



ERIE COUNTY LEGISLATURE

92 Franklin Street - 4th Floor
Buffalo, New York 14202

TO: Members of the Erie County Legislature

FROM: Karen M. McCarthy, Clerk

DATE: January 29, 2016

SUBJECT Documents Regarding the Buffalo Urban League

The attached comments were submitted to the Finance and Management Committee by the Buffalo Urban League, Erie County Comptroller's Office and Susan Looby.



**Documents Submitted to the Finance and Management Committee
of the Erie County Legislature**

**by the Buffalo Urban League
January 28, 2016**

1. Remarks by Michael Reville and Brenda McDuffie
2. Letter from Marc H. Morial, President and CEO, National Urban League
3. Statement by Andy Dorn
4. Statement by Mary Gresham
5. Letter from Sandra D'Angelo
6. Letter from Christian Johnson
7. Letter from Shaquita Williford
8. Letter from Dawn Askew
9. Letter from U.S. Department of Labor Re Susan Looby
10. Letter from New York State Department of Human Rights Re Melissa Mattison



**Buffalo
Urban League**

*Empowering Communities.
Changing Lives.*

FOR MORE INFORMATION:

Vincent D. Clark

(716) 250-2440

vclark@buffalourbanleague.org

**Remarks
to the Finance and Management Committee of the Erie County Legislature**

by

Michael Reville and Brenda McDuffie

of the Buffalo Urban League

January 28, 2016

Michael Reville

Mr. Chairman, thank you for the opportunity to speak to the committee. My name is Mike Reville and I serve as chairman of the board of directors of the Buffalo Urban League. With me is our president and CEO, Brenda McDuffie.

I'd like to take a few of our allotted minutes to tell people who we are and what we do, before asking Brenda to address the Comptroller's report and related issues.

For 89 years, The Buffalo Urban League has been Buffalo's most important organization for improving the economic and social lives of our most needy and disadvantaged citizens. We are part of the National Urban League and one of the most prominent civil rights organizations in the nation. We have a staff of 55 people and a total budget of approximately \$4 million. We provide vital services in the areas of education, college scholarships and job training; employment; housing; technical assistance and loan programs for minority and women-owned businesses; prevention, foster care, and adoption. We work directly with more than 15,000 individuals and families each year across Erie County. Many of them face significant life challenges. And we have a positive impact on tens of thousands of more people throughout the region through our advocacy and partnerships.

Like other human services organizations, we administer numerous contracts for social services. We are contracted by the Erie County Department of Social Services to serve some of the most vulnerable and at-risk children and families in Erie County. The Department of Social Services

confidence in Brenda; a vote condemning the County Comptroller's public statements regarding his report on the Urban League; and a vote providing Brenda and her staff with whatever resources she may need to correct the public record and defend our hard earned reputation. We stand behind Brenda McDuffie 100%

Brenda McDuffie

Thank you Mike, and thank you to the committee.

I appreciate the support of the board, our staff and of everyone who has come out to show their support for the Urban League.

Like any responsible organization that serves the community, the Buffalo Urban League always welcomes constructive criticism. We can all get better and be more effective at what we do. And that goes for me personally. But the Comptroller's public statements are not constructive criticism. They are destructive and distracting. They undermine our mission. They do not serve the public interest.

On December 9, the Comptroller issued a report of his review of our contract with the county that found only one substantive issue – a one-time \$20,000 billing error. Two percent of a \$1 million contract. I am not diminishing the mistake. But materiality is relevant. We rectified it immediately when it was brought to our attention. Put in place new systems and controls, and paid back every penny. That was about 10 months ago. Everything else in that report was a matter of hearsay, misinformation and speculation.

On December 10, the Comptroller pulled a switcheroo. He put out a press release about the report and alerted the news media. But this time he changed the language. What was once a simple review is now a formal audit. What was once a one-time mistake is now an example of systemic "fraud," "mismanagement," and "dysfunction." None of those terms or charges was made in his actual report. Nowhere in that report did he claim it was a formal audit, nor were any audit standards followed during the review. But that is what he said in his press statement, and that is what's been in the news. That is what the public is being asked to believe. And that is why we are here today, even though it's all wrong.

I call on the Comptroller to do what's right and honorable and correct the public record. Close the gap between what's in the report and the public statements. Make clear that the report was based on a review, not an audit. Make clear that what was found was a one-time error, not systemic fraud. Mr. Comptroller, you owe that us and to the people of Erie County.

As for the former employees of the Buffalo Urban League who filed their complaints with the Comptroller and who are here today to speak against the Urban League—we have always



**National
Urban League**

Marc H. Morial
President and CEO

120 Wall Street, 8th Floor
New York, NY 10005

Phone 212 558 5336
Efax 646 568 2185

www.nul.org
www.iamempowered.com
presidentoffice@nul.org

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Changing Lives.*

January 28, 2016

An Open Letter to Erie County, New York

Dear Friends in Buffalo and Erie County,

I write to express my complete support for Brenda McDuffie's leadership of the Buffalo Urban League. The Buffalo Urban League is one of the most respected affiliates **in the Urban League Movement**, and Brenda McDuffie is recognized by **her peers** and supporters across the nation for the excellence of her leadership.

In 2014, the National Urban League **thoroughly assessed** the Buffalo Urban League's operations. The result was a perfect score of 5 out of 5 in our evaluation process.

Everyone is cheering as Western New York experiences its long overdue economic renaissance. Some of us have always known about the **potential assets and opportunities** that exist in the **Buffalo community**. Now the entire country is finding out. But the renaissance cannot **succeed** unless everyone has the chance to be a part of it.

Western New York needs its Urban League and Brenda McDuffie now, more than ever, in order to fulfill the promise of its remarkable rebirth.

I hope you will join me at this critical time to show your support for the Buffalo Urban League and by extension your support for each and every one of your neighbors.

Brenda and the Buffalo Urban League have always been there for us. Let's all be there for the Buffalo affiliate now.

Marc H. Morial
President and Chief Executive Officer
National Urban League



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15 Genesee Street
Buffalo, New York 14203-1483
(716) 250-2400
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<http://BuffaloUrbanLeague.org>

**Statement of Andrew W. Dorn Jr.
Chairman, Buffalo Urban League Audit Committee**

January 25, 2016

My name is Andrew W. Dorn, Jr., I am the co-managing partner of Energy Solutions Consortium, LLC., a developer of natural gas fired combined cycle power plants. I have been an active member of the board of directors of the Buffalo Urban League for the past eight years, and I am chairman of the Audit Committee.

I have been a supporter and contributor to the Urban League for more than 25 years, and I have had a long professional relationship with our president and chief executive officer, Brenda McDuffie. Mrs. McDuffie was a founding member of the Board of Directors of the Greater Buffalo Savings Bank, of which I was president and chief executive officer. I also recruited Mrs. McDuffie to join the Board of Trustees of D'Youville College, where I have been a trustee for the past nine years and served as chairman for two years.

I give you a bit of my professional history to demonstrate that I have first-hand knowledge and experience of how organizations are run, how finances are managed, and how audits are conducted. I can say without equivocation that Brenda McDuffie does a first rate job wherever she serves, and most of all at the Urban League.

I have studied the Comptroller's report. It found a one-time billing error which we immediately rectified, and that is all it found. I am troubled, however, by the Comptroller's press and public statements in which his review became an audit that purported to find fraud, mismanagement, and dysfunction to be systemic problems at the Urban League. I know the crucial difference between an audit and a review. The Comptroller did not conduct an audit. And I know that the charges of systemic fraud, mismanagement, and dysfunction cannot be found in his report, although they feature heavily in his public statements and the news stories they generated.

The Buffalo Urban League has long been a pillar of our community across the entire county. It provides much needed services on a professional and timely basis. The Comptroller's comments concerning his review and report were totally without merit or support and seriously threaten the ongoing existence of the Buffalo Urban League. I call on the Comptroller to correct the public record.

BUFFALO URBAN LEAGUE

Erie County Legislative Hearing - January 28, 2016

Good Afternoon. ("notes" in the interest of time)

My name is Dr. Mary Gresham; I am a Buffalo native who has recently retired from the University at Buffalo after more than 40 years of service, 22 of which included positions as vice president, dean and vice provost at the senior administrative level. I was board chair of the Buffalo Urban League for four years (2004-2008; board 2000 – 2008), and have also served as board chair for the Buffalo Chapter of the American Red Cross, and the National Federation for Just Communities. I have been on the boards of Great Lakes Health and Nardin Academy and am currently on the boards of The Children's Foundation of Buffalo and Erie County, the Buffalo Center for Arts and Technology and Every Person Influences Children.

My board experience has given me some insight into the importance of providing high quality services in the not-for-profit-sector and the too few organizations that are able to do so. In real terms, for example, such services often make the difference between having food or going hungry, and sleeping in a home instead of a being homeless. The Buffalo Urban League is a critically important provider of these and other services in our region. Their staff are some of the hardest working individuals that I have ever had the honor of

Remarks by Ms. Sandra D'Angelo

To: Erie County Legislature Committee on Finance & Management
Location: 92 Franklin Street, 4th Floor; Buffalo, NY 14202
Date: Thursday, January 28, 2016
Time: 1:00PM

Mr. Chairman, thank you for allowing me to speak today in support of the Buffalo Urban League. My name is Sandra D'Angelo. I am a resident of the Town of West Seneca and a constituent within your Legislative District.

I am very grateful to the Buffalo Urban League for helping me save my home from foreclosure. After making timely payments on my mortgage for years, I was hit with a bill for a \$30,000 balloon payment. My lender refused to restructure my loan, and I was in serious jeopardy of being homeless.

I was desperate and stressed to the point of physical illness. Finally, I was referred to the Buffalo Urban League for help. Their staff was very knowledgeable. They never made me feel like I was "less than". I just knew that I was in great hands.

They walked me through the whole process, made sure the lender treated me fairly, helped me restructure my finances and get my expenses under control. They're the best. I tell anyone who needs help, "go to the Buffalo Urban League."

There are so many people like me, who work hard and try to take care of our responsibilities, but sometimes things happen and we really need help. I am happy to say that I have been able to keep my home, and I owe it to the help of the Buffalo Urban League.

I respectfully urge this committee to work with the Urban League, so their great work can continue.

Thank you.

Remarks by Christian Johnson

To: Erie County Legislature Committee on Finance & Management
Place: 92 Franklin Street, 4th Floor; Buffalo, NY 14202
Date: Thursday, January 28, 2016
Time: 1:00PM

Good Afternoon, Mr. Chairman. Thank you for allowing me to be here on behalf of the Buffalo Urban League.

My name is Christian Johnson, President and Founder of Driver Watchdog., a company focused on ending distracted driving accidents. When I began my tech company, as a minority women in tech, it made sense to me to move to an area where the success rate was more favorable to me. I was on my way to Atlanta. A few weeks before I was set to leave, I was referred to speak to Michael McCarley at the BUL. I was familiar with the league, but really didn't see how they could be of help to me.

From my first meeting I knew it was worth staying around a little longer. They opened my eyes to the rebirth that is happening in the city and showed me how I could become not a just a part but a pioneer in this movement. Through their mentorship and hard work, I have won several entrepreneurship awards, including the National Grid Technology Award and the First Niagara Bank Minority Business Award, which invested 30k to help build my company. They showed me, my city was behind me.

But not only that, In a city, where after school programs have been cut to the bare minimums, kids have nothing to do and we are seeing more crime, We need every program available that will help them find a better way. That will keep them from falling victims to the streets. I just enrolled my son in the YOLO program. And believe me I have looked everywhere and this program not only provides help with testing but also motivates passion to want to be a productive citizen in the community. We desperately need that! To me, the Buffalo Urban League serves as lifeline to individuals and families that may otherwise feel hopeless.

I am so excited to be apart of the rising Buffalo. MY decision to keep my family and business here and be apart this revolution, is greatly, if not wholly attributed to help and guidance of the Buffalo Urban League.



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January 27, 2016

Finance and Management Committee
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Honorable Members:

Earlier today, one of the former Buffalo Urban League employees identified as a whistleblower in the matter of the League's 2014 Preventive Services Contract shared the attached letter for the Legislature's consideration.

The former employee, Shaquita Williford, served as a Case Planner within our Preventive Services Department from September 4, 2012 – July, 31, 2015.

Sincerely,

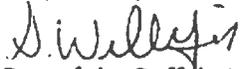
Brenda McDuffie
President/CEO

January 27, 2016

To whom it may concern,

I am writing this letter as one of the "Buffalo Urban League whistle blowers." This letter is to inform that the letter with concerns that I was under the pretense was going to Brenda McDuffie, instead went to the Erie County Commissioner as well as to an investigative reporter without my permission or knowledge. In the past I have had sit down meetings with Mrs. McDuffie and as a result of those meetings corrections have followed. My intent was to discuss with her those concerns spelled out in the letter that went to the Commissioner, I felt that Mrs. McDuffie was unaware of the issues and felt that if she was made aware like in the past corrective action would have followed. I was in no way forced or made to leave my position at the Buffalo Urban League as a Case Planner, it was solely my decision to resign from that position.

Respectfully,



One of the Buffalo Urban League whistle blowers



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January 28, 2016

Finance and Management Committee
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Honorable Members:

Earlier today, one of the former Buffalo Urban League employees identified as a whistleblower in the matter of the League's 2014 Preventive Services Contract shared the attached letter for the Legislature's consideration.

The former employee, Dawn Askew, served as a Case Planner within our Preventive Services Department from June 11, 2007 – February 12, 2010 and again from October 3, 2011 – March 6, 2015.

Sincerely,

Brenda McDuffie
President/CEO

January 28, 2016

To whom it may concern:

I, Dawn Askew, one of the Buffalo Urban League Whistleblowers would like to share that I signed a collective letter of concerns that was intended for Brenda McDuffie (CEO of the Buffalo Urban League). I did not give my permission for this letter to be given to the Commissioner or any media outlets. Although, I signed the letter, I did not agree with all of the contents as it was a collective letter of several coworkers. I worked at Buffalo Urban League for approximately 8 years. During my time there, I received adequate training to effectively meet the needs of my clients. I participated in onsite workshops for the purpose of educating our clients and employees. I was never encouraged or instructed to fraudulently bill. I received a fair and competitive salary.

I view the Buffalo Urban League as a pillar of the community. I believe that they have provided quality services in various program areas. I have faith that they will continue to improve and provide these much needed services to the community.

Best Regards,



Dawn Askew



Reply to the attention of:

OCT 30 2015

Susan Looby
262 Coventry Court #25
Grand Junction, CO 81503

RE: Buffalo Urban League/Looby/2-0750-15-021

Dear Ms. Looby:

This letter is in response to your July 13, 2015 request for review of the decision to dismiss your complaint against Buffalo Urban League (BUL). In your letter, you expressed concern with the thoroughness of OSHA's pretext testing of BUL's defense. Specifically, you expressed concern with OSHA's statement that BUL performed an internal investigation into allegations of your misconduct.

Our records reflect that you filed a complaint against BUL on January 30, 2015 alleging that BUL terminated your employment in retaliation for engaging in protected activity, namely filing a health and safety complaint with OSHA. The New York Regional Office conducted an investigation and determined that your engagement in protected activity was not the motivating factor in the Respondent's adverse action and consequently dismissed your complaint on June 22, 2015.

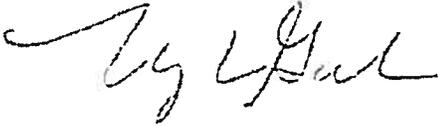
The Directorate of Whistleblower Protection Programs (DWPP) has completed a review of the investigative case file and has determined that there is insufficient evidence to support that BUL violated Section 11(c) of the Occupational Safety and Health Act of 1970 (OSH Act).

[The evidence does not support that BUL's decision to terminate your employment was related to your health and safety complaints to OSHA. Rather, the evidence supports that BUL terminated your employment because an external organization alleged that you engaged in problematic behavior with a client, and because of legitimate concerns that you were not meeting BUL's standards of professional conduct.]

Regarding your concerns about the sufficiency of BUL's internal investigation into allegations of your misconduct, DWPP has determined that the investigation properly determined that BUL provided sufficient evidence in support of their defense, and that their justification for taking adverse action against you was not pretextual.

Please note that this is the final determination of the Secretary of Labor; your case is now closed.

Sincerely,



MaryAnn Garrahan
Director
Directorate of Whistleblower Protection Programs

cc: Regional Office
Respondent



ANDREW M. CUOMO
GOVERNOR

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

MELISSA MATTISON,

Complainant,

v.

BUFFALO URBAN LEAGUE, INC.,

Respondent.

DETERMINATION AND
ORDER AFTER
INVESTIGATION

Case No.
10171716

Federal Charge No. 16GB500251

On 11/25/2014, Melissa Mattison filed a verified complaint with the New York State Division of Human Rights ("Division") charging the above-named respondent with an unlawful discriminatory practice relating to employment because of race/color, sex, creed in violation of N.Y. Exec. Law, art. 15 (Human Rights Law).

After investigation, and following opportunity for review of related information and evidence by the named parties, the Division has determined that there is **NO PROBABLE CAUSE** to believe that the respondent has engaged in or is engaging in the unlawful discriminatory practice complained of. This determination is based on the following:

The Division's rules of practice (9 NYCRR §465.6 (b)) empower the Division Regional Director with the assistance of staff to conduct investigations "by field visit, written or oral inquiry, conference, or any other method or combination thereof deemed suitable in the discretion of the regional director [emphasis added]." In the instant case we used the investigatory techniques of interviews and written submissions.

The record does not support complainant's allegations that she was harassed or discriminated against based on her race or creed, or that she was subjected to sexual harassment. No evidence was found to indicate complainant was denied a promotion because of her race, but instead the record shows it was because of her performance record. The investigation did not find any evidence to indicate complainant received a negative job action because of her race. The record shows complainant complained about her case assignments being further from the office, but there is no indication she told respondent she believed it was discrimination based on her race, creed, or gender. The evidence indicates that complainant expressed to respondent several times that she believed their actions were in retaliation for her having raised a billing issue. Although some evidence supports complainant's allegation that more of her assignments were in

the suburbs than some of the other employees, there is no indication that clients were being assigned on a racial basis as complainant's most recent case assignments included only one Caucasian family. The record shows performance problems were documented throughout complainant's employment by more than one supervisor. Although complainant disputes the reasons for the performance issues, she did not make an internal complaint of race discrimination despite raising multiple other issues during her employment. The record shows that complainant several times indicated she was being treated differently because she questioned a billing practice. The record also shows that respondent investigated complainant's complaints and took appropriate remedial action.

There is no evidence to indicate complainant was subjected to sexual harassment. Complainant indicates she felt compelled to kiss a former employee on the cheek, but that she was never directed to do so. The evidence indicates complainant made a solitary comment to her supervisor that the prayer which had taken place a few times at events was "specific to one culture". However, complainant does not indicate she requested a religious accommodation or that she was required to participate in the prayer. No evidence was found to indicate that any negative actions were taken against complainant based on her religious beliefs. The investigation found no evidence to indicate complainant was discriminated against based on gender as all of her comparators are the same gender. The evidence does not support complainant's contention that she was constructively terminated.

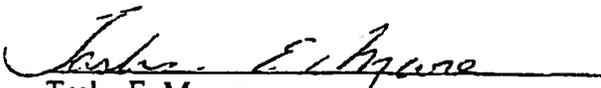
The complaint is therefore ordered dismissed and the file is closed.

PLEASE TAKE NOTICE that any party to this proceeding may appeal this Determination to the New York State Supreme Court in the County wherein the alleged unlawful discriminatory practice took place by filing directly with such court a Notice of Petition and Petition within sixty (60) days after service of this Determination. A copy of this Notice and Petition must also be served on all parties including General Counsel, State Division of Human Rights, One Fordham Plaza, 4th Floor, Bronx, New York 10458. DO NOT FILE THE ORIGINAL NOTICE AND PETITION WITH THE STATE DIVISION OF HUMAN RIGHTS.

Your charge was also filed under Title VII of the Civil Rights Act of 1964. Enforcement of the aforementioned law(s) is the responsibility of the U.S. Equal Employment Opportunity Commission (EEOC). You have the right to request a review by EEOC of this action. To secure review, you must request it in writing, within 15 days of your receipt of this letter, by writing to EEOC, New York District Office, 33 Whitehall Street, 5th Floor, New York, New York 10004-2112. Otherwise, EEOC will generally adopt our action in your case.

Dated: *April 10, 2015*
Buffalo, New York

STATE DIVISION OF HUMAN RIGHTS

By: 
Tasha E. Moore
Regional Director

**Contract Compliance Review of the
Buffalo Urban League
Contract for Preventative Services**

Review Period: January 1, 2014 – December 31, 2014

Performed by the Erie County Comptroller's Division of
Audit and Control

Whistleblower Letter

(This area contains a scan of a whistleblower letter, which is mostly illegible due to low resolution and blurring.)

Whistleblower Letter

- This review started as the result of concerned employees and taxpayers taking advantage of the Comptroller's confidential tip line for waste, fraud, and abuse.
- Seven Buffalo Urban League employees came forward.



Erie County
Whistleblower Hotline
(716) 858-7722
OR
WHISTLEBLOW@ERIE.GOV
All calls are confidential
Callers only remain anonymous

Purpose of the Contract

Contract Purpose: Providing Preventative Services, including:

- 1) **Safety Outcomes** – Children are protected from abuse and neglect
- 2) **Permanency Outcomes** – Children have stability with their living situation, remain connected to family members
- 3) **Child and Family Well-Being Outcomes** – Families have enhanced capacity to provide for their children's needs

Major Findings



- 1) Improper Billing
- 2) Insufficient Education and Training
- 3) Questionable Privacy Controls
- 4) Failure to Properly Report

Excessive Supervisory Review Charges

- August 29, 2016:
 - Supervisor A – 130 Hours Billed
 - Supervisor B – 170 Hours Billed
 - Supervisor C – 180 Hours Billed
- Each of these entries occurred in a five hour increment

Incompatible Billing Documentation

- Connections is a New York State System for keeping track of case notes for clients.
- Access is an independent system used by BUL. The notes mirror those in the Connections system.
- Differences were observed between the time expended and recorded in each system.
- During a sample period, a total of \$241.90 in incompatible billing was noted. Extrapolated over the time period of the scope of the review, this would equate to \$12,833.40.

Voucher Calculation Errors

- BUL submits vouchers based on the number of hours worked per case and the cost per hour. The amount due is then calculated manually.
- During a sample period, errors were found in the amount of \$640.31. Extrapolated over the time period of the scope of the review, this would equate to \$3,841.86 in errors.

Payroll Deficiencies

- The contract specifies that it is for providing preventative services. It goes on to specifically discuss billable services. All of these services involve preventative services.
- The language of the contract refers to Labor Law §§ 220, 220-d and 220-e, which normally applies to public works contracts. In particular, it places limitations on working hours requires premium wages for all hours worked in excess of eight in one day.

Payroll Deficiencies

- BUL states that it offers paid lunch, unless the employee works more than 35 hours in a week. It does not appear that it is consistently applied.
- In some cases, premium wages were not paid, even beyond 80 hours worked in a two week period.

Education and Training

- The contract requires that new hires receive 80 hours of introductory training and case documentation training.
- The rest of the staff is to complete at least 40 hours of training on an annual basis.

Insufficient Education and Training

- Two of the five parent aides or senior parent aides did not have the required Mandated Reported Training.
- One employee did not have the appropriate education for the position.
- Seven of eight new employees did not receive the required orientation, introduction and documentation training.
- Twenty-four of thirty employees did not receive sufficient annual training.

Management of Case Records

- The contract specifies that the New York State Child Welfare Connections system be the sole system of record. Connections limits those who have access to the records both in number and time.
- The Access system used by BUL had records which mirrored Connections. Anyone at BUL who had access to Access could view any notes kept on any client.

Management of Case Records

- Upon our inquiry about the propriety of parallel systems, NYS OCFS stated "Our review of the matter indicates that the entity was operating such a system. OCFS is concerned about this situation and is working with the Buffalo Urban League on corrective action(s) to address those concerns. OCFS appreciates that you informed us of this situation."

Quarterly Reporting

- The contract requires quarterly fiscal and programming reports. Further, quarterly actual expense reports are required.
- Quarterly programming reports were received by DSS, but only annual fiscal and budget expense reports were received by DSS.

Auditors Comments

- Contract Increase
- Delayed Receipt of Documentation
- Retaliation and Turnover

The seal of Erie County, New York, is a large, circular emblem in the background. It features a central shield with a landscape scene, surrounded by a wreath. The words "ERIE COUNTY" are inscribed in the upper half of the seal, and "NEW YORK" is in the lower half. The seal is partially obscured by the main title text.

**Contract Compliance Review of the
Buffalo Urban League
Contract for Preventative Services**

Review Period: January 1, 2014 – December 31, 2014

**Performed by the Erie County Comptroller's Division of
Audit and Control**

Whistleblower Letter

November 14, 2014

Erie County Comptroller Office
 95 Franklin Street
 Buffalo NY 14202

Dear Scott Krul
 Office of Erie County Comptroller.

We the employees of the Buffalo Urban League Preventative Services have collectively come together to voice our concern with the compliance of the agreement by Erie County Department of Social Services and Buffalo Urban League. After several questionable actions during the recent months we became aware that our employer may not be in compliance.

We have reviewed the agreement (Contract # P5 3591) and feel there is a reasonable cause to request and immediate audit/investigation in order to ensure the funds of Erie County are not misappropriated and/or services are properly being provided to the intended recipients in the complete intended manner as agreed in the contract. In addition, our review raised concerns that the language in the contract may not be representative of the true execution of the program as it is written for the employees and the sector of the public we service.

Through our review we have identified three areas of concern: billing, staffing and procedural. We also have questions regarding the additional units/services that increased our year end gross as a result of the decision of Erie County addressing the need to increase service in the County. Lastly, we have included the terms used in the contract that do not appear accurate to the services we provide.

The units of service are done in billable hours. We have witnessed billing for quality assurance more than once on our cases (quality assurance is not listed as billable). Specifically, August 29, 2014 the majority of the cases had five hours of billing for the month of August; billed on August 29, 2014. Previously on December 31, 2013, administration attempted to bill .50 for each case until case planners objected. Administration then stated they removed the billing, but it is unclear if that billing was submitted to Erie County. Each of us agrees the billing for both instances were an attempt to increase billing with inaccurate/irregular billing. Many times we have attended meetings with administration encouraging "creative billing", we do not support this method of billing. The billing units required for the contract is calculated to be completed by 13 direct staff. At no time in the year did we have 13 direct staff to complete this billing. The result is an exploitation of the staff that is working to compensate for

being understaffed. Unfortunately this creates an inability for the staff to work at the expected quality of service.

The contract details each position and the expectations required to staff the preventative program. The contract requires the Buffalo Urban League to have 13 direct staff: nine case planners, a parenting team leader, a senior parent aide and two parent aids (all full time employees). The contract also stipulates each case planner is to be provided training to include Mandated Reporter Training, case documentation, CONNECTIONS, progress note documentation, FASP's, court reports, monthly reports, and daily activity reports, permanency leaving reports, Child Welfare Common Care, cultural competency, domestic violence, safety plans, community safety, and completing assessments. The parent aid has a similar list to include the parent aide will complete an evidence based parenting program that upon completion will be a certified parenting instructor. The training and certifications appear to be non-existent. Parent aids are not certified parenting instructors. At no time during the year was there complete staff to execute the services in the contract. In fact the staff has been consistently understaffed. We feel the staff has been intentionally understaffed to save wages and wages do not reflect what is detailed in the contract. More specifically, there has at anytime only been 7-8 case planners, for a period of approximately six months there was no supervisor on staff, and currently the staff does not include a parent trainer lead with no intention to start one until January 2015.

We have read the procedural expectations in the contract and feel there are many discrepancies in the manner Buffalo Urban League executes the agreement of the contract. It is understood that no amendments to the contract will be executed without the agreement having those changes desired be agreed upon and an annex to the contract will be promulgated. The contract details the program organization and staff roles very clearly. We can attest the organization and roles are not being adhered to in the manner that is in the contract. The supervisor role has been split with the clinical supervisor, a employee who is not part of the preventative program is often utilized as a preventative worker (the program is separate and should not appear on preventative budget). The contract states that CONNECTIONS system is the sole record of documentation. We can attest that a separate system is used in conjunction with the CONNECTIONS system. This poses not only increased work, inefficient method of record keeping but also leaves our records open to breaching confidentiality as to it is an unsecured system that is available to all staff (past and present) to peruse all documentation at any given time for any time period that we have given service in preventative. The organization and roles clearly has an expectation of forty hours of training each year, as previously stated the staff is not offered nor do they meet the required training due to lack of diligence to provide training from administration. The contract also states that when providing services there is an assessment process. The contract specifically requires a Family Assessment form and a parent concerns questionnaire. We can attest that the required forms are either not being utilized as intended and/or have been replaced by alternative assessment forms several times over. Furthermore, the contract states that Buffalo Urban League will develop a self-monitoring plan such as the NYS OAH Quality Improvement Plan and that it will be standard procedure to review the contract with staff during supervision. We can attest that this is not the standard procedure nor is there a Quality Improvement Plan or any discussion of creating one

In an attempt to completely review the contract we include these statements that are in the contract that we feel are not representative of our service or have been included in the contract in an attempt to induce the appearance of our services. The contract describes some of the abilities of the Buffalo Urban League has to offer and the scope of people serviced. The Contract states "Buffalo Urban League's unique programs such as housing, employment, food pantry etc... is available to families that we service" (implying the families serviced have direct access to other agency programs). Those families will include and Buffalo Urban League provides "special needs families... sensitivity to culture... recognize and embrace diversity of families... developmentally disabled require special services, the Buffalo Urban League has worked with developmentally delayed families for 13 years". We can attest that these services are randomly available and dependent on the persistence of the worker not a standard of the agency as reflected in the contract.

Lastly, the recent events have generated multiple grievances by current and former employees as a result of the inconclusive execution of the contract.

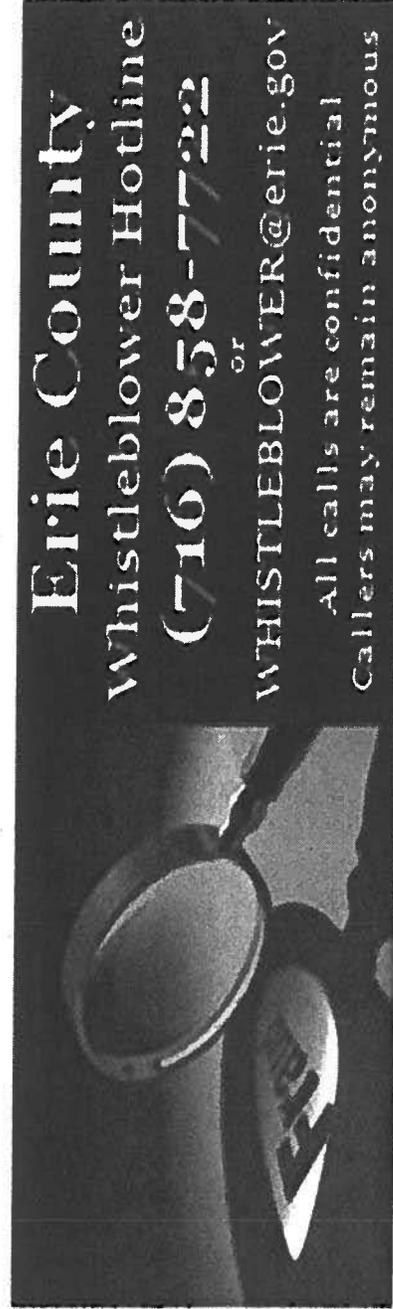
In closing, we collectively request an immediate relief for the gross deviation of the contract that has resulted in extreme concern by the employees regarding the funds of Erie County being misappropriated. The compliance of the contract, the misrepresentation of services, the conditions of employment and most importantly, the welfare of the people we service.

We sign this letter collectively with the intent to provide our names for verification of the facts and to provide our contact numbers should you want to discuss the matter further with any or all of the below signed.

Respectfully,

Whistleblower Letter

- This review started as the result of concerned employees and taxpayers taking advantage of the Comptroller's confidential tip line for waste, fraud, and abuse.
- Seven Buffalo Urban League employees came forward.



Purpose of the Contract

Contract Purpose: Providing Preventative Services, including:

- 1) **Safety Outcomes** – Children are protected from abuse and neglect
- 2) **Permanency Outcomes** – Children have stability with their living situation, remain connected to family members
- 3) **Child and Family Well-Being Outcomes** – Families have enhanced capacity to provide for their children's needs

Major Findings

- 1) Improper Billing
- 2) Insufficient Education and Training
- 3) Questionable Privacy Controls
- 4) Failure to Properly Report



**Buffalo
Urban League**

Excessive Supervisory Review Charges

- August 29, 2016:
 - Supervisor A – 130 Hours Billed
 - Supervisor B – 170 Hours Billed
 - Supervisor C – 180 Hours Billed
- Each of these entries occurred in a five hour increment

Incompatible Billing Documentation

- Connections is a New York State System for keeping track of case notes for clients.
- Access is an independent system used by BUL. The notes mirror those in the Connections system.
- Differences were observed between the time expended and recorded in each system.
- During a sample period, a total of \$241.90 in incompatible billing was noted. Extrapolated over the time period of the scope of the review, this would equate to \$12,833.40.

Voucher Calculation Errors

- BUL submits vouchers based on the number of hours worked per case and the cost per hour. The amount due is then calculated manually.
- During a sample period, errors were found in the amount of \$640.31. Extrapolated over the time period of the scope of the review, this would equate to \$3,841.86 in errors.

Payroll Deficiencies

- The contract specifies that it is for providing preventative services. It goes on to specifically discuss billable services. All of these services involve preventative services.
- The language of the contract refers to Labor Law §§ 220, 220-d and 220-e, which normally applies to public works contracts. In particular, it places limitations on working hours requires premium wages for all hours worked in excess of eight in one day.

Payroll Deficiencies

- BUL states that it offers paid lunch, unless the employee works more than 35 hours in a week. It does not appear that it is consistently applied.
- In some cases, premium wages were not paid, even beyond 80 hours worked in a two week period.

Education and Training

- The contract requires that new hires receive 80 hours of introductory training and case documentation training.
- The rest of the staff is to complete at least 40 hours of training on an annual basis.

Insufficient Education and Training

- Two of the five parent aides or senior parent aides did not have the required Mandated Reported Training.
- One employee did not have the appropriate education for the position.
- Seven of eight new employees did not receive the required orientation, introduction and documentation training.
- Twenty-four of thirty employees did not receive sufficient annual training.

Management of Case Records

- The contract specifies that the New York State Child Welfare Connections system be the sole system of record. Connections limits those who have access to the records both in number and time.
- The Access system used by BUL had records which mirrored Connections. Anyone at BUL who had access to Access could view any notes kept on any client.

Management of Case Records

- Upon our inquiry about the propriety of parallel systems, NYS OCFS stated “Our review of the matter indicates that the entity was operating such a system. OCFS is concerned about this situation and is working with the Buffalo Urban League on corrective action(s) to address those concerns. OCFS appreciates that you informed us of this situation.”

Quarterly Reporting

- The contract requires quarterly fiscal and programming reports. Further, quarterly actual expense reports are required.
- Quarterly programming reports were received by DSS, but only annual fiscal and budget expense reports were received by DSS.

Auditors Comments

- Contract Increase
- Delayed Receipt of Documentation
- Retaliation and Turnover

Whistleblower Letter

November 14, 2014

being understaffed. Unfortunately this creates an inability for the staff to work at the expected quality of service.

The contract details such positions and the expectations required to staff the preventative program. The

In an attempt to completely review the contract we include these statements that are in the contract that we feel are not representative of our service or have been included in the contract in an attempt to inflate the appearance of our services. The contract describes some of the abilities of the

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95 Franklin St.
Buffalo NY 14202



Erie County
Whistleblower Hotline
(716) 858-7722
or
WHISTLEBLOWER@erie.gov
All calls are confidential
Callers may remain anonymous

We have
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Social Service
and continue to
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submitted to Erie County. Each of us agrees the billing for both evaluations were an attempt to increase billing with inaccurate/insufficient billing. Many times we have attended meetings with administration (including "creative billing", we do not support this method of billing. The billing units required for the project is calculated to be completed by 13 direct staff. At no time in the year did we have 11 direct staff to complete this billing. The result is an appreciation of the staff that a working to compensate for

assessment forms several times over. Furthermore, the contract states that Suffolk Urban League will develop a self-monitoring plan such as the HFS OBM Quality Improvement Plan and that it will be standard procedure to review the contract with staff during supervision. We can attest that this is not the standard procedure nor is there a Quality Improvement Plan or any discussion of creating one

SUSAN LOOBY – BUFFALO URBAN LEAGUE COMMENTS

Of all the questions asked of the eight whistleblowers over the last 14 months, the most frequently asked question has been, “Why did you write the letter to the Erie County Comptroller?” Brenda McDuffie has stated on numerous occasions that the answer to that question is that we wrote the letter because we were “disgruntled” employees. This could not be more inaccurate. Eight case planners signed the letter to the Erie County Comptroller. Eight. At a time when the Buffalo Urban League employed, I believe only ten case planners. The other two were new hires who were still within their ninety day probationary period. The eight case planners who signed the letter were current employees at the time the letter was written. No complaints to any outside agencies had been by any case planner regarding the Buffalo Urban League prior to writing the letter to the comptroller. The eight case planners were all seasoned workers who had worked for years in the human services field. We were a cohesive team who not only truly cared for and supported one another, but who also enjoyed our jobs and took great satisfaction and pride in our work with our clients who put their trust in us. We took our positions very seriously and strived to deliver our clients the best service possible. None of the case planners signed the letter and then ran out the door. We stayed at our jobs, amidst much turmoil because we were invested in our clients. We stayed because we believed then as we do now that we did the right thing and in doing the right things could make a positive impact. We stayed until we were forced out; we stayed until we were able to obtain other employment; we stayed until it became unbearable to stay any longer; the last one of us to leave just this past August. Were all eight case planners disgruntled employees? That’s not quite the word I would use.

When interviewed by Buffalo Urban League Vice President Michelle Simpson as far back as March 2014 regarding then Program Coordinator Robin Truesdale, I took the opportunity to raise concerns with Ms. Simpson regarding Buffalo Urban League’s second system of recordkeeping – the ACCESS system;

specifically addressing the system's effectiveness as well as confidentiality issues. Ms. Simpson was disinterested in my concerns and instead of addressing those concerns, she gave me a history lesson of her role in the Buffalo Urban League and how she personally created the ACCESS system. At that time, I felt my concerns had been dismissed by Ms. Simpson. I raised these concerns again months later during a staff meeting in which Brenda McDuffie was present and was told by Brenda that there "were no confidentiality issues regarding the ACCESS system because all employees fall under the same umbrella of confidentiality adherence". This statement was untrue and inaccurate. My concerns were dismissed a second time.

When the case planners were tasked with getting 13 hours of billing per day and encouraged to "bill creatively" in order to meet the contract requirements, and despite objections by the case planners that 13 billing hours per day was an unreasonable demand; the Buffalo Urban League administration failed to hear our concerns and often told staff in other programs that we were "complainers" and "whiners". When this happened, we felt dismayed and disrespected. One example of creative billing that comes to mind occurred in July 2014 when one of my clients was chosen to be a Buffalo Urban League success story. The family's story was to be highlighted at Buffalo Urban League 2014 Gala. In order to be highlighted the family was asked to participate in a photo shoot with a professional photographer at Amherst State Park in Williamsville. The family lived in Angola. I and a parent skills trainer picked up the family in two separate vehicles because the family was so large, and transported them from Angola to Williamsville and then sat in the park for more than two hours while they had their pictures taken. We then transported the family back to Angola. The parent skills trainer and I were instructed by Program Coordinator Tanya Pitts to each bill the county six hours for a total of twelve billable hours when we had not actually performed any kind of preventive service in those twelve hours and the only purpose of the contact was to advance the Buffalo Urban League's agenda. When this happened, I felt distressed that someone at ECDSS would catch this and that I would get in trouble for the billing. No one ever caught it.

I have heard and read many comments regarding the \$40,000 in over-billing uncovered by the comptroller's review. To quote from Brenda McDuffie's statement to the comptroller: "The comptroller failed to provide guidance about what should be considered significant in the context of a \$1,065,000 agreement". Therein lies the problem. Everyone seems to be focused on the amount instead of the fact that it happened at all. It's about the lens you view it from. How significant is \$40,000? It depends on who you ask. Ask a mother of five who survives on TANF how significant \$40,000 is. Or the person whose entire salary that is for one year. Is it about \$40,000 or is it about the Buffalo Urban League trying to pass that off to the county taxpayers as actual billing? Is it about \$40,000 or is it about the fact that it took low level employees to catch it and bring it to someone's attention? Is it about \$40,000 or is it about the Buffalo Urban League administration saying "What's the big deal, it's only \$40,000"?

When I asked Brenda McDuffie if the Buffalo Urban League could assist a client with funds to make up the difference of her security deposit so we could move the client and her children to a confidential location away from her abuser and Brenda McDuffie had the client take out a loan, with interest through the Buffalo Urban League, we felt disheartened knowing the client would struggle just to pay back the principle, let alone the interest.

In December 2013 when case planners Tamara Poindexter and Shaquita Williford discovered fraudulent billing under case planner's names, they took their concerns directly to Buffalo Urban League President Brenda McDuffie who told them she would handle it. She followed up by telling them she had written a letter to ECDSS explaining the error and that the billing had been taken out of the system. No one knows if this was actually done. Imagine then, theirs and the other case planners shock upon once again discovering the massive and intentional August 2014 over-billing. Case planners brought concerns regarding the billing to then Program Coordinator Tanya Pitts who swatted away our concerns, stating that the Buffalo Urban League had gotten permission to bill in that manner from ECDSS administrator

Michelle Pfeffer. When this happened, we felt distraught because we knew Ms. Pitts was being dishonest.

When the August 2014 billing issues were then raised shortly afterward with Vice President Michelle Simpson who discouraged us from probing the matter further, we felt disturbed by the lack of concern regarding the intentional over-billing of the county not once, but twice which made us feel disgusted with how the administration was running the agency.

When the case planners obtained a copy of the preventive services contract between the Buffalo Urban League and Erie County Department of Social Services and together went over the contract line by line, we were disturbed to discover all the areas in which the Buffalo Urban League was out of compliance with the contract. Especially in regard to the Buffalo Urban League's disregard for providing its workers with the state mandated training that is specifically required in the contract.

At this point, we came to a crossroads. We had uncovered what appeared to be a lot of wrongdoing at the Buffalo Urban League but were unsure who to take our concerns to, knowing that taking our concerns yet again to the Buffalo Urban League administration would only be met with disdain and disinterest. We also knew that we were in jeopardy of being dismissed from our positions if the administration knew that we had a copy of the contract which we had requested several times be made available to us and which the administration denied, citing that the contents of the contract was not our concern. After months, and for some case planners years of feeling de-valued, discouraged and disempowered by the Buffalo Urban League administration and after much discussion amongst the eight case planners, we believed that our options were limited and collectively agreed to raise our concerns with the Erie County Comptroller. None of us took this action lightly. We knew that in writing this letter we were putting our jobs, our very livelihoods at risk but moved forward because we felt very strongly

that after years of the Buffalo Urban League scamming the system, underserving clients and covering up their dirty secrets that they needed to be held accountable.

Immediately following the discovery of the letter by Buffalo Urban League administration, Brenda McDuffie began using fear and intimidation to silence the case planners – retaliation that was well documented and previously provided to the legislature. Brenda’s tactics worked on some of the case planners but she was unsuccessful in silencing all of us. Beyond the acts of retaliation, Brenda McDuffie on numerous occasions made disparaging comments to the case planners, often calling us “liars”, and telling us we had “no integrity”.

So let’s talk about integrity because it certainly seems to have gotten lost somewhere in this fourteen month process. One definition of integrity is the quality of being honest and having strong moral principles. The other definition of integrity means the state of being whole and undivided. When people chose to politicize this process, when people chose to drag the community into this process by trying to get people to take sides, when people chose to make this about them instead of the community as a whole they displayed a startling lack of integrity. This is not about Stefan Mychajliw. This is not about Mark Poloncarz, and this is not about Brenda McDuffie. This is about families and children and community members of Erie County. When people choose to use this process to advance their own agendas, it takes the focus off of the people who truly matter: the people of Erie County. The politicizing, the polarizing it’s all just smoke and mirrors – an attempt to distract from the real issues. The review speaks for itself. There is no denying what the review uncovered. There are serious problems at the Buffalo Urban League – fraud, lying, cheating, covering up – those problems have already been identified now they need to be addressed. That’s why we’re here. It’s the only reason why we’re here. The rest is just a smoke screen.

What Brenda McDuffie failed to recognize then and appears to still fail to recognize is that the intent of the letter was not to shut down the agency nor was it an attack on Brenda herself. It was not a “witch hunt” nor was it motivated by anything other than our desire to ensure the clients of the Buffalo Urban League were serviced effectively, appropriately and honestly. But instead of working with the case planners to address the concerns raised in the letter to the comptroller, Brenda McDuffie chose a different path – a path that included threats and intimidation, finger pointing, smear campaigns and a complete disregard for her own culpability in the matter.

So to answer the question once and for all, no, we were not disgruntled employees. Dismayed, disheartened, disappointed, disgusted? Yes. Disgruntled? The only person in this situation who appears disgruntled is Brenda McDuffie herself.

So, after 14 months, we find ourselves here with you, the Erie County Legislature to discuss the corrective actions needed to change the Buffalo Urban League from a disorganized, disconnected and dishonest agency into an agency that can appropriately and effectively serve the Erie County community while being completely transparent to the taxpayers of Erie County.

Thank you.