



ERIE COUNTY COMPTROLLER

HON. STEFAN I. MYCHAJLIW

July 31, 2020

Honorable April Baskin
Chairperson, Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Re: Overtime Charged To Fund 252 (COVID)

Dear Chair Baskin:

As you know, COVID-19 has impacted Erie County worse than other areas. Currently, Erie County's death rate compared to the total number of diagnosed cases of COVID-19 is 8.1%. This rate is higher than New York State's 6.1% rate and more than double the United States' 3.5% rate. While the number of cases and deaths rose, the county dedicated significant resources to address this continuing pandemic. Your Honorable Body has rightfully asked questions regarding the use of overtime to address these continuing high rates.

On July 23, 2020, the County Executive submitted to you information to assist you with your discussions about overtime charged to fund 252, which is commonly referred to as the COVID fund. The information included the weekly calendars for Commissioners Burstein and Neaverth, their time swipes, and a sample Incident Action Plan. Given the volume of the information, I have broken down the information to further assist you. As a result of the data that you were provided, you may have even more questions regarding overtime usage.

Attached, please find two spreadsheets, one each for Commissioner Burstein and Commissioner Neaverth. The spreadsheets allow you to view, on any given day, the total hours of appointments and the total hours swiped in. There is also a column for notes, which includes other information that may be helpful.

Of course, there is some information that is not included, which may prompt further questions. For example, the spreadsheet does not include manual time entries that may account for time spent away from the office, but which is not reflected on the spreadsheet. This is especially true for Commissioner Burstein, who has a number of missed swipes. Missed swipes are not uncommon for work done offsite without a return to a swipe location. This is a somewhat common practice, regardless of whether or not an emergency has been declared.

The information provided to your Honorable Body also does not provide the location of the swipes that did occur. This omission regarding where the commissioners swiped may spur more questions. The attached spreadsheet does provide a tally of such information as it relates to Commissioner Neaverth. Serious questions need to be answered regarding the locations where swipes occurred, especially if the location offers an opportunity to swipe in and out to include commute time to and from the office as part of paid regular time and/or overtime.

Unfortunately, the spreadsheet does not provide answers to many questions you may have. The incomplete information that you were provided by the County Executive may raise more issues and concerns than you previously had. As such, you may wish to consider questions of the administration and/or commissioners at your meeting regarding the topic. Such questions may include:

- Why did Commissioner Neaverth swipe in and/or out at Chestnut Ridge 142 times, and at Public Safety 2 times, the Rath Building 2 times and the fire academy 1 time?
- Does it have anything to do with the proximity of Chestnut Ridge to his home and that it is only a .75 mile detour to the park on his commute downtown?
- Was there an attempt to use the swipe system's multiple locations to increase the number of hours claimed for work per week?
- There are many meetings on Commissioner Neaverth's calendar that seem to be repeating events. Did these meetings all occur and did the Commissioner participate? There appear to be several meetings that he swiped out at Chestnut Ridge shortly after the meeting started. Also, there are items on the calendar that likely didn't occur, such as the MSG Home Feed of the Sabres game on March 13, which is after the league paused. Did the Commissioner attend meetings in Chicago or Indianapolis, which are on his calendar?
- Commissioner Neaverth has a number of "private appointments" for which he was swiped in for, and/or also had other meetings scheduled during the private appointment. What is the accurate account of what was done for work on those days?
- When was the Commissioner quarantined for COVID-19? Did this impact his attendance at any of these calendared meetings? Did he swipe in during his quarantine time?
- The first and last recurring daily meetings list the same individual on the meeting. She has collected a similar amount of overtime hours as the commissioner, but the hours are not accumulated the same on a per week basis. Why is this?
- Commissioner Neaverth's calendar lists multiple meetings for certain time blocks. Were all of these meetings attended?
- The amount of time spent on calendared items does not match the swiped in hours. What was being done during the time that is unaccounted for?

- Accounting for time swiped in and calendar items, there are 219.29 hours unaccounted for. What did Commissioner Neaverth do during that time?
- Commissioner Burstein has a number of missed swipes, typically for the end of the day. Where were work days ended?
- Accounting for time swiped in and calendar items, there are 265.31 hours unaccounted for. What did Commissioner Burstein do during that time?

Hopefully, this information will be helpful for you in preparation for your meeting regarding overtime charged to fund 252. We encourage your Honorable Body to review the number of overtime hours worked for all county employees that were charged to the COVID fund. If you have any questions, please do not hesitate to ask.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott Kroll", written in a cursive style.

Scott Kroll
Deputy Comptroller, Audit Division