

I. EXECUTIVE SUMMARY

In this review, we examined records and procedures of the Bureau of Human Resource Management (BHRM). Specifically, we examined the administration of 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 significant improvements in the administration of these areas since our last review in 2009. However, we noted the following findings that require management attention to improve administrative controls and ensure compliance with City and federal policy.

- ◆ OPI noted six City employees that were not properly included in the random selection pools used by Workforce Integrity Network (WIN) for drug and alcohol testing. This included three employees with a Commercial Driver License (CDL) and three Office of Emergency Communications (OEC) employees.
- ◆ OPI noted 2, or 5.6%, of the 36 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's Standards of Conduct. Additionally, 3 of the 9 preventable motor vehicle incidents noted as second or third offenses, or 33%, did not result in suspension, as 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. We performed the last review of this area in November 2009.

B. Background

The 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.

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 Workforce Integrity Network 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, and City policies regarding employee motor vehicle incidents, in order to determine the adequacy of safety and training procedures in these processes. The scope period of this review was January 1, 2011 through June 30, 2011.

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

The results of this review indicate that, in general, internal control procedures over the BHRM areas examined are adequate and comply with City and federal policies and procedures. Additionally, we noted significant improvement over our prior audit of this area. However, we noted the following findings that require management attention to ensure compliance with policies and procedures and to improve training and safety for City employees.

A. Incomplete Population List For Drug And Alcohol Test Sampling

BHRM contracts with Workforce Integrity Network 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. Labor Relations provides Workforce Integrity Network 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 Workforce Integrity Network 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 Workforce Integrity Network 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 WIN.

OPI examined the list of employees in the Workforce Integrity Network sampling population as of January 13, 2012 and compared it to the City's database of employees required to have a Commercial Driver's License and OEC employees. We noted six employees that were not included in the Workforce Integrity Network database. This included three CDL employees and three OEC employees. This is significantly less than the 36 employees noted in the prior audit and appears to be a result of bi-annual reconciliations conducted by BHRM personnel as a result of that audit.

◆ Recommendation

BHRM should continue to routinely reconcile all OEC employees and all employees required to possess a CDL to the sampling pools utilized by WIN. Personnel should resolve any discrepancies and forward any changes to this information to Workforce Integrity Network in a timely manner.

B. Untimely Imposition of Discipline

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 to serve a two to five day suspension for the third accident. Additionally, Article 17, Section 1.C. of the AFSCME union agreement states that an employee shall not be disciplined for acts which occurred more than 90 days prior to the imposition of the discipline.

During the period tested, January 1, 2011 to June 30, 2011, there were 85 motor vehicle accidents involving City equipment. The Accident Review Panel determined that 36 of these incidents were preventable. OPI noted that employees did not attend the Defensive Driver course offered by the Training and Safety unit for 2 of the 36 incidents. This is an error rate of 5.6%. This is considerably lower than the 35% error rate noted in our prior review.

Additionally, we noted that 9 of the 36 accidents were a second or third offense within a twelve month period. Three of these nine preventable motor vehicle incidents did not result in suspension as required by City policy. This occurred because management did not send out the disciplinary letter within 90 days of the incident date as required per the AFSCME union agreement.

Consistent application of the City's Standards of Conduct when employees are involved in motor vehicle accidents is essential. The Defensive Driver course may provide employees with the skills to avoid additional accidents. Also, formal disciplinary action may give employees incentive to be more conscientious when operating City equipment.

◆ Recommendation

BHRM management should continue to 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. Management should make every effort to impose discipline within 90 days of the incident date.

IV. DEPARTMENTAL RESPONSE

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



Inter-Departmental Correspondence

To: Daniel Mastrella, Manager of Internal Audit
From: Tassie R. Demps, Director/Human Resource Management
Date: June 18, 2012
Subject: Audit of Alcohol/Drug Testing and Motor Vehicle Accidents **(REVISED)**

I have reviewed the Administration of Alcohol and Drug Testing and the Motor Vehicle Accidents (MVA) audit report. As identified in the report, significant improvements in the administration of both programs have been made since the 2009 audit. BHRM will continue to maintain compliance. The audit identified areas that BHRM needs to address to allow both programs to sustain accountability as detailed below:

Incomplete Population List for Drug and alcohol Test Sampling

To maintain compliance BHRM will increase the frequency of the reconciliation process from bi-annual to quarterly, to reduce the delay in identifying and resolving discrepancies. BHRM will continue to reconcile the Energetix sampling database whenever there are changes in employment in the required positions to ensure that the testing pool is in compliance.

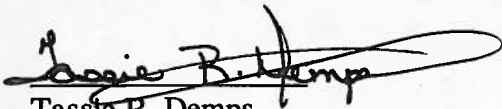
Untimely Imposition of Disciplines

- A. The Training and Safety Office will perform the following to monitor the department's adherence to the Standard of Conduct. This addresses the timeliness issue identified by the audit.
 - 1. Upon completion of the Motor Vehicle Accident review, a letter will be sent from the Safety Office to the employee's Department if the hearing committee has determined that the accident was preventable. The letter will indicate the level of discipline for the department to enforce.
 - 2. At the top of every notification letter where applicable this reference will be written: *"In accordance with the Standards of Conduct for Non-Uniformed Bargaining Unit City Employees, General Safety Rules, Section IV. Part B (2) (b) (2), departments are required to administer discipline.*
- B. The following steps will be taken by the Training and Safety Office to assure compliance with the driver retraining requirements:
 - 1. When the results of the MVA hearing are submitted to the department, the cover page will be date stamped by the department. Then a copy will be made and returned to the Training and Safety Office with date of receipt. The Training and Safety Office will schedule the employee

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for the Driver Improvement Program (DIP), and send the notification letter to the employee's supervisor and notify the employee when the DIP session gets close.

2. The Training & Safety Office will review the DIP attendance. If the employee does not attend, the Training and Safety Office will contact the employee's supervisor to inform him/her of the non-attendance.
3. If an employee fails to attend, after the second request made by the Training and Safety Office, the department supervisor will be contacted directly by the Employee Safety Coordinator. Also, notification will be sent to the department head or the department head's designee.



Tassie R. Demps,
Director

xc: S. Burke
T. Purnell