



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL
Final Report
December 11, 2009

SUMMARY OF FINDINGS/RECOMMENDATIONS

The New York State Inspector General found that New York State Bridge Authority (Bridge Authority) Deputy Executive Director James J. Bresnan submitted falsified time and attendance and vehicle usage records. The Bridge Authority has informed the Inspector General that Bresnan retired from state service on December 12, 2008, within days after his interview with the Inspector General. The Inspector General is referring this matter to the Ulster County District Attorney for review.

ALLEGATIONS

On March 27, 2008, the Inspector General received an anonymous complaint alleging that Bridge Authority Deputy Executive Director James J. Bresnan was “basically a no-show” at the Bridge Authority offices and had not been attending to his official duties for “at least two years.”

SUMMARY OF INVESTIGATION

Background

The Bridge Authority maintains and operates five bridges spanning the Hudson River from the Bear Mountain Bridge in the south to the Rip Van Winkle Bridge to the north. The Bridge Authority, whose work force is comprised of approximately 157 full-time and 63 part-time employees, has headquarters in Highland, New York, near the Mid-Hudson Bridge. It is overseen by a seven-member board of commissioners that appoints an Executive Director and a Deputy Executive Director, among others. James J. Bresnan was appointed to the Deputy Executive Director position on October 1, 1997, and, at the time of his retirement on December 12, 2008, was receiving an annual salary of approximately \$109,768.

Bresnan was employed in a full-time position and maintained an office at the headquarters in Highland. According to Bridge Authority title classifications, as Deputy Executive Director, Bresnan’s responsibilities included acting as the personnel officer and “planning, development and implementation of Bridge Authority-wide administrative, financial and human resources policies and programs, coordination of intra-divisional/facility projects...resolving administrative, financial and human resource

issues, and developing and/or interpreting policies as required.” In order to fulfill his duties, Bresnan was assigned a state vehicle for commuting to and from the five Authority bridges as well as his residence. In addition, Bresnan was assigned a Bridge Authority cellular telephone for business use and an access card for entry to the Bridge Authority facilities.

As a full-time employee, under New York State law, Bresnan was required to work 37.5 hours a week. Bresnan was scheduled to work from 8:00 a.m. to 4:00 p.m., with a half-hour for lunch. The New York State Department of Civil Service Attendance and Leave Manual, Section 20.2 – Record of Attendance, requires that an “adequate and accurate record of attendance must be maintained for each [appointing authority] employee” that should include “a time record of actual hours worked [and] leave credits used...” The Bridge Authority requires employees to enter a record of their presence or absence, and the number of hours worked or absent, among other entries, on an electronic attendance record system. In addition, the Bridge Authority required Bresnan to record his daily commuter use mileage and locations of travel and to submit these records to the Authority.

Investigation

The Inspector General reviewed Bresnan’s access card entries (exits are not logged) at the various Bridge Authority facilities, his Bridge Authority computer log-on and log-off records, and his state-issued cellular telephone records for several periods in 2008. Bresnan’s access card records at the Bridge Authority Highland office indicated that during the periods examined, Bresnan typically swiped into his office between 8:30 a.m. and 9:00 a.m., one-half to one hour after his scheduled start time. Likewise, a review of Bresnan’s Bridge Authority daily computer log-on times revealed his computer was most often first accessed more than a half-hour after his official start time. In addition, 70% of Bresnan’s daily computer log-off times were before 12:00 noon, with 46% of the log-off times occurring in the 10:00 a.m. hour. A review of his state-issued cellular telephone records revealed sporadic minimal use, with approximately six telephone calls each month.

The Inspector General also examined a six-week sampling of reports which Bresnan had submitted to the Bridge Authority purportedly accounting for his travel and mileage in his state-assigned commuting vehicle. Bresnan’s daily vehicle mileage reports used to record his travel to-and-from his home and the Highland offices and to the five Bridge Authority bridges, claimed travel for 15 trips to the Newburgh-Beacon Bridge and 3 trips to the Bear Mountain Bridge during the period examined. Of the 18 bridge visits Bresnan purported to have made, his access card was recorded on only a single date during this period at each the Newburgh-Beacon and Bear Mountain bridges.

To confirm the frequency and duration of Bresnan’s visits to these bridges, the Inspector General interviewed the respective bridge managers. The Newburgh-Beacon bridge manager reported that Bresnan visited the facility “on average...once or twice a month,” usually “before noon” and for durations lasting “twenty minutes to a half-hour.” Likewise, the Bear Mountain bridge manager testified to the Inspector General that Bresnan visited this bridge once every four to six weeks, “usually in the late morning or early afternoon,” for “fifteen [or] twenty minutes.” Additionally, the Inspector General

interviewed a Bridge Authority secretary assigned to Bresnan who reported that he typically arrived at work after the 9:00 a.m. hour and departed for the day around noon, claiming that he was going to visit one of the bridges.

The Inspector General conducted surveillance of Bresnan on three occasions in 2008. On the first, he was observed leaving the Bridge Authority Highland offices in his state-issued vehicle more than one-half hour before the end of his work day, and traveling to a wine and liquor store where he made a purchase. He then drove to a pub in New Windsor, New York, where he remained for one hour, before driving home. Almost two weeks later, Bresnan was again surveilled and observed arriving at work at approximately 8:45 a.m. and departing at 11:10 a.m.. On this date, Bresnan drove to his home, arriving there around noon. No evidence exists that he returned to work on this date. Finally, two weeks later, Bresnan was observed arriving at work at 8:55 a.m. and departing at 3:02 p.m. in his assigned state vehicle. By 3:30 p.m., he was observed at the same pub where he consumed two alcoholic beverages, mixed drinks, before driving home at 4:22 p.m. For all three of the above-mentioned dates, Bresnan submitted time and attendance records falsely claiming he had worked eight-hour shifts when, in fact, as evidenced by the surveillance, he had worked substantially less.

The Inspector General conducted a voluntary, under oath interview of Bresnan at the Bridge Authority Highland offices. Bresnan confirmed that he is supposed to work an 8:00 a.m. to 4:00 p.m. daily shift, and that his duties require that he travel in a state-assigned vehicle to the five Bridge Authority bridges to oversee bridge managers and review operations. He reported that he also uses the Bridge Authority vehicle to travel to other business places, respond to emergencies and commute to and from his home.

The Inspector General confronted Bresnan with the findings of Bridge Authority record reviews, interviews and surveillance: that he was claiming to be at work when in fact he was not; that he grossly over-reported his visits to at least two of the Authority's bridges; and, that he was spending part of the workday utilizing his state-assigned vehicle to travel to establishments where he was observed drinking alcohol. Bresnan, in response, described a series of difficult personal events which he claimed had caused him to become off-balanced and sloppy in his work habits. Bresnan confirmed that he utilized his state-assigned vehicle to visit bars/restaurants on almost a daily basis. He further acknowledged that he would often go home before the end of the workday, or go to a pub/restaurant, but claimed that he would continue to work from home, calling the Bridge Authority when necessary. He maintained, "A lot of times I'll go home and I'll call back here...I'll call the bridges." He continued, "As far as I'm concerned, I'm here all the time. I mean, I'm working, I feel like I'm working." As mentioned earlier, Bresnan's state-issued cellular telephone records revealed scant use, his computer access was substantially limited to morning hours, and no credible evidence exists that Bresnan conducted significant work from home on these occasions.

When informed by the Inspector General that his submission of false time, attendance and vehicle usage records, and travel in his state-assigned vehicle to pubs was troubling, Bresnan responded that they were "troubling to me too." "Obviously...I didn't keep track [of my hours] carefully," he added.

Within days of this interview, Bresnan retired from state service.

FINDINGS AND RECOMMENDATIONS

The Inspector General found that Bridge Authority Deputy Executive Director James J. Bresnan submitted falsified time and attendance and vehicle usage records. Bresnan reported that he was working at the Bridge Authority headquarters or its several facilities when, in fact, he was elsewhere; leaving early to go to a pub/restaurant and home. Bresnan falsely claimed approximately eight hours during three days of surveillance alone. The Bridge Authority has informed the Inspector General that Bresnan retired from state service on December 12, 2008, following his interview with the Inspector General. The Inspector General is referring this matter to the Ulster County District Attorney for review.