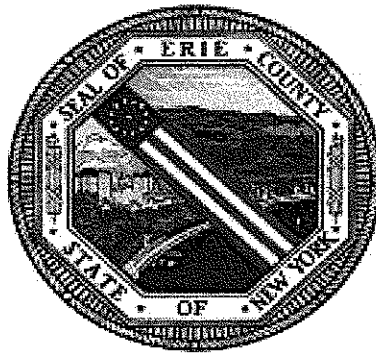


September 2011

**A REVIEW OF OVERTIME AT THE ERIE COUNTY  
HOLDING CENTER AND THE ERIE COUNTY  
CORRECTIONAL FACILITY**



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To the Erie County Fiscal Stability Authority:

Audit examined overtime within the Division of Jail Management for the period January 2007 through June 2011. We<sup>1</sup> focused on those cost centers with the highest percentage of overtime ("OT"). We also re-examined issues that were discussed in our 2007 audits of the Erie County Holding Center and the Erie County Correctional Facility when we thought they were appropriate.

### Savings Summary

Both the number of hours and cost to the County for mandated overtime within the Sheriff's Office Division of Jail Management has increased over the past several years at an unsustainable rate, over 90 percent of which comes from three specific areas (Security and Prisoner Transportation at the Holding Center and Security at the Correctional Facility). For example in 2010 alone, in these three areas, deputies and corrections officers logged more than 290,000 overtime hours at a cost of more than \$10 million (approximately \$32.7 million for regular time and overtime combined). The number of mandated overtime hours has risen so greatly primarily because of a dramatic increase in the number of posts at the Holding Center and Correctional Facility since 2007. All posts have been mandated by either the U.S. Department of Justice ("DOJ") or the New York State Commission on Corrections ("COC") and cannot be eliminated.

Audit's recommendations will not eliminate all overtime within Jail Management. Staffing levels needed, and subsequent additional costs, to eliminate all overtime at the Holding Center and Corrections Facility would be prohibitively high—over 760 persons, resulting in the hiring of over 109 new deputies/corrections officers—far exceed any savings derived from the elimination of overtime. Additionally, this increase would result in overstaffing of facilities during times of reduced workload.

It is also important to note that the COC is also performing an analysis of posts at the Holding Center. Preliminary discussions indicate that additional posts will be recommended by the COC. Failure to respond to the additional workload these posts would represent will drive overtime costs even higher than the present levels.

In an effort to maximize net savings associated with reducing mandatory overtime, Audit has completed a thorough analysis of staffing levels within the Division of Jail Management and recommends **hiring a total of sixty-seven (67) deputies/corrections officers**, which we project will **save a net of more than \$2.9 million over the next five years**.

- ✓ We recommend that the number of deputies within both the Security–Holding Center and Prisoner Transport functions at the Holding Center total 449. This would require **hiring fifty (50) new deputies**. The savings for hiring the fifty (50) new deputies is over \$1.8 million over the next five years.

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<sup>1</sup> When the terms "We" and "Our" are used, they refer to the Erie County Comptroller's Office, Division of Audit and Control.

- ✓ We recommend that the number of correction officers within the Security – Correctional Facility cost center total 205. This would require **hiring seventeen (17) new correction officers**. The savings for hiring the seventeen (17) new correction officers is over \$1.1 million over the next five years.

## BACKGROUND

In the spring of 2011, the Erie County Fiscal Stability Authority (“ECFSA”) requested the Erie County Comptroller’s Division of Audit and Control (“Audit”) to perform an analysis of overtime within Erie County. Specifically, Audit was asked to examine the top three Departments with overtime within Erie County and recommend ways to eliminate or reduce that overtime.

The three largest Departments of overtime in Erie County are the Sheriff’s Office, the Department of Public Works (“DPW”) and the Department of Social Services (“DSS”).

The Division with the most overtime in Erie County is the Sheriff’s Office Division of Jail Management (“Jail Management”). In 2010, Jail Management generated over 314,000 hours of overtime at a cost of over \$10.8 million dollars.

There are many different forms of overtime within the Sheriff’s Office. They are represented within the County’s accounting system, SAP, by numeric codes.

**Table 1**

Division of Jail Management		
Pay Code		2010 Amounts <sup>2</sup>
Regular Time	\$	25,358,000
Overtime at 1.5	\$	10,855,000
Total	\$	36,213,000

Within Jail Management, there are ten (10) cost centers. Three of these cost centers generate over 90 percent of all the Jail Management overtime at time and one-half. Security at the Holding Center, Security at the Correctional Facility and Prisoner Transport were responsible for over 290,000 overtime hours in 2010 at a cost of over \$10 million. Our analysis focused on these three areas for regular time and overtime at time and one-half (pay codes 2000 and 2001).

<sup>2</sup> Amounts are rounded to the nearest thousand.

## ISSUES

- What causes the use of overtime at the Holding Center and Correctional Facility?
- How can this overtime be eliminated or reduced?

## ANALYSIS AND TESTING

In 2007, Audit released two separate audits of Jail Management, one of the Holding Center in January, and one of the Correctional Facility in July.<sup>3</sup> Both audits featured an examination of overtime at the covered facilities. Unfortunately, comparisons between the 2007 audits and this report are difficult to make because there have been many changes made at both the Holding Center and the Correctional Facility since then. As a result, we performed a new analysis and obtained new data to support our conclusions in this report.

Overtime at the Holding Center and the Correctional Facility is determined by the number of posts that must be manned, the hours deputies are available to work and the number of deputies available to man either facility. Each of these issues will be discussed individually for both the Holding Center and the Correctional Facility.

### The Holding Center

Table 2 below shows the increase in regular time and overtime hours from 2007 to 2011 for employees working security and transportation at the Holding Center. The 2011 Actual column represents data from January 1 through June 30, 2011. The Annualized column shows what those hours are projected to be for all of 2011.

**Table 2**

	2007	2008	2009	2010	2011 Actual	2011 Annualized
Security Overtime Hours	194,054.13	167,140.59	155,592.60	200,320.03	100,369.41	200,738.82
Security Regular Time Hours	478,638.75	570,128.00	580,781.50	580,076.00	292,480.25	584,960.50
Transportation OT Hours	18,614.68	15,638.55	14,878.74	17,290.58	7,489.00	14,978.00
Transportation Regular Time Hours	83,677.50	85,648.75	81,842.50	76,914.50	35,344.00	70,688.00
Total Hours Worked	774,985.06	838,555.89	833,095.34	874,601.11	435,682.66	871,365.32

<sup>3</sup> The 2007 audit of the Holding Center won the Bronze Knighton Award from the Association of Local Government Auditors for "excellence in auditing."

In 2010, overtime hours worked accounted for nearly 25 percent of all time worked for these two cost centers.

When comparing the total hours worked from 2007 to the present, an alarming trend develops – a more than 12 percent growth rate over the past five years. We remind the reader that these are hours – not dollars – and therefore, inflation does not enter into this calculation.

### **Line-Up Time**

Deputies and correction officers at both facilities have a clause in their contracts that grants “Line-Up Time.” “Line-Up Time” allows those employees who arrive fifteen minutes before their shift to include those minutes as worked, and at a rate of time and one-half. Other job titles (Captain, Lieutenant and Sergeant) receive “Line-Up Time” if they arrive thirty minutes early. Although paid at time and one-half, this time is not considered overtime and is not counted in the overtime listed within this analysis.

### **Posts**

A “post” is a specific location or task that a deputy performs at the Holding Center. Every post at the Holding Center is either required by the United States Department of Justice (“DOJ”), the New York State Commission on Corrections (“COC”) or has been added as the result of policy decisions made by the Sheriff.

The Holding Center posts include employees working prisoner transport between various facilities, such as courts and the Holding Center, within the Holding Center itself and those deputies that work at the Alden Annex. The Alden Annex is a structure located on the grounds of the Correctional Facility in Alden. Although the Annex is located at the Correctional Facility, the deputies assigned there are accounted for as Holding Center employees.

Some posts are “fixed posts,” meaning they are manned by a deputy 24 hours a day, seven days a week. An example would be the Watch Commander post, which is the officer in charge of the facility’s post and continuously staffed at all times. Other posts are known as “variable posts,” meaning they can change based on daily needs. An example would be the “suicide watch” post, where deputies observe inmates who may attempt to kill or injure themselves. This post varies as prisoners who require such observation enter and leave the facility. There are also other posts are manned only on specific days or specific shifts, such as the Sunday “Church” post or the facility barber.

A post with a capacity of forty-eight (48) prisoners must be manned regardless of the number of actual prisoners housed. This explains why reductions in the numbers of prisoners at the Holding Center do not always result in decreases in the number of posts or overtime hours. It requires a significant drop in prisoners to effect staffing levels.

Posts vary based on not only the amount and differing types of prisoners, but also by day of the week and shift. The Holding Center is always operating, with deputies continuously cycling in and out according to three shifts (in military time): 2300-0700 (Night), 0700-1500 (Day) and 1500-2300 (Evening). The Night shift has the lowest staffing because prisoners are asleep and demand the least amount of oversight. The Day shift, however, has the most staffing because activities such as mealtime, processing of prisoners and transporting prisoners to and from court take place during these hours.

Mondays are the busiest days at the Holding Center because prisoners arrested over the weekend are processed. Consequently, Sundays are the least busy days because the courts are closed and no processing is done.

Since 2007, the Holding Center has been the subject of a number of lawsuits and rulings by both the DOJ and the COC. As a result, the number of posts have dramatically increased and some posts' duties have changed at the Holding Center.

As an example, the Stipulated Settlement between the DOJ and the County included the following requirement:

The County will agree to create an additional First Deputy Superintendent position, job group 15, in the Sheriff's Office, Jail Management Division, to facilitate, coordinate, and implement each and every provision of this Stipulated Settlement and any future stipulated settlements entered into between the Defendants and the United States as they may occur in these proceedings who will act as a Stipulated Settlement Coordinator to serve as a point of contact for the United States and the DOJ.

The COC has spoken with senior staff at the Holding Center. Based upon those discussions, it is expected that additional posts will be mandated at the Holding Center by the COC. The exact number and type of posts cannot be determined at this time.

The cost of even a single, new post at the Holding Center is substantial. One single post, manned on all shifts and on all days, adds 8,736 required man-hours annually. Staffing 8,736 hours requires more than five full-time deputies using 209 eight hour shifts. At the average regular time rate of 22.83<sup>4</sup>, this is an annual cost of over \$199,000.

*The staffing "rubber band" is stretched very tight at the Holding Center. Some relief or a manpower reserve is needed.*

## **The Holding Center Analysis**

Audit began its analysis of overtime by using the Sheriff's Office's Shift Reports. A Shift Report lists all the posts at the Holding Center and who manned that post. Audit took a large

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<sup>4</sup> See Exhibit One for how this figure was calculated.

sample, just under 20 percent of all shifts worked between January 1, 2011 and June 30, 2011, which we believe, adequately, represents typical current activity at the Holding Center.

We developed a model that listed posts at the Holding Center, which was then compared to actual activity as reflected in the County's SAP payroll records. Audit discovered that employees listed within the "Security-Holding Center" cost center did not exclusively perform duties associated with that cost center. Likewise, Audit also discovered that employees listed in other cost centers within Jail Management performed Security-Holding Center tasks.

For example, Audit found persons listed within cost centers at the Holding Center standing posts at the Correctional Facility.

Audit has no objection to Jail Management assigning staff based upon need, and without regard to the deputies' category within the County's payroll system. It is axiomatic within Audit that managers should manage without adapting to the accounting system. It is the accounting system that should adapt to management. The County's accounting system, SAP, does not link with the Excel spreadsheets used to record post assignments within the Holding Center. (See "The Scheduling System within Jail Management" on page 18 for more details on this issue.) SAP's inability to link with any scheduling data used by the Sheriff makes performing a meaningful analysis on payroll records challenging.

This challenge is addressed by making two important assumptions. (1) Audit assumes that there are no unnecessary posts at the Holding Center and (2) there is no unnecessary overtime at the Holding Center.

We believe that it would be appropriate to assume that all the posts at the Holding Center are necessary. Representatives from both the DOJ and COC have thoroughly reviewed operations at the facility and have made recommendations on the number of posts they believe are necessary. These law-enforcement professionals have experience and education unavailable to Audit staff and we are confident in their ability to accurately assess operations at the Holding Center. Audit believes that the same individuals who made recommendations on new posts would also have discussed any excess posts in their comments. They did not. Meetings with senior staff of the Holding Center confirm that neither the DOJ nor the COC have recommended that any posts be eliminated.

Audit also believes that the assumption that there is no unnecessary overtime at the Holding Center is appropriate as well. During numerous conversations between deputies assigned to Jail Management, none have ever stated that they believe the facility has unnecessary posts or that deputies perform meaningless tasks on regular time or overtime. These deputies are experienced professionals and thoroughly knowledgeable on operations at the Holding Center.

Based on these two assumptions, the measure of persons needed to man the Holding Center should, therefore, be a function of the 8 hour posts worked, regardless of cost center. Table 3 shows that the number of 8 hours posts worked by deputies in the cost centers with the most overtime, Security and Transportation, in 2010 was 109,325. Audit's estimate of the number of



8 hour posts that need to be manned at the Holding Center in a week is 2,103 or 109,356 annually.

**Table 3**

	2007	2008	2009	2010	2011 Annualized
Security Overtime Hours	194,054.13	167,140.59	155,592.60	200,320.03	200,738.82
Security Regular Time Hours	478,638.75	570,128.00	580,781.50	580,076.00	584,960.50
Transportation Overtime Hours	18,614.68	15,638.55	14,878.74	17,290.58	14,978.00
Transportation Regular Time Hours	83,677.50	85,648.75	81,842.50	76,914.50	70,688.00
Total Hours Worked	774,985.06	838,555.89	833,095.34	874,601.11	871,365.32
Total Shifts Worked	96,873.13	104,819.49	104,136.92	109,325.14	108,920.67

### The Hours Deputies are Available to Work

The 2007 audit showed that deputies at the Holding Center were expected to work 203 eight-hour regular time shifts per year<sup>5</sup>. In a study released in 2004, the COC suggested that the average deputy work 209 eight-hour regular time shifts per year.<sup>6</sup> Lastly, the Sheriff's Office suggested in 2006 that the average deputy worked 206 eight-hour regular time shifts per year.<sup>7</sup>

**Table 4**

Security - Holding Center	2007	2008	2009	2010	2011 Annualized
Security Regular Time Hours	478,638.8	570,128.0	580,781.5	580,076.0	584,960.5
Transportation Regular Time Hours	83,677.5	85,648.8	81,842.5	76,914.5	70,688.0
Total Regular Time Hours	562,316.3	655,776.8	662,624.0	656,990.5	655,648.5
Total Regular Time Shifts	70,289.5	81,972.1	82,828.0	82,123.8	81,956.1
Deputies in these two areas (June Staffing Level)	336.0	393.0	394.0	392.0	399.0
Regular Time Shifts per Deputy	209.2	208.6	210.2	209.5	205.4

An analysis of payroll data for 2007 through June of 2011 shows that deputies are working an average of 209 eight-hour regular time shifts annually. Audit uses 209 eight-hour regular time shifts in our analysis of the Holding Center.

We do note that the trend for eight-hour regular time shifts worked in 2011 appears to be down from 2010 and 2009. We have pointed this out to senior Holding Center staff and they will monitor this throughout the remainder of 2011.

<sup>5</sup> Audit of the Erie County Holding Center, Page 16, figure 9.

<sup>6</sup> Audit of the Erie County Holding Center, Page 16, figure 10.

<sup>7</sup> Audit of the Erie County Holding Center, Page 16.

Almost all deputies assigned to work at the Holding Center work some amount of overtime. The overtime and total number of eight-hour shifts that deputies in Security and Prisoner Transport have worked since 2007 are detailed below.

**Table 5**

	2007	2008	2009	2010	2011 Annualized
Average Overtime 8 Hour Shifts Worked Per Person	79.12	58.14	54.08	69.39	67.58
Average Regular Time 8 Hour Shifts Worked Per Person	209.20	208.58	210.22	209.50	205.40
Average Total 8 Hour Shifts worked per person	288.31	266.72	264.31	278.89	272.98

Significantly, deputies at the Holding Center have averaged more than one, eight-hour overtime shift a week since January of 2007. Considering overtime for deputies is paid at a time and one-half rate makes the reduction in overtime shifts of specific importance.

### **The Buffalo Lockup**

In 2007, Audit recommended that the Buffalo Lockup, a location within the Holding Center where the City of Buffalo holds and processes prisoners, be closed, or the agreement with the City that specified the dollar amount the County was to be reimbursed for holding prisoners be renegotiated. More than three years later in early 2011, an agreement was reached with the City where the Buffalo Lockup will be returned to their control and manned by City employees. Because some prisoners will now be processed and released by the City, this change will lower the overall number of prisoners held at the Holding Center. There are presently nineteen (19) Holding Center deputies working within the Buffalo Lockup. These deputies will be released from duties at the Buffalo Lockup sometime in 2012.

The cost to the County for manning the Buffalo Lockup from January 2007 through July 2011 was over \$4.5 million for salaries and overtime, and over \$2.1 million for fringe benefits. However, the City only reimbursed the County \$4.96 million during that time frame. This means that **the County has lost more than \$1.6 million** maintaining the Buffalo Lockup after Audit recommended the agreement be renegotiated or ended.

### **The Number of Deputies Available to Man the Holding Center**

The Erie County 2011 Adopted Budget shows 355 positions for security at the Holding Center and an additional 45 positions allocated for prisoner transportation. Because budgeted positions do not always equal filled positions, Audit uses the actual filled positions in its calculations instead. With that distinction made, in June 2011, 358 positions were filled under security for the Holding Center and 41 positions were filled for prisoner transport.

## The Correctional Facility

Table 6 below shows the increase in regular time and overtime hours from 2007 to 2011 for employees working security at the Correctional Facility. The 2011 Actual column represents data from January 1 through June 30, 2011. The Annualized column shows what those hours are projected to be for all of 2011.

**Table 6**

Security - Correctional Facility	2007	2008	2009	2010	2011 Annualized
Entire Year OT Hours	34,260.14	17,888.22	29,108.24	72,868.19	65,416.58
Entire Year Regular Hours	320,187.24	322,364.74	329,361.29	329,871.90	321,382.16
Total Hours Worked	354,447.38	340,152.96	358,469.53	402,740.09	386,798.74

The hours worked reinforce the trend already discussed with overtime at the Holding Center - more than a 26 percent growth rate over the past five years at the Correctional Facility.

As with our analysis of the Holding Center, Audit used the Sheriff's shift reports to determine which posts were manned during which shifts on which days. For consistency, Audit used the same weeks analyzed for the Holding Center. Table 7 shows the findings from our sample.

**Table 7**

2300-0700 shift							
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total Posts
35	36	37	35	35	36	34	248
0700-1500 shift							
63	66	64	60	56	50	49	408
1500-2300 Shift							
44	44	45	43	44	42	41	303
Average Posts Worked per Week							959

Audit's estimate of the number of posts that need to be manned at the Correctional Facility in a week is 959, or 49,868 annually. This estimate is slightly higher than the number of posts estimated to be worked at the Correctional Facility in 2011 by SAP payroll data. The difference between the two estimates is equal to approximately four posts per day. The number of inmates that demand one-on-one observation, such as a "suicide watch," as well as the corrections officers required for inmate transport to courts and for medical attention fluctuates daily, and can account for this difference.

The Correctional Facility is unique in that it has deputies/corrections officers represented by two different unions – Teamsters and CSEA. Previously, Teamster deputies were responsible for all pre-sentenced and parole violator inmates (housed in the Holding Center and the Correctional Facility Annex) and CSEA correction officers were responsible only for sentenced inmates. This

division of responsibility between the two unions made it impossible for correction officers to be working in other cost centers. This, coupled with the fact that the staff size of the Correctional Facility is approximately one-half that of the Holding Center, allowed Audit to develop a model of the annual posts at the Correctional Facility.

A recent court decision now allows the co-mingling of pre-sentenced and sentenced inmates by their security and/or special classification. These inmates will then be supervised by either deputies or correction officers, allowing for more flexibility in deputy/correction officer assignment. While this change does not directly decrease overall overtime, it increases the pool of employees available to supervise inmates at the Correctional Facility. By increasing the pool of deputies/correction officers available to work overtime, it does help alleviate the situation of Lieutenants working overtime guarding inmates at the Correctional Facility, because there are no correction officers available to cover a specific post. The Sheriff now has flexibility in moving deputies to cover correction officer's posts at the Correctional Facility as needed to ensure proper staffing and post coverage.

**Table 8**

	2007	2008	2009	2010	2011 Annualized
<b>Security Overtime Hours</b>	34,260.14	17,888.22	29,108.24	72,868.19	65,416.58
<b>Security Regular Time Hours</b>	320,187.24	322,264.74	329,361.29	329,871.90	321,382.16
<b>Total Hours Worked</b>	354,447.38	340,152.96	358,469.53	402,740.09	386,798.74
<b>Total Shifts Worked</b>	44,305.92	42,519.12	44,808.69	50,342.51	48,349.84

### **The Hours Correction Officers are Available to Work**

The 2007 audit showed that correction officers at the Correctional Facility were expected to work 197 eight-hour regular time shifts per year.<sup>8</sup> In a study released in 2004, the COC suggested that the average guard work 209 eight-hour regular time shifts per year.<sup>9</sup> The DOJ National Institute of Corrections (NICIC) recommends correction officers work 200 eight-hour regular time shifts per year.<sup>10</sup> Lastly, the Sheriff's Office suggested in 2006 that the average correction officer worked 206 eight-hour regular time shifts per year.<sup>11</sup> As shown in Table 9, we found that the correction officer at the Correctional Facility worked an average of 203 eight-hour regular time shifts each in 2010, and are on schedule to work nearly 214 eight-hour shifts in 2011.

<sup>8</sup> Audit of the Erie County Correctional Facility, Page 15, figure 6.

<sup>9</sup> Audit of the Erie County Holding Center, Page 16, figure 10.

<sup>10</sup> United States Department of Justice's National Institute of Corrections Staffing Analysis Workbook for Jails Appendix D – <http://static.nicic.gov/Librray/016827.pdf>

<sup>11</sup> Audit of the Erie County Holding Center, Page 16.

**Table 9**

Security – Correctional Facility	2007	2008	2009	2010	2011 Annualized
Security Regular Time Hours	320,187.2	322,264.7	329,361.3	329,871.9	321,382.2
Total Regular Time Shifts	40,023.4	40,283.1	41,170.2	41,234.0	40,172.8
Corrections Officers in this area (June)	199	192	197	203	188
Regular Time Shifts per Deputy	201.1	209.8	209.0	203.1	213.7

An analysis of payroll data for 2007 through June of 2011 shows that correction officers are working an average of 207 eight-hour regular time shifts annually. Audit uses 208 eight-hour regular time shifts in its analysis of the Correctional Facility.

Almost all correction officers assigned to work at the Correctional Facility work some amount of overtime. The overtime and total number of eight-hour regular time shifts that correction officers in security have worked since 2007 are detailed below.

**Table 10**

	2007	2008	2009	2010	2011 Annualized
Average Overtime Shifts Worked Per Person	21.52	11.65	18.47	44.87	43.50
Average Regular Time Shifts Worked Per Person	201.12	209.81	208.99	203.12	213.68
Average Total Shifts worked per person	222.64	221.46	227.46	247.99	257.18

The number of overtime shifts worked by correction officers in the Correctional Facility has increased steadily from 2008 to 2010, despite the number of correction officers slightly increasing. As in the Holding Center, the Correctional Facility has been required by the COC and DOJ to increase the number of posts covered on a daily basis. The 2007 Audit of the Correctional Facility showed that correction officers manned 41,203 posts annually.<sup>12</sup> In 2011, this number has increased to 49,868 – an increase of 8,665 posts or 21 percent. The fact that the number of filled corrections officer positions has decreased from 203 in 2010, to 188 in 2011, has magnified the burden placed on the remaining officers to man the increased number of posts, resulting in even more mandatory overtime.

The increases in posts between 2005 and 2011 at the Correctional Facility includes a tripling of posts monitoring the perimeter of the facility, a tripling of posts observing suicidal inmates and a tripling of posts assigned to transport inmates to and from various hospitals. One sample week included 42 more posts in 2011 than in 2005.

Table 10 shows that correction officers at the Correctional Facility have averaged more than 43 overtime eight-hour shifts per year since January 2010. In simpler terms, about one out of every six eight-hour shifts worked by corrections officers is an overtime shift.

<sup>12</sup> 2007 Audit of the Erie County Correctional Facility, Page 18

## **The Number of Correction Officers Available to Man the Correctional Facility**

The Erie County 2011 Adopted Budget shows 201 positions for security at the Correctional Facility. As Table 9 shows, budgeted positions do not always equal filled positions. Because of this, Audit uses the actual filled positions in its calculations. In June 2011, 188 positions were filled under security for the Correctional Facility.

## **The Assumptions Required for Our Analysis**

Too many deputies/correction officers cost the County too much in salaries and benefits. However, too few deputies/correction officers compel those remaining to work a punishing schedule that increases employee fatigue and drives ever-increasing overtime costs. Audit proposes a solution, with the following assumptions:

We took the actual 2010 fringe benefits costs for Jail Management and used that data in our model. We found fringe benefits costs to be 47 percent of salary for employees within Jail Management. Fringe Benefits costs have both a fixed cost and a variable component. Examples of variable components are payroll taxes and pension charges. A fixed fringe benefits cost example is health insurance costs. The charges for health insurance do not vary based upon what an employee earns.

We used two percentages to allocate fringe benefits costs. Overtime was charged the fringe benefit rate of 22 percent. This represents only the variable costs associated with fringe benefits. Regular time earnings were charged fringe benefits at the rate of 47 percent. We use a percentage to reflect these fixed costs because the percentage fairly reflects the County's actual expenses.

The hourly overtime rate we use in our analysis of the Holding Center, assuming no new hires, is \$34.80<sup>13</sup>. This is the actual composite overtime rate for employees in the Security and Prisoner Transport cost centers for 2011. The hourly overtime rate we use in our analysis of the Correctional Facility for that same period and assuming no new hires, is \$35.56.<sup>14</sup> We increase these overtime rates in later years to reflect employee annual salary step increases. The salary step increases for both Teamster Guards and CSEA Corrections Officers averages 5% for the first five steps of the contract. Audit uses 2.5% as an annual increase to be conservative in our calculations.

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<sup>13</sup> See Exhibit One for how this figure was calculated.

<sup>14</sup> See Exhibit Three for how this figure was calculated.

## HOLDING CENTER

- ✓ Deputies at the Holding Center will average 209 regular time shifts per year;
- ✓ An acceptable amount of overtime for the deputies at the Holding Center is 35 shifts per year. Presently the Holding Center is averaging over 67 overtime shifts per year (Table 5);
- ✓ Our calculation for the number of posts that must be manned is correct. That number is 109,356 annually (109,325 shifts were worked in 2010, see Table 3);
- ✓ The current number of deputies assigned to security and prisoner transport at the Holding Center is 399 (Table 4);
- ✓ As per the Sheriff's senior staff, it takes three months to get a new hire to full productivity; and,
- ✓ A reasonable estimate of fringe-benefits costs for deputies is 47 percent of their salary for regular time, and 22 percent for overtime costs;

## CORRECTIONAL FACILITY

- ✓ Correction Officers at the Correctional Facility will average 208 regular time shifts per year;
- ✓ An acceptable amount of overtime for the correction officers at the Correctional Facility is 35 shifts per year. They are presently averaging over 43 per year (Table 10);
- ✓ Our calculation of the number of posts that must be manned is correct. That number is 959 per week or 49,868 annually (Table 7);
- ✓ The current number of correction officers assigned to security at the Correctional Facility is 188 (Table 9);
- ✓ As per the Sheriff's senior staff, it takes three months to get a new hire to full productivity; and,
- ✓ A reasonable estimate of fringe-benefits costs for corrections officers is 47 percent of their salary for regular time, and 22 percent for overtime costs;

We extended our cost savings projections out five years. History shows that changes at the Sheriff's Department and within Jail Management make any predictions beyond that time span unrealistic.

## **The Number of Deputies/Corrections Officers Recommended for the Holding Center and the Correctional Facility.**

We recommend:

- The number of deputies within both the Security-Holding Center and Prisoner Transport functions at the Holding Center total 449. This would require hiring fifty (50) new deputies. Taking into account training time, which is considered to be non-productive, the first year would cost the County about \$184 thousand dollars. Savings rise, then fall in the following years, as overtime rates for new employees approach the current average overtime rate. The cost over the next five years of hiring fifty (50) new deputies is \$18.9

million. The cost of the 463,600 hours of overtime these deputies prevent is over \$20.7 million.

The savings for hiring the fifty (50) new deputies is over \$1.8 million over the next five years.

- That the number of correction officers within the Security – Correctional Facility total 205. This would require hiring seventeen (17) new correction officers. Taking into account training time, the first year would save the County \$33 thousand dollars. The cost of hiring these seventeen new officers is \$6.07 million over the next five years. The cost of the 156,978 hours of overtime these correction officers prevent is over \$7.1 million.

The savings for hiring the seventeen (17) new correction officers is over \$1.1 million over the next five years.

**The total deputies/corrections officers Audit recommends hiring is sixty-seven (67). Our projected savings over the next five years is over \$2.9 million.**

Note that our recommendation does not eliminate all overtime. Overtime varies by shift, day and task. Hiring the number of deputies/correction officers needed to eliminate all overtime would result in the overstaffing of Jail Management. To completely eliminate the overtime hours worked in 2010 would require over 760 deputies and correction officers working only in the cost centers we analyzed.

The calculations supporting our findings are presented in Exhibits One through Four. Audit reminds the reader that the two facilities are different in many ways, not the least is the different salary schedules for the different unions.

## **AUDITOR COMMENTS**

### **Federal and State Reimbursement Rates**

In the 2007 audit of the Holding Center, it was revealed that the State and the Federal Government reimburses the County for certain prisoners held at the facility. Those reimbursement rates were less than the actual cost to the County of holding those prisoners. We discussed with Holding Center officials the changes that had taken place since our 2007 audit on this issue.

The Sheriff's Office calculates the cost of a prisoner at the Holding Center to be \$158.29 per day in 2011. Audit concurs with this figure.



New York State has eliminated all reimbursements for prisoners held at the Holding Center on parole violation charges. Prisoners being held for the State on other charges now generate reimbursement to the County only if held for ten (10) business days or more. No State prisoners were held for ten (10) or more business days at the Holding Center in 2010. As a result, in 2010 no reimbursement was received for any of the 3,172 days the 664 State prisoners were held at the Holding Center. The cost to the County of this unfunded New York State mandate is **over \$500,000 annually**.

The Federal Government reimbursed the County \$95.42 per day in 2010 for Federal prisoners held at the Holding Center, which has not changed since 2006. The cost to the County after reimbursement of housing the 304 Federal prisoners held 3,404 days in 2010 was **over \$214,000**.

In 2007, we recommended that the County Executive, the Erie County Legislature and the ECFSA lobby the State and Federal governments to increase the reimbursement rates for prisoners held for these groups to a rate that fairly represents the County's costs and to reduce the number of prisoners held under these mandates.<sup>15</sup> We repeat that recommendation in this report.

### **The Scheduling System within Jail Management**

The current system used to assign deputies/correction officers to posts and shifts is inadequate. As stated previously, there are ten (10) cost centers in Jail Management, and these cost centers cover over 670 employees working in two major locations, each with three shifts per day, every day. The current scheduling software is a series of Microsoft Excel spreadsheets ("Excel").

Our 2007 audit recommended the Sheriff improve both the timekeeping system at the Holding Center and move to more sophisticated software for prisoner and jail management. We are pleased, to some extent, that the Sheriff has taken our advice: the 2005 payroll sheets used for our 2007 audit were hand-typed. The Sheriff's payroll sheets used for this analysis were created in Excel. We applaud this movement from 1965 to 1995 technology, but believe the Sheriff can do better and repeat our recommendation from 2007. Audit recommends investing in jail management software that would allow computerized staffing and compatibility to the County's SAP system. Additionally, jail management software can include the ability to track inmate's medications, gang affiliations and medical insurance.

The Sheriff's senior staff has indicated they are considering the purchase of jail management software. Audit concurs with this action.

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<sup>15</sup> When the 2007 audit was concluded, the Comptroller wrote letters to State and Federal elected officials asking that the reimbursement rates be changed.

**EXHIBIT ONE - Holding Center - Key Salary Data**

	Step 0	Step 1	Step 2	Step 3	Step 4	Step 5	
Deputies: Teamsters Salary at Grade 8	37,889.00	40,315.00	42,372.00	44,441.00	46,494.00	48,549.00	
Hourly Rate	18.22	19.38	20.37	21.37	22.35	23.34	
OT Hourly Rate	27.32	29.07	30.56	32.05	33.53	35.01	Average Increase
Increase from prior year		1.06	1.05	1.05	1.05	1.04	1.05
Projected number of new deputies to hire		50					
Number of Straight Time shifts a deputy is expected to work in a year.		209		Annual OT Increase (assumed)		1.025	
Number of OT shifts a Deputy is expected to work in a year.		35					
Fringe Benefits costs are assumed to be % of non-overtime salary.		47%		Benefits % from overtime		22%	
	2007 SAP	2008 SAP	2009 SAP	2010 SAP	2011 SAP	2011 SAP Annualized	
Security - HC - Entire Year OT Hours	194,054.13	167,140.59	155,592.60	200,320.03	100,369.41	200,738.82	
Security - HC - Entire Year Straight Hours	478,638.75	570,128.00	580,781.50	580,076.00	292,480.25	584,960.50	
Security - HC - Entire Year OT Dollars	6,689,121.13	5,734,123.44	5,294,750.54	6,850,651.42	3,464,208.23	6,928,416.46	
Security - HC - Entire Year Straight Dollars	10,659,585.68	12,521,980.44	12,879,195.70	12,923,174.77	6,589,978.74	13,179,957.48	
Transportation - Entire Year OT Hours	18,614.68	15,638.55	14,878.74	17,290.58	7,489.00	14,978.00	
Transportation - Entire Year Straight Hours	83,677.50	85,648.75	81,842.50	76,914.50	35,344.75	70,689.50	
Transportation - Entire Year OT Dollars	704,406.93	604,274.60	558,107.89	676,083.49	288,839.43	577,678.86	
Transportation - Entire Year Straight Dollars	1,974,527.04	2,132,098.34	1,934,495.43	2,029,891.59	892,985.71	1,785,971.42	
Total Hours	774,985.06	838,555.89	833,095.34	874,601.11	435,683.41	871,366.82	
Total 8 Hour Shifts	96,873.13	104,819.49	104,136.92	109,325.14	54,460.43	108,920.85	
Average OT Rate		34.77	34.68	34.33	34.59	N/A	34.80
Average Straight Time Rate		22.47	22.35	22.36	22.76	N/A	22.83

EXHIBIT TWO - Holding Center - Costs of Hiring New Deputies and Not Hiring New Deputies - Compared

						YEAR ONE								
Costs of Hiring New Deputies	Hourly Rate	Proportional Salary	Proportional Benefits	Salary and Benefits Total	Number of Deputies Hired	Payroll Cost								
3 Months of Salary but no Productivity	18.22	9,472.32	4,451.99	13,924.31	50.00	696,215.52								
9 Months of Productivity	19.38	30,235.92	14,210.38	44,446.80	50.00	2,222,340.12								
(3 Months at Salary Step Zero, 9 Months at Salary Step 1)														
Overtime Worked (Shifts)	26.25	29.07	6,104.70	1,343.03	7,447.73	50.00	372,386.70	The hours new employees work directly reduces overtime hours. Therefore:					Salary and Benefits Total	Annual (Savings) or Cost
Payroll Cost For the First Year						3,290,942.34	OT hours worked	OT Rate	Salary Cost	Benefits Cost	Payroll Cost	3,107,427.30	183,515.04	
Straight hours the new employees would work						62,700.00	62,700.00	34.80	2,181,712.94	479,976.85	2,661,689.78			
OT hours those employees would work						10,500.00	10,500.00	34.80	365,358.63	80,378.90	445,737.52			
						YEAR TWO								
Costs of Hiring New Deputies		Salary	Benefits	Total	Deputies Hired	Payroll Cost								
One Year of Salary at Step 2	20.37	42,371.68	19,914.69	62,286.37	50.00	3,114,318.48								
Overtime Worked (Shifts)	35	30.56	8,556.80	1,882.50	10,439.30	50.00	521,964.80							
Payroll Cost For the Second Year						3,636,283.28	OT hours worked	OT Rate	Salary Cost	Benefits Cost	Payroll Cost	4,246,817.32	(610,534.04)	
Straight hours the new employees would work						83,600.00	97,600.00	35.67	3,480,997.80	765,819.52	4,246,817.32			
OT hours those employees would work						14,000.00								
						YEAR THREE								
Costs of Hiring New Deputies		Salary	Benefits	Total	Deputies Hired	Payroll Cost								
One Year of Salary at Step 3	21.37	44,441.28	20,887.40	65,328.68	50.00	3,266,434.08								
Overtime Worked (Shifts)	35	32.05	8,974.00	1,974.28	10,948.28	50.00	547,414.00							
Payroll Cost For the Third Year						3,813,848.08	OT hours worked	OT Rate	Salary Cost	Benefits Cost	Payroll Cost	4,352,987.75	(539,139.67)	
Straight hours the new employees would work						83,600.00	97,600.00	36.56	3,568,022.74	784,965.00	4,352,987.75			
OT hours those employees would work						14,000.00								
						YEAR FOUR								
Costs of Hiring New Deputies		Salary	Benefits	Total	Deputies Hired	Payroll Cost								
One Year of Salary at Step 4	22.35	46,494.24	21,852.29	68,346.53	50.00	3,417,326.64								
Overtime Worked (Shifts)	35	33.53	9,388.40	2,065.45	11,453.85	50.00	572,692.40							
Payroll Cost For the Fourth Year						3,990,019.04	OT hours worked	OT Rate	Salary Cost	Benefits Cost	Payroll Cost	4,461,812.44	(471,793.40)	
Straight hours the new employees would work						83,600.00	97,600.00	37.47	3,657,223.31	804,589.13	4,461,812.44			
OT hours those employees would work						14,000.00								
						YEAR FIVE								
Costs of Hiring New Deputies		Salary	Benefits	Total	Deputies Hired	Payroll Cost								
One Year of Salary at Step 5	23.34	48,549.28	22,818.16	71,367.44	50.00	3,568,372.08								
Overtime Worked (Shifts)	35	35.01	9,802.80	2,156.62	11,959.42	50.00	597,970.80							
Payroll Cost For the Fifth Year						4,166,342.88	OT hours worked	OT Rate	Salary Cost	Benefits Cost	Payroll Cost	4,573,357.75	(407,014.87)	
Straight hours the new employees would work						83,600.00	97,600.00	38.41	3,748,653.90	824,703.86	4,573,357.75			
OT hours those employees would work						14,000.00								
Five Year Totals:						18,897,435.62	463,600.00					20,742,402.56	(1,844,966.94)	

**EXHIBIT THREE - Correctional Facility - Key Salary Data**

	Step 0	Step 1	Step 2	Step 3	Step 4	Step 5	
Correction Officers: CSEA Salary at Grade 9	35,286.00	37,546.00	39,760.00	41,962.00	44,166.00	46,377.00	
Hourly Rate	16.97	18.05	19.12	20.17	21.23	22.30	
OT Hourly Rate	25.45	27.08	28.67	30.26	31.85	33.45	
Percent Increase from the previous step			1.0587	1.0555	1.0525	1.0502	
Projected number of new correction officers to hire		17					
Number of Straight Time shifts a correction officer is expected to work in a year.		208		Annual OT Increase (Assumed)		1.025	
Number of OT shifts a correction officer is expected to work in a year.		35					
Benefits costs are assumed to be 67% of salary.		47%		Benefits % from overtime		22%	
		2007 SAP	2008 SAP	2009 SAP	2010 SAP	2011 SAP	2011 SAP Annualized
Entire Year OT Hours		34,260.14	17,888.22	29,108.24	72,868.19	32,708.29	65,416.58
Entire Year Straight Hours		320,187.24	322,264.74	329,361.29	329,871.90	160,691.00	321,382.00
Entire Year OT Dollars		1,192,548.62	624,081.68	1,022,624.92	2,563,504.21	1,163,246.47	2,326,492.94
Entire Year Straight Dollars		7,330,328.65	7,417,405.91	7,647,642.24	7,692,933.16	3,784,672.29	7,569,344.58
Total Hours		354,447.38	340,152.96	358,469.53	402,740.09	193,399.29	386,798.58
Average OT Rate		34.81	34.89	35.13	35.18	N/A	35.56
Average Straight Time Rate		22.89	23.02	23.22	23.32	N/A	23.55

EXHIBIT FOUR - Correctional Facility - Costs of Hiring New Correction Officers and Not Hiring New Correction Officers - Compared

							YEAR ONE						
Costs of Hiring New Correction Officers	Hourly Rate	Proportional Salary	Proportional Benefits	Salary and Benefits Total	Number of Officers Hired	Payroll Cost							
3 Months of Salary but no Productivity	16.97	8,821.80	4,146.25	12,968.05	17.00	220,456.78							
9 Months of Productivity (3 Months at Salary Step Zero, 9 Months at Salary Step 1)	18.05	28,159.56	13,234.99	41,394.55	17.00	703,707.40							
Overtime Worked (Shifts)												Salary and Benefits Total	Savings By Year
26.25	27.08	5,686.80	1,251.10	6,937.90	17.00	117,944.23	The hours new employees work directly reduces overtime hours. Therefore:						
Payroll Cost For the First Year						1,042,108.42	OT hours worked	OT Rate	Salary Cost	Benefits Cost	Payroll Cost	1,075,425.13	(33,316.71)
Straight hours the new employees would work						21,216.00	21,216.00	35.56	754,531.56	165,996.94	920,528.50		
OT hours those employees would work						3,570.00	3,570.00	35.56	126,964.45	27,932.18	154,896.62		
							YEAR TWO						
Costs of Hiring New Correction Officers		Salary	Benefits	Total	Officers Hired	Payroll Cost							
One Year of Salary at Step 2	19.12	39,759.20	18,686.82	58,446.02	17.00	993,582.41							
Overtime Worked (Shifts)													
35	28.67	8,027.60	1,766.07	9,793.67	17.00	166,492.42						1,469,747.67	(309,672.84)
Payroll Cost For the Second Year						1,160,074.83	OT hours worked	OT Rate	Salary Cost	Benefits Cost	Payroll Cost		
Straight hours the new employees would work						28,288.00	33,048.00	36.45	1,204,711.21	265,036.47	1,469,747.67		
OT hours those employees would work						4,760.00							
							YEAR THREE						
Costs of Hiring New Correction Officers		Salary	Benefits	Total	Officers Hired	Payroll Cost							
One Year of Salary at Step 3	20.17	41,961.92	19,722.10	61,684.02	17.00	1,048,628.38							
Overtime Worked (Shifts)													
35	30.26	8,472.80	1,864.02	10,336.82	17.00	175,725.87						1,506,491.37	(282,137.11)
Payroll Cost For the Third Year						1,224,354.25	OT hours worked	OT Rate	Salary Cost	Benefits Cost	Payroll Cost		
Straight hours the new employees would work						28,288.00	33,048.00	37.36	1,234,828.99	271,662.38	1,506,491.37		
OT hours those employees would work						4,760.00							
							YEAR FOUR						
Costs of Hiring New Correction Officers		Salary	Benefits	Total	Officers Hired	Payroll Cost							
One Year of Salary at Step 4	21.23	44,165.47	20,757.77	64,923.24	17.00	1,103,695.15							
Overtime Worked (Shifts)													
35	31.85	8,918.00	1,961.96	10,879.96	17.00	184,559.32						1,544,153.65	(255,499.19)
Payroll Cost For the Fourth Year						1,288,654.47	OT hours worked	OT Rate	Salary Cost	Benefits Cost	Payroll Cost		
Straight hours the new employees would work						28,288.00	33,048.00	38.39	1,265,699.71	278,453.94	1,544,153.65		
OT hours those employees would work						4,760.00							
							YEAR FIVE						
Costs of Hiring New Correction Officers		Salary	Benefits	Total	Officers Hired	Payroll Cost							
One Year of Salary at Step 5	22.30	46,377.76	21,797.55	68,175.31	17.00	1,158,980.22							
Overtime Worked (Shifts)													
35	33.45	9,366.00	2,060.52	11,426.52	17.00	194,250.84						1,582,757.49	(229,526.43)
Payroll Cost For the Fifth Year						1,353,231.06	OT hours worked	OT Rate	Salary Cost	Benefits Cost	Payroll Cost		
Straight hours the new employees would work						28,288.00	33,048.00	39.26	1,297,342.21	285,415.29	1,582,757.49		
OT hours those employees would work						4,760.00							
Five Year Totals:						6,068,423.03			156,978.00			7,178,575.31	(1,110,152.28)