

# I. EXECUTIVE SUMMARY

In this review, we examined records and procedures of the Bureau of Human Resource Management (BHRM). Specifically, those related to the administration of the City’s work related injuries, the policies for alcohol and drug testing including pre-employment testing, the procedures for motor vehicle accidents involving City equipment and required certifications for City Code enforcement personnel. The Office of Public Integrity (OPI) noted the following findings that require management attention.

- ◆ OPI noted that BHRM, Labor Relations personnel do not reconcile the population pool of employees for drug and alcohol testing to City employment records. We identified 36 employees on the City’s employee database that were not properly included in the random selection pools used by Newport Alliance for drug and alcohol testing. Additionally, we noted that the City database of those employees to be used as the population pool improperly excluded 18 employees.
- ◆ OPI noted 100, or 65%, of the 153 preventable motor vehicle accidents in our scope period did not have supporting documentation indicating that the employees attended the Defensive Driver Program, as is required per the City Standards of Conduct. Eight of the 21 preventable motor vehicle incidents noted as second or third offenses, or 38%, did not result in suspension as is required per the City’s Standards of Conduct.

## II. BACKGROUND, OBJECTIVES, AND SCOPE

### A. Assignment

OPI routinely examines City administrative functions in its annual work program. OPI reviewed training and safety procedures in the Bureau of Human Resource Management to determine compliance with policies and regulations.

### B. Background

The City of Rochester Bureau of Human Resource Management, Training and Safety unit provides workforce development through the design, delivery and measured evaluation of training, promotes safe work habits and oversees the administration of worker’s compensation for non-uniformed employees.

The Training and Safety unit administers City worker's compensation claims by systematically recording the types and number of occurrences of job related injuries. They compile reports and provide them to City departments identifying frequent injury types. They also provide training materials to the departments to utilize for in-house staff training. For the period July 1, 2005 through June 30, 2008, non-uniformed employees filed 566 compensation claims for work related injuries.

Motor vehicle accidents involving City equipment are reported to the Training and Safety unit. Employees are entitled to a hearing with the Accident Review Panel who determines whether the accidents were preventable or non-preventable. Accidents deemed preventable require disciplinary actions in accordance with the City's Standards of Conduct.

The Labor Relations unit of BHRM is responsible for administering the drug and alcohol testing policy. One aspect of Labor Relations administrative responsibility is to ensure that all required employees are included in the random sampling population from which City employees are selected for drug and alcohol testing. The City contracts with Newport Alliance to maintain the database from which they select employees for testing. Labor Relations provides the information for this database. Additionally, beginning January 1, 2009, City policy requires all new hires to have a pre-employment drug test.

Per New York State (NYS) Code and the City's job title requirements, NYS Code Enforcement and Administration must certify Code enforcement personnel. In addition to this training, the City requires Property Conservation Inspectors to receive lead dust wipe sampling training.

#### C. Objective And Scope

The objectives of the review were to verify compliance with the United States Department of Transportation and City policies regarding drug and alcohol testing, the NYS Code and City job requirements regarding certification of code enforcement personnel, City policies regarding employee motor vehicle incidents, and to analyze work related injuries in order to determine the adequacy of safety and training procedures in these processes. The scope period of this review was June 1, 2005 through July 31, 2008.

Management is responsible for establishing and maintaining a system of internal accounting and administrative control. Fulfilling this responsibility requires estimates and judgments by management to assess the expected benefits and related costs of control procedures. The objectives of a system are to provide management with reasonable, but not absolute, assurance that

assets are safeguarded against loss from unauthorized use or disposition, and that transactions are executed in accordance with management's authorization and recorded properly to permit the preparation of accurate, informative reports that are fairly stated.

Because of inherent limitations in any system of internal accounting and administrative control, errors or irregularities may nevertheless occur and not be detected. Also, projection of any system evaluation to future periods is subject to the risk that procedures may become inadequate because of changes in conditions or that the degree of compliance with procedures may deteriorate.

The recommendations presented in this report include the more significant areas of potential improvement that came to our attention during the course of the examination, but do not include all possible improvements that a more extensive review might develop.

### III. RESULTS OF REVIEW

OPI noted some conditions that management should address to improve training and safety for City employees.

#### A. Incomplete Population List For Drug And Alcohol Test Sampling

BHRM contracts with Newport Alliance to administer the City's drug and alcohol testing. Federal regulations require the City to randomly drug test each year 50% of those employees required for their jobs to possess a commercial driver's license (CDL). Labor Relations provides Newport Alliance with the pool of names of those employees eligible to be randomly selected. The City also randomly drug tests 50% of employees in the Office of Emergency Communications (OEC) who are selected by Newport Alliance from a second sampling population pool. Labor Relations maintains the personnel records pertaining to all drug and alcohol testing including the test dates and results.

To fulfill this responsibility it is essential that Labor Relations maintains accurate and current records of those employees required to be included in the pool selection and that Newport Alliance also works with the same accurate and current records. Without an accurate up-to-date record of CDL and OEC employees, the City cannot assure the validity and accuracy of the sample selections made by Newport Alliance.

OPI examined the list of employees in the Newport Alliance sampling population as of April 3, 2009 and compared it to the City's database of employees required to have a Commercial Driver's License and OEC employees. We noted 36 employees that were not included in the Newport Alliance database, 26 CDL employees and 10 OEC employees. Additionally, the City database did not include 18 employees, who according to their job titles require random drug testing.

◆ Recommendation

BHRM should establish a procedure that includes a periodic review and reconciliation of all OEC employees and all employees required to possess a CDL to the sampling pools utilized by Newport Alliance. Personnel should resolve any discrepancies and forward any changes in this information to Newport Alliance in a timely manner.

B. Non-compliance With City's Standards of Conduct

The City's Standards of Conduct for non-uniformed bargaining unit employees requires employees involved in preventable motor vehicle accidents with City equipment to participate in and satisfactorily complete the National Safety Council Defensive Driver course offered by the Training and Safety unit. The Standards of Conduct also require those employees that incur a second or third preventable accident within a twelve month period to serve a one-day suspension for the second accident and suspension for the third accident of two to five days.

During the period tested, July 1, 2005 to June 30, 2008, motor vehicle accidents with City equipment totaled 309 incidents. One hundred fifty three of these incidents were deemed preventable motor vehicle accidents. However, OPI determined that only 53 of the 153 incidents, or 35%, resulted in employee attendance of the Defensive Driver course offered by the Training and Safety unit. Twenty-one of the 153 accidents were a second or third offense within twelve months. Eight of these 21 preventable motor vehicle incidents noted as second or third offenses did not result in suspension as is required per the City's Standards of Conduct.

The City is inconsistently applying the Standards of Conduct when employees involved in preventable motor vehicle accidents are not disciplined according to the Standards. The Defensive Driver course may provide employees with the skills to avoid additional accidents. Formal disciplinary action may give them incentive to be more conscientious when operating City equipment.

◆ Recommendation

BHRM management should ensure that departments adhere to the Standards of Conduct. The departments should discipline employees according to the Standards of Conduct when employees are involved in preventable motor vehicle accidents using City equipment.

IV. DEPARTMENTAL RESPONSE

The response of the Bureau of Human Resource Management to this report begins on the next page.



To: Daniel J. Markese, Manager of Internal Audit, Office of Public Integrity

From: Donna L. Turner, Director, Human Resource Management

Date: November 13, 2009

Subject: Audit of Training and Safety – BHRM Response

Thank you for the opportunity for members of my staff to meet with you and Kara Makely to discuss the preliminary audit of Training and Safety records and procedures. The objectives stated were compliance with USDOT and City policies regarding drug and alcohol testing, the NYS Code and City job requirements regarding certification of code enforcement personnel, City policies regarding employee motor vehicle incidents, and to analyze work related injuries in order to determine the adequacy of safety and training procedures in these processes.

We have reviewed your findings that require management attention and wish to have the following comments included as the "Departmental Response":

Incomplete Population List for Drug and Alcohol Test Sampling

- 1) A reconciliation will be conducted immediately between the current employee report of employees subject to random drug and alcohol testing and the employee database that WIN (Workforce Integrity Network), the agency who will be conducting alcohol and drug testing for City employees to update the population list. A full reconciliation will then be conducted on a bi-annual basis.
- 2) The incomplete population list condition will be alleviated by strengthening our internal communications. Newly created titles requiring CDL license or changes in existing titles to include the CDL license requirement will be forwarded by the Staffing Unit to Info Systems unit to ensure that the appropriate job coding is entered in the HRS system. This will result the monthly report accurately identifying all titles for random testing. This report is used to add and/or delete employees from the random pool based on job titles. These recommendations will be included with our existing procedure of updating and notifying WIN on a monthly basis.

Non-compliance with City's Standards of Conduct

It is my understanding that the audit findings for this section will be corrected based on the additional records reviewed by OPI staff and reflected in the final report. It should also be noted that BHRM staff has appropriately followed procedures for notifying City departments of the results of motor vehicle accident reviews. The following steps will be utilized to monitor the departments' adherence to the Standards of Conduct.

- 1) As Director, I will advise departments of these audit results and our joint responsibility for adhering to the Standards of Conduct.
- 2) The Office of Training and Safety will ensure compliance with the driver retraining requirement of the Standards of Conduct by taking the following steps:
  - a) The interdepartmental correspondence sent to department heads, outlining preventable accidents and level of discipline, by the Employee Safety Coordinator will be edited to read “per the Standards of Conduct, Employees with preventable accidents will be scheduled for the next available Driver Improvement class.
  - b) A letter to employees and bureau heads will be generated by the Training Office advising “due to the Motor Accident Review finding of a preventable accident and per the City of Rochester Standards of Conduct you have been scheduled for a Driver Improvement class on . . . “.
  - c) The same standards will be applied to part-time, seasonal, temporary, non-bargaining, APT employees and CSEA employees.
  - d) Further progressive disciplinary action (suspension, etc,) will be left to the discretion of the department head per the bargaining unit agreement with a caution to be as consistent as possible with all employees when issuing discipline.
  - e) We will monitor actions taken by departments to ensure that they have followed through on the required training or disciplinary action. Notifications will be sent to departments who have failed to take timely action.

I appreciate the opportunity to look at our procedures and to identify ways we can better perform our duties.