



STATE OF NEW YORK
OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

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March 25, 2008

Mr. David R. Hancox
Audit Director
Office of the State Comptroller
110 State Street
11th Floor
Albany, NY 12236

Dear Mr. Hancox:

Attached is the Office of Mental Retardation and Developmental Disabilities' (OMRDD) comments on the Office of the State Comptroller's Final Audit Report (No. 2006-S-92) entitled: "High Overtime Payments by the Central New York Developmental Disabilities Services Office." This response is being submitted to you in accordance with Section 170 of the Executive Law.

Please be advised that one of my highest priorities and goals is to foster an environment in which internal controls and accountability are an integral part of OMRDD's culture and management expectations. My administration has taken great strides toward achieving this goal and it is one which we will strongly continue to pursue with great energy and commitment.

Sincerely,

Diana Jones Ritter
Commissioner

DJR/SMM
Attachment



The Office of Mental Retardation and Developmental Disabilities (OMRDD)
Response to the Office of the State Comptroller's (OSC) Final Audit Report Entitled:
High Overtime Payments by the Central New York DDSO
2006 S-92

Monitoring of Distribution of OT Hours

Note: For purposes of clarity, the document variously referenced as MOU or MOA in prior drafts, will be referred to as MOA – Memorandum of Agreement.

Recommendation #1

Central New York DDSO (CNYDDSO) does not have the ability in a widely dispersed, twenty-four hour operation, to make 'real time' data on staff Extra Time (ET) and Overtime (OT) available to staff canvassing for extra hours. However, we will provide additional training for staff to assure that all staff canvassed for extra hours are asked about the hours they will work in that week, and that part-time staff are only scheduled for overtime within the rules of the MOA. We will monitor both by random sample and also by specific review of those staff that work high numbers of hours, and pursue any instances where inaccurate data was provided to sites, or where staff at the sites failed to follow this procedure.

Recommendation #2

In an effort to ensure statewide consistency on OT matters, OMRDD's Central Office has taken statewide action by issuing a memorandum in December 2007 to each of the DDSOs. The main purpose of this memorandum is to make clear OMRDD's long standing policy on OT matters for direct care staff.

The memorandum makes clear what evaluative criteria DDSO supervisors should use in making decisions about assigning OT. While seniority is one criterion, another criterion which is critically important is for the supervisor to evaluate whether approving the additional OT for an employee is in the best interest of the health, safety and quality of care of the consumers and the employee (e.g., by making an assessment of the duties of the assignment, and the qualifications and ability of the staff to perform those duties).

CNYDDSO has already issued new guidelines to enhance procedures and help ensure a more thorough and consistent implementation of the distribution of OT and ET. In addition, CNYDDSO has distributed to all staff the Central Office OMRDD Policy on OT referenced above, and has distributed new guidelines for implementing that policy to all direct care supervisors. CNYDDSO is providing training for all three documents through direct meetings with supervisory and administrative staff.

Payroll Procedures

Recommendation #3

A directive establishing entry and approval deadlines for OT and ET submissions was issued in early August of this year. While timeliness of OT and ET payments at CNY DDSO has been

historically good, data for the period August 30, 2007 to September 12, 2007 (Payroll Period #12) suggests further improvements have been made in the timeliness of payment as compared to similar samples from the prior two fiscal years; we will continue to monitor the issue of timely entry and approval of OT and ET.

Recommendation #4

The Times System, which will automate much of the current payment process once the hours are entered, is targeted for full implementation in this DDSO in the 2008-2009 fiscal year.

Dual Employment

Recommendation #5

CNYDDSO has implemented the following procedures: When an employee submits an application for approval of dual employment, it is first given to the supervisor for review. If approved by the supervisor it is then submitted to the Human Resources Office for review before it is sent to the Director. Human Resources staff will interview the employee to ensure that the schedule presented and the hours worked do not raise concerns relative to the employee's DDSO duties. The application is then submitted to the Director with a recommendation to either approve or disapprove from Human Resources.

The Human Resources Director will ensure that the OSC's Bureau of Payroll Services is contacted quarterly to obtain an analysis of CNYDDSO employees with dual employment. Any employees who are discovered to have dual employment through this process who failed to apply for approval will be subject to disciplinary action. A list of employees who have approved dual employment will be placed in an electronic folder on our HR drive for tracking purposes.

Lastly, CNYDDSO now routinely asks employees when hired if they work for another State entity.

Recommendation #6

The Human Resources Office will continue to regularly communicate to all employees via e-mail advisories on the rules governing dual/extra service employment. For those employees who routinely or seasonally request dual/extra service employment, the Human Resources Office will verify they are complying with procedures. Specifically, the few CNYDDSO employees who currently have dual employment status either work as instructors for the State University of New York, or as seasonal workers at the New York State Fair. Both types of employment have schedules that are easily monitored and these employees will receive seasonally appropriate follow-up by the Human Resources Office.