

Easy Pickings

DOCCS' Overtime Scams Milking State Coffers Dry

By Sheldon N. Messer

On January 30, 2014, Albany Times Union reporter, Rick Karlin wrote an article entitled "State overtime clock hit \$611M: Crucial staffing needs blamed for rise; comptroller urges tightening".

In the article, karlin reported that the state's overtime bill is increasing and the rise is due to a "smaller workforce" and downsizing of the state's workforce by Gov. Cuomo. What caught my attention is Karlin's exposure of the state's biggest overtime abuser, the New York State Department of Corrections & Community Supervision (DOCCS), and his outing of James M. Weeks, a DOCCS lieutenant assigned to Coxsackie Maximum Security Prison located in Greene County.

According to Karlin, Weeks topped the state's overtime list by raking in \$118,962 in overtime, on top of his \$90,243 regular pay. According to Karlin, Weeks clocked a whopping 3,067 hours of overtime. The ironic thing about these revelations is that a week prior to Karlin's article, Donn Rowe, president of New York State Correctional Officers & Police Benevolent Assoc. Union (NYSCOPBA) wrote an article in the Albany Times Union on January 21, 2014, entitled "Prisons Congested, dangerous" lambasting Gov. Cuomo for the imminent closure of four upstate prisons, and

also accusing DOCCS of covering up violent assaults on prison staff by prisoners.

In that article, Rowe suggests that closure of the prisons will have a negative impact on the Upstate New York economy and stated that "taxpayer money can be better saved by smarter reforms, such as trimming administrative bloat, streamlining overtime costs or cracking down on waste and fraud". In that regard, I could not agree with Rowe more, but only in regards to saving the taxpayers money by streamlining overtime and ending waste and fraud. However, I could not help but wonder whether Mr. Rowe was taking a shot at his own agency when he made that statement, because I can think of no viable reason why a lieutenant in DOCCS would be required to work double shifts, practically every night of the week, when DOCCS has been on a hiring boom over the last few years?

Nevertheless, I can tell the people of New York how and why they are paying so much in overtime, and can honestly state that Lieutenant Weeks is not the only DOCCS guard pulling down exorbitant amounts of fraudulent overtime.

My first knowledge and experience with DOCCS guards pulling down exorbitant amounts of fraudulent overtime goes back to my days as an Inmate Liaison Committee member at Sing Sing prison, where another lieutenant was the envy of every other officer because he was pulling down the same kind of overtime hours and

pay. This is how the scam works, and what happened at Sing Sing:

Lieutenants assigned to the 3:00PM to 11:00PM shifts usually acts as the facility's Watch Commander and also performs the duty of "review officer" responsible for reviewing all of the misbehavior infractions (tickets) written against inmates that day, via the Tier III disciplinary system, which controls and regulates inmate behavior. When an inmate receives an infraction (ticket) for bad behavior, the review officer (lieutenant) is responsible for "tiering" the ticket. (Determining the level of severity of the alleged act of misbehavior, based upon a three tier system. Tier II and III being moderately to severely serious, and tier I being the least serious).

In a stroke of genius and greed, this particular lieutenant instituted an illegal quota system, and ordered prison guards under his command to write as many tickets as they can for any and every real or perceived breaking of prison rules, (Despite state law, specifically NYCRR Tit. 7, Directive 4932, which prohibits such actions) thereby ensuring that he will have dozens of tickets to review, justifying overtime each night.

The Inmate Liaison Committee at Sing Sing became aware of the illegal quota system after investigating an exponential rise in prisoner misbehavior reports, and was told by several Officers whom disagreed with the Lieutenants tactics and quota system. The Inmate Liaison Committee placed their investigation findings

in their monthly agenda report to the facility's superintendent, however, nothing was done. To add insult to injury, those unfortunate inmates whom received erroneous tickets, or tickets based upon minor infractions of prison rules are usually found guilty, and are required to pay a \$5.00 surcharge---money most poor prisoners cannot afford.

Nevertheless, as is evident by Rick Karlin's report, the same type of thing may be happening at other state prisons, because there is no justification for a lieutenant to have to clock so many hours of overtime. Therefore, I have no doubt that Lieutenant Weeks is not the only overtime offender milking the state coffers dry via illegal overtime schemes. Lieutenant Weeks is just the only person unfortunate enough to make the news because he topped the list.

There are other lucrative overtime schemes that DOCCS employees utilize and it is high time that the Governor, State Comptroller and Taxpayers hear about them. For example, DOCCS' Transportation Officers are possibly the worse of all overtime scammers...But that is for another article. Let's wait to see what Governor Cuomo, Comptroller DiNapoli and the Taxpayers are going to do about the overtime scam outlined above?

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