



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL
Final Report
May 27, 2011

SUMMARY OF FINDINGS/RECOMMENDATIONS

The New York State Inspector General, working in conjunction with the New York State Office of Mental Health (OMH) Investigations and Audit Unit, determined that 18 OMH employees assigned to the Central New York Psychiatric Center (CNYPC) abused overtime and meal expense policies by unnecessarily and intentionally extending official travel trips to transport patients. As a result of this investigation, OMH brought disciplinary action against the employees and recovered \$10,377. Following discussions with the Inspector General, OMH has implemented a number of safeguards to prevent similar misconduct in the future.

ALLEGATION

The OMH Investigations and Audit Unit referred to the Inspector General an allegation that numerous security officers and treatment assistants employed at OMH's Central New York Psychiatric Center were abusing overtime policies by prolonging travel while transporting patients. Specifically, it was alleged that while transporting patients to courts or other facilities, the staff intentionally took circuitous routes and long breaks to lengthen their work day, thereby increasing overtime hours accrued and claiming additional per diem money for meals.

SUMMARY OF INVESTIGATION

Background

The Central New York Psychiatric Center provides mental health services to persons incarcerated in New York State prisons and county jails. Among other programs, it operates a maximum security inpatient facility in Marcy, near Utica. CNYPC staff routinely transport patients to various locations in the state for court appearances and other reasons. Transports generally consist of one security officer and one or two treatment assistants operating an unmarked CNYPC van. Supervisors do not accompany the transports.

State employees traveling on official business must abide by the rules contained in the Office of the State Comptroller's Travel Manual. In addition to any overtime accrued, employees are entitled to reimbursement for meals either at the per diem rate published by the federal government or at the per meal rate indicated in the travel manual.¹ The state does not reimburse lunch expenses. A breakfast may be claimed if the employee is in travel status one hour before his or her normal start time and a dinner may be claimed if the employee is in travel status two hours after his or her normal shift end time.

Investigative Steps

The Inspector General and the OMH Investigations and Audit Unit commenced an investigation into the allegation, but discovered that the subjects already had become aware of the investigation. Consequently, surveillance of the employees in question did not substantiate further misconduct. The Inspector General's examination of time cards, travel vouchers, E-ZPass records, and receipts submitted with travel vouchers focused on such records from the period August 2007 to August 2008, which revealed that CNYPC security officers and treatment assistants assigned to patient transports had systematically defrauded the state by overstating their overtime and submitting false travel vouchers related to trips. The Inspector General's analysis of travel and vehicles records relevant to the trips and employees in question found that on numerous occasions a round trip from CNYPC in Marcy to a facility in New York City took staff members approximately 18 to 20 hours, well in excess of the 12 to 13 hours normally required for a trip of that distance. The cost to the state for this extra travel time exceeded \$10,000.

Assignment of security officers and treatment assistants to patient transports is determined by rotation to ensure that the trips are evenly distributed among staff. CNYPC Sergeant Steven Deis advised the Inspector General that maps and directions have always been available for those employees assigned to the trips, and more recently, the facility acquired a GPS navigation system and began using the MapQuest Web site. However, the staff was not required to take a specific route.

Four Examples of Travel Abuse

On August 10, 2007, security officers Richard Maloney and Angela Morrissey participated in a one-way patient transport from CNYPC to OMH's Manhattan Psychiatric Center, departing CNYPC at approximately 6:10 a.m. Although records reflect they arrived at the Manhattan facility at 12:00 p.m. to discharge the patient, the escorts did not return to CNYPC until 11:30 p.m. E-ZPass records revealed the van passed through the northbound Yonkers toll barrier of the New York State Thruway (Exit 6A) at 1:40 p.m. Meal receipts submitted by Maloney and Morrissey indicated they ate dinner at a restaurant in West Ghent (Columbia County). No further E-ZPass usage on the return trip was recorded, an indication that the escorts traveled on local roads. OMH estimated 12 hours as a reasonable duration for this transport, but the travel voucher

¹ The state's travel manual may be reviewed at <http://www.osc.state.ny.us/agencies/travel/manual.pdf>.

submitted by Maloney reported that the trip took 18 hours to complete, while Morrissey's submitted voucher reported a travel time of 17 hours and 30 minutes.

On November 2, 2007, treatment assistant Sheryl Bingham and security officer Charles Dubrule participated in a one-way patient transport from CNYPC to South Beach Psychiatric Center on Staten Island. E-ZPass records revealed the van passed through the northbound Yonkers toll barrier of the Thruway (Exit 6A) at 2:55 p.m. Meal receipts submitted by Bingham indicated the escorts exited the Thruway at Tarrytown (Exit 9), ate in Briarcliff Manor, and continued north on Route 9 until re-entering the Thruway at Exit 23 (Albany) at 8:23 p.m. Although road and weather conditions were favorable on the Thruway, the escort unnecessarily left the Thruway to travel more than 136 miles on local roads. OMH estimated 12 hours as a reasonable time for the transport; however, the travel voucher submitted by Bingham reported that the trip took 17 hours and 30 minutes.

On January 2, 2008, security officers Olatunji Ali and William Rybka participated in a one-way patient transport from CNYPC to a New York City shelter on West 30th St in Manhattan. Although arriving at the shelter sometime around 11:15 a.m. to drop off the patient, the escort did not return to Marcy until 11:20 p.m. Meal receipts submitted revealed that upon leaving the West Side of Manhattan, the escort traveled to Linden Boulevard in Brooklyn to eat. E-ZPass records revealed that the escort passed through the northbound Yonkers toll barrier of the Thruway (Exit 6A) at 4:31 p.m., and exited at Herkimer (Exit 30) at 10:40 p.m. Although the weather conditions were clear with no incidents or accidents reported, it took more than six hours to drive the 221 miles between Exits 6A and 30. OMH estimated the entire trip should have taken approximately 12 hours, including meal and rest breaks. Notably, the travel voucher submitted by Ali reported that the trip took 18 hours to complete.

On April 14, 2008, security officers Angela Morrissey and Darren Mullen participated in a one-way patient transport from CNYPC to Riker's Island, departing CNYPC at approximately 6:20 a.m. While records indicate they arrived at the facility sometime around 12:00 p.m. to discharge the patient, the escorts did not return to Marcy until 10:30 p.m. E-ZPass records revealed the escorts passed through the northbound Yonkers toll barrier of the Thruway (Exit 6A) at 12:58 p.m. and did not pass through the toll barrier at Woodbury, re-entering the Thruway, 39 miles away, until 5:40 p.m., nearly five hours later. A meal receipt placed them at a restaurant at the Palisades Center Mall in West Nyack at 2:07 p.m., although the restaurant's address was deleted from the copy of the receipt Morrissey submitted to OMH for reimbursement. Continuing north on the Thruway, the escort inexplicably exited at Exit 24 (Albany) at 8:01 p.m., re-entered at Exit 26 (Schenectady) at 8:53 p.m., and arrived at Exit 31 (Utica) at 10:16 p.m. OMH estimated 12 hours as a reasonable duration for this transport, but the travel voucher submitted by Morrissey indicated that the trip took 16 hours and 7 minutes to complete. Thruway and weather conditions on the day of the escort were favorable.

Interviews of Security Officers and Treatment Assistants

The Inspector General interviewed CNYPC security officers and treatment assistants, nearly all of whom denied any misconduct related to their travel. When queried generally as to why an escort would leave the safety and direct travel route of the Thruway to travel on slower local roads, the employees cited security concerns. When probed further, the transport staff claimed it was safer to utilize local roads instead of the Thruway, particularly if they felt they were being followed by some person(s) planning an attack on the van for the purpose of effecting the escape of a patient. When asked if there were any occasion where such event was documented, attempted, or thwarted, no one could recall any. Moreover, most of the meandering travel occurred on the return trips which usually did not include a patient. They also uniformly testified that they did not know who if anyone among them was designated as being in-charge of the trips. The Inspector General discovered that these trips were not governed by any specific agency policies or protocols. Indeed, the former Director of Administrative Services at CNYPC conceded that trip supervision has always “been cloudy.”

However, the chief of the security officers, William Owen, related that the security officers are responsible for the transportation and safety of everyone on the trip, but driving responsibilities are often shared. The chief of security for the treatment assistants, Corey Conley, similarly noted his belief that the security officers are responsible for the trips; however, he acknowledged that some confusion probably exists among the staff about this issue.

One candid security officer who has been participating in trips for several years confirmed the Inspector General’s conclusion that transport staff extended the duration of trips in order to earn overtime. He explained that employees routinely abused rules governing overtime and meal reimbursement related to patient transports. When he first requested to be placed on the rotation list for the patient transport trips, he was informed by fellow security officers to plan on the trip taking longer than needed and that hurrying back to CNYPC after completing the assigned task is “not how it works.” He said the staff “did not want to rob themselves out of overtime.”

This security officer further reported that CNYPC staff encouraged this behavior, and thus, he engaged in the same practice of unnecessarily extending patient transport trips to generate overtime and meal reimbursement with impunity. He explained:

I felt so safe about it. Nobody ever questioned anything; everybody else was doing it . . . I even stopped at Junior’s in New York City . . . I went, I bought a cheesecake, and it cost me like \$30. I turned in that for my dinner receipt and got reimbursed for it.

In addition, this security officer reported that on several occasions when returning from the New York City area, staff would elect to travel on State Route 9 and other secondary roadways, rather than the much faster Thruway, with the intention of

extending the duration of the trip. It was also common practice for the staff to change out of their uniforms in order to avoid attracting attention. The “accepted practice” of purposefully extending the trips had been carried over from prior employees. Supervisors were reportedly aware of the activity because they had once engaged in the same behavior prior to their promotions. According to this witness, the sergeants informed the staff members of their turn to travel and when the trip would be departing from CNYPC. Trips with patients travelling to court dates have a strict departure time because they must arrive in time for court; however, trips with patients travelling, for instance, to conditional release locations have a less formal departure time.

The Inspector General learned that prior to this investigation, transport staff was not provided with cellular phones, no log was maintained in the vehicle, and directions to facilities were provided by treatment assistants. No one oversaw those employees selected to transport patients and the only contact CNYPC had with the transportation personnel on the trip was when the trip was logged out upon departure and logged in upon return to the CNYPC gate.

Ameliorative Measures by OMH

During this investigation, the Inspector General discussed with OMH and CNYPC management potential additional safeguards to deter and prevent abuse such as occurred in this case. As a result, CNYPC developed and implemented written policies and procedures regarding transport of patients statewide and trained staff in the new procedures; provided GPS navigation systems for transport vehicles to ensure that escorts follow the most direct routes; issued cell phones to transport personnel and required that such staff maintain frequent contact with the CNYPC Safety Department, to report arrival and departure times, meal and rest breaks, and any delays caused by traffic, weather, or other emergencies; affixed state insignia decals on all transport vehicles to identify them as vehicles on official state business; and required transport staff who are security officers to wear their uniforms throughout the duration of the transport. Additionally, CNYPC requires the dayshift safety sergeant to monitor trip status and duration, and to verify earned overtime based on this monitoring. Further, all overtime requests now are scrutinized by personnel management outside the safety department.

The Inspector General subsequently has been in contact with CNYPC management, which has reported that the implemented safeguards have improved efficiency and accountability in patient transports, resulting in trips of shorter duration and lower overtime costs. The Inspector General, in conjunction with CNYPC, will conduct a follow-up review of CNYPC corrective actions relating to this matter.

FINDINGS AND RECOMMENDATIONS

The Inspector General, working in conjunction with the OMH Investigations and Audit Unit, found that 18 OMH employees assigned to CNYPC unnecessarily and intentionally extended official travel trips to transport patients to generate and receive earned overtime pay and meal expense reimbursements. As a result of the Inspector

General's investigation into this matter, OMH has disciplined the employees and recovered \$10,377 in restitution. Following discussions with the Inspector General, OMH also has implemented a number of new safeguards to prevent similar misconduct in the future.

Abuse of the type described in this report deprives the state not only of the money paid in unnecessary overtime and meal allowances, but also of the services of the wandering employees, who should have been providing patient care and security. In addition, the harmful impact of such overtime abuse is compounded by the fact that overtime payments affect the calculation not only of a given paycheck, but also potentially of an employee's pension level, the payment of which can multiply the effect of the abuse over years to come. As a result, a copy of this report will be sent to the New York State and Local Retirement System for review.

The Inspector General will conduct a follow-up review of the safeguards implemented at CNYPC as a result of this investigation and will continue to work with OMH and other state agencies and authorities to ensure that all have appropriate written procedures in place regarding employee travel, that employees are made aware of those procedures, and that the agencies are providing appropriate oversight and have systems in place to ensure compliance.