



STATE OF NEW YORK  
OFFICE OF THE STATE INSPECTOR GENERAL  
**Final Report**  
**August 14, 2009**

**Manager Submits False Timesheets at Buffalo State College**

SUMMARY OF FINDINGS/RECOMMENDATIONS

The New York State Inspector General found that Ann Dennis, former Manager of Central Operations in the Computing and Technology Services Department at the State University of New York's Buffalo State College, intentionally submitted inaccurate timesheets since 2003. The Inspector General also found that her actions were at the direction of her former supervisor, and that her current supervisor was aware of and complicit in this practice. The Inspector General further determined that neither the payroll office nor the human resource management office at Buffalo State College had a clear understanding of the terms of Dennis's employment contract.

Dennis retired during the course of the Inspector General's investigation. The Inspector General recommended that Buffalo State College take disciplinary action as appropriate against Dennis's supervisors. Furthermore, Buffalo State College should review its contractual obligations with regard to the use of compensatory leave and overtime and ensure that human resources and payroll department employees are sufficiently trained in these areas. It was also recommended that Buffalo State College develop and disseminate policies addressing accurate reporting and review of official timesheets, and add an attestation that the submitted records are true and accurate.

ALLEGATIONS

On May 27, 2008, the Inspector General received a complaint alleging that Ann Dennis, the Manager of Central Operations in the Computing and Technology Services Department at Buffalo State College, had falsified her timesheets for the past 30 years. In addition, the complaint alleged that Dennis's current supervisor, Thomas Killian, and her former supervisor, David Cummings, knowingly allowed this practice.

SUMMARY OF INVESTIGATION

The Inspector General interviewed nine past and present Buffalo State College employees, including Cummings, Killian and Dennis, and examined time and attendance records, relevant policies and employment contracts.

## **Background**

Ann Dennis was the Manager of Central Operations in the Computing and Technology Services Department at Buffalo State College and had been employed there for 31½ years. She retired during the course of this investigation. In that position, Dennis was a member of the Public Employees Federation (PEF) in the Professional, Scientific and Technical Services Unit (PS&T). Her salary grade was 23 since March 1998.

As a grade 23, under the terms of the applicable collective bargaining agreement, Dennis was not eligible for overtime pay compensation. Similarly, she was not eligible for compensatory time (“comp time”). The applicable contract states the following:

Compensation for overtime work will continue to be subject to all applicable statutes, rules and regulations, except that on and after October 1, 1990, all positions in the PS&T Unit allocated or equated to grades 22 and below shall be deemed to be eligible to receive overtime compensation. (Article 7.17 Overtime Compensation 2003-2007 and Article 7.16 Overtime Compensation 2007-2001).

Dennis was required to complete a bi-weekly timesheet for her supervisor’s approval. The supervisor was then required to review and sign each timesheet. The timesheets were then forwarded to the payroll office where the timesheets were used to calculate Dennis’s pay and accruals. The 2007-2011 PEF contract Article 12.17 Maintenance of Time Records states:

No employee in this unit shall be required to punch a time clock or record attendance with a timekeeper. All employees in this unit shall be required to keep daily time records showing actual hours worked and shall maintain a daily record of absences and leave credits earned and used in accordance with the Attendance Rules on forms to be provided by the State, subject to review and approval by the supervisor.

Dennis was entitled to accrue vacation time according to a fixed formula based on the hours she recorded working on her official timesheets. She was allowed to maintain a maximum of 300 hours vacation time and lost vacation credit on April 1 of each year of any hours exceeding the maximum (PEF 2007-2011 Contract, Article 12.4 Vacation Credit Accumulation).

## **False Timesheets**

The Inspector General determined that the timesheets submitted by Dennis did not accurately reflect the leave she took, and that Dennis kept separate personal timesheets from those that she submitted to her supervisor. The investigation also determined that Dennis began doing this at the direction of her supervisor.

When interviewed by the Inspector General, Dennis claimed that because she was not eligible for overtime compensation, her former supervisor David Cummings, Director of Networking/Operational Services in the Computing and Technology Services Department (now retired), agreed to compensate her for the extra hours she worked with an “off-the-books comp time” arrangement. Dennis also said that she kept separate personal timesheets recording her actual overtime hours and off time. Dennis was fully cooperative with the investigation and voluntarily provided the Inspector General with a copy of these personal timesheets, dating back to 2003. Dennis further advised the Inspector General that, at Cummings’ direction, she included lost vacation hours into her running “comp time” as well. She said that in 2003, she began incorporating the amount by which her accrued vacation hours had been reduced into her running total of “comp time.”

Cummings admitted to the Inspector General the use of this “off-the-books comp time” arrangement. Cummings explained to the Inspector General that because Dennis was not eligible for overtime pay he made this arrangement with Dennis in return for her extra hours worked. Cummings added that he really didn’t know the rules of the PEF contract, but this was the arrangement. Cummings said, “If that was illegal, then it was illegal.”

Cummings said that he believed that, in the beginning, the arrangement “washed out” for the department in that Dennis worked overtime hours equal to the number of hours she took off. He said that, later, the college may have benefitted by receiving more hours from Dennis than she took in return. Cummings, however, admitted that he now believes that the arrangement was something that they should not have done.

Upon Cummings’ retirement, Dennis advised his replacement, Thomas D. Killian, of her arrangement. Killian admitted to the Inspector General allowing the practice to continue under his supervision. Killian said that he was neither encouraged nor discouraged by his superiors to continue the arrangement.

Killian said that most of the employees he supervises are professional staff, not civil service. As such, they are not required to work a set number of hours each week. He explained that, in his view, their work hours are “a nebulous thing,” and that they are expected to work sufficient hours to satisfy their “professional obligations.” Dennis, however, was a civil service employee. As such, she was required to work a set number of hours, and was not eligible for overtime pay. As a result, he continued the “off-the-books comp time” arrangement as a means of offsetting the overtime hours that she worked.

### **Comparison of Timesheets**

The Inspector General compared Dennis’ personal timesheets with her official time and attendance records that she had submitted to Buffalo State College. The Inspector General identified numerous discrepancies from 2003 to 2008. In many instances, she reported working on her official timesheet, when in fact she was off duty. For example, from May 1-5, 2008, Dennis submitted to payroll 30 hours worked. Dennis’ personal timesheets showed that she was off, and Dennis admitted to the Inspector General that she was on vacation in Florida on those dates.

Further analysis of the difference between Dennis's official time records and her personal timesheets for the period between April 2003 and May of 2008, specifically revealed the following:

1. In 2003, April to December, Dennis officially reported that she took 31.75 hours leave. Her personal records show that she took 238.75 hours leave. Dennis lost 101 hours of vacation leave on April 1, as a result of exceeding the 300 hour limit.
2. In 2004, Dennis officially reported that she took 89.25 hours leave. Her personal records show that she took 145.75 hours leave. Dennis lost 165 hours of vacation leave on April 1.
3. In 2005, Dennis reported that she took 164.25 hours leave. Her personal records show that she took 198 hours leave. Dennis lost 160.75 hours of vacation leave on April 1.
4. In 2006, Dennis reported that she took 119.55 hours leave. Her personal records show that she took 224.25 hours leave. Dennis lost 165 hours of vacation leave on April 1.
5. In 2007, Dennis reported that she took 68.85 hours leave. Her personal records show that she took 206 hours leave. Dennis lost 172.50 hours of vacation leave on April 1.
6. In 2008, January, February and May, Dennis reported that she took 25.25 hours leave. Her personal records show that she took 101.50 hours leave. Dennis lost 172.25 hours of vacation leave on April 1.

When the Inspector General confronted Dennis with these discrepancies, she admitted that her official submitted time and attendance reports were inaccurate. Dennis explained that she kept accurate records of her time off in her separate, personal time and attendance records.

Despite the admitted falsification of time records, a review of Dennis's personal timesheets indicates that, for the most part, Dennis did not take absences exceeding the amount of vacation hours she had accrued. Dennis still would have lost vacation over the 300 hours limit in every year except 2003, for which there was not a full year of records to review. Regardless, neither Dennis nor her supervisors were lawfully permitted to circumvent the collective bargaining agreement and create exceptions for Dennis' benefit not available to other workers in the state.

### **Inadequate Supervision**

The above analysis relies upon the accuracy of Dennis's personal timesheets. These timesheets were not subject to review or approval. Both of Dennis's supervisors during the relevant period of time admitted to the Inspector General that they were, at the very least, aware of and allowed her to submit false timesheets. It is, therefore, clear that no steps were taken to ensure the accuracy of Dennis' timesheets.

Equally disturbing is the lack of supervision regarding this process. According to Cummings, his supervisor at the time, Ray Chamberlain (now-retired), and the current supervisor Judith Basinski, Associate Vice President, Computing and Technology Services, were also aware of the arrangement. Cummings stated that Basinski never asked any questions about the arrangement. When the Inspector General interviewed Basinski, she denied knowledge of “any formal arrangement,” but acknowledged being aware that Cummings told Dennis to keep personal records of her additional time. Basinski, at the very least, failed to inquire as to the purpose of Dennis keeping separate timesheets and consequently to adequately supervise the process.

Susan Earshen, the Director of Human Resource Management Department, advised the Inspector General that Buffalo State College has no written policy or procedure with regard to the accurate completion of timesheets or the review by supervisors of such timesheets. In addition, the timesheets themselves contain no instruction or attestation clause. Although, the timesheets require both the employee and supervisor’s signatures, they lack an explanation that the signature is an affirmation of the accuracy of the timesheets.

The Inspector General also found that both the human resource management department and the payroll office at Buffalo State College did not clearly understand the terms of Dennis’s employment contract. This lack of understanding restricts their ability to identify and prevent improper compensation time arrangements such as Dennis’s. Dennis told the Inspector General that, as a grade 23 PEF employee, she is an oddity on campus and the payroll office doesn’t know all the rules of PEF; however, Dennis informed the Inspector General that she told members of the payroll office she was not eligible for overtime pay.

David Alessi, Director of Payroll, claimed to the Inspector General that his department only understands the PEF contract in a “very general overview.” He also told the Inspector General that he was not certain how Dennis is paid, specific to her contract. When asked if she was eligible for overtime, Alessi stated that it was not within the scope of his responsibilities to determine whether or not Dennis is eligible for overtime compensation. Similarly, the Buffalo State College Human Resource Management Office did not appear to have a clear understanding of the terms applicable to Dennis. When asked by the Inspector General if she was familiar with the PEF contract, Director Susan Earshen stated, “Not very. We have very few [PEF employees].” Earshen said that she had only recently been informed by Killian of the arrangement with Dennis due to the Inspector General’s investigation.

Emmanuel Hillery, Associate Director of the Human Resource Management Office, added that because the campus has very few PEF employees, most of the items that come through regarding PEF employees do not apply to them. In fact, the Inspector General determined that, prior to Dennis’s retirement, there were only 17 PEF-represented employees at Buffalo State College. Dennis, however, was the only one not eligible for overtime, due to her pay grade.

## FINDINGS AND RECOMMENDATIONS

The Inspector General found that Ann Dennis, former Manager of Central Operations in the Computing and Technology Services Department at Buffalo State College, knowingly submitted false timesheets since 2003. The Inspector General also found that Dennis initiated this practice at the direction of her former supervisor, David Cummings, and that her current supervisor, Thomas Killian was aware of and complicit in the practice. The Inspector General also found that Judith Basinski, Associate Vice President, Computing and Technology Services, at the very least, failed to inquire why Dennis was keeping separate timesheets, and consequently to adequately supervise the process. The Inspector General recommended that Buffalo State College review the conduct of current employees, Killian and Basinski, and take appropriate disciplinary action.

The Inspector General also found that both the human resource management department and the payroll office at Buffalo State College did not clearly understand the terms of Dennis's employment contract. In fact, Dennis had to advise them that she was not entitled to overtime. This lack of understanding restricts their ability to identify and prevent improper compensatory time arrangements such as Dennis's. The Inspector General recommended that Buffalo State College review its contractual obligations with regard to the use of compensatory time and overtime and ensure that staff is sufficiently trained in areas within their purview.

The Inspector General also found that Buffalo State College has no written policy or procedure with regard to the accurate completion or supervisory review of timesheets. In addition, the time and attendance reports contain no instruction or attestation clause. Although the employee and supervisor are required to sign the timesheets, they lack an explanation that the signature is an affirmation of its accuracy. It was also recommended that Buffalo State College develop and disseminate policy and procedure with regard to accurate reporting and review of official time reports including adding an attestation clause to the report form. Such a clause may dissuade individuals from the use of "off-the-books comp time" arrangements and the submission of false time reports.

Dennis, improperly and over a period of years, kept and drew from an unofficial tally of hours "owed" to her, a debt which she alone determined and which was not recognized by the state or the applicable labor contract. This arrangement represented a longstanding, institutionalized effort consciously designed to avoid the applicable provision of the collective bargaining agreement by which other similarly situated workers statewide were forced to abide.

### **Response of Buffalo State College**

Buffalo State College advised the Inspector General that the exempt grade 23 position held by Dennis, which was overtime ineligible, was eliminated upon Dennis's retirement and that Dennis's duties will be partly covered by a grade 18 overtime eligible position.

The college also advised that it is revising the form used for recording attendance for classified employees to ensure proper supervisory review and is informing all

employees that falsification of attendance or time records constitutes a serious violation of the attendance rules that may result in disciplinary action.

The college further advised that it would counsel Killian and Basinki and advise them of the proper procedures for completion and review of timesheets.