



**Report on  
Hillbrook Juvenile Detention Center Overtime Audit  
By Onondaga County Comptroller Robert E. Antonacci, CPA, Esq.**

<b>Report Index</b>
---------------------

<b>Report Section</b>	<b>Section Name</b>	<b>Page Number</b>
<b>I</b>	<b>Background and Executive Summary</b>	<b>2</b>
<b>II</b>	<b>Scope and Methodology</b>	<b>5</b>
<b>III</b>	<b>Findings and Recommendations</b>	<b>6</b>
<b>IV</b>	<b>Appendix</b>	<b>13</b>
<b>V</b>	<b>Hillbrook Management Response</b>	<b>20</b>
<b>IV</b>	<b>Comptroller's reply to Hillbrook Management Response</b>	<b>22</b>

# SECTION I

## BACKGROUND AND EXECUTIVE SUMMARY

### Background

Hillbrook Juvenile Detention Center (Hillbrook) was founded in 1974 and is a division of the Onondaga County Department of Children and Family Services. In 1981, the County Legislature requested the County Executive to investigate the potential consolidation of Hillbrook with other County incarceration facilities. It is a secure facility located on Onondaga Hill in Syracuse, New York. Hillbrook provides mandated secure services for youth ages 10 to 16 who have pending juvenile delinquency cases in Family Court. They will reside at the facility until the conclusion of their cases or until an appropriate alternative to detention can be identified. Youth prosecuted in criminal court and charged as Juvenile Offenders may also be housed until their sentencing.

Hillbrook is certified by the New York State Office of Children and Family Services and can accommodate up to 32 youth. Hillbrook primarily serves Onondaga County youth, but out-of-county residents can be admitted when there are vacancies, for which the County is reimbursed 100% of the expense from the respective county and state. In 2014, the Monroe County Juvenile Detention facility was sold and moved. Hillbrook took in a majority of Monroe County's juvenile detainees during this transition.

While at Hillbrook, residents participate in an educational program which operates year round. In addition, medical screening and services, psychiatric assessment, case management, worship services and pro-social programming are offered.

Residents are housed in four dormitory units each containing 8 individual dorm rooms. In 2007, Hillbrook completed a \$6 million dollar capital improvement project. Security was enhanced by CCTV, electronic doors and new communication systems. The building's mechanical systems, windows, roof and kitchen were replaced and upgraded in this renovation. As of December 31, 2015, the remaining outstanding principle and interest balances on this renovation are \$3,537,351 and \$931,528, respectively. The last of the principle and interest payments are to occur in 2026.

Over the past 10 years, the total appropriations budget for Hillbrook has remained relatively the same, as have total wages. The only major difference is the makeup of the type of wages has changed. Regular wages have decreased, overtime wages have increased slightly and part-time wages have increased, as shown in the chart on the following page:

Hillbrook Juvenile Detention Center  
Appropriations and Wages  
2005 thru 2014

	*	*	*	*	*	*	*	*	#	#
	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Actual 2010	Actual 2011	Actual 2012	Actual 2013	Actual 2014
Total Appropriations	\$ 4,606,479	\$ 4,527,165	\$ 4,569,413	\$ 4,883,757	\$ 5,193,074	\$ 4,527,396	\$ 4,474,005	\$ 4,312,820	\$ 4,245,089	\$ 4,946,902
<b>Hillbrook Salaries</b>										
Regular	\$ 1,422,234	\$ 1,475,242	\$ 1,538,357	\$ 1,584,535	\$ 1,652,535	\$ 1,176,692	\$ 1,057,533	\$ 955,221	\$ 891,972	\$ 1,197,273
Overtime	65,455	80,313	97,066	193,098	204,645	178,113	105,685	95,132	98,526	125,730
Part time	301,987	203,077	175,574	270,439	317,561	431,509	364,425	420,623	509,339	577,098
Total Wages	\$ 1,789,676	\$ 1,758,632	\$ 1,810,997	\$ 2,048,072	\$ 2,174,741	\$ 1,786,314	\$ 1,527,643	\$ 1,470,976	\$ 1,499,837	\$ 1,900,102
Total Wages % of Appropriations	39%	39%	40%	42%	42%	39%	34%	34%	35%	38%
Regular wages% of total wages	79%	84%	85%	77%	76%	66%	69%	65%	59%	63%
Overtime % of total wages	4%	5%	5%	9%	9%	10%	7%	6%	7%	7%
Part time % of total wages	17%	12%	10%	13%	15%	24%	24%	29%	34%	30%

\* Amounts obtained from yearly Onondaga County budget books.  
# Amounts obtained from PeopleSoft accounting system

These changes can be attributed to major changes in 2009 and 2011:

- In 2009, the County abolished 11 Hillbrook Detention Home Counselors 1 positions, 1 Detention Home Counselor 2 position and 2 Detention Home Aide positions.
- In October 2011, the County abolished 9 grade 9 Hillbrook Home Counselor 1 positions and replaced them with 6 grade 5 Detention Home Aide positions and 1 grade 11 Detention Home Counselor 2.

As of now, there are approximately 18 full time employees and 41 part time employees at Hillbrook. Over the years, Hillbrook has begun to rely more and more on their part time staff. This is especially true for long shifts on the weekends and for filling in when there is an immediate gap in coverage due to unforeseen circumstances. Part time employees are hired with the knowledge they may work up to 40 hours per week. These employees are part time and full time hours are not guaranteed, so they may work additional jobs. Part time employees complete a 10 week Availability Sheet and based on their availability are slotted to cover shifts which are vacant after full time staff have been put into their schedules in the ten week period. In these sheets, the part time staff acknowledges they must be available for a minimum of 5 weekend waking shifts during the 10 week period.

### **Authoritative Agreements and Laws**

From January 2014 thru May 2015, Hillbrook's overtime (OT) policies were guided by the labor agreement between Onondaga County and CSEA Local 1000, and OT Policy and Procedure manuals specific to Hillbrook. OT is defined as hours worked in excess of eight hours in a workday or forty hours in a seven day work week. The first being the Hours of Work Policy and Procedure Manual, issued March 2012 and updated September 2014 (see Appendix), and then the Overtime Allocation Policy and Procedure Manual (see Appendix), which superseded the Hours of Work Policy in April 2015. The policies and procedures specific to Hillbrook do not

override the labor agreement between Onondaga County and Local 1000, but give the department the methods and means to conduct operations as stated in Article 3 – Management Rights of the labor agreement. These policies were also developed and implemented to help ensure the safety of employees and residents at Hillbrook Detention Facility

The OT policy of Hillbrook is first guided by the Bargaining Agreement between Onondaga County and CSEA Local 1000 AFSCME, AFL-CIO, adopted January 1, 2008 and still in effect until a new agreement is implemented. Article 2 recognizes this agreement represents all regularly scheduled full time and part time employees in the defined bargaining unit for the purpose of collective negotiations and administration of grievances. All regularly scheduled full time and part time employees are on the 101 Payroll of Onondaga County. The agreement does not include per diem, seasonal, temporary, and casual employees and those employees working in titles designated by the County to be management confidential. This agreement does not include representation of part time employees employed at Hillbrook who are on the 103 payroll.

The OT policies and procedures specific to Hillbrook overlap within the period of audit. From January 1, 2014 thru March 31, 2015, the Hours of Work Policy and Procedure Manual were in place. Section F of this policy manual described the OT Policy. In April 2015, Hillbrook implemented the Overtime Allocation Policy and Procedures Manual (see Appendix) which expanded upon the Hours of Work policy. This policy was created to aid in deterring excessive overtime and to lay out the overtime procedures step by step. This OT policy focuses on seeking non-overtime shift coverage prior to seeking coverage which would result in overtime being earned by the selected employee. This policy was in effect during the last two months of the audit, April 2015-May 2015.

### **Executive Summary**

Over the course of the audit, we found the following:

1. The department updated and implemented three overtime staffing policies from March 2012 to April 2015.
2. In several instances during testing the department failed to adhere to its own overtime policies and procedures.
3. Staff operating in a management capacity are not properly documenting their decisions to support their adherence to established policies.
4. The department relies on part time staff to cover many shifts.

## **SECTION II**

### **SCOPE AND METHODOLOGY**

#### **Scope:**

The purpose of this report is to provide information and recommendations to Hillbrook's management on their overtime hours and their related policies and procedures used to staff the facility.

Our objectives were to:

- Determine if effective and efficient use of staff hours were utilized to minimize the use of overtime compensation.
- Review specific Hillbrook employee overtime practices.
- Select a sample of 9 employees with the highest overtime compensation from January 2014 thru May 2015.
- Provide Hillbrook and County Management with recommendations related to Hillbrook staffing practices and employee overtime policies and procedures.

#### **Methodology:**

In order to complete our objectives we:

- Reviewed the County's employee contracts and Hillbrook's policies and procedures to determine the expectations for Hillbrook employee overtime practices.
- Interviewed the Commissioner of Children and Family Services and Deputy Commissioner of Juvenile Justice to determine their expectations for employee overtime practices.
- Interviewed Hillbrook's Director of Operations and Administrative Officer to determine specific practices for Hillbrook employee overtime practices.
- Gathered overtime hours from Onondaga County's Kronos timekeeping system for Hillbrook employees in the period of audit, January 2014 thru May 2015. Overtime hours for any shifts greater than 12 hours were selected for further review.
- Calculated total overtime pay earned respective of our selected sample during the period of audit.
- Reviewed actual pay of overtime shifts tested in Onondaga County's Genesys payroll system to verify accuracy and timing.
- Inquired to the Personnel department as to interpretation of Union contracts and Policy and Procedure Manuals specific to Hillbrook.

## SECTION III FINDINGS AND RECOMMENDATIONS

While reviewing overtime shifts of the 9 employees selected for testing we noted 2 of the employees were part time employees and the remaining 7 were full time. Of the 14 shifts tested of the 2 part time employees, only 2 of the shifts led to actual overtime being earned due to these part time employees working in excess of 40 hours in those weeks.

Below is the total overtime dollars paid to the 9 employees tested for the period of January 1, 2014 thru May 31, 2015. Included in this chart is the number of overtime shifts tested per employee and the number of findings found in these shifts tested.

<b>Overtime pay from January 1, 2014 thru May 31, 2015 for the 9 employees tested in the Hillbrook Overtime Audit</b>			
<u>Employee</u>	<u>Number of OT shifts tested</u>	<u>Number of findings when testing OT shifts</u>	<u>Total OT paid to 9 employees select for testing</u>
1 - FT Detention Aid	5	8	\$ 13,348.80
2 - FT Detention Aid	9	26	\$ 35,382.47
3 - FT Detention Aid	4	6	\$ 7,063.66
4 - FT Detention Aid	5	8	\$ 21,119.82
5 - FT Detentio Aid	5	8	\$ 6,240.21
6 - FT Detention Home Counselor II	4	6	\$ 18,370.36
7 - FT Detention Home counselor II	4	10	\$ 25,101.05
8 - PT Detention Aid	1	1	\$ 2,435.20
9 - PT Detention Aid	1	1	\$ 926.32
<b>Total</b>	<b>38</b>	<b>74</b>	<b>\$ 129,987.89</b>

In our testing we reviewed the unverified sick time taken during the period of audit and noted of the employees tested, their unverified sick time used was less than 7 days per employee, per year. Per the contract a department head may request a physician's statement verifying the employee's incapacity or inability to perform their job duties in the event the employee has exceeded seven (7) unverified days or equivalent in hours within a calendar year.

For the 2014 and 2015 calendar years, it was noted all full time Detention Aides, in total, earned on average 30 days of comp time earned (CTE) and used on average 39 days of comp time used (CTU). Per the current Hillbrook CTU policy, requests for comp time use must be submitted 4 days in advance. During the period of audit, we tested to ensure all comp time used, in the two week period of an overtime shift, was properly requested and approved 4 days in advance. We found 11 requests for comp time to be used. Of the 11 requests for CTU, 3 were found to not be

properly approved 4 days in advance. All three of these CTUs were in 2014. It is our understanding, Hillbrook Administration did not strictly enforce this policy in 2014, and no instances came to our attention during testing of our 2015 sample.

During our period of audit we noted there were 2 grievances filed which totaled \$411.72. These two grievances were paid out to FT Detention Aides due to both being skipped for an 8 hour OT shift on two separate occasions in 2014. In both of these instances the grievance was due to the Shift Supervisor not following proper policies and procedures.

Of the 38 overtime shifts tested it was found that 32% of these OT shifts occurred on Saturdays, 16% on Sundays, 8% on Mondays, 11% on Tuesdays, 11% on Wednesdays, 11% on Thursdays and 13% on Fridays. In total, 48% of the OT shifts tested occurred on the weekend.

For all 9 Hillbrook employees selected for testing, here is a summarized chart of the overtime findings:

Hillbrook Overtime Audit Findings Table										
Period of Audit: January 1, 2014 thru May 31, 2015										
Number of occurrences of finding per employee										
	1	2	3	4	5	6	7	8	9	
	FT Detention Home Aid	FT Detention Home Aid	FT Detention Home Aid	FT Detention Home Aid	FT Detention Home Aid	FT Detention Home Counselor II	FT Detention Home Counselor II	PT Detention Home Aid	PT Detention Home Aid	Total
# of OT shifts tested per employee	5	9	4	5	4	4	5	1	1	38
Finding type	Number of occurrences per finding per employee									
1	1									1
2	3	3	3	3	4	3	5			24
3						3	3			6
4	3	3	2	1	4					13
5		2		1						3
6	1	4	1	2			2			10
7		5		1						6
8		5								5
9		4								4
10								1	1	2
Total findings per employee	8	26	6	8	8	6	10	1	1	74

A description of each type of finding and number of instances is as follows:

**Finding #1** – 1 instance where an employee used 3 hours of comp time (CTU), which added 3 hours to their OT shift and brought their total OT shift to 16 hours. They were paid 12 hours of OT and converted 4 hours of their OT to comp time earned (CTE). This made the 3 hours of comp time used 4.5 hours of comp time earned. (3 hours CTU x 1.5 = 4.5 hours CTE). The Hours of Work Policy (Policy #0019) in effect at the time, stated in #E3, “Compensatory time shall not be accrued or overtime shall not be paid when an employee is also using paid leave including but not limited to sick leave, compensatory time used, paid holiday, family medical leave, vacation, personal or floating holiday.” When the OT and CE were earned in the work week, 3 hours of CTU was used which was added to OT and CTE. This was in violation of the Hours of Work Policy in effect.

**Finding #2** – There were 24 instances of lacking documentation verifying overtime shifts were offered to employees in order of seniority. All 24 instances occurred prior to the implementation of a mandatory Voluntary OT Tracking form in April 2015. This policy can be found in 2B of the OT Allocation Policy and Procedure in the Appendix. During the period of audit, prior to the implementation of the policy, there were two grievances paid out totaling \$411.72 due to the employees with seniority being skipped for overtime shifts.

**Finding #3** – There were 6 instances where the shift supervisor signed and approved their own overtime and we did not receive supporting documents indicating the Administrator signed off or completed the paperwork after approving the shift via telephone. This could lead to unnecessary overtime hours since there is no documentation of the preapproval by Hillbrook Administration. The Administrator should sign the Hillbrook Detention Center Mandatory OT Tracking form for any overtime of a Detention Home Counselor II the next work day.

**Finding #4** – There were 13 instances where the shift supervisor signed off and approved the overtime shift on the Daily Roster/Shift Report but the employee performing the OT did not initial/sign off on the shift and how they wanted to be compensated. The OT policy does not state the employee has to sign off on the Daily Roster/Shift Report but the sheet is set up to be signed off by the employee for the OT shift. It has an area to add the following; name of employee performing the overtime, time in & out for overtime, reason for overtime, a spot for shift supervisor initials, a spot on how the employee would like to be compensated for the overtime, either in dollars or the option to take compensatory time off and then a spot for the employee initials. If the employee had to make a selection for how to be compensated then they should sign off on it so as not to cause any inefficiency in the payroll processing due to the incorrect payment type being selected.

**Finding #5** – There were 3 instances where the shift supervisor and employee did not sign off the overtime shift on the Daily Roster/Shift report. There is no specific policy stating the Daily Roster/Shift report must be signed off for the overtime shift but there is a section for this and if there is no proof of approval it could lead to unnecessary overtime since it was not approved prior to the shift.

**Finding #6** – The overtime policy currently in effect (April 2015) requires the Detention Home Counselors to seek part time staff to cover shifts in a non-overtime capacity. The 2015 Hillbrook Overtime Allocation Policy and Procedure Manual was signed on April 8, 2015. From April 8, 2015 thru May 31, 2015 there were 10 instances where full time staff worked an overtime shift and there was no record the supervisor sought part time staff to fill the shift. Of these 10 instances, 8 were overtime shifts performed by Detention Home Aides and 2 shifts were performed by Detention Home Counselors. This possibly violates #2A of the Overtime Allocation Policy since there is no documentation supporting the fact the policy was followed.

**Finding #7** – There were 6 instances where an employee worked more than 3 OT shifts in a work week. Per the Hillbrook Hours Worked policy and OT Allocation policy, no employee is to work more than 3 OT shifts per week. 5 of the 6 OT shifts were given to the most senior Detention Home Aide of the full time employees. Two of these instances occurred after the policy went into effect of seeking part time employees to fill a shift prior to utilizing full time



employees. It is understandable there are exceptions in cases of extreme or unusual staff shortages due to illness or injury or due to federal regulations but staffing ratios must be adhered to in order to lessen the burden on certain staff members having to cover or being asked to cover more shifts than other staff members. On the employee rosters we received, there are 12 full time Detention Home Aides; 5 women and 7 men, which equates to 42% women and 58% men. On the part time employee roster we received, there are 38 part time Detention Home Aides; 8 women and 30 men, which equates to 21% women and 79% men. Even with the new policy in place of seeking part time employees first to cover a shift, there may not always be enough women to cover a shift which requires women as compared to a shift where a male is required due to the percentages of full time employees by gender versus the percentage of part time employees by gender

**Finding #8** – There were 5 instances where the most senior Detention Home Aide worked more than two 16 hour shifts in a pay week. Per the Hillbrook Hours Worked policy and the OT Allocation policy of Hillbrook, no employee is to work more than two 16 hour shifts per pay week. Of these 5 instances, 2 were after the policy went into effect of seeking part time employees to fill a shift prior to turning to full time employees. It is understandable there are exceptions in cases of extreme or unusual staff shortages due to illness or injury or due to federal regulations but staffing ratios must be adhered to in order to lessen the burden on certain staff members having to cover or being asked to cover more shifts than other staff members. On the employee rosters we received, there are 12 full time Detention Home Aides; 5 women and 7 men, which equates to 42% women and 58% men. On the part time employee roster we received, there are 38 part time Detention Home Aides; 8 women and 30 men, which equates to 21% women and 79% men. Even with the new policy in place of seeking part time employees first to cover a shift, there may not always be enough women to cover a shift which requires women as compared to a shift where a male is required due to the percentages of full time employees by gender versus the percentage of part time employees by gender

**Finding #9** – There were 4 instances where the most senior Detention Home Aide worked more than 24 hours of overtime in a 72 hour pay period. Per the Hillbrook Hours Worked policy and the OT Allocation policy of Hillbrook, no employee is to work more than 24 hours of overtime in a 72 hour period. Of these 4 instances, 1 was after the policy went into effect of seeking part time employees to fill a shift prior to turning to full time employees. It is understandable there are exceptions in cases of extreme or unusual staff shortages due to illness or injury or due to federal regulations but staffing ratios must be adhered to in order to lessen the burden on certain staff members having to cover or being asked to cover more shifts than other staff members. On the employee rosters we received, there are 12 full time Detention Home Aides; 5 women and 7 men, which equates to 42% women and 58% men. On the part time employee roster we received, there are 38 part time Detention Home Aides; 8 women and 30 men, which equates to 21% women and 79% men. Even with the new policy in place of seeking part time employees first to cover a shift, there may not always be enough women to cover a shift which requires women as compared to a shift where a male is required due to the percentages of full time employees by gender versus the percentage of part time employees by gender

**Finding #10** – There were 2 instances where a part time employee worked OT and it was signed off on in Kronos by the Administrative Officer but there was no proof it was approved prior to the shift. There is also no proof the employee accepted the shift via a part time OT log or on the Daily Roster/Shift reports, this could lead to unnecessary OT being performed.

**Finding #11** – To our knowledge, there has been no action on the 1981 Resolution of the County Legislature requesting the County Executive to investigate the potential consolidation of Hillbrook with other County incarceration facilities.

**Based upon the above findings, the following is recommended:**

Hillbrook has been transitioning from a unionized, full time staff to a non-unionized, part time staff resulting in the overtime policy and procedures being updated and clarified several times over the past several years. This was done to reduce the amount of overtime hours worked and to clearly address the specific procedures of overtime shifts in order to reduce any confusion and to ensure the safety of employees and residents via a safe work environment. The progression of the policies has led to a better understanding of the OT policies which will ultimately lead to a reduction in the amount of overtime at Hillbrook. The following are our recommendations:

1. Policies should be publicly posted at the Hillbrook facility for all staff to have daily access to review.
2. Hillbrook staff is to be given a copy of the OT policy and procedures and an opportunity to ask questions regarding the policies. The staff is to sign off on them as well as the Hillbrook's Director of Operations in order to ensure the staff is fully aware of these OT procedures. A signed copy should be kept in each employees file. This should be performed on an as needed basis.
3. There should be a step by step checklist for shift supervisors to adhere to and check off as they are in the process of filling an open shift. The checklist could include the following:
  - Verify there is part time staff available to fill this shift without putting them into OT.
  - Call part time staff to fill this shift.
  - If no part time staff is available, start contacting full time staff in order of seniority, but first verify they are in compliance with their OT policy.
    1. This shift will not put them into a time of working more than 24 hours in a 72 hour period.
    2. This shift will not give them more than 2 16 hour shifts in a work week
    3. This shift will not give them more than 3 OT shifts in a work week.
    4. Obtain administrative approval if the OT policy has to be overridden to ensure coverage.

- Call full time staff and document all details on the OT Logs.
4. A policy should be implemented requiring overtime performed by shift supervisors be pre approved by Hillbrook Administration to ensure no unnecessary OT.
  5. The OT logs currently include the date staff are contacted, name of staff called, the date and shift OT is offered, gender needed, whether staff accepted or declined, reason needing coverage, sign off by the Counselor who called. We suggest the OT logs include the time staff is contacted in case of grievances being filed. We also suggest the Director of Hillbrook regularly review these OT logs to ensure the procedures and sign off is being followed.
  6. Currently there are Daily Roster/Shift Reports for each day. These reports include all the shifts and employees covering them. On the sheets there is a section for OT. This section includes the employee time in and out, the reason for OT, the supervisor initials and how the employee would like to be reimbursed for their OT shift. This would be either in OT pay or CTE or both. Then the employee initials the sheet. The shift supervisors must do a better job of initialing, and documenting the reason for OT coverage and which employee the shift is being covered for. The supervisor should ensure the staff initials these sheets when working OT to avoid confusion and future adjustments to the payroll.
  7. We suggest a spread sheet be prepared to track employees working OT and who they covered for on a monthly basis. This would be useful to see what OT patterns emerge and could be used as a tool in planning ahead for shifts based on this spreadsheet.
  8. When an OT shift occurs, Hillbrook management must ensure comp time is not used to increase OT hours. Additionally, no vacation, sick or personal time, family leave, floating holiday should be used during an OT shift. This policy was included in the Hillbrook Hours Worked Policy and Procedure manual which was superseded by the Overtime Policy and Procedure manual in April 2015. This language should be added to the current 2015 policy.
  9. Hillbrook management should consider hiring more part time staff with a set schedule so continual availability is known and consistent. Additionally, special attention should be given to hire part time staff with a ratio of men to women similar to the ratio of full time staff in order to ensure proper staffing when emergencies arise or in order to ensure required staffing regulations are followed and the guidelines of #2C of the Hillbrook Overtime Allocation Policy and Procedure Manual are being adhered too.
  10. Of the shifts tested, most of the excessive overtime occurred on the weekends, 48%; Hillbrook management should consider planning in advance an “on call” staff listing to cover the weekend shift prior to needing staff at the last minute.
  11. The current Hillbrook CTU policy is requests for comp time use must be submitted 4 days in advance. Hillbrook should consider altering the policy when the amount of CTU

requested in a shift is more than 3 hours. A request for CTU for more than 3 hours should be submitted prior to the scheduling of a bi-weekly pay period. This will give the administration time to schedule all shifts with CTU so as not to have to fall into a situation where they are looking to cover a shift which has already been scheduled and possibly then having to pay overtime for shift coverage.

12. It may be beneficial for the County Executive to study the feasibility and cost of combining all County detention facilities into a single administrative unit.

## SECTION IV APPENDIX

### Authoritative Agreements and Laws

#### **Article 12, Overtime Compensation Premium, defines overtime as follows:**

A. **Definition:**

Overtime compensation shall be paid at the rate of one and one-half times (1 ½) the regular compensation rate plus shift differential premium, if applicable, for hours worked in excess of eight hours in a work day or 40 hours in a defined seven day work week.

Employees covered under this agreement shall have the option, upon prior written request of and subject to prior authorization by the department head or authorized designee, of receiving compensatory time at the rate of time and one half (pursuant to FMCS Case No. 97-14350 (K.Chase)) in lieu of monetary compensation in accordance with the provisions set forth in this Article except as provided in paragraph B below.

B. **Applicability:**

The provisions of this Article shall not be applicable to classification determined to be exempt pursuant to the Federal Fair Labor Standards Act. Such determination shall not be reviewable under Article 27 – Grievance and Arbitration Procedure of this agreement. Employees occupying such classifications may elect straight time cash or straight time compensatory time for time worked in excess of their normal work day or normal work period as defined under Article 7 – Work Time.

Such election shall be subject to the approval of the department head. Approved compensatory time shall be limited to a maximum accrual of 35 or 40 hours depending on the title and be expended upon prior request by the employee and approval of the department head. When the maximum accrual has been reached, all time worked in excess of the normal work day or normal work period shall be compensated at straight time cash payments.

C. **Accountability:**

Any unpaid absences shall not be considered as time worked for purposes of computing overtime.

**D. Availability:**

Overtime will be made available to senior qualified employee in the job title which is ordinarily and customarily assigned the work by the Employer on a rotation basis insofar as practical over the period of this agreement.

Departments with the union may establish a policy that takes into account 12-D, which meets the needs of both parties.

**E. Call-In Pay:**

The County agrees that any employee covered by this agreement that is called into work for emergency duty shall receive the greater of (a) or (b) as follows:

1. Either a minimum of four (4) hours pay at the regular rate of compensation or upon request of the employee and approval of the department head or designee, a minimum of four (4) hours of straight compensatory time;
2. One and one half times the regular compensation rate or compensatory time in accordance with paragraph (A.) of this article (if classification determined to be non-exempt), or straight time cash or straight time compensatory time in accordance with paragraph (B.) of this article (if classification determined to be exempt), for actual time worked.

The County maintains the right to assign or retain any employee for the duration of the call-in duty.

**F. Compensatory Time Balances:**

1. The Employer may apply the following methods to manage compensatory time balances accumulated under (A) or (B) of this Article or the Federal Fair Labor Standards Act.
  - a. The Employer may opt to “cash out” (that is to pay the equivalent cash compensation on an hour for hour basis at the then current rate of pay) some or all compensatory time hours at such time or times as it may designate during any calendar year.
  - b. The Employer may opt to schedule employees to expend some or all compensatory time in the form of paid absences from work at such time or times as it may designate during the calendar year.
  - c. The Employer may opt to allow such accumulated compensatory time balances to remain.
2. In the event that the Employer decides to exercise one of the above options, the Employer shall establish a uniform amount or balance to be applied equitably to compensatory time balances within each department.

3. The Employer shall provide 25 working days advance notice to employees in the event it opts to initiate (1) (b) above.
4. Employees shall be able to maintain a minimum compensatory time balance of 35 to 40 hours depending upon the title.
5. Employees may initiate a written request to receive a “cash out” as defined in (1) (a) above of accumulated compensatory time. All such requests shall be subject to the approval of the department head and responded to in writing.

**G. Ordered Overtime:**

It is hereby affirmed that the Employer shall maintain the right to compel overtime to be worked by employees in instances where:

1. Voluntary overtime arrangements have been exhausted without rendering a qualified employee available to do the work;
2. In the event of unexpected or emergent situations where the Employer determines that a position or post must be staffed or than an assignment or work must be accomplished.

It is further affirmed that the Employer shall have the right to formulate and implement overtime policies in order to assure staffing and that such policies shall include provisions for the isolated occasion to decline ordered overtime where such declination is both reasonable and justifiable.

**Hours of Work Policy and Procedure Manual (Part F), adopted March 2012**

1. To ensure the safety and security of the facility and to promote staff wellness it shall be the right of the Director to limit the amount of overtime worked.
2. Staff shall not work more than three (3) overtime shifts per pay week.
3. Staff shall not work more than two sixteen (16) hour shifts per pay week.
4. Staff shall not be scheduled to work an eight (8) hour overtime shift prior to their regularly scheduled shift.
5. Staff shall not work more than twenty-four (24) hours of overtime in a seventy-two (72) hour period.
6. Exceptions to these overtime limits shall be in cases of the following:
  - Natural Disasters
  - Pandemic Events
  - Unusual staff shortages due to excess illness or injury
7. Overtime compensations shall be paid at the rate of one and one-half times (1 ½ times) the regular compensation rate for hours worked in excess of eight hours in a work day or 40 hours in a 7 day workweek.
8. Hillbrook maintains the right to compel overtime where voluntary overtime has been exhausted. Ordered overtime shall be done based on reverse seniority.

9. Staff shall be given the opportunity to sign up for overtime. When all options have been exhausted, staff with the least amount of overtime worked will be selected to fill the overtime shift.

#### **Hours of Work Policy and Procedures Manual (Part F), adopted September 2014.**

1. To ensure the safety and security of the facility and to promote staff wellness it shall be the right of the Director to limit the amount of overtime worked.
2. Staff shall not work more than three (3) overtime shifts per pay week.
3. Staff shall not work more than two sixteen (16) hour shifts per pay week.
4. Staff shall not work more than twenty-four (24) hours of overtime in a seventy-two (72) hour period.
5. Exceptions to these overtime limits shall be in cases of the following:
  - Disasters
  - Pandemic Events
  - Unusual staff shortages due to excess illness or injury
6. Overtime compensations shall be paid at the rate of one and one-half times (1 ½ times) the regular compensation rate for hours worked in excess of eight hours in a work day or 40 hours in a 7 day week.
7. Hillbrook maintains the right to compel overtime where voluntary overtime has been exhausted. Ordered overtime shall be done based on reverse seniority.
8. Staff shall be given the opportunity to sign up for overtime based on seniority. If all options have been exhausted, staff with the least amount of overtime worked will be selected to fill the overtime shift.
9. In the event that no full time staff person is available to work an overtime shift, the Senior Counselor may offer overtime to a part time staff person (upon approval from the Director of Operations).

#### **Overtime Allocation Policy and Procedure Manual, adopted April 2015.**

##### **Procedures:**

The following procedures shall apply to implement the above policy:

- A. When determining coverage needs, Detention Home Counselor II's are expected to find part-time, non-overtime options in order to save on unnecessary salary expense. If part-time, non-overtime options are not available, Detention Home Counselors II's may seek approval to use overtime (approved by the Director).
- B. Upon requesting and obtaining approval to utilize overtime for shift coverage, Detention Home Counselors II's must begin by offering the available overtime hours to the most senior staff member. If that staff person declines, the Senior Counselor will offer the shift to the next most senior staff person until the overtime hours are



allocated. The next overtime opportunity is reserved for the next staff person on the seniority list. All attempts to fill overtime hours must be documented in the OT binder.

- C. Gender plays a significant role in detention work and, therefore, plays a role in the overtime allocation process. There are several facets of child care that require same gender staff. For example, male staff complete searches, pat-downs, showers and other gender specific assignments with male residents while female staff are required to do the same for female residents. Because of these inescapable realities of the direct care, we are required to maintain a staffing ration that is reflective of the gender distribution with in the milieu.
- D. Senior Counselors are required to log all pertinent overtime information in the OT log to include staff's name, the date & hours requiring coverage, whether a male, female or either staff is required to fill the hours, the reason the overtime is needed and the initials of the Senior Counselor making the entry.
- E. If the Senior Counselor fails to find a voluntary full-time staff person to cover the overtime need they may either: (1) Offer overtime to a part-time employee or (2) Mandate a full-time staff person to cover the hours in question. Overtime may only be offered to a part-time staff when no viable full-time staff person is available or willing to work.
- F. When compelling overtime (mandating), the Senior Counselor will mandate *the least senior available staff person first*. All mandatory overtime hours worked must be documented in the overtime log (OT log).

The facility's obligation to provide 24 hour adult supervision of youth may require any Detention Home Aide and/or Detention Home Counselor II to stay on shift beyond their normal work hours. These emergent instances include, but are not limited to, weather related emergencies, resident related crisis, insufficient staffing ratios created by staff absence, etc.

### **General Principles**

- A. When using overtime to cover duty assignments, the least number of hours needed should be used.
- B. Staff mandated to work beyond their normal work hours should be relieved as soon as another viable option becomes available.
- C. When more than one overtime opportunity is available, Senior Counselors will bid out hours chronologically (the most immediate need covered first). Staff seniority determines ones opportunity for overtime, not the number of overtime hours available.
- D. To ensure the safety and security of the facility and to promote staff wellness, it shall be the right of the Director to limit the amount of overtime worked.

1. Staff shall not work more than three (3) overtime shifts per pay week.
2. Staff shall not work more than two sixteen (16) hours shifts per pay week.
3. Staff shall not work more than twenty-four (24) hours of overtime in a seventy-two (72) hour period.
4. Exceptions to these overtime limits shall be in cases of the following:
  - Natural Disaster
  - Pandemic Event
  - Unusual staff shortages due to excess illness or injury

March 2, 1981

Sheriff which was intended to replace the existing Hiller Aircraft, and

WHEREAS, the City of Syracuse has been forced by budgetary limitations to phase out its helicopter program, and

WHEREAS, a cooperative contractual agreement between the City and County would enable both municipalities to utilize the new helicopter as well as the Hiller Aircraft as a back up, and

WHEREAS, it is necessary to amend the 1981 budget to provide necessary operating funds to run the Hiller Aircraft, now, therefore, be it

RESOLVED, that the County Executive be and he hereby is authorized to enter into a contract not to exceed \$18,000.00 with the City of Syracuse for the cooperative use of the new helicopter and of the Hiller Aircraft, subject to the review of the County Attorney.

Voting Aye: Tomeny, Garland, Ireland, Salanger, Haley, Brown, Pickard, Hansley, Lips, Bush, Lewis, Rice, Cheerlow, Holihan, Gorman, Torney, Durham, Mingstall, Mr. Chairman.

Voting No: Christon, Frawley, Sanford, Durham.

Absent: Ryan.

Ayes: 19. Noes: 4. Absent: 1. Resolution adopted.

\* \* \*

March 2, 1981

Motion Made by Mr. Ireland, Mr. Torney

#### RESOLUTION NO. 68

Requesting the County Executive to study the feasibility and cost of implications of combining all County detention facilities in a single administrative unit

WHEREAS, the County of Onondaga operates three detention facilities, the County jail, correctional facility and Hillbrook Detention Center, each in a separate administrative unit, and

WHEREAS, the management and operation of the County jail, the County correctional facility and the Hillbrook Detention Center involve similar functions, duties and operations, and

WHEREAS, the County Legislature has previously expressed an interest in combin-

ing the management of the correction facility with that of the County jail, and

WHEREAS, the similarities in the operations suggest the possibility of effecting economies by consolidation of staff, training and equipment, and

WHEREAS, the County Legislature needs reliable data in order to continue its consideration of this issue, now, therefore, be it

RESOLVED, that the County Executive is requested to study the feasibility and cost implications of combining all County detention facilities in a major administrative unit and to report the results of such study to the Legislature within 60 days.

Ayes: 22. Noes: 0. Absent: 2 (Frawley, Holihan). Resolution adopted.

\* \* \*

March 2, 1981

Motion Made by Mr. Salanger.

#### RESOLUTION NO. 69

Renewing with modification Agricultural District No. 1 in the Towns of Lyander and Elbridge

WHEREAS, the Onondaga County Legislature has completed an 8-year review of Agricultural District No. 1 in the Towns of Lyander and Elbridge pursuant to New York State Agriculture and Markets Law, Article 25AA, Section 201, and

WHEREAS, notification to begin the 8-year review was received by the Clerk of the Legislature from the N.Y.S. Department of Agriculture and Markets on September 2, 1980, and

WHEREAS, the Onondaga County Agricultural District Advisory Committee and Onondaga County Planning Board did review and make recommendations regarding the high agricultural viability of the district and certain modifications expanding the district, and

WHEREAS, a public hearing on said agricultural district renewal and modification was held at the Town of Lyander Town Hall by the County Legislature on January 28, 1981, and

WHEREAS, the County Legislature made a declaration of no environmental significance on February 2, 1981 based on an environmental assessment prepared for them by the Syracuse-Onondaga County Planning Agency in accordance with the New York State Environmental Quality Review Law, Article 8, now, therefore, be it

# SECTION V

## HILLBROOK MANAGEMENT RESPONSE



County of Onondaga  
**Children & Family Services**  
Child Welfare • Juvenile Justice • Youth Bureau • Children's Mental Health • School-Based Initiatives  
JOHN H. MULROY CIVIC CENTER  
421 MONTGOMERY STREET  
SYRACUSE, NY 13202  
[www.ongov.net](http://www.ongov.net)

Joanne M. Mahoney  
County Executive

David Sutkowy  
Commissioner

May 25, 2016

Ms. Heather DiBlasi  
Office of the County Comptroller  
John H. Mulroy Civic Center, 14<sup>th</sup> Floor  
421 Montgomery Street  
Syracuse, NY 13202-2998

**Re: Response to Hillbrook Draft Overtime Audit Report**

Dear Ms. DiBlasi:

Please let this letter serve as a response to the findings submitted regarding the audit of the Hillbrook Detention Center's Overtime accounts. One general comment is that throughout the document, the Comptroller incorrectly refers to the front line staff as 'Home Health Aides'. The staff title for these workers is 'Detention Home Aide.' Our response to the audit findings are below for your review:

**Finding #1:** Not disputed, corrective action taken.

**Finding #2:** This finding lacks clarity. The scope of this audit was from January 2014 thru May of 2015. The finding refers to the policy that was updated in April of 2015. It is unclear to us how many of the incidents referenced in the finding occurred after the policy went into effect.

**Finding #3:** The finding states that "there were 6 instances where a shift supervisor signed off and approved their own overtime shift..." We disagree with this finding. All Detention Home Counselor IIs are required to get administrative approval; they do not approve their own overtime. Hillbrook is a 24/7 facility. It would be unwise and inefficient to have administrative presence after normal work hours. It would also be unwise and inefficient to overstaff the facility, in anticipation of what admissions that may occur after hours, or what unplanned staff absences occur. Flexibility and responsiveness are the keys to operating an efficient facility. Therefore, the practice has been for the facility not to overstaff, nor to require the administrator to come to the facility when after-hours overtime is sought. When overtime is required after hours, the DHAs are required to contact the administrator by telephone and seek approval. The necessary paperwork is then done the following day.

**Finding #4:** We agree with the finding that the practice conformed with the facility's written policy.

**Finding #5:** We agree with the finding that the practice conformed with the facility's written policy.

**Finding #6:** This finding lacks clarity. The scope of this audit was from January 2014 thru May of 2015. The finding refers to the policy that was updated in April of 2015. It is unclear to us how many of the incidents referenced in the finding occurred after the policy went into effect.

**Finding #7:** We disagree that this constitutes a "finding". The policy referred to in the finding allows for exceptions in cases of extreme or unusual staff shortages due to illness or injury. In addition, we do agree that the updating of the policy in April of 2015 has decreased the need for the use of overtime in this manner, but administration in times of need has the right, per policy, to award overtime in times of disaster, pandemic events and unusual staff shortages. The facility is required to provide male and female staff in order to maintain OCFS regulations and federal regulations regarding PREA (Prison Rape Elimination Act) and can create unusual staff shortages to cover particular staffing needs.

**Finding #8:** We disagree that this constitutes a "finding". The policy referred in the finding allows for exceptions in cases of extreme or unusual staff shortages due to illness or injury. In addition, we do agree that the updating of the policy in April of 2015 has decreased the need for the use of overtime in this manner, but administration in times of need has the right, per policy, to award overtime in times of disaster, pandemic events and unusual staff shortages. The facility is required to provide male and female staff in order to maintain OCFS regulations and federal regulations regarding PREA (Prison Rape Elimination Act) and can create unusual staff shortages to cover particular staffing needs.

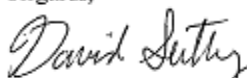
**Finding #9:** We disagree that this constitutes a "finding". The policy referred in the finding allows for exceptions in cases of extreme or unusual staff shortages due to illness or injury. In addition, we do agree that the updating of the policy in April of 2015 has decreased the need for the use of overtime in this manner, but administration in times of need has the right, per policy, to award overtime in times of disaster, pandemic events and unusual staff shortages. The facility is required to provide male and female staff in order to maintain OCFS regulations and federal regulations regarding PREA (Prison Rape Elimination Act) and can create unusual staff shortages to cover particular staffing needs.

**Finding #10:** Not disputed, corrective action taken.

**Finding #11:** This finding relates to a resolution of the County Legislature 35 years ago, under the Mulroy Administration. This department has no information as to the discussions that transpired between the County Administration and the Legislature at that time, or if the Legislature's questions in this matter were satisfied. Since there are apparently no further Legislature minutes or references on this matter, one might assume that the Legislature was satisfied with the Administration's attention to this matter.

We are thankful for the opportunity to strengthen our policies and procedures and will be taking the recommendations provided by your Office under advisement. In the meantime, if you have any questions regarding our response, please feel free to contact Ann Rooney, Deputy County Executive who will be fulfilling the role of Commissioner of the Department effective May 31<sup>st</sup>.

Regards,



David Sutkowy  
Commissioner

**SECTION VI**  
**COMPTROLLER'S REPLY TO HILLBROOK RESPONSE**

In reply to the response received from Hillbrook's Management on June 1, 2016 via email, the Comptroller's Office updated the draft audit report to clarify Findings numbered 2-3 and 6-9. We also updated Recommendation number 9. An updated draft audit report was sent to Hillbrook's Management on June 3, 2016, requesting they review and respond to this updated audit report by June 8, 2016. To date there has been no response.