on its own.

Adequate Travel Time Issue

The Report concludes that ending work at one location at 2:00 pm, and starting work at the other at another location at the same time, is an impossible task. That certainly seems sensible. It should at least preclude charging one’s time to both municipalities when they are physically located a 15-minute drive apart. If the Clerk was leaving the Town of Alexandria to travel to Clayton, or vice versa, she was enroute to another job. One does not get paid travel time to go to work. But the Report concludes that the Clerk billed her travel time on 483 occasions. On its face, this is unacceptable. Again, however, without either the participation of the People or cooperation of the Town of Clayton recoupment would not be fruitful at this point.

Sick Leave Abuse

The Report states that, on 14 different occasions, the Clerk claimed eight (8) hours of sick time with the Town, but that same day reported that she worked at the Town of Clayton. Sick leave is to be used when an employee is sick or must consult with a health care provider. It is not a piggy bank. If this employee was a MEO, and couldn’t perform her work due to something like a bad back, and took sick leave, and then went to help someone in an office where the back issue would not be aggravated, we could at least understand the use and work in another venue. Here, however, the jobs were identical. The Board believes that this is a clear abuse of the Town’s sick leave policy, representing a loss only to the Town of Alexandria, and recovery will be pursued.

Call-in hours

The Report concludes that the Clerk was logging a minimum “call-in” of two hours under certain circumstances. The Town is not opposed to paying a minimum amount as the result of an extra call to work...as long as it is a Board decision and a policy allowing it is set forth in the Town’s Policy Manual: but it isn’t. The Town Justices reportedly deny authorizing it (which they could not in any event do), and the Clerk apparently acknowledged to your investigators that her other municipal employers allowed it, so she simply continued the practice with Alexandria. The Board is of the view that these amounts should be recovered.

Summary

There can be no doubt that, for much of what was found to have occurred in connection with the Clerk’s employment by the Town, effective tracking of work hours and claims for pay did not take place. Neither were questions asked of the Town Board concerning any of these issues by either the Clerk or her immediate supervisors. Instead, she self-reported,

herself to travel to work; and adopted her own “call-in” policy. Each of these actions resulted in Town taxpayer expense. While better supervision and more effective policies might have prevented this expense, the expense absolutely would have been prevented had this full-time employee of the Town met her underlying obligations of trust and confidence to her employer. Those obligations don’t run solely to the Court system and the Town Justices who supervise her court work....they run to the people who pay her – the taxpayers.

Pursuit of Criminal Charges

We note that your findings have been referred to the State Comptroller’s Division of Investigations. We encourage that Division to pursue an inquiry as to whether the Clerk’s actions, many of which worked to the detriment of more than one municipality, rise to the level of criminality and, if the opinion of the Division is that they do, pursue appropriate action on behalf of the People of the State of New York. The Town will cooperate in any such action.

Very truly yours,

Town of Alexandria

By:

Brent Sweet, Town Supervisor

Appendix B: OSC Comments on the Town's Response

Note 1

The Town response letter refers to page numbers that appeared in the draft report. The page numbers have changed due to the formatting process of the final report. It is now page 2.

Note 2

The 13 days referenced by officials represents overlaps between four and five hours.

Appendix C: Audit Methodology and Standards

We conducted this audit pursuant to Article V, Section 1 of the State Constitution and the State Comptroller's authority as set forth in Article 3 of the New York State General Municipal Law. To achieve the audit objectives and obtain valid audit evidence, our audit procedures included the following:

- We interviewed Town officials and Court personnel to determine whether policies and procedures were in place over time and attendance, determine whether the Town had a policy for the payment of a minimum number of "call-in" hours and to obtain an understanding of Court operations.
- We reviewed all 67 time sheets completed by the Clerk during our audit period to determine whether they were reviewed and approved by a direct supervisor.
- We obtained the Clerk's time records from the Town, Town of Clayton and Village of Alexandria Bay and compared them to each other from April 3, 2014 through March 16, 2017. We determined whether hours reported on any municipality's record coincided with hours reported on any of the other municipalities' records and whether ending and starting times between shifts at different municipalities allowed for travel time between the two locations.
- We compared the hours reported on the Clerk's Town and Town of Clayton time sheets to computer activity logs to identify hours reported that had no corresponding computer activity.
- We determined whether the Clerk had worked at either the Town of Clayton or Village of Alexandria Bay on days she claimed sick leave at the Town. We also reviewed time records to identify and quantify reported "call-in" hours.
- We randomly selected the sample month of April 2016 and traced payment information from the first 50 duplicate receipts from each Justices' receipt book to computerized cashbook entries and bank deposits.
- We traced the total of all individual entries within each Justices' computerized cashbook for April 2016 to the total amount due to the JCF as per each Justices' April 2016 monthly report to determine whether the amounts agreed.
- We judgmentally selected the six months¹⁶ between September 2016 and February 2017 and traced all activity shown on each Justices' computerized bail activity report to documentation supporting the validity of the transactions.
- We judgmentally selected the five months between September 2016 and January 2017 and compared the totals due to the JCF on the Justices' originally submitted monthly reports to the totals on newly printed reports for these months to determine whether adjustments had been made to the reports after submission to the JCF.

¹⁶ We selected samples of six months and five months with no expectation that we would find more or fewer exceptions and/or errors.

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- We judgmentally selected the period between September 1, 2016 and March 16, 2017 and reviewed each Justices' computerized cashbook to identify any missing or out of sequence receipts numbers.
 - We judgmentally selected the five tickets within our audit period with the highest dollar disparities between the amounts reported to the JCF and DMV. We traced the ticket information to duplicate receipts, case files and bank deposits to determine why different amounts were reported to the JCF and DMV and whether all payments were deposited intact.
 - We judgmentally selected five pending tickets from a Traffic Safety Law Enforcement and Disposition Program (TSLED) report printed on March 28, 2017 and determined why these tickets were pending and had not been disposed of.
 - We judgmentally selected the six months between September 2016 and February 2017 and traced all checks, charges and withdrawals on the Justices' bank statements to documentation supporting the validity of the transactions.
 - We prepared a bank reconciliation and accountability analysis for each Town Justice as of March 16, 2017 to determine whether cash in bank or on hand agreed with known liabilities.

We conducted this performance audit in accordance with GAGAS (generally accepted government auditing standards). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Unless otherwise indicated in this report, samples for testing were selected based on professional judgment, as it was not the intent to project the results onto the entire population. Where applicable, information is presented concerning the value and/or size of the relevant population and the sample selected for examination.

A written corrective action plan (CAP) that addresses the findings and recommendations in this report should be prepared and provided to our office within 90 days, pursuant to Section 35 of General Municipal Law. For more information on preparing and filing your CAP, please refer to our brochure, *Responding to an OSC Audit Report*, which you received with the draft audit report. We encourage the Board to make the CAP available for public review in the Town Clerk's office.

Appendix D: Resources and Services

Regional Office Directory

www.osc.state.ny.us/localgov/regional_directory.pdf

Cost-Saving Ideas – Resources, advice and assistance on cost-saving ideas

www.osc.state.ny.us/localgov/costsavings/index.htm

Fiscal Stress Monitoring – Resources for local government officials experiencing fiscal problems

www.osc.state.ny.us/localgov/fiscalmonitoring/index.htm

Local Government Management Guides – Series of publications that include technical information and suggested practices for local government management

www.osc.state.ny.us/localgov/pubs/listacctg.htm#lgmg

Planning and Budgeting Guides – Resources for developing multiyear financial, capital, strategic and other plans

www.osc.state.ny.us/localgov/planbudget/index.htm

Protecting Sensitive Data and Other Local Government Assets – A non-technical cybersecurity guide for local government leaders

www.osc.state.ny.us/localgov/lgli/pdf/cybersecurityguide.pdf

Required Reporting – Information and resources for reports and forms that are filed with the Office of the State Comptroller

www.osc.state.ny.us/localgov/finreporting/index.htm

Research Reports/Publications – Reports on major policy issues facing local governments and State policy-makers

www.osc.state.ny.us/localgov/researchpubs/index.htm

Training – Resources for local government officials on in-person and online training opportunities on a wide range of topics

www.osc.state.ny.us/localgov/academy/index.htm

Contact

Office of the New York State Comptroller
Division of Local Government and School Accountability
110 State Street, 12th Floor, Albany, New York 12236

Tel: (518) 474-4037 • Fax: (518) 486-6479 • Email: localgov@osc.ny.gov

www.osc.state.ny.us/localgov/index.htm

Local Government and School Accountability Help Line: (866) 321-8503

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