December 2013

# Department of Public Works
# Review of Elevator Inspection and Maintenance
# January 1, 2012 – June 30, 2013

**STEFAN I. MYCHAJLIW**
**ERIE COUNTY COMPTROLLER**

**HON. STEFAN I. MYCHAJLIW**
**ERIE COUNTY COMPTROLLER'S OFFICE**
**DIVISION OF AUDIT & CONTROL**
**95 FRANKLIN STREET**
**BUFFALO, NEW YORK 14202**

December 3, 2013

Erie County Legislature
92 Franklin Street 4th Floor
Buffalo, New York 14202

Dear Honorable Members:

The Erie County Comptroller's Office has completed a review of the County's elevator inspection and maintenance monitored by the Erie County Department of Public Works (DPW) for the period January 1, 2012 to June 30, 2013. This review was initiated in response to an email to the Comptroller's Whistleblower Hotline identifying a potential lapse in elevator inspections in Erie County. The Comptroller's Office takes all tips from the Whistleblower's Hotline seriously and when prudent initiates a review as evidenced in this report.

We conducted our review in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the review to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions. Our objectives were to (1) determine compliance with legal requirements regarding inspection of elevators; (2) determine compliance with legal requirements regarding posting of most recent inspection reports; and (3) determine that there are procedures in place to ensure compliance with laws regarding elevator inspection and posting. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our review objectives.

In the course of our review, we identified numerous deficiency regarding the lack of inspections for County Elevators. The Comptroller's Office promptly notified the Administration in a memo dated November 4th 2013. The Memorandum was shared with John Loffredo, Commissioner of the Department of Public Works, and David Capodagli, Senior Systems Accountant and can be seen on page 3. We are pleased to report that since our notification to the Administration on November 4, 2013 regarding the issues we identified, it appears as though DPW has made taken steps to correct the issues. We credit the Administration for taking corrective action. The actions taken are a strong example of the taxpayers being served through cooperation between the Comptroller's office in identifying issues and the Administration taking corrective action to address them.

Memorandum

TO: John Loffredo, Commissioner
David Capodagli, Senior Systems Accountant

FROM: David S. Kinda, Senior Auditor
Dolores M. Webb, Accountant Auditor

November 4, 2013 c-5-1

After discussions and emails with Earl and ALPS we still show the following inspections and tests have not been performed, and that there are minor outstanding code violations:

(1) The following elevators are not current on the 5 year required tests:

Rath Building elevator #s 1-9
Old County Hall elevator #s 1-4
Erie County Holding Center Elevator #6

(2) The following elevators were not current on the 1 year required tests as of 6/30/13:

Botanical Gardens elevator #s 1 (these tests were completed after the review period)

(3) The following elevators were not current on the 6 month required inspection as of 6/30/13:

Botanical Gardens elevator #s 1 and 2 (these tests were completed after the review period)

(4) During the review period the following inspections or tests were not completed in the required timeframe but were completed and current prior to the end of the review period:

Rath Building elevator #s 1-13 Jan-Jun 2012 inspection
New County Hall elevator #s 1 - 4, Svc 1 & 2, A5 – 7 Jan-Jun 2012 inspection
Old County Hall elevator #s 1 – 4, C5 – 7 Jan-Jun 2012 inspection
120 & 134 W. Eagle Street elevator #s 1-5 Jan-Jun 2012 inspection
Erie County Holding Center elevator #s 107 Jan-Jun, and Jun- Dec 2012 inspections
Health Center (Broadway) elevator Jun-Dec 2012 inspection
Law Library elevator #s 1 & 2 Jan-Jun 2012 inspection
Ticor Building elevator #s 1 & 2 Jan-Jun 2012 inspection

(5) There are 37 code violations on 6/30/13 that are not considered safety concerns and have not been corrected, dating as far back as 2003. These violations include issues with electrical box covers, emergency phone communications, audible signal device, firefighters instruction signs, fire recall and firefighter's service, and others.

The instances of non-compliance regarding currently past-due inspections and tests agree to the schedule received from ALPS, and missed inspections are based on all inspection reports received to date.

If you are in disagreement with any of above noted items please inform us as soon as possible. We would like to hear from you by 11/12/13 as our report will be issued shortly thereafter.

Thank you for your cooperation in this matter.

**Musialowski, Christopher**

**From:** EC Announcements
**Sent:** Monday, December 02, 2013 2:18 PM
**To:** EC Announcements
**Subject:** RE: General Announcement 20131202 - Elevator Maintenance - Date Correction

To All Rath building occupants:

Starting **Wednesday December 4, 2013** DCB elevator company in conjunction with Alps inspection company will be performing mandatory full load tests on all Rath lobby elevators & the two freight elevator cars.

Any disruption in service will be kept to a minimum but this testing will cause some disruption in elevator car service and will also create some noise. Testing should be completed within three days.

Thank you for your anticipated cooperation on this matter, B&G.

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The above is an "Erie County General Announcement" to notify you of important Erie County information. These types of messages are strictly informational and are being sent to all users on the Erie County Network. Please do not reply to this message as this is informational only and the mailbox is not monitored.

## BACKGROUND

New York State Property Maintenance Code Section 606.1 (Code) requires that "elevators, dumbwaiters, escalators and platform lifts be maintained and meet schedule of inspections in accord with Building Code of New York State §3001, and Appendix N, Table-1 of ASME A17.1 and ASME A18.1. Additionally, the most current certificate of inspection is required to be on display or available at all times." ASME A17.1 states that "the inspector shall meet the qualification requirements of the ASME QEI-1".

DPW has responsibility for the compliance with these requirements regarding elevator inspections, testing and maintenance and also serves as the Jurisdictional Authority for compliance enforcement.

Erie County has an agreement with American Loss Prevention Services (ALPS) for elevator inspection and testing. The agreement period is 1/1/10-12/31/19. ALPS notifies DPW when an elevator inspection is due, usually in January and July. The inspection is scheduled and performed by the elevator contractor with the inspector from ALPS present. Following each inspection, the inspector reviews any violation with the contractor and sends an inspection report to DPW. The reports are reviewed and repairs are scheduled as soon as possible. Serious violations that represent safety hazards are fixed immediately. Due to budget limitations, violations that do not represent safety hazards are fixed when money is available. The inspection reports are kept in a file by DPW with the invoices.

There are 13 buildings with a total of 62 elevators covered under the agreement between DPW and ALPS. These are: the Rath Building, located at 95 Franklin Street, Buffalo, with 13 elevators; New County Hall, located at 25 Delaware Avenue, Buffalo, with 9 elevators; Old County Hall, located at 92 Franklin Street, Buffalo, with 7 elevators; the Family Court Building, located at 1 Niagara Plaza, Buffalo, with 7 elevators; the Botanical Gardens, located at 2655 South Park Avenue, Buffalo, with 2 elevators; the William Street Health Center, located at 608 William Street, Buffalo, with 1 elevator; the county building located at 120 & 134 W. Eagle Street, Buffalo, with 5 elevators; the Erie County Holding Center, located at 10-40 Delaware, Buffalo, with 7 elevators; the Erie County Correctional Facility, located at 11581 Walden Avenue, Alden, with 2 elevators; the Broadway Health Center, located at 1500 Broadway, Buffalo, with 1 elevator; the Law Library, located at 77 West Eagle Street, Buffalo, with 2 elevators; the Ticor Building, located at 110 Franklin Street, Buffalo, with 2 elevators; and the Public Safety Building, located at South Division and Elm Street, Buffalo, with 4 elevators.

## FINDINGS

### I. Noncompliance with NYS Building Code

According to New York State Property Maintenance Code Section 606.1 the County is required to perform 5 year test/inspections on all elevators. This is the most in-depth multi-step safety and functionality test of each individual elevator. At the time of the audit (6/30/13) it was noted that the county was not current on this required test/inspection, as well as being delinquent in performing corrective action for violations.

The Office of the Comptroller notified the Commissioner of the Department of Public Works about the issues in November 4, 2013 in a Memo. As of December 3, 2013 the following elevators included in the Comptroller's Memo have not received their 5 year tests/inspections which were due in February 2013:

- Rath Building elevator #s 1-9.
- Old County Hall elevator #s 1-4.
- Erie County Holding Center elevator # 6.

In addition to the above 14 elevators not having their 5 year test/inspection, there are 37 code violations which have not been corrected, some dating as far back as 2003. These violations include issues with electrical box covers, emergency phone communications, audible signal device, firefighter instruction signs, fire recall and firefighter's service, and other miscellaneous issues. Not immediately correcting violations of the NYS Building Code could lead to more significant and costly corrective action in the future. (For a copy of the Memo sent to the Commissioner of DPW, please see the memo dated November 4, 2013.)

**WE RECOMMEND** that all overdue inspections and tests be scheduled immediately and outstanding code violations be repaired.

**WE FURTHER RECOMMEND** that written policies and procedures be implemented which include the following guidelines:

- To ensure compliance with inspection and testing frequency requirements. This policy should include tracking elevator inspections and tests, and following-up on overdue inspections.

- That provide guidelines to objectively determine which violations require immediate repair and which can safely be postponed due to budgetary concerns. This policy should include oversight by deeming someone other than the person scheduling the inspections and repairs to receive copies of the inspection reports. Efforts should be made to include repair of all violations in the budget as soon as possible.

## II. Insufficient Personnel/Lack of Succession Training

Only one part-time employee handles elevator inspection, testing and maintenance oversight for Erie County. This employee works three day a week-Tuesday, Wednesday and Thursday. In addition to being part time, during 2012 this employee was out for ten weeks on extended sick leave. During the performance of our review, we found it difficult to obtain some reports regarding inspections and tests for 2012. Upon inquiry with DPW, they informed us that during this time there may have been a lapse in continuity regarding the inspection and test paperwork which is why they could not readily provide the requested documents. With no other personnel cross-trained to handle these tasks in the employee's absence, the risk exists for the tasks to not be performed on a timely schedule as required by the New York State Property Maintenance Code. Additionally if these tasks are not performed, both minor and major violations could go unaddressed.

**WE RECOMMEND** that another employee in DPW be trained to assist in the responsibility for elevator oversight and maintenance, and be available to fill in or take over this position if necessary.

**WE FURTHER RECOMMEND** that current policies and procedures regarding the oversight of elevator inspections and maintenance be written and approved by management to ensure continuity in processes and recordkeeping in the event that current personnel are unavailable.

## III. Missed Inspections for Prior Periods

During our review we found that for some elevators, while the most current inspection has been completed there are instances of periodic inspections that were not completed in the required six month cyclical inspection period. We noted 55 instances of missed inspections for prior periods during our review period. The Rath Building, New County Hall, Old County Hall, 120 & 134 W. Eagle Street, the Law Library, and the Ticor Building did not have any inspection performed in the first half of 2012. The Erie County Holding Center did not have either of the required periodic inspections done for 2012 and the annual inspection was also not performed for 2012. The Botanical Gardens did not have a periodic inspection done in the first half of 2013 or an annual test from 2012. However, we were provided an inspection report indicating that these elevators were inspected subsequent to the period of our review.

As with previous Finding # I, **WE AGAIN RECOMMEND** that a written policy and procedure be implemented to ensure compliance with inspection frequency requirements. This policy should include tracking elevator inspections and following-up on overdue inspections.

## IV. Inadequate Recordkeeping

During the course of our review we were unable to locate inspection and test reports for prior periods in 2012 for many of the elevators. These inspection and test reports were subsequently obtained by DPW from ALPS. Inspection and test reports from prior periods should be available for review to prove compliance and to provide historical data.

The current agreement for elevator inspections was unavailable and we were only able to obtain bid specifications for the ALPS contract.

**WE RECOMMEND** that:

- Inspection and test reports be filed by year to be available upon request and that these files be reviewed for completeness annually. In addition, **WE RECOMMEND** that all inspections and test reports be retained for a period of six years in accordance with the Records Retention and Disposition Schedule and that the policies and procedures for the oversight of elevator inspection and maintenance be updated to include this recommendation.

- Current agreements or contracts for all inspection and maintenance work on elevators be kept in a permanent file that is available upon request.

- These agreements or contracts be reviewed to insure they meet current NYS Building Code requirements on a yearly basis.

- DPW establish a procedure to document that required inspection, test and repair work was performed to provide support for work performed and to eliminate uncertainty.

## AUDITOR'S COMMENTS

### Difficulty in Verifying Current Certification

The most current certificate of inspection for each elevator is required to be on display or available at all times per the Property Maintenance Code of New York State Section 606.1. Viewing the most current inspection for elevators required access to files kept by a employee who is only available part-time and searching through various invoices. **WE RECOMMEND** that DPW consider keeping a binder at the receptionist's desk which contains the current elevator inspection and test certificates for each building. This binder should be updated as elevator inspection reports are received.

### Delinquent Maintenance Re-Scheduling

Following the office of the Comptroller's notification to the Commissioner of DPW, 14 Elevators in 3 County Buildings still have not received their 5 year test/inspections. On December 2, 2013, County Employees were notified that the 9 elevators at the Rath Building would be serviced on December 4, 2013. (For a copy of this notification, please see the Addendum). **WE RECOMMEND** that the 5 year test/inspections of the remaining 5 elevators be scheduled. **FURTHER WE RECOMMEND** a schedule be developed to conduct repairs for the 37 violations noted in Finding 1.

ERIE COUNTY COMPTROLLER'S OFFICE

cc: Hon. Mark C. Poloncarz, County Executive
Timothy Howard, Erie County Sheriff
John Loffredo, Commissioner of Public Works
Ralph Mohr, Commissioner, Erie County Board of Elections
Dennis Ward, Commissioner, Erie County Board of Elections
David Capodagli, Senior Systems Accountant, Dept of Public Works
David J Swarts, President, Botanical Gardens
Robert W. Keating, Director of Budget and Management
Erie County Fiscal Stability Authority

Table of Contents

Cover Letter.....2

Memo from Comptroller's Office.....3

Notice to County Workers.....5

Background.....6

Findings.....7

I. Noncompliance with NYS Building Code.....7

II. Inadequate Personnel.....8

III. Missed Inspections for Prior Periods.....8

IV. Inadequate Recordkeeping.....9

Auditor's Comments.....10

Difficulty in viewing most current inspection reports.....10

Maintenance Scheduling.....10