



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 14, 2013

ECLEG MARI 4'13 AM 10:47

Honorable Stefan Mychajliw
Erie County Comptroller
95 Franklin Street, 11th Floor
Buffalo, New York 14202

Re: Request for Audit of Sheriff Division and Jail Management Division Overtime

Dear Comptroller Mychajliw:

On March 11, 2013 you issued a report entitled "Number of Employees Costing Taxpayers Over \$100,000 in Salary and Benefits in 2012." While your report failed to note the number or reasons behind why so many County employees, particularly those controlled by the Erie County Sheriff are receiving so much overtime, the administration notes that you are as troubled by this trend as we have been. We hope that you will join with us in calling for an explanation for the massive overtime issue in not just the Sheriff's Division of Jail Management, but in the Sheriff Division as well.

As I noted in a letter responding to your report, of the 106 Erie County employees who earned more than \$100,000 in salary and/or overtime in 2012, 58% of the employees were in the Sheriff Office (62 employees). The overwhelming majority of the employees making over \$100,000 in salary and overtime in 2012 (and historically) are Sheriff Deputies and Correction Officers in the Sheriff's Division of Jail Management and Sheriff Deputies and investigators in the Sheriff Division. In 2012, 74% of all overtime Countywide was attributable to the Sheriff (\$10.5 million in Jail Management and \$2.2 million in the Sheriff Division).

In both divisions in 2012, the Sheriff Office went over-budget for overtime by millions of dollars. This trend is expected to recur in 2013, compounded by the Legislature's 2013 arbitrary budget amendment reducing the appropriation, but not the spending, for overtime in Jail Management. We believe many of these overtime issues may be due to management and scheduling practices.

In your report, you wrote that "there needs to be thoughtful deliberation given by the County Executive and County Legislature to implement necessary reforms or cost cutting initiatives to reduce overtime." We agree. However, 75% of all County overtime expense is under the control of independent elected officials, and not the control of the Poloncarz administration. Due to Erie County Charter provisions precluding the executive branch from enacting budgetary controls on independent elected officials, we are constrained from taking action if those officials, including the Sheriff, fail to manage their departmental budgets.

Letter to Comptroller Requesting Audit of Sheriff Overtime

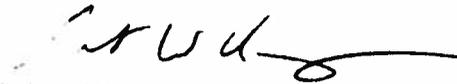
March 14, 2013

Page 2 of 2

As I noted in a letter to the Erie County Legislature dated March 11, 2013, due to these issues, on behalf of the county executive, I am hereby formally requesting that the Comptroller's Office commence an audit of overtime practices in the Sheriff Division and Jail Management Division. In your report you indicated that you were "now placing an Overtime Audit on our administration's 2013 Audit Plan." We therefore request that you expedite this expected audit to address what we believe will be significant problems with Sheriff overtime in 2013.

Thank you in advance for your assistance and anticipated cooperation.

Sincerely yours,



Robert W. Keating
Director of Budget and Management

RWK

cc: Erie County Executive Mark C. Poloncarz
Erie County Legislature
Erie County Fiscal Stability Authority
Erie County Sheriff Timothy B. Howard