



City of New York

OFFICE OF THE COMPTROLLER

Scott M. Stringer
COMPTROLLER



FINANCIAL AUDIT

Marjorie Landa

Deputy Comptroller for Audit

Audit Report on the Queens County
District Attorney's Controls over
Personal Services Expenditures

FM21-069A

December 21, 2021

<http://comptroller.nyc.gov>



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
SCOTT M. STRINGER

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To the Residents of the City of New York:

My office has audited the Queens County District Attorney's Office (QCDA) to determine whether the QCDA maintained adequate fiscal controls over its Personal Services (PS) expenditures.

The QCDA did not maintain written management policies and procedures governing the agency's PS operations affecting PS expenditures during our audit scope period, as prescribed by Comptroller's Directive #1. Among other things, the QCDA has not issued an employee manual or handbook detailing its employment policies for both legal and support staff, and we attribute the subsequent audit findings related to the QCDA's expenditure of PS, in part, to this lack of appropriate written management policies and procedures.

Specifically, the QCDA did not comply with Comptroller's Directive #13 regarding the contents of employee personnel files. We found that all 40 sampled personnel records that we reviewed were incomplete in that they did not contain several types of documentation that Comptroller's Directive #13 requires. Additionally, we found that the hard copy timesheets submitted by Assistant District Attorneys (ADAs) and approved by division or bureau chiefs were inadequately reviewed. Consequently, we found numerous errors on the timesheets of 10 sampled ADAs that went undetected and uncorrected. QCDA personnel also improperly approved overtime requests for support staff, including cash overtime after they had exceeded the Citywide overtime cap, overtime requests that lacked a valid justification, and overtime periods of less than 15 minutes. As a result, we estimate that the QCDA improperly paid at least \$92,163 in cash overtime benefits and awarded an additional 380 hours in compensatory time. Finally, the QCDA did not provide us with the sign-in sheets it referred to as support for its extra pay awarded to the ADAs who worked on weekends processing inmate arraignments.

The audit made 14 recommendations, including that the QCDA should: develop detailed written policies and procedures governing the staff's responsibilities; maintain complete employee personnel records that include, at minimum, the information mandated by Comptroller's Directive #13; require and ensure that ADAs properly complete and submit their timesheets and that supervisory ADAs properly review these timesheets before approving them; and ensure that it does not inappropriately approve overtime requests.

The results of the audit have been discussed with QCDA officials, and their comments have been considered in preparing this report.

Their complete written response is attached to this report. If you have any questions concerning this report, please email my Audit Bureau at audit@comptroller.nyc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott M. Stringer".

Scott M. Stringer

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THE CITY OF NEW YORK OFFICE OF THE COMPTROLLER FINANCIAL AUDIT

Audit Report on the Queens County District Attorney's Office's Controls over Personal Services Expenditures

FM21-069A

EXECUTIVE SUMMARY

New York City's five District Attorneys (DAs), including the Queens County DA, are each public officers elected to terms of four years who are responsible for investigating and prosecuting crimes, assisting victims, and implementing crime prevention strategies in their respective boroughs. The Queens County District Attorney's Office (QCDA) is primarily City-funded. In addition, the office's budget is supplemented with the proceeds of asset forfeitures provided to the QCDA.¹

During our audit scope period, Fiscal Years 2019 and 2020 (July 1, 2018 through June 30, 2020), the QCDA employed and administered the City-funded compensation of 978 individuals, consisting of 405 legal staff members (Assistant District Attorneys or ADAs) and 581 support staff members, mostly unionized staff.² The objective of this audit was to determine whether the QCDA maintained adequate fiscal controls over its Personal Services (PS) expenditures.³

Audit Findings and Conclusion

We found that the QCDA did not maintain sufficient controls over its PS expenditures to ensure that compensation paid to its employees was appropriate, adequately supported, and properly approved. Specifically, we found that:

- The QCDA did not maintain written management policies and procedures governing the agency's PS operations in matters affecting PS expenditures during our audit scope period.

¹ Law enforcement authorities effect asset forfeitures through the confiscation of assets that have been used for or derived from criminal activities in an effort to disrupt those criminal activities, punish criminals, and return assets to the victims of these crimes. Assets that can be liquidated are sold by the U.S. Marshals, with the net proceeds (after victims are compensated) shared with the law enforcement entities that contributed to the seizure of the funds.

² Eight individuals were transferred between legal and support staff during our audit scope and are included in both categories.

³ Personal Services (PS) expenditures are expenditures made for salaries, wages, and fringe benefits of City employees.

- The QCDA did not comply with Comptroller’s Directive #13 regarding the contents of employee personnel files. We found that all 40 sampled personnel records that we reviewed were incomplete.
- The hard copy timesheets submitted by ADAs and approved by division or bureau chiefs were inadequately reviewed. Consequently, we found numerous errors on the timesheets of 10 sampled ADAs. The QCDA’s timesheets also lacked fields calling for the ADAs who filled them out to enter their arrival and departure times as required by Comptroller’s Directive #13.
- QCDA personnel inappropriately approved overtime compensation for support staff. The QCDA paid employees cash overtime after they had exceeded the Citywide overtime cap. Additionally, we found 458 approved overtime requests that lacked either any justification or a valid justification documented in the CityTime electronic timekeeping system and 277 inappropriately approved overtime requests for periods of less than 15 minutes.⁴ We estimate that, during our audit scope period, the QCDA paid at least \$92,163 in cash overtime benefits that either exceeded the cap or lacked valid documented justifications in the CityTime system, and inappropriately awarded an additional 380 hours in compensatory time.
- The QCDA did not provide us with the sign-in sheets it referred to as support for its Miscellaneous Pay Adjustments—extra pay—awarded to the ADAs who worked on weekends processing arraignments (Intake Weekend Shifts). The QCDA instead provided records that appear to quantify and document case activity in the arraignment section of the court where the ADAs were assigned. While those records provide some evidence that the assigned ADAs worked on the dates indicated, they do not supplant properly completed and approved timekeeping records, in part because they do not necessarily reflect the ADAs’ arrival and departure times or the number of hours each ADA worked.

Audit Recommendations

To address the issues raised by this audit, we make 14 recommendations, including that the QCDA should:

- Develop detailed written policies and procedures governing the staff’s responsibilities that are aligned with Citywide policies;
- Maintain complete employee personnel records that include, at minimum, the information mandated by Comptroller’s Directive #13;
- Require and ensure that ADAs properly complete and submit their timesheets and that supervisory ADAs properly review their subordinates’ timesheets for completeness, accuracy, and timeliness before approving them;
- Ensure that it does not approve cash overtime payments for employees who have exceeded the City’s overtime cap, not supported by documented and appropriate justifications, or for periods of less than 15 minutes; and
- Require that ADAs record Intake Weekend Shifts worked on a timesheet, including arrival and departure times.

⁴ CityTime is New York City’s electronic timekeeping system. CityTime allows employees to manage their time and leave requests and view leave balances. The QCDA’s support staff enter their timekeeping records directly in CityTime.

Agency Response

In its response, the QCDA agreed with all 14 recommendations and stated that it is currently implementing 4 and plans to implement 10.

AUDIT REPORT

Background

New York City's five DAs, including the Queens County DA, are each public officers elected to terms of four years who are responsible for investigating and prosecuting crimes, assisting victims, and implementing crime prevention strategies in their respective boroughs. The QCDA is primarily City-funded. In addition, the office's budget is supplemented with the proceeds of asset forfeitures, which are provided to the QCDA in connection with New York State forfeiture rules as well as separate federal Equitable Sharing programs administered by the United States Treasury Department and the Department of Justice.

The QCDA's PS expenditures are centrally managed through its Administration Division, which is responsible for its payroll, timekeeping, and human resource functions. The Administration Division is overseen by the Chief of Staff and the Chief Assistant District Attorney. The QCDA uses the City's Payroll Management System (PMS) to maintain its payroll records.⁵ The PMS interfaces with New York City Automated Personnel System (NYCAPS), City Human Resources Management System (CHRMS), and Payroll Interface (PI), which is used to edit payroll data.

During our audit scope period, Fiscal Years 2019 and 2020 (July 1, 2018 through June 30, 2020), the QCDA employed and administered the City-funded compensation of 978 individuals, consisting of 405 legal staff members and 581 support staff members, mostly unionized staff.

According to CHRMS, the QCDA paid \$59,134,653 during Fiscal Year 2019 and \$63,333,209 during Fiscal Year 2020 to its 405 legal staff and 581 support staff. Those sums included a total of \$1,785,039 in cash overtime payments with associated meal stipends across both fiscal years (\$827,959 and \$957,080 for Fiscal Years 2019 and 2020, respectively).

The QCDA paid a total of \$4,226,130 in miscellaneous pay adjustments across both fiscal years. Miscellaneous pay adjustments are one-time payments not covered under other categories of pay defined by CHRMS. The QCDA uses miscellaneous pay adjustments for "authorized DA one time payments," including annual bonuses awarded to all staff, according to QCDA officials. Miscellaneous pay adjustments are also used for additional compensation to grand jury reporters, and to ADAs for working Intake Weekend Shifts processing arraignments, and for annual leave payouts to departing ADAs.

Objective

The objective of this audit was to determine whether the QCDA maintained adequate fiscal controls over its PS expenditures.

Scope and Methodology Statement

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards (GAGAS). Those standards require that we plan and perform the audit to

⁵ The New York City Financial Services Agency (FISA) and the City's Office of Payroll Administration (OPA), sometimes referred to collectively as FISA-OPA, share administrative responsibility for City payroll systems, including PMS.

obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

The scope of this audit covers Fiscal Years 2019 and 2020 (the period from July 1, 2018 through June 30, 2020). Please refer to the Detailed Scope and Methodology at the end of this report for the specific procedures and tests conducted.

Discussion of Audit Results

The matters covered in this report were discussed with QCDA officials during and at the conclusion of this audit. A preliminary draft report was sent to the QCDA on November 8, 2021, and discussed at an exit conference on November 19, 2021. On December 1, 2021, we submitted a draft report to the QCDA with a request for written comments. We received a written response from the QCDA on December 14, 2021. In its response, the QCDA agreed with all 14 recommendations and stated that it is currently implementing 4 recommendations (#1, #8, #12, and #13) and plans to implement 10 recommendations (#2, #3, #4, #5, #6, #7, #9, #10, #11, and #14).

The full text of the QCDA's response is included as an addendum to this report.

FINDINGS AND RECOMMENDATIONS

We found that the QCDA did not maintain adequate controls over its PS expenditures to ensure that compensation to its employees was appropriate, adequately supported, and properly approved.

The QCDA did not maintain written management policies and procedures governing the agency's PS operations in matters affecting PS expenditures during our audit scope period. Among other things, the QCDA has not issued an employee manual or handbook detailing its employment policies for both legal and support staff. The absence of written management policies and procedures was contrary to the internal control and accountability standards prescribed by Comptroller's Directive #1.

Without clearly defined written policies and procedures, the QCDA had limited assurance that its personnel knew and would properly execute their roles and responsibilities for effective internal control in conducting the QCDA's operations in matters affecting PS expenditures. Those matters include maintaining complete personnel records, timekeeping, and the proper monitoring and control of overtime compensation, among others. We attribute all of the subsequent findings in this report, in part, to the QCDA's lack of appropriate written management policies and procedures aligned with applicable State and City rules and policies.

Specifically, we found the following areas of noncompliance:

- The QCDA did not comply with Comptroller's Directive #13 regarding the contents of employee personnel files. We found that all 40 sampled personnel records that we reviewed were incomplete in that they did not contain several types of documentation that Comptroller's Directive #13 requires in relation to performance evaluations and changes in employees' compensation.
- Additionally, we found that the hard copy timesheets submitted by ADAs and approved by division or bureau chiefs were inadequately reviewed. Consequently, we found numerous errors on the timesheets of 10 sampled ADAs – a total of 121 errors on 868 timesheets – that went undetected and uncorrected. The QCDA's timesheets also lacked fields calling for the ADAs who filled them out to enter their arrival and departure times as required by Comptroller's Directive #13. Consequently, the QCDA had no record of when its ADAs started and ended work on their paid workdays.
- We also found that QCDA personnel inappropriately approved overtime compensation for support staff. Specifically, we found that, for Calendar Year 2019, 32 employees were paid a total of \$65,164 in cash overtime after they had exceeded the Citywide overtime cap. Additionally, we found 458 approved overtime requests that lacked either any justification or a valid justification documented in the CityTime system and 277 inappropriately approved overtime requests for periods of less than 15 minutes, contrary to Citywide Contract provisions. We estimate that, during our audit scope period, the QCDA inappropriately paid at least \$92,163 in cash overtime benefits, consisting of: (1) the above-mentioned \$65,164 in payments that exceeded the overtime cap in Calendar Year 2019; and (2) \$26,999 the QCDA approved for cash overtime without a valid documented justification in the CityTime system. In addition, we found that the QCDA inappropriately awarded an additional 380 hours in compensatory time, consisting of approved overtime requests that lacked a valid justification in the CityTime system and approved overtime for periods of less than 15 minutes.

- In addition, the QCDA did not provide us with the sign-in sheets it specifically referred to as support for its Miscellaneous Pay Adjustments—extra pay—awarded to the ADAs who worked Intake Weekend Shifts. The QCDA instead provided us with records that appear to quantify and document the case activity of the arraignment section of the court where the ADAs were assigned. While those records provide some evidence that the assigned ADAs worked during specific Intake Weekend Shifts, they do not supplant properly completed and approved timekeeping records, in part because they do not necessarily reflect the ADAs' arrival and departure times or the number of hours each ADA worked per shift.

These weaknesses are discussed in detail in the findings that follow.

The QCDA Did Not Maintain Written Management Policies Governing Operations Affecting PS Expenditures

According to Comptroller's Directive #1, *Principles of Internal Control*, Section 4.3, *Control Activities*, "Internal control activities help ensure that management's directives are carried out. They are, basically, the policies, procedures, techniques, and mechanisms used to enforce management's direction. They must be an integral part of an agency's planning, implementing, review, and accountability for stewardship of its resources and are vital to its achieving the desired results."

Further, Comptroller's Directive #1, Section 5.11, *Appropriate Documentation of Transactions and Internal Controls*, states, "All transactions and significant events need to be clearly documented and the documentation readily available for use or examination. Internal controls should be documented in management administrative policies or operating manuals. All documentation should be properly managed and maintained in accordance with updated records retention schedules."

The Comptroller's Office also requires the completion of an annual Directive #1 Financial Integrity Statement, which includes a checklist intended to help ensure agency compliance with the Directive and to provide the agency the opportunity to make corrections if necessary. Among the questions asked by the checklist are the following:

- Are agency programs conducted in accordance with clearly defined management policies?
- Are these policies in writing?
- Are these policies in accordance with the intent of applicable laws and regulations?
- Are these policies properly communicated to the appropriate agency staff?
- Are these policies reflected in formal written operating procedures?
- Are these procedures communicated to the appropriate agency staff?
- Are these policies periodically reviewed and updated?
- Are these procedures periodically reviewed and updated?

While the QCDA answered "Yes" to all of these questions on the Calendar Year 2019 checklist, we found that the QCDA did not maintain written management policies and procedures for the agency's PS operations and did not maintain an employee manual specific to both legal and support staff. In its written comments, on November 18, 2021, the QCDA stated that "questions listed on this tab [of the Directive #1 Financial Integrity Statement checklist] are not just limited to scope of this audit. QDA has policies covering many areas such as general internal controls, credit cards, inventory, etc. These policies were not provided to you because they were outside of the scope of this audit."

With respect to written management policies pertaining to PS operations and administration, QCDA officials stated that "[w]hile the office does not maintain a comprehensive employee manual, internal policies and procedures are developed and issued on specific topics as needed in different function areas of the office. In addition, the Office follows relevant Citywide guidance such as DCAS Personnel Services Bulletins, Comptroller's Directives and other pertinent City time and leave regulations and internal control policies." The QCDA did not provide any internal

policies and procedures related to its payroll and timekeeping functions other than a memo outlining its leave policy for its ADAs.

In its written comments, on November 22, 2021, the QCDA stated, “Overall, while QDA does not currently have a comprehensive employee manual, this is something that has been discussed internally and, while COVID has caused delays, finalizing and issuing this manual continues to be a priority that we see as beneficial to both our administrative staff and for all of QDA’s employees. In the meantime, QDA HR and Timekeeping staff continue to follow relevant Citywide guidance regarding payroll and timekeeping functions, as previously provided to you.”⁶

While QCDA officials stated that they follow relevant Citywide guidance, certain of the QCDA’s operations and practices that bear on its PS expenditures, such as employees’ work schedules, timekeeping, compensation (including for overtime and Intake Weekend Shifts), performance evaluations, and the maintenance of personnel files and records, appear to be specific to the agency and are not always aligned with Citywide policies.

Written management policies and procedures are vital to ensuring that agency staff’s roles and responsibilities are clearly defined and understood. Without such procedures, the QCDA has limited assurance that its personnel know their roles and responsibilities in carrying out the agency’s operations. We attribute all of the subsequent findings in this report, in part, to this lack of written management policies and procedures.

Recommendation

1. The QCDA should develop detailed written policies and procedures governing the staff’s responsibilities that are aligned with Citywide policies—including but not limited to an employee manual and all operations relating to its PS expenditures—and disseminate those policies and procedures to relevant personnel, and update them periodically as necessary.

QCDA Response: “As indicated in our written comments and as discussed at our closing conference, QCDA agrees that a comprehensive employee and procedures manual would be beneficial to both our administrative staff, as well as for all QCDA employees. We will continue efforts to develop and distribute the manual in the upcoming year.”

The QCDA Maintained Incomplete Personnel Records

According to Comptroller’s Directive #13, *Payroll Procedures*, Section 8.1, *Personnel Records*, “The personnel office must maintain records supporting and authorizing documentation for all personnel actions including hiring new employees, changes in compensation or title, salary deductions, terminations, resignations, retirements and all intervening effects.”

⁶ On November 18, 2021, after the exit conference, the QCDA provided copies of certain materials containing Citywide guidance that it represents that it follows. Those materials include but are not limited to the *1995-2001 Citywide Agreement* and *Comptroller’s Directives #s 1, 13, 14 and 19*.

However, we found that all 40 sampled QCDA's office personnel records we reviewed were incomplete and therefore noncompliant with Comptroller's Directive #13 regarding documentation that must be maintained in the employee's personnel file. Specifically, we found that:

- All 40 files were missing information on changes in compensation, including salary increases and authorized one-time payments the employees received; and
- 38 files were missing performance evaluations for our two-year audit scope period.

In response to our citing the above-mentioned omissions, QCDA officials stated that the office's personnel records are maintained in both hard copy and electronic format, and they provided electronic records that contained documentation that was not included in the hard copy records they initially provided. (We credited those electronic records.) However, the QCDA has not provided additional electronic or hard copy records corresponding to the specific omissions listed above.

Incomplete personnel records hinder the ability of the QCDA's staff and outside reviewers to review the employment and compensation histories of QCDA personnel to ensure that the compensation paid to the QCDA's employees was and is appropriate, adequately supported, and properly approved.

Recommendation

2. The QCDA should maintain complete employee personnel records that include, at minimum, the information mandated by Comptroller's Directive #13.

QCDA Response: "QCDA agrees to review Comptroller's Directive #13 in order to ensure that, moving forward, personnel files are updated to include all of the information as required by Directive #13."

Deficiencies in ADAs' Timesheets

According to Comptroller's Directive #13, *Payroll Procedures*, Section 4.6, *Monitoring, Review and Supervision of the Timekeeping Process*, "Agencies must employ independent monitoring and review procedures as part of their internal controls over the timekeeping function. Monitoring and reviewing the timekeeping process requires that non-Work Unit personnel periodically perform independent reviews of different aspects of the timekeeping and paycheck distribution processes to insure that all procedures are adhered to, and to provide general assurance of the overall integrity and accuracy of the payroll process. Immediate action must be taken to correct errors and irregularities disclosed by the review process."

In addition, the *CityTime Training Timekeeper Course – Version 6.0* states that timekeepers are responsible to "check on timesheets for individuals they do timekeeping for," "perform second level approvals," and "perform manual event entries ... to process non-'automated' employees in agencies that require it."

The QCDA's ADAs do not record their time directly into CityTime. Instead, they fill out hard copy weekly timesheets on a QCDA-provided form that calls for the ADA to list the date and number of hours he or she worked each day, any leave taken, if applicable, and any comments or remarks. The ADA is supposed to sign and date the completed timesheet and submit it to a division or bureau chief for review and approval, who then signs and dates the timesheet. The timesheet is then sent to the QCDA's Time and Leave Unit, where a timekeeper records in the CityTime

Timesheet Status Detail Report that the timesheet was submitted and approved as well as any approved leave the employee used that week.

Numerous Errors Found in Approved Timesheets

Our review of 868 approved hard copy timesheets for 10 sampled ADAs covering our two-year audit scope period found numerous errors that had gone undetected and uncorrected by the QCDA, as follows:

- ADAs signed their timesheets before the end of their workweek on 39 occasions.
- Supervisors approved 29 timesheets before the end of the submitting ADAs' workweeks.
- Supervisors appear to have approved 29 additional timesheets before the ADAs completed and submitted them, based on the dates associated with the respective signatures of the supervisors and submitting ADAs. A reviewer's advance approval of an uncompleted record defeats the purpose of the procedure requiring the reviewer's signature and reflects a significant control weakness.
- ADAs signed five timesheets without dating their signatures.
- Supervisors approved 18 timesheets without dating their approvals.
- Two timesheets were missing (1 each for 2 of the 10 sampled ADAs) from the set of timesheets the QCDA provided to us during the audit. On November 16, 2021, the QCDA provided one of those missing timesheets.

The QCDA's Timesheets Omit Fields for Required Information

Comptroller's Directive #13, Section 4.1.1, *Salaried Employees*, states that "[t]he time records for salaried employees must record the hours of arrival and departure for each day of work, the charges against vacation, sick or personal leave credits, and any excused leave taken for events such as jury duty or death in family." However, the QCDA's hard copy timesheets do not contain fields for ADAs, who are salaried employees, to record their arrival and departure times – only the number of hours worked each day.

The QCDA Lacks a Written Protocol for Effective Review of Employees' Timesheets

We attribute the above-mentioned deficiencies in part to the improper format of the QCDA's timesheets and in part to the lack of a written review protocol for supervisors and timekeepers incorporating the rules, guidelines, and directions contained in Comptroller's Directive #13 and the *CityTime Training Timekeeper Course – Version 6.0*. A rules-based review process, if followed, would have enabled the QCDA to identify the various irregularities in its timekeeping records and practices and provided it with an opportunity to correct them. In addition, the lack of written standard procedures to assist ADAs and their supervisors in correctly recording, reviewing, and approving timesheets contributed to these deficiencies.

As a consequence of the QCDA's deficient timekeeping records and lack of related management policies, the QCDA has no timekeeping record of its ADAs' arrival and departure times and limited assurance that the ADAs worked their required hours and that their supervisors properly reviewed their timesheets before approving them. In the absence of a compliant and reliable timekeeping and review protocol, the QCDA incurred and will continue to incur the risk of paying employees for time that they did not work and that such overpayments may go undetected.

Paper-based Timekeeping Procedures Subject to Errors and Omissions

The QCDA requires its support staff, but not its ADAs, to enter their weekly time records directly in CityTime. In some respects, paper timekeeping records, such as those the QCDA uses for its ADAs, are inherently less reliable than well-designed electronic timekeeping systems. For example, electronic timekeeping systems may use input and edit-checks to prevent certain data-entry errors and may be equipped to enable real-time recording of key events through the use of dedicated devices and functions, such as CityTime's Data Collection Device and Web Clock.⁷ CityTime, for example, would not allow a supervisor or reviewer to approve a timesheet before the employee completed and submitted it for approval. In addition, an employee can enter his or her time and manage leave requests and balances directly in CityTime. By contrast, in the QCDA's timekeeping process for its ADAs, the inherent vulnerabilities of a paper-based timekeeping system are exacerbated by the use of paper timesheet forms that omit fields for required information and by the lack of a written management policy for the proper completion and review of the paper timesheets.

In its written comments on November 22, 2021, the QCDA stated that "we note that we have been moving additional groups of staff into the CityTime system, however, COVID has unfortunately slowed progress in this area as well. This too continues to be a priority, as we anticipate that it will reduce the administrative burden on our timekeeping staff and will likely minimize any potential errors that can occur while utilizing paper timesheets." The QCDA did not specify or provide evidence indicating whether or which additional groups of its staff, beyond its support staff, are currently using CityTime. The QCDA further stated, "We also note that a portion of the time period being reviewed was during the early months of COVID, which may have contributed to some of the issues that you have identified."

Recommendations

To address the deficiencies described above, the QCDA should take the following actions:

3. Revise the format of its hard copy timesheets to include all of the information required by Comptroller's Directive #13;
QCDA Response: "QCDA agrees that Assistant District Attorney (ADA) timesheets will be modified to include arrival and departure times rather than the total number of hours worked per day."
4. Develop for management approval and implement a written timekeeping policy that incorporates applicable Citywide rules and guidance;
QCDA Response: "As part of our overall effort to develop a comprehensive employee policy and procedure manual, QCDA will develop and distribute a written timekeeping policy that incorporates applicable Citywide rules and guidance."
5. Require and ensure that ADAs properly complete and submit their timesheets, including accurately reporting the hours they worked, entering their arrival and departure times,

⁷ The Data Collection Device (DCD) is a geometric hand scanning device that captures time punches and transfers the punches directly onto the user's CityTime timesheet. The New York City Financial Information Services Agency (FISA), which, together with the City's Office of Payroll Administration (OPA), administers the system, suspended its use indefinitely in response to the COVID-19 pandemic. The Web Clock is a digital time reporting feature where users can "punch" their times on a personal computer without using a DCD.

dating their signatures, and submitting their properly completed timesheets within a standard timeframe measured from the last day of the workweek the timesheet covers;

QCDA Response: “All ADA staff will be reminded, through written notification, that weekly timesheets must accurately reflect the hours worked, including arrival and departure times, and that timesheets must be dated and submitted in a timely manner.”

6. Require and ensure that supervisory ADAs properly review their subordinates’ timesheets for completeness, accuracy, and timeliness before approving them or returning them to the employee for correction;

QCDA Response: “As mentioned above, all ADA staff will receive a written reminder regarding the importance of accurately submitting weekly timesheets. As part of this notification, it will be reiterated to supervisory staff that they must properly review their subordinates’ timesheets for completeness, accuracy, and timeliness prior to approving.”

7. Require and ensure that timekeeping personnel review the timesheets they process, note and report any instances of missing or late timesheets, identify, report, and return for correction any timesheets with errors and omissions, and ensure that they enter only properly completed and approved time records into CityTime; and

QCDA Response: “Timekeeping staff will be reminded, through written notification, as well as follow-up meetings, that all submitted timesheets must be thoroughly reviewed and that any needed corrections are made prior to being entered and approved in CityTime.”

8. Consider fully transitioning ADAs’ timekeeping to CityTime by having the ADAs enter their daily arrival and departure times electronically. This transition should include establishing criteria for whether and the extent to which ADAs at different levels of the organization would be required to use devices such as the DCD hand scanner and the web clock feature to record those times in real time.

QCDA Response: “QCDA agrees to begin transitioning ADA staff to CityTime, once further discussions are held and an established criteria has been finalized.”

Inappropriately Approved Overtime Requests in CityTime

During our audit scope period, the QCDA approved 28,571 overtime requests, totaling 68,778 hours for 383 support staff employees. For 16,904 approved requests (59 percent), totaling 48,691 hours claimed, the employees elected to be compensated in cash. The QCDA paid these employees \$1,785,039 in cash compensation for overtime, including meal stipends where required, at an average of approximately \$37 per hour.

However, we found numerous deficiencies in the QCDA’s approval of overtime requests, specifically, the approval of cash compensation to employees who had exceeded the overtime cap, the approval of overtime requests with invalid justifications or no documented justifications at all, in CityTime, and the approval of overtime requests for periods of less than 15 minutes. We estimate that, during our audit scope period, the QCDA improperly paid at least \$92,163 in cash overtime benefits, consisting of: (1) the above-mentioned \$65,164 in payments that exceeded the overtime cap in Calendar Year 2019; and (2) \$26,999 the QCDA approved for cash overtime without a valid documented justification in the CityTime system. In addition, we found that the QCDA inappropriately awarded an additional 380 hours in compensatory time, consisting of approved overtime requests that lacked a valid justification in the CityTime system and approved overtime for periods of less than 15 minutes.

QCDA Employees Exceeded the Cash Overtime Cap

Section 7 of the *DC37 1995-2001 Citywide Contract* (Citywide Contract), which has remained in effect, including throughout our audit scope period, establishes an overtime cap and prohibits the payment of cash overtime if “an employee's annual gross salary including overtime, all differentials and premium pay is higher than the cap” unless the Office of Labor Relations (OLR) has granted the agency an overtime waiver. In lieu of cash overtime that would exceed the cap, “compensatory time at the rate of straight time shall be credited for authorized overtime except as may be proscribed by [the Fair Labor Standards Act].” OLR established the overtime cap at \$87,860 for Calendar Year 2019.⁸

In contravention of the applicable contract term, the QCDA inappropriately paid cash overtime totaling \$65,164 to 32 employees who had exceeded the overtime cap in Calendar Year 2019 (approximately eight percent of the \$821,867 in total cash overtime the QCDA paid its employees during that calendar year). The QCDA provided no evidence that it had obtained waivers that would have permitted it to exceed the overtime cap and continue paying cash overtime to the employees in question.

QCDA officials initially claimed, contrary to the Citywide Contract, “There is no time or salary-based cap on overtime.” They cited no legal authority for that claim.

In its written comments on November 22, 2021, the QCDA stated, “Regarding employees that exceeded the overtime cap in CY 2019, we note that while we are mindful of minimizing overall agency overtime expenses, the majority of the staff that you have identified as having exceeded the cap, were investigative, IT, HR and Facilities staff. On the investigative side, the investigators work is generally driven by the cases being handled at the time, which can vary the need for overtime at different times. In addition, there is limited staffing assigned to QDA’s IT, HR and Facilities units, and each of these units serve the agency as a whole. As a result, there are times when overtime is necessary in order to conduct core office functions.” However, the QCDA did not explain why it had not obtained waivers to exceed the overtime cap for those employees.

The prohibited payment of cash overtime to ineligible employees wastes City resources, including by improperly inflating the employees’ compensation and, potentially, their subsequent pension income. For example, to calculate retirement benefits for its Tier 4 members, the New York City Employees’ Retirement System (NYCERS) uses “the wages earned by a member during any three consecutive calendar years or the 36 months immediately preceding the member’s retirement date, which provide the highest average wage.” In that instance, inappropriately paying a NYCERS Tier 4 member cash overtime that exceeds the applicable cap during either of the 36-month periods NYCERS might use to calculate the member’s retirement benefit would artificially and improperly inflate that benefit, a further waste of City resources that could potentially continue many years throughout the retiree’s lifetime and that of his or her surviving beneficiary.

Approved Overtime Requests without Valid, Documented Justification

Of the 28,571 approved overtime requests, the QCDA inappropriately approved 458 overtime requests (approximately 2 percent) that either lacked any documented justification in CityTime

⁸ The Citywide Contract originally established the overtime cap at \$54,549 and included a provision to adjust this cap based on subsequent collective bargaining agreements. OLR issues memoranda with updates to the overtime cap when applicable.

(429 overtime requests) or where the documented justification the requesting employee entered in the CityTime “comments” field was invalid (29 overtime requests). The 458 inappropriate approvals resulted in an estimated \$26,999 in cash compensation and an additional 334 hours in compensatory time.

A breakdown of the 29 improperly approved overtime requests with invalid justifications recorded in CityTime follows:

- Ten requests related to holiday parties, including “collecting for holiday party,” “helping with holiday party,” and “stuffing envelopes with ... holiday cards.”
- Twelve requests related to participation at blood drives and flu vaccine clinics. In written comments provided on November 12, 2021, the QCDA stated that “for the employees with comments relating to blood drives and flu clinics . . . these were part of overall health and wellness initiatives. Specifically, annual flu clinics are part of WorkWell NYC’s overall initiatives.”

However, under the applicable DCAS Citywide policy, blood donations authorized by the City are compensated with three hours of compensatory time to be credited to the donors *after* they complete the donation process; it does not allow the time spent participating in the blood drive to be charged to overtime. No City policy provides an overtime allowance for flu vaccination clinics. Finally, WorkWell NYC is a program whose mission is to empower City employees to live healthy and active lifestyles; it does not authorize an agency to compensate employees with overtime credit for the time they spend participating in the program.

- Two requests contained only inexplicable comments, including “cash” and “a.”
- Five requests cited other questionable reasons, including “personal matter,” “early dismissal,” “mock competition,” and “phone training at my request.”

On November 12, 2021, the QCDA provided hard copies of approved *Employee Claim for Overtime Worked* forms to evidence 6 of the 29 requests with reasons that appear valid. However, the QCDA did not explain why it did not provide the six forms previously and why the apparently valid reasons stated on the forms were not entered in the corresponding overtime approval records in CityTime. Based on the unexplained late submission of the hard copy forms and the inconsistencies between them and CityTime, it is not clear whether the hard copy forms were submitted and approved before the employees worked the claimed overtime as required.

With respect to the 429 approvals of overtime that lacked documented justifications in CityTime, on November 2 and November 11, 2021, after being informed of this finding, the QCDA provided 89 hard copy forms captioned *Employee Claim for Overtime Worked* that it represented had been approved by the relevant supervisors based on the justifications the forms contained. The QCDA did not explain why it did not provide these forms previously during the audit or why the justifications they contained were not entered in CityTime.

Altogether, the 89 hard copy forms the QCDA provided in November 2021 related to 108 of the 429 overtime requests that lacked documented justifications in CityTime. However, given the unexplained delay in the QCDA’s providing the 89 forms and the absence of the justifications they

contained in CityTime, it is not clear whether those forms were submitted and approved before the employees worked the corresponding overtime hours as required.⁹

Finally, in its written comments on November 22, 2021, the QCDA stated, “As for overtime lacking documented justifications, we note that in instances where employees did not include justifications with their overtime requests, their supervisors were aware of and approved the requests prior to the overtime being processed.” However, the statement that the relevant supervisors *approved* the overtime before the requests were processed does not negate or address the finding that those approvals are unsupported by valid, documented justifications in CityTime.

As previously mentioned, we attribute the above-described instances of inappropriate approvals of overtime requests in large part to the lack of written managerial policies and procedures governing the QCDA’s process for requesting and approving overtime.

Granting overtime compensation in cash or compensatory time for inappropriate or undocumented reasons can constitute a waste of City resources.

QCDA Response: “[I]n response to your comments ... where you indicate that there was an ‘unexplained late submission’ and ‘unexplained delay’ in QCDA providing hard copy overtime records to the audit team, we note that email correspondence from the audit team on 11/9/21, indicated that ‘your office may provide any additional documentation or clarifications prior to the exit conference.’ We note that the exit conference took place on 11/19/21 and the documentation that you are referencing was provided to the audit team prior to that meeting.”

Auditor Comment: The hard copy overtime justifications the QCDA provided in November 2021 related to overtime requests that it had approved and paid or credited in CityTime between July 1, 2018, and June 30, 2020, i.e., between 16 and 40 months earlier. We reviewed and carefully considered those documents along with all other information and records the QCDA provided throughout the audit. However, unlike the CityTime screenshots the QCDA provided on November 19, 2021, which included images of system-generated date stamps, the hard copy documents the QCDA produced in November 2021 (a month after we requested justifications for the overtime request payments) lacked any comparable, verifiable indicator that would establish that the justifications had been recorded and reviewed contemporaneously with the events in question (between July 1, 2018 and June 30, 2020). Moreover, the justifications the hard copy documents contained had never been recorded or referenced in the corresponding CityTime records. Those omissions were not explained.

⁹ In addition, on November 19, 2021, the QCDA provided 13 CityTime screen shots, which indicate that in those 13 instances, all involving compensatory time, justifications were recorded in CityTime’s “workflow history” fields rather than in the fields designated for the relevant employee’s and/or approver’s comments. In connection with those screen shots, the QCDA stated there “may be a technical issue with CityTime.” Because the QCDA’s CityTime workflow history screen shots reflect the dates the justifications were entered, we credited them as documented justifications for the office’s approval of overtime in those 13 cases, which we eliminated from this finding. Those 13 instances are not included in the 429 approvals that this report identifies as lacking documented justifications in CityTime. The QCDA has not claimed or demonstrated that any of the 13 justifications referenced in the workflow history screen shots were in fact entered and saved in the comments fields of the CityTime records in question.

Inappropriately Approved Overtime Requests for Periods Less Than 15 Minutes

The Citywide Contract, Article IV, Section 6e states that “payment [of overtime] shall be computed and paid on a basis of quarter hour units actually worked beyond the normal scheduled work week.”

However, during our audit scope, we found that 277 (one percent) of a total of 28,571 instances of approved overtime requests were for periods of less than 15 minutes and that 15 of these approved requests were for periods as low as eight minutes. In response to the concerns we raised regarding those approved overtime requests, QCDA officials stated that they would look into them and provide an explanation. However, the QCDA has not provided any justification or explanation for those instances. QCDA officials did not ensure that these overtime requests were of the minimum duration before approving these requests. The inappropriate approval of overtime requests for periods of less than 15 minutes in duration wastes the City's resources used to compensate employees who were not eligible to receive that compensation. We estimate that the QCDA paid a total of \$269 and awarded an additional 45 hours of compensatory time for overtime requests of less than 15 minutes in duration.

Recommendations

To address the above-described issues involving invalid overtime approvals, the QCDA should take the following actions:

9. Ensure that it does not approve cash overtime payments for employees who have exceeded the City's overtime cap unless it has obtained the appropriate waiver from the Office of Labor Relations;

QCDA Response: “QCDA agrees that, moving forward, we will seek a waiver from the Office of Labor Relations in instances where there is a demonstrated need to exceed the established overtime cap.”

10. Ensure that it does not approve overtime requests that are not supported by documented and appropriate justifications in CityTime; and

QCDA Response: “Staff will be reminded, through written notification, that overtime requests must include justifications for each instance that overtime is requested. QCDA will also follow-up with timekeeping staff to ensure that overtime requests are not being processed unless valid justifications are provided.”

11. Ensure that it does not approve overtime requests for periods of less than 15 minutes.

QCDA Response: “Staff will be reminded, through written notification, that they are not to submit overtime requests for less than 15 minutes. In addition, QCDA will also follow-up with timekeeping staff to reiterate that all overtime requests must be thoroughly reviewed prior to processing in order to ensure that overtime requests for periods of less than fifteen minutes are not approved.”

Hours ADAs Worked during Intake Weekend Shifts Were Not Adequately Documented

The QCDA's Intake and Assessments Bureau (Intake Bureau) is responsible for making appropriate charging decisions and preparing accusatory instruments for all arrest cases in Queens County. The QCDA processes the intake and arraignment of arrested individuals daily, including weekends and holidays. To ensure staff is available on all days, the Intake Bureau support staff are assigned to one of three staggered schedules of five-day workweeks – Sunday to Thursday, Monday to Friday, and Tuesday to Saturday. Additionally, some support staff work overtime if necessary to meet the demand for additional labor.

However, ADAs are not assigned to staggered shifts and are not eligible to receive overtime compensation. Instead, to meet the demand for ADAs to proceed with intake and arraignments during the weekends, the QCDA uses Miscellaneous Pay Adjustments to pay ADAs who volunteer to work Intake Weekend Shifts, from Friday evening through Sunday. ADAs sign up for these shifts quarterly and are paid between \$350 and \$500, depending on their assigned duties, for an eight-hour shift, with prorated amounts for partial shifts. Those Miscellaneous Pay Adjustments are one-time additions to the ADAs' regular salaries. During our two-year audit scope, the QCDA paid \$915,578 to 127 ADAs for Intake Weekend Shifts.

The Deputy Chief of the Intake Bureau sends a list of ADAs who worked each eight-hour Intake Weekend Shift and any partial shift on a particular weekend to the Director of Administration and Finance for approval. That approval is the action that authorizes the payment of the Miscellaneous Pay Adjustments to the ADAs who volunteered to work on a given Intake Weekend Shift.

According to a QCDA official, proof of work done by a given ADA during a given Intake Weekend Shift consists of the cases assigned to the ADA during the shift. That QCDA official also informed us that the Intake Bureau maintains sign-in sheets for ADAs to use on the day of their assigned Intake Weekend Shift. An ADA's signature on the sign-in sheet should thus serve as a record that the ADA arrived at his or her assigned work location on the date indicated. However, according to the same QCDA official, the ADAs do not record arrival or departure times on the sign-in sheet or elsewhere, and the sign-in sheets are not forwarded to the Director of Administration and Finance as support for the ADAs' entitlement to Miscellaneous Pay Adjustments. As previously mentioned, Comptroller's Directive #13, Section 4.1.1, requires that "[t]he time records for salaried employees must record the hours of arrival and departure for each day of work." In the absence of a record of each ADA's arrival and departure times on each Intake Weekend Shift, the QCDA's time records do not adequately support its payments to those ADAs for working those shifts.

We requested Intake Weekend Shift sign-in sheets for the sampled two-week pay period of Sunday, January 26 through Saturday, February 8, 2020. As that period included one full weekend and portions of two others, the requested sign-in sheets should have contained the signatures of the ADAs who worked on the covered Intake Weekend Shifts, based on the representation of the above-mentioned QCDA official. We also requested the quarterly schedule showing the ADAs scheduled to work Intake Weekend Shifts covering the three-month period that included our sampled pay period. A comparison of the Intake Weekend Shift sign-in sheets and quarterly schedule with corresponding payroll records should have enabled us to determine whether the QCDA's Miscellaneous Pay Adjustments for that pay period were adequately supported by timekeeping records.

However, the QCDA did not provide the requested Intake Weekend Shift sign-in sheets covering the sampled pay period, and QCDA officials did not explain at the time of our request why they

did not provide those records. Subsequently, in its written comments on November 22, 2021, the QCDA stated, “[W]e note that the sample period that you selected was 1/26/20 – 2/8/20. This period was right after the change in the District Attorney administration that occurred as of January 1, 2020. As a result, the sign-in sheets that you requested were not readily available.” The QCDA did not explain how the change in administration affected seemingly routine recordkeeping activities, such as the completion or maintenance of sign-in sheets, which we requested on October 5, 2021, long after the period when the sign-in sheets should have been completed.

During the audit, QCDA officials provided us with documents captioned “Arraignment Time Sheet,” each listing the ADA who covered an arraignment session on a particular date in a designated court “part” or section. According to QCDA officials, the Arraignment Time Sheets evidenced that the ADAs who were listed therein (and had received corresponding Miscellaneous Pay Adjustments) were present and working at the arraignment sessions on the dates indicated. In its written comments, on November 22, 2021, the QCDA reiterated that “the information that was provided, documented that each person who was paid for an Intake shift during the review period had in fact worked on the dates indicated and that no one was paid inappropriately.”

We note that the Arraignment Time Sheets, despite their name, are not timekeeping records. They differ materially from the weekly timesheets described earlier in that the Arraignment Time Sheets do not specifically call for an ADA to report the number of hours he or she worked each day. Moreover, the Arraignment Time Sheets do not reflect the assigned ADA’s arrival and departure times. Instead, they appear to reflect certain aspects of the arraignment court’s activity on a given date, including, among other things, the time the *judge* took and left the bench, the number of cases arraigned during the session, and the number of cases held over at the end of the session.¹⁰ In addition, although the form calls for the names of the “Arraignment ADA” and Supervisor, it is not necessarily signed by the ADA or approved by the Supervisor as a timekeeping record. Thus, while the Arraignment Time Sheets provide some evidence that the assigned ADAs worked during the Intake Weekend Shifts for which they were paid, they do not provide all relevant information. Accordingly, these records do not supplant properly completed and approved timekeeping records. Without a properly completed timekeeping record where an ADA records his or her hours worked, including his or her times of arrival and departure, subject to a supervisor’s verification, the QCDA has limited assurance, before approving payment, that the ADAs were present and working throughout their assigned Intake Weekend Shifts.

Additionally, neither the QCDA nor the Intake Bureau maintains written policies and procedures for the reporting, review, and approval of Miscellaneous Pay Adjustments for ADAs working Intake Weekend Shifts.¹¹ Comptroller’s Directive #1, Section 5.11 discusses the importance of such policies and procedures and of appropriate documentation of transactions in establishing and maintaining an effective control environment:

5.11 Appropriate Documentation of Transactions and Internal Controls

All transactions and significant events need to be clearly documented and the documentation readily available for use or examination. Internal controls should be documented in management administrative policies or operating manuals. All

¹⁰ Some of the spaces on the documents the QCDA provided to us were left blank, including in some cases, the time the judge ended the court session.

¹¹ On October 25, 2021, the QCDA provided an internal e-mail dated July 29, 2019 that concerns the eligibility criteria for ADAs who wish to volunteer to work on Intake Weekend Shifts. That e-mail does not address the accountability issues encountered in this audit, which relate to the absence of a verifiable timekeeping record to provide reasonable assurance that the employees the QCDA paid to staff Intake Weekend Shifts in fact worked the full eight-hour shifts or if applicable, partial shifts, for which they were paid.

documentation should be properly managed and maintained in accordance with updated records retention schedules.

As with the previously-mentioned deficiencies with ADAs' timesheets, in the absence of verifiable time records of ADAs' work on Intake Weekend Shifts, including their arrival and departure times, properly reviewed by supervisors and timekeepers, the QCDA incurred and will continue to incur the risk of paying employees for time that they did not work.

Recommendations

12. The QCDA should require that ADAs record Intake Weekend Shifts worked on a timesheet, including arrival and departure times;

QCDA Response: "QCDA administrative staff are currently working with our Intake Bureau to develop and implement a timesheet, which includes arrival and departure times, that will be utilized by ADAs working extra Intake shifts."

13. The QCDA's Administration Unit should require and review timesheets or other appropriate timekeeping records, properly completed and reviewed, documenting ADAs' arrival and departure times during Intake Weekend Shifts prior to approving payments to the ADAs for those shifts; and

QCDA Response: "Once the ADA Intake extra shift timesheet template is finalized, these timesheets will be submitted to the Administration Unit, along with the payment request, which will be reviewed prior to approval of payment."

14. The QCDA should develop and maintain written policies and procedures for the reporting, review, and approval of Miscellaneous Pay Adjustments for ADAs working Intake Weekend Shifts.

QCDA Response: "A written policy will be developed regarding the reporting, review and approval of payment for ADAs working the Intake weekend shifts."

DETAILED SCOPE AND METHODOLOGY

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

The scope of this audit covers Fiscal Years 2019 and 2020 (the period from July 1, 2018 through June 30, 2020).

To obtain an understanding of the QCDA's fiscal controls over its personal services expenditures, we independently obtained and used as criteria *Comptroller's Directive #1 – Principles of Internal Control* and *Comptroller's Directive #13 – Payroll Procedures*. We also independently downloaded and reviewed a PY05 (Pay Details) report from CHRMS covering our audit scope in order to obtain an understanding of the QCDA's PS expenditures. In addition, we independently downloaded and reviewed AC01 (New Hire Details) and AC03 (Separation Details) reports from CHRMS to determine which employees were newly hired and separated during our audit scope. We also reviewed:

- *DCAS Personnel Rules and Regulations of the City of New York* ;
- *PSB 200-8*;
- *CityTime Training Timekeeper Course – Version 6.0* ;
- Sections 6e and 7 of the *DC37 1995-2001 Citywide Contract* (Citywide Contract));
- *New York State Civil Service Law*, Section 150;
- *New York State Retirement and Social Security Law*, Sections 211 and 212;
- *New York State Civil Service Commission: Section 211 Application – Application for Pension Waiver Pursuant to Section 211 of the New York State Retirement and Social Security Law*;
- *NYCERS, Calculating Your Final Average Salary: Tier 4 Members (Version January 2010)*;
- *NYCERS, Earnings Limitations for Service Retirees, dated April 2021*; and
- *NYC FISA-OPA Portals*.

We judgmentally selected two pay periods, June 2 through June 15, 2019 and January 26 through February 8, 2020 – one period from each of the two Fiscal Years in our audit scope that had no holidays. The pay period in 2020 was also selected because it was the last prior to the COVID-19 pandemic. We then obtained from the Financial Information Services Agency (FISA) the following reports from CityTime for these two pay periods:

- Overtime Requests Report—we also obtained a separate report covering our entire audit scope
- Time Entry Detail Report
- Timesheet Status Detail Report

We reviewed these reports to determine whether employees had approved timesheets and corresponding time punches on file for the days they were paid. We also determined whether

employees who had worked overtime and had a proper justification for doing so were properly approved. In addition, we determined whether any of the ADAs were approved overtime, as they are not eligible to receive overtime under any circumstances. For Calendar Year 2019, we also determined whether overtime was paid in cash to employees who had exceeded the overtime cap of \$87,860.

We obtained from the QCDA and reviewed the following:

- CHRMS Event Descriptions, their definitions, and the types of employees eligible to receive each category of pay;
- A list of all employees active at the QCDA at any point during our audit scope;
- A list of employees separated from the QCDA during our audit scope;
- The purpose of each payment either earned or paid and classified as a Miscellaneous Pay Adjustment made to QCDA employees during our audit scope; and
- The ADA leave policy, dated July 31, 2015.

To understand the QCDA's organizational structure, we obtained and reviewed the agency's organizational chart as of December 20, 2020.

To obtain an understanding of the QCDA's operating practices related to personal services, we conducted a walkthrough meeting with the QCDA's Administration Division and the Chief of Staff. We then conducted additional walkthrough meetings with:

- the Time and Leave Unit for additional information on the QCDA's timekeeping process;
- the Chief Payroll Officer for additional information on the QCDA's payroll process; and
- the Chief of the Intake Bureau for additional information on the *Intake Weekend Shift* process.

Following these walkthrough meetings, we obtained and reviewed the following:

- Updated lists of all payments classified as a Miscellaneous Pay Adjustment made to QCDA employees during our audit scope that included Employee ID numbers and Civil Service titles; and
- An updated list of employees separated from the QCDA during our audit scope that included Employee ID numbers, Civil Service titles, and the employees' start dates with the QCDA.

To determine whether the QCDA complied with Comptroller's Directive #13 regarding the contents of employee personnel files, we obtained and reviewed the personnel files for 40 randomly selected employees—20 ADAs and 20 support staff—and noted which required documents were missing from the files.

To determine whether hard copy ADA timesheets were submitted and approved, whether the timesheets complied with Comptroller's Directive #13 regarding its contents, and whether the entries on the timesheets were appropriate, we randomly selected 10 ADAs and obtained and reviewed their timesheets covering our audit scope.

To determine whether ADAs who were paid for Intake Weekend Shifts were scheduled and present for their relevant shifts, we requested but did not receive sign-in sheets for the pay period January 26 through February 8, 2020 and the corresponding quarterly schedule. Additionally, we

randomly selected 13 ADA shifts from the record of Miscellaneous Pay Adjustments covering our audit scope. We obtained the QCDA's records showing all intake weekend shifts during our audit scope, their associated payment, and approval by the Director of Administration and Finance prior to being processed by payroll. We compared the 13 ADA shifts with these records to determine whether the dates and amounts matched.

To determine whether Grand Jury Reporters, or stenographers, worked on court reporting cases prior to receiving the associated quarterly one-time payments, we requested and reviewed all records of grand jury cases for our audit scope along with the stenographer(s) assigned to record the cases. We then had additional walkthrough meetings with a Grand Jury Reporter and a Supervising Grand Jury Reporter to obtain an additional understanding of their roles. We also requested and reviewed evidence regarding the justification and authorization of additional one-time payments made to the Supervising Grand Jury Reporter.

To determine whether all QCDA employees receiving post-retirement wages subject to the limitations and related requirements of the New York State Civil Service Law and the New York State Retirement and Social Security Law had an approved Section 211 waiver on file, we requested a list of all such employees along with their approved waivers. Additionally, after obtaining and reviewing the list of 53 employees, we randomly selected five employees as follows:

- One of the two Chief Rackets Investigators
- One of the 11 Supervisory Rackets Investigators
- Three of the 40 Senior Rackets Investigators

For these five employees that we selected, we repeatedly requested the documentation submitted to DCAS in support of their waivers. The QCDA initially declined to provide the requested approved waivers and the requested supporting documentation except for providing approved waivers for the above-mentioned five employees and allowing us to view the supporting documents for those five employees' waivers in the presence of QCDA officials so that we could confirm the existence of those documents, but did not provide or allow us to obtain copies of them for further review. The QCDA provided the remaining 46 approved waivers on November 12, 2021 subsequent to the issuance of the preliminary draft report.

The results of the above tests, while not projectable to their respective populations, provided a reasonable basis for us to evaluate the QCDA's controls over its PS expenditures.



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December 14, 2021

Ms. Majorie Landa
Deputy Comptroller for Audit
Office of the New York City Comptroller
1 Centre Street, Room 1100
New York, New York 10007

Re: Response to the Draft Audit Report on the Queens County District Attorney's Controls Over Personal Services Expenditures (Audit Number FM21-069A)

Dear Ms. Landa:

We are in receipt of the above-captioned draft audit report on the Queens County District Attorney's (QCDA) controls over personal services expenditures and submit the following in response to your specific recommendations:

Recommendation #1:

The QCDA should develop detailed written policies and procedures governing the staff's responsibilities that are aligned with Citywide policies – including but not limited to an employee manual and all operations relating to its PS expenditures – and disseminate those policies and procedures to relevant personnel and update them periodically as necessary.

Response:

As indicated in our written comments and as discussed at our closing conference, QCDA agrees that a comprehensive employee and procedures manual would be beneficial to both our administrative staff, as well as for all QCDA employees. We will continue efforts to develop and distribute the manual in the upcoming year.

Recommendation #2:

The QCDA should maintain complete employee personnel records that include, at minimum, the information mandated by Comptroller's Directive #13.

Response:

QCDA agrees to review Comptroller's Directive #13 in order to ensure that, moving forward, personnel files are updated to include all of the information as required by Directive #13.

Recommendation #3:

Revise the format of its hard copy timesheets to include all of the information required by Comptroller's Directive #13.

Response:

QCDA agrees that Assistant District Attorney (ADA) timesheets will be modified to include arrival and departure times rather than the total number of hours worked per day.

Recommendation #4:

Develop for management approval and implement a written timekeeping policy that incorporates applicable Citywide rules and guidance.

Response:

As part of our overall effort to develop a comprehensive employee policy and procedure manual, QCDA will develop and distribute a written timekeeping policy that incorporates applicable Citywide rules and guidance.

Recommendation #5:

Require and ensure that ADAs properly complete and submit their timesheets, including accurately reporting the hours they worked, entering their arrival and departure times, dating their signatures, and submitting their properly completed timesheets within a standard timeframe measured from the last day of the workweek the timesheet covers.

Response:

All ADA staff will be reminded, through written notification, that weekly timesheets must accurately reflect the hours worked, including arrival and departure times, and that timesheets must be dated and submitted in a timely manner.

Recommendation #6:

Require and ensure that supervisory ADAs properly review their subordinates' timesheets for completeness, accuracy, and timeliness before approving them or returning them to the employee for correction.

Response:

As mentioned above, all ADA staff will receive a written reminder regarding the importance of accurately submitting weekly timesheets. As part of this notification, it will be reiterated to supervisory staff that they must properly review their subordinates' timesheets for completeness, accuracy, and timeliness prior to approving.

Recommendation #7:

Require and ensure that timekeeping personnel review the timesheets they process, note and report any instances of missing or late timesheets, identify, report, and return for correction any

timesheets with errors and omissions, and ensure that they enter only properly completed and approved time records into CityTime.

Response:

Timekeeping staff will be reminded, through written notification, as well as follow-up meetings, that all submitted timesheets must be thoroughly reviewed and that any needed corrections are made prior to being entered and approved in CityTime.

Recommendation #8:

Consider fully transitioning ADAs' timekeeping to CityTime by having the ADAs enter their daily arrival and departure times electronically. This transition should include establishing criteria for whether and the extent to which ADAs at different levels of the organization would be required to use devices such as the DCD hand scanner and the web clock feature to record those times in real time.

Response:

QCDA agrees to begin transitioning ADA staff to CityTime, once further discussions are held and an established criteria has been finalized.

Recommendation #9:

Ensure that it does not approve cash overtime payments for employees who have exceeded the City's overtime cap unless it has obtained the appropriate waiver from the Office of Labor Relations.

Response:

QCDA agrees that, moving forward, we will seek a waiver from the Office of Labor Relations in instances where there is a demonstrated need to exceed the established overtime cap.

Recommendation #10:

Ensure that it does not approve overtime requests that are not supported by documented and appropriate justifications in CityTime.

Response:

Staff will be reminded, through written notification, that overtime requests must include justifications for each instance that overtime is requested. QCDA will also follow-up with timekeeping staff to ensure that overtime requests are not being processed unless valid justifications are provided.

In addition, in response to your comments on pages 13 and 14 of the draft report where you indicate that there was an "unexplained late submission" and "unexplained delay" in QCDA providing hard copy overtime records to the audit team, we note that email correspondence from the audit team on 11/9/21, indicated that "your office may provide any additional documentation or clarifications prior to the exit conference." We note that the exit conference took place on 11/19/21 and the documentation that you are referencing was provided to the audit team prior to that meeting.

Recommendation #11:

Ensure that it does not approve overtime requests for periods of less than 15 minutes.

Response:

Staff will be reminded, through written notification, that they are not to submit overtime requests for less than 15 minutes. In addition, QCDA will also follow-up with timekeeping staff to reiterate that all overtime requests must be thoroughly reviewed prior to processing in order to ensure that overtime requests for periods of less than fifteen minutes are not approved.

Recommendation #12:

The QCDA should require that ADAs record Intake Weekend Shifts worked on a timesheet, including arrival and departure times.

Response:

QCDA administrative staff are currently working with our Intake Bureau to develop and implement a timesheet, which includes arrival and departure times, that will be utilized by ADAs working extra Intake shifts.

Recommendation #13:

The QCDA's Administration Unit should require and review timesheets or other appropriate timekeeping records, properly completed and reviewed, documenting ADAs' arrival and departure times during Intake Weekend Shifts prior to approving payments to the ADAs for those shifts.

Response:

Once the ADA Intake extra shift timesheet template is finalized, these timesheets will be submitted to the Administration Unit, along with the payment request, which will be reviewed prior to approval of payment.

Recommendation #14:

The QCDA should develop and maintain written policies and procedures for the reporting, review, and approval of Miscellaneous Pay Adjustments for ADAs working Intake Weekend Shifts.

Response:

A written policy will be developed regarding the reporting, review and approval of payment for ADAs working the Intake weekend shifts.

Thank you and please feel free to contact me at (718) 286-6318 should you have any questions or need any additional information.

Sincerely,



Jacqueline Duckfield
Director of Administration and
Finance