



STEFAN I. MYCHAJLIW
ERIE COUNTY COMPTROLLER

September 23, 2020

Chair April N.M. Baskin
Erie County Legislature
92 Franklin Street – 4th Floor
Buffalo, New York 14202

Re: COVID-19 Overtime Expenses for County MC Employees Across New York State

Dear Chairwoman Baskin:

COVID-19 continues to be an issue in our community and across New York State. On Sunday, New York State's positive rate was again below 1%. Western New York once again posted the highest positive rate:

Western New York	1.6%
Central New York	1.2%
Mid-Hudson	1.1%
Capital Region	1.0%
New York City	1.0%
Long Island	0.9%
Finger Lakes	0.8%
Southern Tier	0.3%
Mohawk Valley	0.2%
North Country	0.0%

Erie County, which comprises the largest portion of Western New York, had a positive rate of 2.9%. Erie County has a fatality rate of deaths per confirmed cases of 6.3%. This is higher than New York State's fatality rate of 5.6% and the United States' fatality rate of 2.9%.

As you know, at the request of the legislature, our office has submitted information to Your Honorable Body regarding overtime utilization by county employees. To assist with your deliberations, we submitted separate reports regarding managerial confidential and bargaining unit represented employees. We also submitted a report updating overtime expenditures and comparing them to concurrent expenditures for employees paid to remain socially distanced while not working. Understandably, your Honorable Body has further questions, for which you are planning an informational meeting to further discuss overtime usage.

Numerous questions arose regarding MC employees receiving overtime. As you pointed out, MC employees do not typically receive overtime payments. Questions were posed regarding the propriety of paying MC for work beyond 40 hours per week. As of September 18, 2020, the total amount expended from fund 252 for MC overtime and holiday worked pay is \$976,959.

In order to further assist you, we posed the following questions to other counties in New York State:

- Are you paying MC employees overtime to address COVID-related issues?
- Has your Health Commissioner received overtime?
- If so, how much?

The information was collected via telephone calls with knowledgeable individuals in the various counties. The information was collected from the end of August through September 17. We did not review documentation or request data compiled from payroll software systems.

As a result of these telephone calls, we have compiled the information, which may be helpful to you. It is attached hereto as a spreadsheet. Please note that we have not yet heard back from Clinton, Niagara, Saratoga and Tompkins counties, New York City or New York State. I will happily inform you of their responses if and when we receive them. Keep in mind, those counties within metropolitan New York City do not have county governments. So in essence, only four counties across New York State did not respond.

When reviewing the information, it may be helpful to do so in concert with reports previously submitted to the legislature. It is my understanding that these reports were received and filed at the September 17, 2020 meeting number 9 of the Finance and Management committee. For reference purposes, the reports are:

- Report on Overtime Expenses Charged to COVID-19 Relief Fund – clocked-in on July 15, 2020, but not assigned an item number
- Report on Overtime Expenses for Bargaining Unit Employees Charged to COVID-19 Relief Fund - Comm. 16D-5
- Report on Updated Overtime Expenses Charged to COVID-19 Relief Fund & Pay for Not Working - Comm. 16D-14.

I have appended copies of the reports hereto for your convenience.

As described on the attached spreadsheet, Erie County has spent more than other counties in overtime for MC employees during this COVID-19 crisis. In fact, Erie County has outspent all of the other counties combined. Briefly:

Erie County MC Overtime:	\$942,664
52 Other NYS Counties MC Overtime:	\$45,515

Considered another way, five MC employees in Erie County government have collected more overtime than county MC employees in the rest of the New York State counties reporting combined.

I recall that overtime payments to the Health Commissioner were also a topic of discussion in previous meetings. Only one other county reported paying overtime to its Health Commissioner. Greene County has paid its Health Commissioner \$3,100 in overtime. As such, Erie County's Health Commissioner has been paid \$115,133 in overtime, compared to a combined total of \$3,100 for every other county in New York State. As a side note and as an update, the Commissioner's overtime and holiday worked pay (exclusive of base pay) so far this year, which totals \$119,485, is more than the base compensation for 99% of Erie County employees.

Hopefully this information collectively will assist you with your anticipated meeting to discuss overtime and completion of Intro. 15-5 – Overtime for Managerial Confidential Employees During States of Emergency. In the meantime, if you have any questions regarding the information presented herein, please do not hesitate to contact me.

Sincerely,



Scott Kroll
Deputy Comptroller for Audit

cc: Erie County Legislature

<u>County</u>	<u>Total MC Overtime</u>	<u>Health Commissioner's Salary</u>	<u>Salary Base Year</u>	<u>Health Commissioner Overtime (COVID)</u>
Erie	\$942,664	\$200,768	2020	\$115,133
Cortland	\$24,231	\$82,201	2019	\$0
Greene	\$14,003	\$94,543	2020	\$3,100
Franklin	\$7,281	\$93,476	2020	\$0
Onondaga	\$0	\$282,749	2020	\$0
Dutchess	\$0	\$235,814	2020	\$0
Westchester	\$0	\$230,000	2020	\$0
Putnam	\$0	\$216,102	2019	\$0
Nassau	\$0	\$204,540	2020	\$0
Orange	\$0	\$191,828	2020	\$0
Albany	\$0	\$183,206	2020	\$0
Monroe	\$0	\$174,489	2020	\$0
Oneida	\$0	\$173,093	2020	\$0
Ulster	\$0	\$169,590	2020	\$0
Rockland	\$0	\$162,017	2019	\$0
Suffolk	\$0	\$157,118	2019	\$0
Jefferson	\$0	\$112,339	2020	\$0
Orleans	\$0	\$111,060	2019	\$0
Oswego	\$0	\$110,654	2019	\$0
Chautauqua	\$0	\$109,284	2019	\$0
Cattaraugus	\$0	\$108,070	2019	\$0
Ontario	\$0	\$107,088	2017	\$0
Genesee	\$0	\$106,725	2019	\$0
Wayne	\$0	\$105,998	2020	\$0
Chemung	\$0	\$102,659	2019	\$0
Madison	\$0	\$101,952	2020	\$0
Warren	\$0	\$101,829	2020	\$0
Schenectady	\$0	\$100,838	2020	\$0
Livingston	\$0	\$99,732	2019	\$0
St. Lawrence	\$0	\$97,947	2019	\$0
Columbia	\$0	\$97,729	2019	\$0
Fulton	\$0	\$94,034	2020	\$0
Essex	\$0	\$93,436	2019	\$0
Seneca	\$0	\$92,524	2019	\$0
Delaware	\$0	\$91,987	2020	\$0
Washington	\$0	\$91,335	2019	\$0
Rensselaer	\$0	\$89,886	2017	\$0
Cayuga	\$0	\$89,110	2019	\$0
Tioga	\$0	\$87,013	2020	\$0
Sullivan	\$0	\$86,727	2019	\$0
Steuben	\$0	\$86,097	2019	\$0
Chenango	\$0	\$85,961	2019	\$0
Hamilton	\$0	\$84,784	2020	\$0
Montgomery	\$0	\$83,383	2019	\$0
Schuyler	\$0	\$83,354	2019	\$0

Yates		\$0	\$83,354	2019	\$0
Broome		\$0	\$82,892	2019	\$0
Alleghany		\$0	\$82,484	2019	\$0
Wyoming		\$0	\$81,904	2020	\$0
Schohaire		\$0	\$81,801	2020	\$0
Lewis		\$0	\$76,500	2020	\$0
Otsego		\$0	\$72,180	2019	\$0
Herkimer		\$0	\$69,691	2019	\$0
NYC	no response		\$236,088	2020	no response
Tompkins	no response		\$128,167	2019	no response
Niagara	no response		\$124,525	2020	no response
Saratoga	no response		\$103,999	2020	no response
Clinton	no response		\$101,957	2019	no response
NYS			\$210,000	2020	