

# AUDIT REPORT



CITY OF NEW YORK  
OFFICE OF THE COMPTROLLER  
BUREAU OF FINANCIAL AUDIT  
**WILLIAM C. THOMPSON, JR., COMPTROLLER**

## **Audit Report on the Financial and Operating Practices of the Queens County District Attorney's Office**

*FP05-123A*

December 30, 2005



THE CITY OF NEW YORK  
OFFICE OF THE COMPTROLLER  
1 CENTRE STREET  
NEW YORK, N.Y. 10007-2341

WILLIAM C. THOMPSON, JR.  
COMPTROLLER

## To the Citizens of the City of New York

Ladies and Gentlemen:

In accordance with the Comptroller's responsibilities contained in Chapter 5, §93 of the New York City Charter, my office has examined the compliance of the Queens County District Attorney's Office with certain City payroll, timekeeping, purchasing, and inventory procedures, as set forth in the New York City Comptroller's *Internal Control and Accountability Directives*; Department of Citywide Administrative Services personnel rules and leave regulations; Department of Investigation's *Standards for Inventory Control and Management*; and applicable Procurement Policy Board rules.

Audits such as this provide a means of ensuring that agencies follow City guidelines and that government dollars are used appropriately and in the best interest of the public.

The results of our audit, which are presented in this report, have been discussed with Queens County District Attorney officials, and their comments have been considered in preparing this report. Their complete written response is attached to this report.

I trust that this report contains information that is of interest to you. If you have any questions concerning this report, please e-mail my audit bureau at [audit@Comptroller.nyc.gov](mailto:audit@Comptroller.nyc.gov) or telephone my office at 212-669-3747.

Very truly yours,

A handwritten signature in cursive script that reads "William C. Thompson, Jr.".

William C. Thompson, Jr.

WCT/fh

Report: FP05-123A  
Filed: December 30, 2005

*The City of New York  
Office of the Comptroller  
Bureau of Financial Audit*

**Audit Report on the  
Financial and Operating Practices of the  
Queens County District Attorney's Office**

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**AUDIT REPORT IN BRIEF**

This audit determined whether the Queens County District Attorney's Office (Queens District Attorney's Office) is complying with certain payroll, personnel, timekeeping, purchasing, and inventory procedures, as set forth in the New York City Comptroller's Internal Control and Accountability Directives (Comptroller's Directives) 13, 24, and 25, Department of Citywide Administrative Services (DCAS) personnel rules and leave regulations, the Queens District Attorney Manual, Department of Investigation (DOI) *Standards for Inventory Control and Management*, and the Procurement Policy Board (PPB) rules.

The audit found that the Queens District Attorney's Office generally adhered to the requirements of Comptroller's Directives 13, 24, and 25, DCAS' time and leave regulations, the Queens District Attorney's Office Manual, DOI's inventory standards, and applicable PPB rules. In addition, our examination of the Queens District Attorney's OTPS expenditures disclosed no instances in which moneys were improperly used. However, the Queens County District Attorney's Office did not always ensure that: employees sign for their paycheck and that each page of the Paycheck Distribution Control report is certified by the person responsible for distributing the paychecks; employees' salaries were within the salary ranges of their Career and Salary Plan titles; employees' leave balances were within the amounts allowable under City Time and Leave Regulations; City regulations for sick leave were enforced; employees charge their leave balances for all early departures; timekeeping records were complete, accurate, and properly approved; employees submitted leave authorization forms for time used; voucher packages were stamped "vouchered" as required by Comptroller's Directive 24; vouchers were charged to correct object codes; miscellaneous vouchers are only used for allowable purposes; and equipment is tested when it is received. In addition, the Queens County District Attorney's Office did not require that its Assistant District Attorneys and managers record their arrival and departure times in accordance with Comptroller's Directive 13 and it did not immediately claim the \$10,488 rent credit from the landlord. We believe that the weaknesses found were generally minor and therefore do not detract from the audit's overall conclusion that the Queens County District Attorney's Office generally complied with applicable payroll, timekeeping, and purchasing procedures.

## **Audit Recommendations**

To address these issues, we make 11 recommendations, including that the Queens District Attorney's Office ensure that:

- Employees sign the Paycheck Distribution Control Report upon receipt of their paycheck and that each page of the Paycheck Distribution Control Reports is certified.
- Employees are transferred into titles for which they qualify and that have salary ranges that encompass their current pay levels.
- It converts unused compensatory time to sick leave after 120 days as required for employees covered by DCAS' Time and Leave Regulations unless it authorizes the carry-over in writing.
- It requires its employees to document sick leave use in accordance with DCAS' Time and Leave Regulations.
- It converts excess annual leave to sick leave by May 1 of each year unless it authorizes the carry-over in writing in accordance with DCAS' Time and Leave Regulations.
- Employees charge their leave balances for all early departures.
- ADAs record their daily arrival and departure times and other timekeeping transactions on a form of its choice.
- Immediately claim the \$10,488 rent credit from the landlord.

## **INTRODUCTION**

### **Background**

In New York State, District Attorneys are constitutional officers elected every four years. The City's five District Attorneys protect the public by investigating and prosecuting criminal conduct in their respective counties. The District Attorneys enforce provisions of the penal law and other statutes—their principal activities include preparing information and gathering resources for court hearings, and presenting trial and appeal cases in court.

During Fiscal Year 2004, the Queens County District Attorney's Office (Queens District Attorney) expended \$32,807,563 on Personal Service (PS) expenditures and \$5,536,109 on Other Than Personal Services (OTPS) expenditures.

### **Objective**

The objective of this audit was to determine whether the Queens District Attorney is complying with certain payroll, personnel, timekeeping, purchasing, and inventory procedures, as set forth in the New York City Comptroller's Internal Control and Accountability Directives

(Comptroller's Directives) Department of Citywide Administrative Services (DCAS) personnel rules and leave regulations, the Queens District Attorney's Office Manual, the New York City Department of Investigation (DOI) *Standards for Inventory Control and Management*, and Procurement Policy Board (PPB) rules.

### **Scope and Methodology**

This audit covered the period July 1, 2003, through June 30, 2004. To obtain an understanding of the procedures and regulations with which the Queens District Attorney is required to comply, we reviewed relevant provisions of: Comptroller's Directives 13, 24, and 25; DCAS' personnel rules and leave regulations; DOI's inventory standards, and applicable PPB rules. We interviewed staff at the District Attorney's Office to obtain an understanding of the payroll, personnel, timekeeping, and purchasing procedures in place and to determine how physical assets are safeguarded.

#### **Tests of Compliance with Comptroller's Directive 13, DCAS Personnel and Leave Regulations, and the Queens District Attorney's Office Manual**

We reviewed attendance records of 53 employees—25 Assistant District Attorneys (ADA), 25 non-managerial employees, and three managerial employees—for the month of June 2004, to determine whether the Queens District Attorney maintains reliable and accurate time records. These 53 employees were selected from the 518 employees (263 non-managerial employees, 248 ADAs, and seven managerial employee) listed on the Queens District Attorney's payroll records for the month ending June 30, 2004, so as to assess records at fiscal-year end. We examined the attendance records for completeness and evidence of supervisory review. We compared the attendance records to the City Payroll Management System (PMS) Employee Leave Details Report (PEILR721) to determine whether all reportable timekeeping transactions were accurately posted on PMS. We reviewed compensatory time transactions and annual leave use for evidence of proper approvals and posting.

For our tests of separation payments, we selected a sample of 14 of the 48 employees (32 ADAs, and 16 non-managerial employees) who separated from City service during Fiscal Year 2004. We determined whether separation payments to these individuals were properly calculated. In addition to reviewing separation payments for the 14 employees, we also checked whether all 14 employees were appropriately removed from the City payroll.

To determine whether Queens District Attorney employees were receiving salaries that were within the salary ranges of their civil service titles, we compared the salaries of all

individuals listed on PMS as employees as of July 1, 2003 (excluding Assistant District Attorneys since there are no established salary ranges for them) to the minimum and maximum salary amounts of their civil service titles specified in the City Career and Salary Plan. We reviewed the Paycheck Distribution Control Report (form 319) for the pay periods ending June 4 and June 18, 2004, to ascertain whether employees signed for their paychecks as required by PMS guidelines.

We determined whether compensatory time that was carried beyond the 120-day limit for its use was transferred to sick leave for the 25 individuals in our sample that this applied to. If such compensatory was not transferred to sick leave, we determined whether the employee's personnel file contained documentation authorizing that the time be carried over. We also determined whether medical documentation, when required by City Time and Leave regulations, appropriately supported sick-leave use. Finally, we determined whether approved carryover authorizations were present in employees' personnel files for those employees who had excess annual leave balances (more than the amount that each employee earns in a two-year period) to their credit.

The results of the above tests while not projectable to all employees provided a reasonable basis to assess the compliance of the Queens District Attorney with Comptroller's Directive 13 and DCAS' personnel rules and leave regulations.

#### **Tests of Compliance with Comptroller's Directives 24, 25, and with PPB Rules**

We examined the two contracts totaling \$2,401,444 and their 25 corresponding vouchers issued by the Queens District Attorney during fiscal year 2004. In addition, we examined 35 randomly selected purchase documents (five PC-small purchase documents for purchases of at least \$2,500 using other than capital funds, 15 PD-micro purchase documents, 15 PO-purchase orders) and the 90 corresponding vouchers, and 20 miscellaneous vouchers<sup>1</sup>. We examined each purchase document and voucher for the requisite approvals and authorizations, and for evidence that the transactions were for proper business purposes and were supported by adequate documentation. For the 135 vouchers, we also determined whether: each voucher was properly coded; an authorized purchase order was on file if applicable; sales and excise taxes were properly excluded from payments; and bids were obtained when required by PPB rules. With regard to the 20 miscellaneous vouchers, we determined whether the vouchers were issued for only allowable purposes.

The results of the above tests, while not projectable to all payment vouchers processed during the audit period, provided a reasonable basis to assess the Queens District Attorney's compliance with Comptroller's Directives 24 and 25 and PPB rules.

#### **Tests of Compliance with DOI's Inventory Standards**

We randomly selected 120 of the 1,781 major equipment items (including computers, monitors, printers, scanners, laptops, fax machines, televisions, and automobiles) listed on the

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<sup>1</sup> The District Attorney's Office issued 15 PC-small purchase documents for purchases of at least \$2,500 using other than capital funds, 87 PD-micro purchase documents, 62 PO-purchase orders, and 644 miscellaneous vouchers.

Queens District Attorney's inventory records as of April 15, 2005, and determined whether they were on hand at the Queens District Attorney's office. We tested the completeness of the inventory records by determining whether other pieces of equipment that were on hand in the Queens District Attorney's office were properly listed on the inventory records. Finally, we determined whether all items examined were properly tagged as property of the Queens District Attorney. The results of the above tests, while not projectable to all major equipment items, provided a reasonable basis to assess the Queens District Attorney's controls over inventory as specified in the New York City Department of Investigation *Standards for Inventory Control and Management*.

### **Scope Limitation**

We could not review the propriety of \$284,042 of "Special Expenditures" of the \$5,536,109 expended on OTPS. The Queens District Attorney stated that these funds were used to pay for confidential expenditures, such as protection of witnesses, paid informants, and surveillance operations. We accept the assertion of the Queens District Attorney's that our review of these expenditures might jeopardize current or future investigations and related criminal justice activities. Accordingly, transactions posted to this account were not reviewed during the audit.

\* \* \* \*

This audit was conducted in accordance with generally accepted government auditing standards (GAGAS) and included tests of the records and other auditing procedures considered necessary. This audit was performed in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, § 93, of the New York City Charter.

### **Discussion of Audit Results**

The matters covered in this report were discussed with Queens District Attorney officials during and at the conclusion of this audit. A preliminary draft report was sent to the Queens District Attorney and was discussed at an exit conference held on December 5, 2005. On December 8, 2005, we submitted a draft report to the Queens District Attorney with a request for comments.

We received a written response on December 20, 2005. In its response, the Queens District Attorney agreed with nine of the report's eleven recommendations. The Queens District Attorney did not agree with the recommendations that employees charge their leave balances for all early departures and that Assistant District Attorneys and managers should be required to record their daily arrival and departure times.

The full text of the Queens District Attorney response is included as an addendum to this report.

## FINDINGS AND RECOMMENDATIONS

The Queens District Attorney generally adhered to the requirements of Comptroller's Directives 13, 24, and 25, DCAS' time and leave regulations, the Queens District Attorney's Office Manual, DOI's inventory standards, and applicable PPB rules. In addition, our examination of the Queens District Attorney's OTPS expenditures disclosed no instances in which moneys were improperly used. However, the Queens District Attorney did not always comply with Comptroller's Directives and the provisions of DCAS' time and leave regulations. These instances of noncompliance, which did not cause us to change our overall opinion, are discussed in detail in the following sections of this report.

### Payroll, Personnel and Timekeeping Weaknesses

#### Payroll

Six employees did not sign for their paychecks and 21 of the 31 pages in the June 4, 2005 and 21 of the 28 pages in the June 18, 2005 PMS Paycheck Distribution Control Reports were not signed by the person responsible for distributing the paychecks in violation of PMS guidelines. In addition, the annual salaries of 75 of the Queens District Attorney's 248 full-time employees are not within the salary range of their "Career and Salary Plan" titles, as required by DCAS personnel rules.<sup>2</sup> In fact, all 75 employees' salaries exceeded the maximum pay rates for their titles—the salaries exceeded the maximums by between \$108 and \$35,513, an average of \$8,949.

#### Recommendations

The Queens District Attorney should ensure that:

1. Employees sign the Paycheck Distribution Control Report upon receipt of their paycheck and that each page of the Paycheck Distribution Control Reports is certified.

*Queens District Attorney Response:* "Agree. The office currently has procedures in place to ensure sign-off by employees or personnel distributing checks. Additional steps will be taken to further ensure that all employee receiving 'paper checks' sign their name next to their printed name on the distribution reports and that each page of the Paycheck Distribution Control Report is certified."

2. Employees are transferred into titles for which they qualify and that have salary ranges that encompass their current pay levels.

*Queens District Attorney Response:* "The office is in the process of reviewing the assigned titles and salary ranges of our employees and, where possible, consistent

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<sup>2</sup>The 248 employees reviewed do not include Assistant District Attorneys, since they are not covered under the City Career and Salary Plan.



with office needs and the unique demands, specialized qualifications, and extensive law enforcement background many of our staff positions require, will make efforts to transfer employees into appropriate titles for which they qualify and with salary ranges that encompass their current pay levels.”

## **Personnel**

The Queens District Attorney did not convert unused compensatory time to sick leave after 120 days as required for employees covered by DCAS’ Time and Leave Regulations. For the period July 1, 2003 - October 31, 2003, six employees had a combined total of 155 hours of compensatory time that was not used within 120 days. For the period January 1, 2004 - April 30, 2004, four employees (including two employees from the prior period) had a combined total of 209 hours of compensatory time that was not used within 120 days. According to DCAS’ Time and Leave Regulations, employees must use compensatory time within four months of its being earned. Any such time not used should be added to the employees’ sick leave balances, unless the agency authorizes employees in writing to carry it over. However, no such authorizations were on file for the eight employees.

In addition, six Queens District Attorney employees had more than five instances of undocumented sick leave within a “sick leave period,” but were not required to document their future sick leave use as required by DCAS’ Time and Leave Regulations.<sup>3</sup> Moreover, we noted that two of these six employees had more than five instances of undocumented sick leave within the next sick leave period and three of these employees again exceed the five undocumented sick leave occurrences within the next sick leave period—one of the six violated the sick leave policy in all three periods reviewed. It should be noted that in calendar year 2004, these employees had 92 instances of undocumented sick leave totaling 458 hours.

Finally, seven Queens District Attorney employees had annual leave balances to their credit that exceeded the maximum amounts allowable under DCAS’ Time and Leave Regulations. As of April 30, 2004, the leave balances of these employees collectively exceeded the allowable amounts by a total of 454 hours, or 65 days. DCAS’ Time and Leave Regulations state that “an employee’s [annual] leave balance must be reduced by May 1 in any given year to the amount accruable in the preceding two years.” The regulations also provide for the transfer of an employee’s excess annual leave balance to the employee’s sick leave balance. DCAS’ Time and Leave Regulations also state that “in the event . . . that any agency head authorizes in writing an employee to forego vacation . . . that portion . . . shall be carried over as annual leave, even though . . . [it] exceeds the [maximum] limit.” However, no such authorizations were on file for the seven employees with excess annual leave balances. In fact, one of the seven employees was paid \$704 more than she was entitled to because she was paid for excess annual leave.

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<sup>3</sup> DCAS’ Time and Leave Regulations define sick leave periods as either January to June or July to December.

## Recommendations

The Queens District Attorney should ensure that:

3. It converts unused compensatory time to sick leave after 120 days as required for employees covered by DCAS' Time and Leave Regulations unless it authorizes the carry-over in writing.

*Queens District Attorney Response:* "The Office will review all current compensatory time balances of its employees and assess the feasibility of converting unused compensatory time to sick leave, where possible."

4. It requires its employees to document sick leave use in accordance with DCAS' Time and Leave Regulations.

*Queens District Attorney Response:* "The Office will review the Comptroller's recommendation. We note the Office currently requires documentation from support staff personnel for absences of 3 or more consecutive days, for days preceding or following a holiday, or days contiguous to a Monday or Friday."

5. It converts excess annual leave to sick leave by May 1 of each year unless it authorizes the carry-over in writing in accordance with DCAS' Time and Leave Regulations.

*Queens District Attorney Response:* "The Office currently reviews and calculates excess support staff annual leave balances as of the end of the calendar year, December 31<sup>st</sup>. . . . We do agree, however, to adjust our calculations in the future for our support staff based on an end of leave year date of April 30<sup>th</sup>."

## Timekeeping

The Queens District Attorney allows its non-ADA employees to leave work early the day before major holidays (i.e. Christmas Eve, New Years Eve, and Thanksgiving Eve) without charge to their annual leave balances. In addition, the Queens District Attorney allowed its non-ADA employees to leave work at 3:00 p.m. on December 26, 2003, and January 2, 2004, again without charge to the employees' leave balance. There is no provision in DCAS' Time and Leave Regulations that allow for pre-holiday or post-holiday early departure.

In addition, the Queens District Attorney does not require that its ADAs record their daily arrival and departure times, as required by Directive 13, which states:

"a fundamental timekeeping principle is that attendance, absence, and tardiness be recorded promptly on a daily basis. Time and attendance must be recorded for all employees, including managerial and non-managerial salaried staff . . . The 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 . . ."

Adequate timekeeping controls require a system under which employees record their daily arrival and departure times and their leave use. Effective timekeeping procedures bring consistency to the process by preventing abuses or misunderstandings, and result in complete and accurate records. Ineffective procedures may result in an employee being compensated for time not worked because of unnoticed tardiness, unexcused early departure, or undocumented absence.

Finally, our review of the timekeeping records disclosed that:

- 22 employees did not complete leave authorization forms in 79 instances (for the most part leave balances were appropriately charged);
- 14 employees' timecards lacked evidence of supervisory review in 70 instances (the employees' time was for the most part appropriately recorded in PMS);
- One employee was not charged for 1.5 hours of sick leave use;
- Two employees were not charged for lateness;
- One employee was overcharged annual leave for a lateness;
- Three employees did not indicate their arrival and/or departure times on their timesheets.

### **Recommendations**

The Queens District Attorney should ensure that:

6. Employees charge their leave balances for all early departures.

*Queens District Attorney Response:* "On occasion, the District Attorney, in his discretion, has granted early departure to employees on days before or following a holiday, when many of the courts to whom we are very much linked in our day to day operations, are closed. In each case, we have maintained essential staffing levels during regular office hours and dismissed only non-essential personnel. We believe that this is within the province of the District Attorney, as agency head, but agree that we will continue to ensure, as we have always done, that any early departure authorized by the District Attorney is documented on time cards and time sheets to accurately reflect hours worked."

*Auditors' comments:* We disagree. Contrary to its response, the Queens District Attorney does not have the discretion to allow employees, covered by the City's Time and Leave Regulations, to leave work early without charging their leave balances.

7. ADAs record their daily arrival and departure times and other timekeeping transactions on a form of its choice.

***Queens District Attorney Response:*** “We believe that our current time sheets provide adequate documentation and means to monitor time and leave usage for our legal staff.”

***Auditors’ comments:*** We disagree, as discussed in Comptroller’s Directive 13, it is critical that agencies maintain detailed daily records of time and attendance since these documents represent one of the most important links in the internal control structure over the payroll process. Therefore, we reiterate our recommendation.

8. Employees complete leave authorization forms, timecards are approved and dated by a supervisor, adjustments are made to employee leave balances based on the audit findings, employee timekeeping transactions are carefully reviewed so that timekeeping errors are avoided, and employees indicate their arrival and departure time on their time sheets.

***Queens District Attorney Response:*** “We agree to review our current leave authorization process and take under consideration the development and use of leave authorization forms, as per the Comptroller’s recommendation.

“All adjustments as outlined in the audit have been made by our timekeeping staff and all timekeeping transactions will be carefully reviewed so that timekeeping errors are avoided, where possible.

### **Procurement Weaknesses**

Our review of 37 purchase documents and their corresponding vouchers revealed some weaknesses in the District Attorney’s Office procurement practices. Three voucher packages totaling \$348 were not stamped “vouchered” on each page, as required by Comptroller’s Directive 24; ten vouchers were charged to incorrect object codes; and, three miscellaneous vouchers totaling \$8,431 were improperly used to pay for items or services that required purchase orders in violation of Directive 24. In addition, despite being notified by DCAS that it was due a \$10,488 rent credit in April 2004 and by us during the course of the audit, the Queens District Attorney has not claimed the credit from the landlord.

### **Recommendations**

The Queens District Attorney should:

9. Ensure that purchase documents are stamped “vouchered,” purchases are charged to correct object codes, and that miscellaneous vouchers are only used for allowable purposes.

***Queens District Attorney Response:*** “During FY 04, this Office followed the Comptroller’s Directive in regarding the stamping of the paid voucher packages with

the word 'vouchered'. In reviewing the Comptroller's draft report, finding, we agree that three vouchers were not so stamped during this time period due to an oversight.

"As to the Comptroller's finding and recommendation on charging purchases to the correct object codes, this Office makes every effort to ensure that all vouchers are indeed charged to the correct object codes. We note that, even with this effort made, we agree that of the ten (10) vouchers the auditors indicated were charged to the incorrect object codes, nine (9) of the vouchers, while charged to similar general categories (e.g., General Supplies, as opposed to Cleaning Supplies, and Office Equipment as opposed to Data Processing Equipment), might better have been charged to more specific codes and we will note this for future work.

"The Office of the District Attorney Queens County makes every effort to ensure that miscellaneous (PVMs) are used only when it is not appropriate for an encumbrance and will make very effort to ensure that this practice is continued in the future."

10. Immediately claim the \$10,488 rent credit from the landlord.

*Queens District Attorney Response:* "While we were aware of the credit due, we understood incorrectly that DCAS would take the lead in ensuring the credit they had negotiated from the landlord was issued. Once we became aware that the landlord had not issued the credit and prior to the auditors notifying us of their findings, however, we followed up and drafted a letter a letter to the Landlord requesting that they research the matter and issue the credit to us. This process is still ongoing."

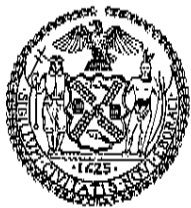
### **Equipment in Inventory not Tested**

Forty Viewsonic and five IBM computer monitors purchased between July 9, 2004 and July 27, 2004 were on hand but were not tested when received to ensure that they were operational. These items, whose warranties have already expired cost \$6,046 and are still in their original unopened boxes.

### **Recommendation**

11. The Queens District Attorney should test equipment when it is received to ensure that it is functioning properly.

*Queens District Attorney Response:* "Agreed. We have implemented a new procedure that all new technical equipment is tagged and tested upon receipt."



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**Richard A. Brown**  
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December 20, 2005

Greg Brooks  
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1 Centre Street  
New York, New York 10007- 2341

Re: Response to Audit Report on the Financial and Operating Practices of the Queens County District  
Attorney's Office  
FP05-123A

Dear Mr. Brooks:

We are in receipt of the above-captioned draft report on the financial and operating practices of the Queens County District Attorney's Office and have reviewed your agency's findings and recommendations. We are gratified with your positive findings overall and your conclusion that this Office has generally adhered to Comptroller's Directives 13, 24, and 25, DCAS' Time and Leave regulations, the Queens District Attorney's Office manual, DOI's inventory standards, and applicable PPB rules. As discussed with your Audit Manager, Larry Welgrin, and audit staff, we submit the following in response to your specific findings and recommendations:

Recommendation # 1:

The Queens District Attorney's Office should ensure that employees sign the Paycheck Distribution Control report and that each page of the Paycheck Distribution Control report is certified.

Agency Response:

Agree. The office currently has procedures in place to ensure sign-off by employees or personnel distributing checks. Additional steps will be taken to further ensure that all employees receiving "paper checks" sign their name next to their printed name on the distribution reports and that each page of the Paycheck Distribution Control Report is certified.

Recommendation # 2:

The Queens District Attorney's Office should ensure that employees are transferred into titles for which they qualify and that have salary ranges that encompass their current pay levels.

Agency Response:

The office is in the process of reviewing the assigned titles and salary ranges of our employees and, where possible, consistent with office needs and the unique demands, specialized qualifications, and extensive law enforcement background many of our staff positions require, will make efforts to transfer employees into appropriate titles for which they qualify and with salary ranges that encompass their current pay levels.

Recommendation # 3:

The Queens District Attorney's Office should ensure that it converts unused compensatory time to sick leave after 120 days as required for employees covered by DCAS' Time and Leave regulations unless authorized in writing.

Agency Response:

The Office will review all current compensatory time balances of its employees and assess the feasibility of converting unused compensatory time to sick leave, where possible. Where this is not possible, this will be documented in the employee's file. We also agree to institute a regular process to periodically review compensatory time accruals and to the extent that staffing demands may not allow use of all earned compensatory time within the period reviewed, we will ensure appropriate leave carry-over memos are placed in the employee's file.

Recommendation # 4:

The Queens District Attorney's Office should ensure that it requires its employees to document sick leave use in accordance with DCAS Time and Leave Regulations.

Agency Response:

The Office will review the Comptroller's recommendation. We note the Office currently requires documentation from support staff personnel for absences of 3 or more consecutive days, for days preceding or following a holiday, or days contiguous to a Monday or Friday.

Recommendation # 5:

The Queens District Attorney's Office should ensure that it converts excess annual leave to sick leave by May 1 of each year unless it authorizes the carryover in writing in accordance with DCAS Time and Leave Regulations.

Agency Response:

The Office currently reviews and calculates excess support staff annual leave balances as of the end of the calendar year, December 31<sup>st</sup>. We routinely then notify employees that they must use their overage by the following April 30<sup>th</sup> or lose it, or have it converted to sick leave for eligible employees, unless carryover is approved and documented by a memo in their file. According to this timetable, the seven people mentioned in the Comptroller's report were not in violation, based on our date of December 31<sup>st</sup>, and had used all of their "over the limit" time by April 30, 2004. We do agree, however, to adjust our calculations in the future for our support staff based on an end of leave year date of April 30<sup>th</sup>.

Recommendation # 6

Employees charge their leave balances for all early departures.

Agency Response

On occasion, the District Attorney, in his discretion, has granted early departure to employees on days before or following a holiday, when many of the courts to whom we are very much linked in our day to day operations, are closed. In each case, we have maintained essential staffing levels during regular office hours and dismissed only non-essential personnel. We believe that this is within the province of the District Attorney, as agency head, but agree that we will continue to ensure, as we have always done, that any early departure authorized by the District Attorney is documented on time cards and time sheets to accurately reflect hours worked.

Recommendation # 7

ADAs record their daily arrival and departure times and other timekeeping transactions on a form of their choice.

Agency Response

In prior audit reports issued in June, 1996 and April, 1998, the Comptroller's Office also recommended that the office revise our assistant district attorneys' time sheets to record daily arrival and departure times. In response, this Office reviewed the time sheets utilized by our assistant district attorneys, which records the total number of hours worked, reflects sick and annual leave used, with supervisory sign off. At that time, we deemed this to be sufficient for time keeping purposes, and opted to keep our current time-keeping process in place.

We reiterate our response of that time to the Comptroller's recommendation. We believe that our current time sheets provide adequate documentation and means to monitor time and leave usage for our legal staff.



Recommendation # 8

Employees complete leave authorization forms, timecards are approved and dated by a supervisor, adjustments are made to employee leave balances based on the audit findings, employee timekeeping transactions are carefully reviewed so that timekeeping errors are avoided, and employees indicate their arrival and departure times on their time sheets.

Agency Response

We agree to review our current leave authorization process and take under consideration the development and use of leave authorization forms, as per the Comptroller's recommendation. We also will review the Comptroller's recommendation concerning specific sign-off on time cards, although, as we indicated to your audit staff in our closing conference, at this time we believe that our current practice of sign off by a supervisor when a "punch in" or "punch out" is missing from a card provides an adequate safeguard and is sufficient for time and leave monitoring. In addition, we note that we routinely send reports to supervisory personnel on any patterns of latenesses or absences.

All adjustments as outlined in the audit have been made by our timekeeping staff and all timekeeping transactions will be carefully reviewed so that timekeeping errors are avoided, where possible.

Currently, as noted in the Comptroller's audit report, three high level managerial employees -- our Directors of Fiscal Services and Personnel and our Director of Public Information - utilize time sheets which do not include specific arrival and departure times on their time sheets. As per our response to Recommendation # 7 above, the time sheets utilized by our managerial staff -- like those of our assistant district attorneys -- record the total number of hours worked and sick and annual leave used and provide for supervisory sign off. We find this to be sufficient for time keeping purposes, and are opting, respectfully, to keep our current time-keeping process for this staff in place.

Recommendation # 9

The Queens District Attorney should ensure that purchase documents are stamped "vouchered," purchases are charged to correct object codes, and that miscellaneous vouchers are only used for allowable purposes.

Agency Response:

During FY 04, this Office followed the Comptroller's Directive in regarding the stamping of paid voucher packages with the word "vouchered". In reviewing the Comptroller's draft report, finding, we agree that three vouchers were not so stamped during this time period due to an oversight. We also would note, however, that the Comptroller's Office has since amended its Directive and no longer requires that paid voucher packages be stamped with the word "vouchered".

As to the Comptroller's finding and recommendation on charging purchases to the correct object codes, this Office makes every effort to ensure that all vouchers are indeed charged to the correct object code. We note that, even with this effort made, we agree that of the ten (10) vouchers the auditors indicated were charged to the incorrect object codes, nine (9) of the vouchers, while charged to similar general categories (e.g., General Supplies, as opposed to Cleaning Supplies, and Office Equipment as

opposed to Data Processing Equipment), might better have been charged to more specific codes and we will note this for future work.

The Office of the District Attorney Queens County makes every effort to ensure that miscellaneous vouchers (PVMs) are used only when it is not appropriate for an encumbrance and will make every effort to ensure that this practice is continued in the future. As to one specific PVM discussed in the draft report, we already indicated to the auditors in our closing conference that an encumbrance had been made and an attempt made to use the appropriate PVE. However, due to an FMS error in which the system had the same vendor with two separate PVIN numbers with two separate addresses, it was not possible to pay the invoice using a PVE without having the check sent to the incorrect address. This would have resulted in non-payment, a returned check, and a late payment fee, which we opted to avoid by use of a PVM in this unique instance.

Recommendation # 10:

Immediately claim the \$10,488 rent credit for the landlord.

Agency Response:

The \$10,488.00 owed came about as a result of a DCAS re-negotiation of our office lease at a lower monthly rate than what had been the then current rate, with the lower rate being retroactive for approximately three (3) months from the time of the conclusion of the negotiations. Since we had paid the lease rate that was in effect at the time prior to the DCAS negotiation, no over-payment was made by this Office.

We also note that, although DCAS negotiated the new rate effective on December 17, 2003, we received no correspondence or notification from DCAS on the change until April 13, 2004. That correspondence simply included for our review a copy of the Lease Renewal Abstract prepared by DCAS, which had, as part of that document, a footnote stating that "Tenant shall receive rent credit of \$10,487.92 representing the difference between the rent currently being paid and the new agreed-to market rent for the period 8/16/03 to 12/13/03."

While we were aware of the credit due, we understood incorrectly that DCAS would take the lead in ensuring the credit they had negotiated from the landlord was issued. Once we became aware that the landlord had not issued the credit and prior to the auditors notifying us of their findings, however, we followed up and drafted a letter to the Landlord requesting that they research the matter and issue the credit to us. This process is still ongoing, but in light of our initiative and efforts in this area, we respectfully disagree with the spirit and implication of the auditors' statement in the report "...despite being notified by DCAS that it was due a \$10,488 rent credit in April 2004 and by us during the course of the audit, the Queens District Attorney has not claimed the credit from the landlord."

Recommendation #11:

The Queens District Attorney should test equipment when it is received to ensure that it is functioning properly.

Agency Response:

Agreed. We have implemented a new procedure to ensure that all new technical equipment is tagged and tested upon receipt.

I thank you and your staff for your professionalism throughout the audit process. Should you have any questions or need additional information, please do not hesitate to contact me at (718) 286-6330.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eileen M. Sullivan".

Eileen M. Sullivan  
Executive Assistant District Attorney

cc.: Larry Welgrin  
Audit Manager