

**Presentation
to
Erie County Legislature
Government Affairs Committee
Tuesday June 25, 2013**



**Rebuttal to Claim of Comptroller
That the Erie County Legislature was Notified
in the Fall of 2012
About Records Security Issue**



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

June 25, 2013

Honorable Thomas Mazur, Chair
Government Affairs Committee
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Legislator Mazur:

On June 11, 2013, members of the Administration appeared before the Government Affairs Committee with regard to the retention and disposal of confidential records and to respond to Intro 10-3. I provided the Legislature with 24 documents that supported the statements that were being made by the Administration and members of the Administration including myself testified about this matter. I herein provide an additional five documents as described below, bringing the total to 29 documents.

During the June 11 meeting, Comptroller Stefan Mychajliw and Deputy Comptroller Teresa Fraas claimed, as they previously had stated to the press, that the Legislature and through the Legislature, the Administration had been informed of a problem with record security in the fall of 2012. The Comptroller did not provide any evidence to support this claim. He did state that his claim was supported by a transcript of one or more meetings of a Legislative committee. He also indicated that the supposed notice had been provided by one of three employees of the Department of Social Services ("DSS") during committee meetings of the Health and Human Services Committee in fall 2012.

During the June 11th hearing Deputy Budget Director Timothy Callan, who met with the DSS employees in question in fall 2012 and attended the fall 2012 committee meetings, rebutted the Comptroller's comments in detail, both for the alleged committee testimony and with regard to the written communications sent by the DSS employees to the Legislature in which they never referenced records security or retention issues.

We have obtained recordings of the two committee meetings in question and with this transmittal provide transcripts of the relevant portions of those recordings. We also herein provide three memos from the DSS Program Support Unit Supervisor who was responsible for managing the work of the three DSS employees who signed the letters we previously provided and who testified before the Legislature in fall 2012. These new documents, along with the two letters that we provided on June 11th under tab 17, refute the Comptroller's assertion that notice had been provided to the Legislature and Administration.

Attached please find:

1. Transcript of the October 30, 2012 Health and Human Services Committee Meeting. The transcript includes a statement by Ms. Annette Cole and others. The testimony deals with the elimination of the program support unit within DSS in late 2011 and the downgrading of these three employees from a job group 9 to their fallback job group 7 positions in DSS. There is some discussion of the work done by the program support unit, but no mention at all of a concern for records retention or the security of records.
2. Transcript of December 13, 2012 Health and Human Services Committee Meeting. The transcript includes a statement by Ms. Cole and others. The testimony is very similar to that provided on October 30, 2013. Again, there is no mention of concerns about records retention or the security of records.
3. Dewald Memo of June 10, 2013. On June 10, 2013 Judith A. DeWald, Assistant Social Services Program Director provided a memo to DSS Commissioner Carol Dankert-Maurer titled "QAC/PSU Project Assignment Under my Direction". Ms. DeWald states that she served in the manager role in the PSU unit in December 2010 and continued in that role until December 2011 when the unit was disbanded.

In her Memo Ms. DeWald states;

"During my time as Manager of this unit in the above time frames, Annette Cole and other PSU/QAC Senior Program Support Specialist staff were not assigned any projects that dealt with Cascade Recovery U.S., Inc. nor the coordination of or monitoring of confidential records/paperwork within ECDSS."

4. DeWald Memo of June 12, 2013. On June 12, 2013 Judith A. DeWald, Assistant Social Services Program Director, provided a memo to DSS Commissioner Carol Dankert-Maurer titled "Statement of duties of Annette Cole, Sr. Program Support Specialist in June 12, 2013 Buffalo News".

In her Memo, Ms. DeWald states:

"As supervisor of the Program Support Specialists in this Unit, I wish to refute the statements made by Ms. Cole in the Buffalo News. The Program Support Unit was not charged with the task of disposing of documents, nor were any PSU staff charged with overseeing such disposal in the program areas."

Ms. DeWald also stated that:

"...I have performed an archived email search today of all emails from Ms. Cole to myself, while I was in the role of assistant manager of the Program Support Unit as well as manager of the Program Support...Unit The emails spanned the time frame of 8/26/09 to 10/21/11.

There were zero (0) e-mails from Ms. Cole to myself that had the content of alerting me to any concerns she had relative to the handling of documents,

nor the disposal of documents. I personally reviewed each of the e-mails during this time frame."

"Ms. Cole did not communicate in writing any concerns of "lax record keeping" to me, as her supervisor, as they would have been found to be in her emails to me. I have no paper copy of any such letter of concern from her, nor is there any record of a project or projects assigned to her to be a "watchdog over this function. No manager asked me to assign a project relative to "record disposal."

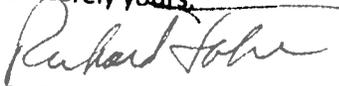
5. DeWald Memo of June 13, 2013. Ms. DeWald provided another memo to Commissioner Dankert-Maurer regarding "Emails between Annette Cole and Renee Biniiecki." In this memo Ms. DeWald indicated that there had been e-mail correspondence between Ms. Cole and Renee Biniiecki, regarding the disposal of certain documents. Ms. Biniiecki had administrative responsibility for certain functions within DSS. Ms. DeWald stated that:

"These e-mails...that involve documents and their disposal...related exclusively to HEAP forms (blank forms with no client identifying information) and customer service surveys."

There is no evidence to support the Comptroller's claim that the Legislature and/or the Administration were notified of a records security issue during fall 2012 and I would point out that Mr. Mychajliw has not provided any written documentation or proof of his claims and assertions to either the Legislature or the Administration.

I trust this information fully rebuts the unfounded assertions made by the Comptroller regarding notice to the County about a records security problem in fall of 2012.

Sincerely yours,



Richard Tobe
Deputy County Executive

Enc. 5

Cc: County Executive Mark C. Poloncarz
County Attorney Michael Siragusa
County Comptroller Stefan Mychajliw
Erie County Legislature
Erie County Fiscal Stability Authority



Erie County Legislature
Health & Human Services Committee Meeting

Date: October 30, 2012

Tape begins with roll call, which is mostly inaudible.

Name

Testimony

Unknown Male

I'm going to table Items 1 through 7. Now item number 8 ... If you're here to talk about the ... okay ... you're here to talk about ... okay, very good. Okay. Item number 8. Please _____ [inaudible]. You're on.

Ms. Cole

Thank you. Thank you. After 28 years of consistently providing specialized support service to staff and program recipients in all divisions of the Department of Social Services, the Program Support Unit was written out of the 2012 Erie County budget. On September 30th of 2011, then Assistant Commissioner William Green called a staff meeting on behalf of Commissioner Carol Dankert to tell me and the six remaining Senior Support Specialists that the removal of the Program Support Unit would cause the elimination of all of our jobs with the exception of the Assistant Director of Program Support. We were told that seven of us would be reassigned to our former, lower paying jobs. However, Assistant Program Support Director would retain her job title and pay grade. During the 2012 budget process, ever department in Erie County was under an executive directive to reduce spending and eliminate staff. To achieve this aim, Commissioner Dankert and her executive staff chose to sacrifice the careers and livelihoods of this entire unit. Seven people who paid and qualified to take civil service exams. Seven people with more than 80 combined years of organization experience. Seven people who represented Erie County in the community with dignity and integrity were removed from providing service to the residents and taxpayers of this county. Seven people who did their jobs by providing loyal, honest, dedicated, professional assistance to divisions like Temporary Assistance, Medicaid, Daycare and Children's' Services, just to name a very few. As Program Support Specialists, we helped these divisions remain compliant under state and federal mandates, saving the

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County from being cited and fined during program audits. As Senior Social Service Support Specialists, we thought that our service to Erie County would be appreciated and rewarded with the ability to continue or move forward in the administration. Instead, we were told that our careers as Program Support Specialists had come to an end and our job duties would be reallocated among program managers and other administrative directors. Senior Social Service Program Support Specialists job duties, a copy of which is provided for each of you, are critical to the operation of many programs that most of the citizens of Erie County rely on to maintain a basic quality of life. These duties will now be assumed by program managers that were already over inundated with administrative responsibilities. While it is true that Commissioner Dankert and her staff would treat some senior Social Service Program Support Specialists with dignity, respect and appreciation for the quality of their work, it is not true of that treatment toward the three of us here today. Without regard for experience, seniority or expertise, some Senior Social Service Support Specialists were given promotional positions into jobs newly created and added to the 2012 budget. Other Support Specialists were reassigned to their divisions in Social Services performing the same job duties while retaining their titles and pay grades. These positions were filled by Commissioner Dankert and her administrative staff based on favoritism, friendship and cronyism. We have provided a separate list of these appointments, and we respectfully request that a full investigation regarding these positions be conducted by the Erie County Comptroller and the County Budget Director. An investigation into this matter would determine if any part of the collective bargaining agreement between the Civil Service Employees Association Union and Erie County have been violated. Commissioner Dankert's elimination of the Program Support Unit may have followed legal protocol, but I challenge each one of you to apply the standards listed under the core values you see before you and ask yourself is this the conduct you want from the standard bureau contracted to lead the Department of Social Services? Finally, in conclusion, we'd like to call your attention to the proposed 2013 Social Service budget job title "System Support Specialist - Job Group 11" listed under the Accounting Division. This position is currently vacant. The title is a promotional title for Senior Program Support Specialist. The System Support Specialist position is currently vacant due to a retirement which occurred in March of 2012. Respectfully, would this Committee consider amending the proposed Social Service budget by using the money in that vacant position to restore the three of us to our job grades and allow us to assume the duties of that position in our current

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reassigned program division? As Senior Social Service Program Specialists, my two colleagues and I did everything that Commissioner Dankert and her administrative asked of us, operating with integrity, respect, collaboration, giving quality customer service and observing diversity, the core values developed by the staff in 2012 under Commissioner Dankert's auspices. We ask that these principles now be applied and imposed on us. I would like to thank this Committee for allowing me to be heard.

Unknown Male

How many people now are impacted by ... What ... People are being ... Their jobs are not being eliminated, right? But are they being ...

Ms. Cole

Yes. The job was eliminated. Three of us were demoted back to previous positions we held before assuming the Program Support Specialist positions. It was downgraded two, two grades.

Unknown Male

So it was a downgrade by two.

Ms. Cole

Yes, it was.

Unknown Male

Three individuals are being downgraded two pay grades.

Ms. Cole

Right, while others were upgraded into positions that were created.

More than one person speaking at this point [inaudible]

Name

Testimony

Unknown Male

Actually, I was going to ask if Budget Director Tim Callan had any comments to ... that he's heard ... I don't know if he has copies ... to respond

Ms. Cole

He doesn't have a copy. There's three additional ...

Tim Callan

This Administration and the Legislature became aware of this issue on October 5 when Ms. Cole dropped off a packet of information about these positions being deleted from the 2012 budget last Fall. Admittedly, I didn't have a chance to look at it until after the 15th because we were completing the budget process, and anything that wasn't about the '13 budget, I just didn't look at from the first week in October until after the 15th. But when I read the packet of information which Ms. Cole and colleagues submitted ... dropped off at the Budget Office about the Program Support Cost Center ... what the Collins Administration did, and it showed as a Department request so that would presumably mean Commissioner Dankert last year in August of '11 requested this, is that a position which was vacant at the time of _____ [inaudible] fiscal analyst and program support and eight positions of Senior Social Services Program Specialists which was also a job group 9 were deleted from the Program Support Unit Cost Center in DSS. This is a unit that works under the Commissioner's direct auspices. It's not a standalone unit per se. I subsequently spoke with Ms. Cole. We traded voice mails for about a week, and we subsequently spoke last week for over a half hour on the 26th about this situation where she relayed to me the concerns of herself and her colleagues, Ms. _____ [inaudible] and _____ [inaudible]. They are all bumped back to their other civil service titles they had permanency in and they are all reduced, if I'm not mistaken, from Job Group 9s to Job Group 7s. While similarly some other individuals who were in Program Support apparently got upgrades or lateral moves to other units within DSS which prompted their concerns about, you know, why was it that these individuals were seemingly targeted for their positions to be deleted from the '12 budget by the Collins administration while other people in their unit were not affected. I don't know the answer yet.

Name

Testimony

Unknown Male

All right. When the four individuals that are being reassigned and downgraded ... are they then going to create a domino effect where other people will be bumped out of their positions and downgraded

Tim Callan

Probably. I mean, that's usually how it works in DSS. Someone that was in a 9, if they get downgraded back to a 7, someone that's in a 7 will bump back to a 6 or a 5. That's generally how it works. It just depends, you know, without looking ...

Unknown Male

Right, right. Well, okay. Now, have you folks spoken to your representative in the union.

Ms. Cole

We spoke to our union representative immediately after we were told that we would be eliminated. We assumed that our local union representative was working on our behalf and we had come to later find out that that was not the case. One of the representatives that was meeting with Commissioner Dankert was promoted into subsequently a higher position and then he therefore had to resign his union position because it made him management. So now we're not privy to if there was any advocacy on our behalf or not. We suspect not. Now we are working with the union on the state level, a level above the local level, and they seem to be quite interested in our plight.

Unknown Male

You know, I really haven't heard from anybody regarding this. I hate to say that, but there seems to be, you know ... we seem to need some more answers to ... just so we can have some clarity in our legislative minds here.

Unknown Male

Yes. Several individuals have contacted me about [inaudible]. They want it to be confidential as far as they don't want any repercussions [inaudible]. I guess my question is the request that they've made, is that something that the Budget Department and the Comptroller's Office have the ability to do? Is it under your

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authority to do? And will they do it? I guess that's part of my question for them, because that's the request, that this matter to be looked into. I guess that's a question for Mr. Callan.

Tim Callan

Without addressing the substance of the concerns of Ms. Cole and her colleagues, which is something that I'll be doing, if the question, Legislator, is could the Administration recreate these Job Group 9s using funds from the vacant 9 which is in the financial records, we could. It would require approval by your Honorable Body because the positions don't currently exist and they are not in the '13 budget.

Unknown Male

I guess the other part that I'm concerned with is the process that have taken place and that will continue to take place. I think that's valuable information also on how we are moving personnel around, on how we are treating individuals to make sure that it's a level playing field. I think that's some of what they're bringing forward also. I think the audit or the investigation hopefully would uncover _____ [inaudible] to find out what's going on.

Unknown Male

Yeah. And the positions that were upgraded ... I mean, were they upgraded into an open position that was unfilled?

Ms. Cole

The position was created. If you compare the 2011 ...

Unknown Male

_____ [inaudible] ... newly created. But one person went from ... oh, no, there's another one that didn't exist ...

Ms. Cole

Right. You have to compare the 2011 budget to the 2012 budget and you will see where there were positions that did not exist in 2011 that were created in 2012 at the expense of other peoples' positions being deleted. New positions were created that would not arouse suspicion for the creation of civil service tests. So now these individuals sit there provisionally because the Administration has

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that privilege of appointing anyone in there without a civil service test if it's a newly created position. They sit there until the test is created. It's up to the Administration to call for the test. We have not ... we have asked them if they've called for a test would we as former Program Support Specialists qualify for the test. We were not given an answer by Personnel because there were no job duties with those newly created positions at that time. They may exist now. They didn't a month ago. So over a year they sit in these positions without duties, job specs, qualifications, so at this point I don't know.

Unknown Male

All right. I mean I need to sit down and talk to a couple people. I need some more information. And the other women that are here, do you have any

Ms. Cole

Ellen _____ [inaudible]

Ellen

Thank you for taking the time to meet with us. Annette really has told you pretty much everything, but I could point out a few things that add value to our positions. Now, I was in Program Support for over five years and I was a go to person for Medicaid. And Medicaid is not just in the Medicaid Department. Medicaid affects Children's' Services cases, it's included in most public assistance cases. So, people knew who to contact if there was a problem. One big project the State was the Medicaid Bridges to Health Waiver Program. And my colleague, Marty Kovak, and I were instrumental in this program because it's a quite expensive program. It's about \$50,000 annual budget per child, and Erie County has well over 100 children enrolled in this program. We handled all the enrollments, the dis-enrollments. And it's very time sensitive. I understand now that they're having case workers do the Bridges to Health Medicaid. So, instead of having two people in one unit working with Administration handling these very delicate Medicaid cases, these very expensive Medicaid cases, they're having 100 case workers handle it. It's just spread out through the entire agency. And so, you know, hence, when you have centralized control over you can see if there's any errors. We needed to contact the State all the time because it's a fairly new program and we didn't want anything incorrectly going through Erie County. So that's just on example of

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a big project. It was an ongoing project that we handled quite well. I'm sure if you talk to anyone over in Children's' Services, they would, you know, say the same thing and like I said, now I understand that the case workers themselves are doing it which, you know, is kind of scary.

Unknown Female

Yes, I also have a comment. _____ [inaudible]. I do. The purpose of the Bridges to Health Program is to help foster children become adoptable. That's one of the main goals of Erie County. If the Bridges to Health Program isn't properly implemented, children can stay in foster status for an indefinite period of time, and they will not get the medical care they need to become productive adults in society, so Bridges to Health is a very, very important program. I also concur with everything that Ms. Cole has said and she, in fact, has quite a few specifics to, to back up what we are saying. I do have one more example, and that was in 2011. Several directives came through the Program Support Unit regarding emergency benefits to deal with people that had been affected by Hurricane Irene. If this had happened last night, how would emergency benefits have been distributed in Erie County without a central unit to handle it? We also believe our department was systematically eliminated in order for handpicked personnel to remain or to be hired to do work that we were doing at Job Grade 9. In addition, there is now a keen lack of diversity on the 8th floor of the Rath Building. So we respectively requesting from this body that positions created from 2010 onward be audited and job descriptions supplied. As Ms. Cole said, we have asked for these in the past, and we have not been able to get anywhere, so we're hoping you hold a little more sway than we do. We would also like to know if and when the request to hold civil service examinations for those positions that require them was made according to civil service law. We have obeyed the rules and we believe that the Program Support Unit and the Erie County Department of Social Services and, therefore, Erie County as a whole were unfairly treated and would like, if not restitution, at the bare minimum to hold the responsible parties accountable for what they have done over the past two years. Thank you very much.

Unknown Male

Yeah, we're going to leave this on the table. We're going to meet with the Commissioner. The Budget Director is going to get the answers necessary. We're going to have a little pow wow and see

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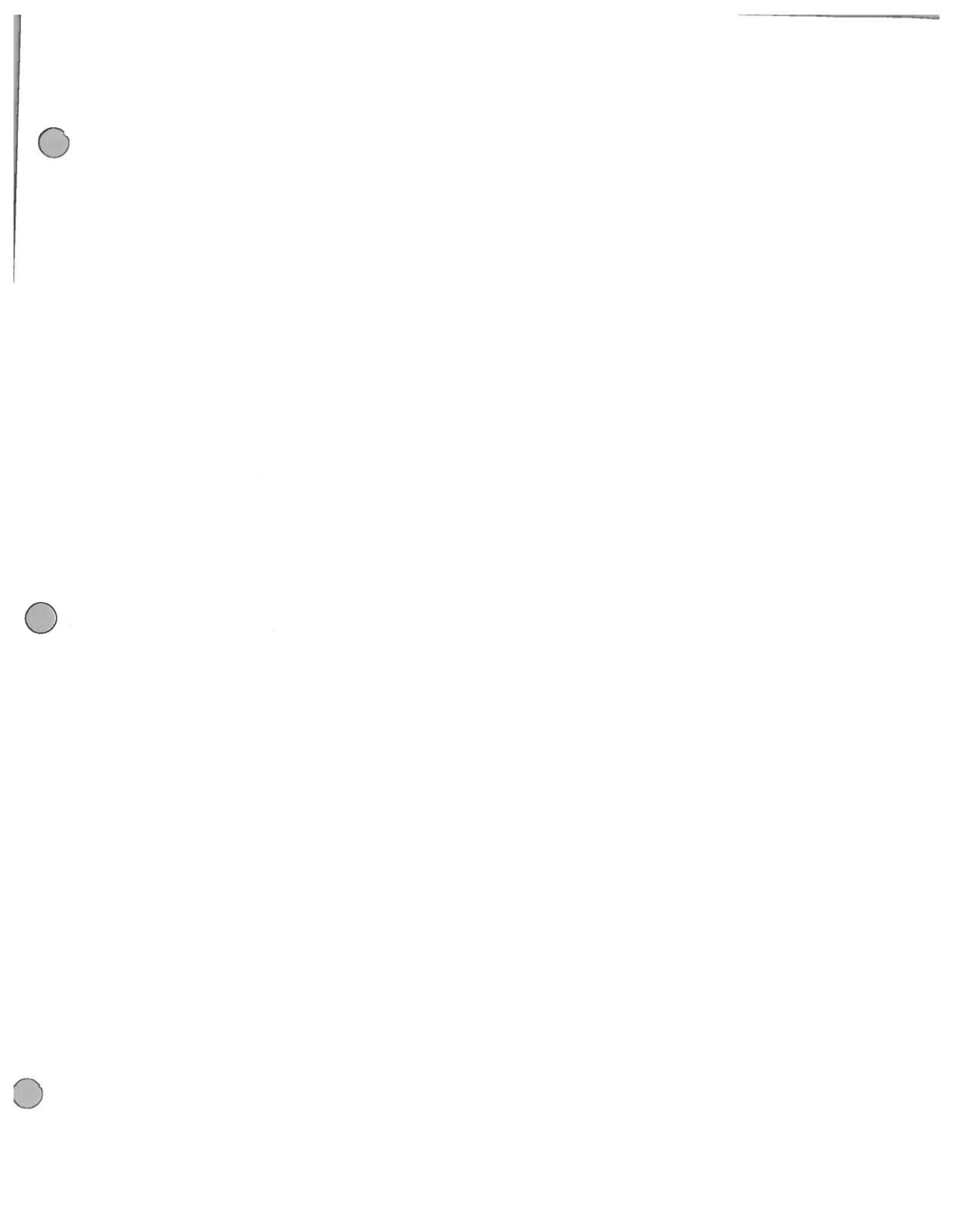
Testimony

where we're going to go with this. I hate to seem ignorant but first I'm hearing about all this. So, we're going to keep it on the table and, you know, we'll keep you informed as to where we are. Okay?

Round of thanks.

Unknown Male

I mean some of the things you mentioned are actually troubling, and I just want to make sure that our constituents don't fall through the cracks _____ [inaudible]. So, thank you.



**Erie County Legislature
Health & Human Services Committee Meeting**

Date: December 13, 2012

Name

Testimony

Ms. Cole

Good morning. My name is Annette Cole. This is Robert _____ from the Civil Service Employees Association Unit. As an Erie County property taxpayer and employee of the Department of Social Services for more than 25 years, I have more than a passing interest in the management of finances of this government. Decisions made during the 2012-13 budget process with have a dual effect on me involving the health of my personal finances and emotional wellbeing. During the 2011-12 budget process, every department in Erie County was under an executive director ... directive to reduce spending and eliminate staff. To achieve this end, Commissioner Dankert and her executive staff chose to sacrifice the careers and livelihoods of the Program Support Unit, with the exception of the Director and the Assistant Director of Program Support. We were told that seven of us would be reassigned to our former, lower paying jobs. However, the Director and Assistant Program Director would retain their job titles and pay grades. Seven people who met the qualifications with more than 80 combined years of organization experience representing Erie County and the community with dignity and integrity were removed from providing critical services, not only to their colleagues, but to the residents and taxpayers of this County. As members of the Program Support Unit, we did our jobs by providing loyal, honest, dedicated, professional assistance to Temporary Assistance, Medicaid, Day Care, Children's Services and other divisions of Social Services. Senior Program Support Specialists assisted the Department of Social Services with remaining compliant under state and federal mandates. We also prepared RFPs and executed them until their conclusion. We also helped the County from being cited and fined during program audits. We thought our services to Erie County would be appreciated and rewarded, and that we would have the ability to continue to move forward in the administration as our former colleagues were. Instead, our careers as Program Specialists were cut off without further consideration. Without regard for the 28-year life of the Program Support Unit's experience, employee seniority or expertise, select senior Service Support Specialists were

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given promotional positions into jobs newly created and added to the 2012 budget. These jobs were submitted for the '13 budget. Other Support Specialists were reassigned to other divisions in Social Services, retaining their titles and pay grades, while more than 21 employees in Social Services were laid off. These positions were filled by Commissioner Dankert and her administrative staff based on favoritism, friendship and cronyism. Three Senior Support Specialists were excluded from consideration for reassignment, and we were given ... we were not given any consideration in retaining our pay grade in our reassigned positions. We have updated and listed these positions in the list provided for you today, and respectfully we ask that a full audit regarding these positions be conducted by the Erie County Comptroller and the County Budget Director to determine if any parts of the collective bargaining agreement between civil service employees union and Erie County have been violated. Commissioner Dankert's elimination of the Program Support Unit after 28 years of service to the taxpayers of Erie County may have followed legal protocol, but what happened to the staff in this unit was not ethical and does not represent Erie County as a whole very well. In conclusion, there are currently two System Support Specialist Job Grade 11 positions vacant in the 2013 budget. This title is the promotional title for the Senior Support Specialist. We respectfully request that this Committee ask the County Executive to use the money in these positions to restore the three of us to our job grades and allow us to resume the duties that these positions represent in our current reassigned divisions. In addition, we would ask that the Commissioner of Personnel be directed to certify the three of us eligible for job titles matching our acquired professional experience. As Senior Social Service Program Specialists, my two colleagues and I did everything that Commissioner Dankert and her administrative staff asked us, representing Erie County with integrity, respect, collaboration, giving quality customer service to our colleagues and representing cultural diversity among Social Service administrative staff. Thank you for allowing me the opportunity to bring this matter before you.

Someone talking in background [inaudible].

Unknown Male (Union

Correct. Right now we're in communications with the Commissioner of Labor Relations and trying to look at possible violations of the collective bargaining agreement. Right now,

Name

rep?)

Testimony

currently, meetings have been stalled. So, but I've been meeting with David Palmer, asked him to sit down with the Chief of Staff for the County Executive, to look at possible violations of the collective bargaining agreement. Our main concern here is that we're asking that the Committee, that the Comptroller's office take a real hard look at positions that are being awarded to friends and ... I'm trying to be politically correct here ... (laughs) [inaudible talking in the background - likely one of the Committee members, but not speaking into the microphone]

Tim Callan

I think ... I mean this issue started ... because I've had a couple conversations with Ms. Cole and one of her colleagues, Ms. M_____. The three women came and testified before the Committee two months ago. I became involved at the suggestion of the Comptroller's office, who suggested they contact me, as did Chairwoman Grant. And that's how I became aware [inaudible] similar correspondence that was clocked in here before the Legislature which is on your agenda. What happened here was that in the 2012 budget process in the Fall, late Summer of 2011, the former administration decided for whatever reason to eliminate nearly all of the titles in the Program Support Unit in Social Services. And what resulted was that some of the employees in the unit bumped back to other titles that they held permanently [inaudible] pay from, such as Ms. Cole, who was bounced from a Job Group 11 title back to a 9. Some other employees in the unit apparently were given lateral transfers without a loss of title or loss of job group and moved to other units. It appears that two positions were kept in the unit. The unit, I think, had something like 11 or 13 positions and only 2 remained in the adopted 2012 budget. Again, a decision made by the former Administration. This Administration, at least, the 16th floor became aware of this when I got correspondence from Ms. Cole, again which she clocked in here. I had conversations with her and her colleagues and spoke with some of you Legislators about this because you had questions for me about this. A number of these individuals, including Ms. Cole, want to be restored to Job Group 11 titles. I can't get into any personnel or labor relations issues. That's not my purview. That's not my bailiwick. It would be improper for me to talk about that, in part because I just don't know. In the 2013 budget process, the instructions to department heads were hold the line, you will not ask for any new jobs, you will not ask for any upgrades, you know, we're cutting 63 positions in the budget. So, I understand the position of Ms. Cole and her colleagues. They would like to be re-

Name

Testimony

promoted back to Job Group 11 titles. At this point, my role is done because of the budget process. If there's an issue here involving Labor Relations, allegedly grievable offenses, violations of the collective bargaining agreement, that, that's got to be between the employees and the Department of Labor Relations, so I really can't say any more.

Unknown male

I understand. [inaudible] ... Let's resolve this so if there is something that should be done and can be done, let's do it rather than string people along [inaudible] hope when there isn't any. [The remainder is inaudible.]

Ms. Cole

Yes. That department ... Our department was an administrative arm. Not only did we help prepare RFPs, but we also helped the various divisions in Social Services remain compliant both with state regulations and federal regulations. The elimination of that unit not only cut off the monitoring and preparation of the assistance with those programs but with ... it cut off a communication with constituents in the community as far as receiving their services. The services that we provided went much more beyond just a regular 9 to 5 type job. We were the representative liaisons for this County. We represented the standard of ethics and quality customer service. So it's not just a matter of restoring our, our positions financially, it's a matter of restoring the job duties. And you're asking what eight people did to be done now scattered among the County. There's no continuity. There's no control. There are things that I think that will probably come before this Body in the immediate future that will be repercussions from the elimination of this department and from these jobs. It's not just a matter of our economic restoration. It's a matter of the duties and services that were performed by the unit that were critical to DSS.

Various people talking in background [inaudible].

Unknown Male

Thank you.

Name

Testimony

Ms. Cole

Thank you.



**ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES
MEMORANDUM**

DATE: June 12, 2013
TO: Carol Dankert-Maurer, Commissioner
FROM: Judith A. DeWald, Assistant Social Services Program Director
SUBJECT: Statement of duties of Annette Cole, Sr. Program Support Specialist, in the June 12, 2013 Buffalo News

I am responding to statements in today's Buffalo News article on records disposal and the Department of Social Services. The article states that "In a recent phone interview with The Buffalo News, (Annette) Cole said that one of the duties that the members of her unit were tasked with was "handling of documents and their disposal."

In my previous memorandum to you, dated June 10, 2013, I referenced a spreadsheet that contained a listing of all projects that myself and my staff (including Ms. Cole) were assigned in 2011 (when I assumed the role of Manager of the unit), and that no project was listed as the "handling of documents (of program areas) and their disposal."

Furthermore, I performed an archived email search today of all emails from Ms. Cole to myself, while I was in the role of the assistant manager of the Program Support Unit, as well as the manager of the Program Support/(later renamed) Quality Assurance and Control Unit. The emails spanned the time frame of 8/26/09 to 10/21/11.

There were zero (0) emails from Ms. Cole to myself that had the content of alerting me to any concerns she had relative to the handling of documents, nor the disposal of documents. I personally reviewed each of the emails during this time frame.

As supervisor of the Program Support Specialists in this Unit, I wish to refute the statement by Ms. Cole in The Buffalo News. The Program Support Unit was not charged with the task of disposing of documents, nor were any PSU staff charged with overseeing such disposal in the program areas.

As professionals in the Department of Social Services, we are certainly aware of the regulations and policies that govern confidential documents. This unit often forwarded policies to program staff so that important matters are communicated properly and consistently. The Unit did not assume to role of following up on adherence to policies, as this was not our role, unless DSS management asked specifically for our staff to perform internal reviews or follow-up on specifics regarding adherence to policies and procedures. Ms. Cole did not communicate in writing any concerns of "lax record keeping" to me, as her supervisor, as they would have been found to be in her emails to me. I have no paper copy of any such letter of concern from her, nor is there any record of a project or projects assigned to her to be a "watchdog" over this function. No manager asked me to assign a project relative to "record disposal."

Both my project spreadsheets (provided to you in the 6/10/13 memo), and the emails archived during 2009-2011 confirm my statements to you as to the role of the Program Support Unit staff.

**QUALITY ANALYSIS & CONTROL UNIT
SR. PROGRAM SUPPORT SPECIALISTS
TRANSITION PLAN**

Staff name: cole

#	Ongoing tasks & projects (something you do that is a regular part of your job and will be ongoing for an indefinite time period)	Status	Time-limited projects (assigned projects or tasks from Carol or Sr. Staff)	Status
1	Customer Service workgroup Idea Management Model plan development and implementation	in progress	Brochure for annual report 100047	in progress
2	Monthly Salvation Army Reports and distribution of referral forms	in progress	Heap heating equipment procedure #100039	near completion
3	Employee Succession Planning Staff Shadowing Model Plan development and implementation	in progress	CED form revision project #100040	near completion
4	Commissioner of Deeds cert monitoring	near completion		
5	Voter Declination Project	in progress		
6	HEAP Staff (forms, training, track errors, write procedure policy for current season	in progress		
7	worker safety committee assignment	in progress		
8				
9				
10				

**ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES
PROGRAM SUPPORT/SYSTEMS SUPPORT DIVISION: STAFF TRACKER**

NAME: **Cole**
MONTH: **March 2010**

INSTRUCTIONS: Complete by the fifth (5th) day of the month for the previous month, and send electronic copy to J. Dixon or put hard copy in in-box. More than one sheet may be used for additional listings.

TASKS, PROJECTS, & ACTIVITIES List by name or number Memo's, P & P's, ADM's, RFP's:	DIVISIONS Associated with task/project/activity	TOTAL HOURS Per t/p/a	STATUS OF TASK, PROJECT, ACTIVITY As of end of month
1. 10-ADM-01 2. worker Safety Comm 3. Deaf Adult Services 4. 5.	1. Administration 2. Econ. Self Suff 3. Econ. Self Suff 4. 5.	1. 21 2. 2 3. 2 4. 5.	1. <input type="checkbox"/> just begun <input type="checkbox"/> in progress <input checked="" type="checkbox"/> waiting input <input type="checkbox"/> completed 2. <input type="checkbox"/> just begun <input checked="" type="checkbox"/> in progress <input type="checkbox"/> waiting input <input type="checkbox"/> completed 3. <input type="checkbox"/> just begun <input type="checkbox"/> in progress <input checked="" type="checkbox"/> waiting input <input type="checkbox"/> completed 4. <input type="checkbox"/> just begun <input type="checkbox"/> in progress <input type="checkbox"/> waiting input <input type="checkbox"/> completed 5. <input type="checkbox"/> just begun <input type="checkbox"/> in progress <input type="checkbox"/> waiting input <input type="checkbox"/> completed
Assigned Projects (list by number): 1. ttt 2. 3. 4. 5.	1. Econ. Self Suff 2. 3. 4. 5.	1. 37 2. 3. 4. 5.	1. <input type="checkbox"/> just begun <input checked="" type="checkbox"/> in progress <input type="checkbox"/> waiting input <input type="checkbox"/> completed 2. <input type="checkbox"/> just begun <input type="checkbox"/> in progress <input type="checkbox"/> waiting input <input type="checkbox"/> completed 3. <input type="checkbox"/> just begun <input type="checkbox"/> in progress <input type="checkbox"/> waiting input <input type="checkbox"/> completed 4. <input type="checkbox"/> just begun <input type="checkbox"/> in progress <input type="checkbox"/> waiting input <input type="checkbox"/> completed 5. <input type="checkbox"/> just begun <input type="checkbox"/> in progress <input type="checkbox"/> waiting input <input type="checkbox"/> completed
Miscellaneous Tasks & Activities: 1. Salvation Army rpt 2. Comm of Deeds 3. Voter reg declarations 4. Customer Serv Comm 5. HEAP liason stuff	1. Econ. Self Suff 2. Administration 3. Econ. Self Suff 4. Administration 5. Econ. Self Suff	1. 2 2. 6 3. 2 4. 4 5. 7	1. <input type="checkbox"/> just begun <input type="checkbox"/> in progress <input type="checkbox"/> waiting input <input checked="" type="checkbox"/> completed 2. <input type="checkbox"/> just begun <input type="checkbox"/> in progress <input type="checkbox"/> waiting input <input checked="" type="checkbox"/> completed 3. <input type="checkbox"/> just begun <input type="checkbox"/> in progress <input type="checkbox"/> waiting input <input checked="" type="checkbox"/> completed 4. <input type="checkbox"/> just begun <input checked="" type="checkbox"/> in progress <input type="checkbox"/> waiting input <input checked="" type="checkbox"/> completed 5. <input type="checkbox"/> just begun <input checked="" type="checkbox"/> in progress <input type="checkbox"/> waiting input <input type="checkbox"/> completed

Project Update for Annette Cole June 10, 2011

Employee	Project #	Project Name	Current Status	
	11-OCFS- INF-04	Income Standards for Services	Not Started	
	OTDA 11 ADM 02	TA budgeting 2011 Changes to EID & poverty level test	Waiting for Project requester approval (C.Sobolewski)	Comments on B-1996 (pink) due 6/15/11
	10-INF-22	Accessing Applications for TA,FS, HEAP		
	11-OCFS- ADM-01	Special Immigrant Status	No further action to be taken per Services	I Need to do a closing memo
	11_LCM-04	Child Support Incentives- Federal Fiscal Years 2009&2011	Not Started yet	
	Project # 110144	Revision of #EAF survey/	Completed 6/9/11	
	Project # 110113	Workplace violence safety assessment walkthrough	Started 5/18/11 completed 6/13/11	Will do closing memo on approval or report by Bill Graham
	Project #	HEAP Signs	Completed	Need to do a closing memo
	Project #	HEAP Emp App policy	Starting today due 6/16/11	Needs a project #
	Project #11034	Process Analysis for HEAP	On going	

	Project #	HEAP DISS error Policy	In Process	Will need a project #
	Project #	LAD Process Analysis	In Process	

ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES PROGRAM SUPPORT/SYSTEMS SUPPORT DIVISION: STAFF TRACKER

NAME: **Cole**

MONTH: **March 2010**

INSTRUCTIONS: Complete by the fifth (5th) day of the month for the previous month, and send electronic copy to J. Dixon or put hard copy in in-box. More than one sheet may be used for additional listings

TASKS, PROJECTS, & ACTIVITIES <small>List by name or number</small>	DIVISIONS <small>Associated with task/project/activity</small>	TOTAL HOURS <small>Per t/p/a</small>	STATUS OF TASK, PROJECT, ACTIVITY <small>As of end of month</small>
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Miscellaneous Tasks & Activities: 1. Salvation Army rpt 2. Comm of Deeds 3. Voter reg declinations 4. Customer Serv Comm 5. HEAP liason stuff	1. Econ. Self Suff 2. Administration 3. Econ. Self Suff 4. Administration 5. Econ. Self Suff	1. 2 2. 6 3. 2 4. 4 5. 7	1. <input type="checkbox"/> just begun <input type="checkbox"/> in progress <input type="checkbox"/> waiting input <input checked="" type="checkbox"/> completed 2. <input type="checkbox"/> just begun <input type="checkbox"/> in progress <input type="checkbox"/> waiting input <input checked="" type="checkbox"/> completed 3. <input type="checkbox"/> just begun <input type="checkbox"/> in progress <input type="checkbox"/> waiting input <input checked="" type="checkbox"/> completed 4. <input type="checkbox"/> just begun <input checked="" type="checkbox"/> in progress <input type="checkbox"/> waiting input <input type="checkbox"/> completed 5. <input type="checkbox"/> just begun <input checked="" type="checkbox"/> in progress <input type="checkbox"/> waiting input <input type="checkbox"/> completed

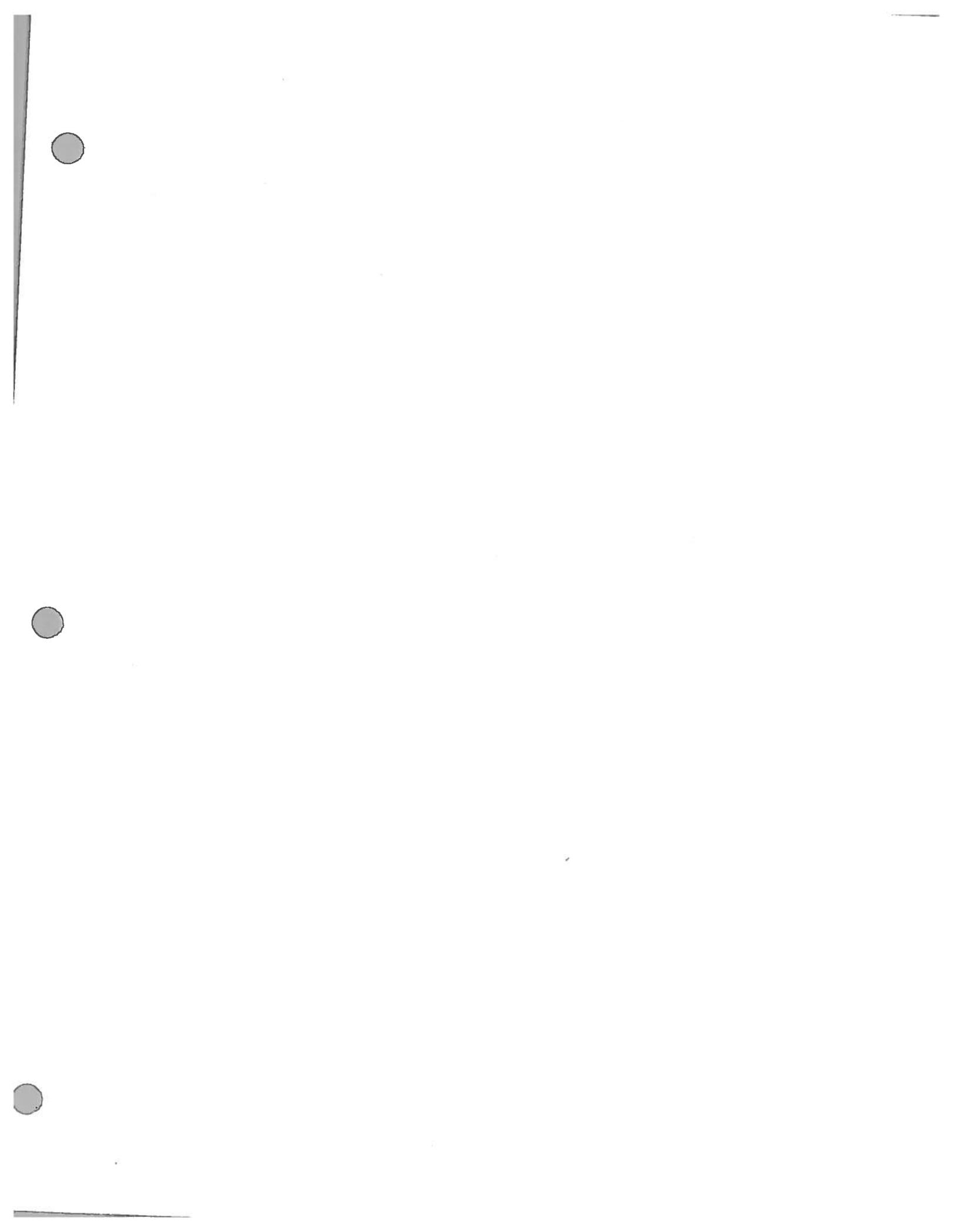
ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES PROGRAM SUPPORT/SYSTEMS SUPPORT DIVISION: STAFF TRACKER

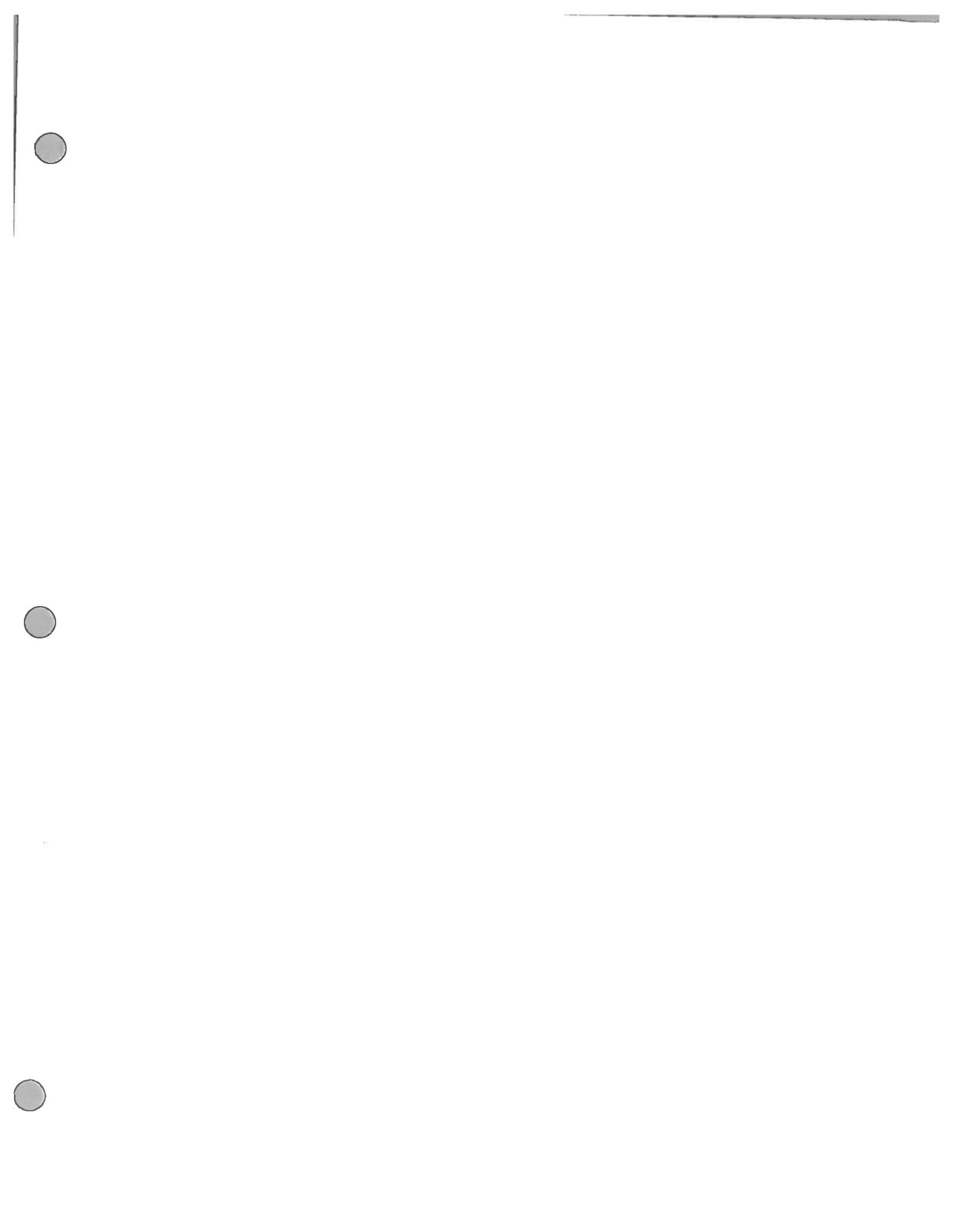
NAME: **Cole**

MONTH: **February 2010**

INSTRUCTIONS: Complete by the fifth (5th) day of the month for the previous month, and send electronic copy to J. Dixon or put hand copy in in-box. More than one sheet may be used for additional listings.

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1. Utilities Project 2. Day Care Letter project 3. Treat of Temp Census Inc 4. Commissioner of Deeds apps 5. Staff Shadowing	1. Econ. Self Suff 2. Child Family 3. Econ. Self Suff 4. Administration 5. Administration	1. 43 h 2. 3h 3. 6h 4. 3h 5. 6	1. <input type="checkbox"/> just begun <input checked="" type="checkbox"/> in progress <input type="checkbox"/> waiting input <input type="checkbox"/> completed 2. <input type="checkbox"/> just begun <input type="checkbox"/> in progress <input type="checkbox"/> waiting input <input checked="" type="checkbox"/> completed 3. <input type="checkbox"/> just begun <input type="checkbox"/> in progress <input type="checkbox"/> waiting input <input checked="" type="checkbox"/> completed 4. <input type="checkbox"/> just begun <input type="checkbox"/> in progress <input type="checkbox"/> waiting input <input checked="" type="checkbox"/> completed 5. <input type="checkbox"/> just begun <input checked="" type="checkbox"/> in progress <input type="checkbox"/> waiting input <input type="checkbox"/> completed
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Miscellaneous Tasks & Activities: 1. Worker Safety Committee mtg 2. Customer Service committee mtg 3. Mandatory Safety training 4. Annual Evaluation 5. Staff Meetings unit/div 6. Talking points for Blk hist (Adm) 1hr	1. Administration 2. Administration 3. Administration 4. PSU/SSU/TSU 5. PSU/SSU/TSU	1. 2 2. 4 3. 8 4. 2h 5. 5 h	1. <input checked="" type="checkbox"/> just begun <input checked="" type="checkbox"/> in progress <input type="checkbox"/> waiting input <input type="checkbox"/> completed 2. <input type="checkbox"/> just begun <input type="checkbox"/> in progress <input type="checkbox"/> waiting input <input type="checkbox"/> completed 3. <input type="checkbox"/> just begun <input type="checkbox"/> in progress <input type="checkbox"/> waiting input <input type="checkbox"/> completed 4. <input type="checkbox"/> just begun <input type="checkbox"/> in progress <input type="checkbox"/> waiting input <input checked="" type="checkbox"/> completed 5. <input type="checkbox"/> just begun <input type="checkbox"/> in progress <input type="checkbox"/> waiting input <input checked="" type="checkbox"/> completed





**ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES
MEMORANDUM**

DATE: June 13, 2013
TO: Carol Dankert-Maurer, Commissioner
FROM: Judith A. DeWald, Assistant Social Services Program Director
Renee Biniecki, Logistics Coordinator
SUBJECT: Emails between Annette Cole and Renee Biniecki

Renee has produced these emails that span a time frame from July 13, 2009 to May 27, 2011 that reflect correspondence between Annette Cole and Renee Biniecki, along with related work orders.

These emails reflect issues that involve documents and their disposal, as related exclusively to HEAP forms (blank forms with no client identifying information) and customer service surveys.

We are providing these to you, as they may be part of what Annette is referring to when she stated that she was involved in the "handling of documents and their disposal."



**ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES
MEMORANDUM**

DATE: June 10, 2013
TO: Carol Dankert-Maurer, Commissioner
FROM: Judith A. DeWald, Assistant Social Services Program Director
SUBJECT: QAC/PSU Project Assignment under my Direction

I assumed the Manager role of the Program Support Unit in December 2010. The Unit was officially renamed as the Quality Assurance and Control Unit (Q.A.C.) in 2011. During the time period between December 2010 and December 2011 (when the Q.A.C. Unit was disbanded and most staff were transitioned to other job duties), no staff in this unit was assigned to a project that specifically involved the overseeing of confidential records (retention or disposal) for the Erie County Department of Social Services.

In December, 2010, I assumed coverage of Carol Sobolewski's duties, one of which was the maintenance of monthly records of tonnage from Cascades Recovery U.S., Inc. The Cascades staff person, Mark Johnson, emails me a monthly form which is entitled "Certificate of Guaranteed Destruction." The purpose of this document is to list the tonnage collected and destroyed from 4 sites during the month. A sample of this document is attached to this memorandum (from May and June 2013). This is the sole task that was assigned to me, regarding Cascades and record removal/destruction.

During my time as Manager of this unit in the above timeframes, Annette Cole and other P.S.U./Q.A.C. Senior Program Support Specialist and Program Support Specialist staff were not assigned any projects that dealt with Cascades Recovery U.S., Inc., nor the coordination of or monitoring of confidential records/paperwork within ECDSS.

Also attached to this memorandum is a listing of Q.A.C. projects during 2011, with the project leader name, project description, and other identifying information. There is no listing on this spreadsheet of any projects containing the subject matter of record retention, record destruction, confidential record maintenance, etc.

A copy of the electronic query of Annette Cole's projects from 2011 is also included as an attachment to this memorandum.