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**DEPARTMENT OF
INSPECTOR GENERAL
CITY OF YONKERS**

TO: Hon. Joseph Nocca, Chairman, Yonkers Board of Ethics
William Regan, Chairman, Yonkers Parking Authority
Michael Dalton, Executive Director Yonkers Parking Authority
All Yonkers Parking Authority Board Members
All Ethics Board Members

FROM: Philip A. Zisman, Inspector General

SUBJECT: Investigation of Yonkers Parking Authority based on
Board of Ethics Referral dated June 4, 2007

DATE: August 15, 2007

The Yonkers Inspector General's Office has conducted an investigation into allegations of misconduct by the Executive Director of the Yonkers Parking Authority ("YPA"). This memorandum sets forth our findings.

Overview and Methodology

On June 4, 2007, the Yonkers Board of Ethics referred an anonymous complaint to the Inspector General's Office consisting of numerous allegations of alleged misconduct by YPA Executive Director Michael Dalton. The Board requested that the Inspector General conduct a full investigation of the allegations and issue a report. The Inspector General's Office has jurisdiction of this matter under Yonkers City Charter §C7-2-D.¹

¹During the course of our investigation, we did not learn the identity of the anonymous letter writer. We did not attach a copy of the letter to this report in order to avoid unnecessary speculation as to the identity of the writer and to avoid unwarranted stigma that could result from the publication of unsubstantiated allegations. The Ethics Board released a copy of the anonymous complaint to the Chairman of the YPA who provided a copy to Mr. Dalton.

With respect to anonymous complaints in general, the Inspector General's Office recognizes that employees with information regarding official misconduct are sometimes reluctant to openly file

Initially, we conducted a preliminary review of YPA documents for the time period of January 1, 2006 through May 31, 2007. (Mr. Dalton was appointed Executive Director on January 1, 2006.) We reviewed the YPA's policies, procedures and directives including the Ethics Code; collective bargaining agreements; organizational charts; payroll salary reports; the payment register; Monthly Budget Status Summaries and Operating Budget and Monthly Status Reports; all petty cash expenses; credit card payments; employee reimbursements of \$50 or more; tuition payments; Mr. Dalton's employment contract, and relevant personnel records. We also reviewed Police Department and City of Yonkers documents and records, and all applicable State laws and regulations pertaining to the YPA including the YPA authorizing statute² and the Public Authorities Accountability Act of 2005.

After our records review, we had questions concerning the appropriateness of tuition payments to Mercy College and of certain credit card charges. Based on these and other questions regarding the allegations in the anonymous letter, we conducted a series of interviews with YPA staff members including Mr. Dalton. All formal interviews were conducted under oath. We also spoke informally with City of Yonkers officials, and YPA Board Member Dr. Brian Nicoletti. Finally, we reviewed Mr. Dalton's written submission dated July 27, 2007. (A copy without exhibits is attached.)

Findings

Allegations that Mr. Dalton Made Improper Decisions Regarding Certain Employee Hirings, Raises and Promotions are Unfounded.

The anonymous letter writer alleged that YPA Executive Director Michael Dalton ignored policies and procedures and violated Civil Service regulations when he hired, promoted and gave raises to several YPA staff members.

We found that all hires, raises and promotions that were made at the YPA from January 1, 2006 to the present were consistent with applicable policies and procedures, including Civil Service requirements, and when necessary were approved by the YPA Board of Directors. Thus, allegations that Mr. Dalton

complaints with oversight agencies for fear of retaliation or other personal reasons. We also recognize that anonymous complaints are sometimes used to unjustly attack an official's reputation. As a result and as a matter of policy, the Inspector General's Office conducts a preliminary review of all anonymous complaints to determine if there are any questions raised that require further investigation. The preliminary investigation is generally a two-part inquiry: 1) We evaluate the anonymous complaint itself to determine whether the statements are specifically detailed and on their face raise questions that require further review. We consider whether there appears to be substance to the complaint or whether the allegations are unsupported ad hominem attacks. 2) We conduct reviews of relevant documentation which would tend to support or refute the allegations in the complaint. If after the preliminary inquiry we believe that there are questions that need to be answered, we will conduct a full review of those issues.

²Public Authorities Law §1596.

engaged in improper employment decisions are unfounded.

The Allegation that Mr. Dalton and a Member of the Yonkers Police Department “covered up” an Incident of Misconduct Involving the Use of a Weapon by a YPA Security Guard is Unfounded.

The anonymous letter writer alleged that Mr. Dalton and a member of the Yonkers Police Department “covered up” an incident where one YPA security guard threatened another with a gun. The anonymous letter appears to be referring to an event that occurred on July 15, 2004, which was approximately a year and a half before Mr. Dalton became Executive Director of the YPA.

After a YPA investigation, a YPA employee was suspended for 20 days without pay after being found to have made “a gross error of judgment in off-duty conduct, by recklessly engaging in intentional misconduct to frighten, and harass, a fellow employee.” According to the YPA staff who knew about the 2004 incident, then Executive Director Robert Jean handled the YPA’s administrative review and made all administrative decisions. We found no evidence that Mr. Dalton or a member of the Police Department engaged in a cover up of the incident.

We note that the YPA did not generate or maintain an official report describing the facts of the July 15, 2004 incident. We recommend that the YPA Board establish policies and procedures for investigating and documenting incidents of employee misconduct, and that the YPA maintain such records in the appropriate personnel files.

The YPA’s Payment of \$9,351.75 in Tuition Reimbursements without an Established YPA Policy and Procedure Created an Appearance of Impropriety.

During the course of the investigation we learned that between June 2006 and June 2007, the YPA made four tuition payments totaling \$9,351.75 to Mercy College on behalf of one of its employees.³ The only YPA document referencing the decision to make these payments is a letter dated January 20, 2006 from Executive Director Dalton to Mercy College, in which the YPA agreed to pay tuition on behalf of Ms. Sarita Gonzalez up to 80% of the cost provided that she maintained a “C” average. Ms. Gonzalez is the Office Manager and a longtime YPA employee. She was enrolled in a Bachelor of Arts program at Mercy College. In 2006, she changed her major to business administration organizational management.

Mr. Dalton testified that his approval of the tuition payments was proper. Ms. Gonzalez approached him in January of 2006 and asked whether the YPA would assist her in paying for her tuition because the City of Yonkers had such a program

³The four payments were made on June 6, 2006 (\$2,284); December 20, 2006 (\$2,806.50); January 4, 2007 (\$2,897.75); and on June 8, 2007 (\$1,363.50).

for City employees. Based on this request, Mr. Dalton said he spoke to Gerard Serpico, the City's Deputy Commissioner of Personnel, about the City's tuition reimbursement program and to the Chairman of the YPA, Deputy Mayor William Regan. According to Mr. Dalton, Mr. Regan told him tuition payments were appropriate because the YPA had a budget line designated for "tuition, board and travel."

Mr. Serpico told us that he could not recall such a conversation with Mr. Dalton. Deputy Mayor and YPA Board Chairman, William Regan advised us that he remembered discussing tuition reimbursement with Mr. Dalton. Mr. Regan was unsure when the conversation with Mr. Dalton occurred, and said that he was unaware of how the YPA's tuition program was administered. He stated that he supported the program, and that as a general matter it was the YPA Board's policy to offer employee programs and benefits that "mirrored" the City of Yonkers programs and benefits.

The City's program is clearly set forth in a written policy and is administered by the City Department of Personnel. (A copy of the City's policy is attached.) The City's program places a \$2,000 cap on an individual's tuition reimbursement expenses per fiscal year. The City program also reimburses tuition on a sliding scale. Under the City program 75% tuition reimbursement is given for courses directly related to the performance of an employees' duties and functions, 50% reimbursement is given for courses that have applications to the work the City department performs but is not related to the duties of the employee, and 25% assistance is given for courses related to a career path or position in the City, but are unrelated to a departmental function. In addition, the City program applies only to the portion of tuition due after financial aid and/or scholarships have been deducted.

The benefits that Ms. Gonzalez received were not consistent with the benefits available to City of Yonkers employees under the City's tuition reimbursement program. In contrast to the limitations in the City program, Ms. Gonzalez received tuition assistance in excess of \$2,000 in both fiscal years 2006 and 2007. Moreover, the YPA paid the entire tuition balance due after scholarship money and financial aid had been deducted.

Also contrary to the City's program, the tuition reimbursement given by the YPA to Ms. Gonzalez was not administered by the Authority's personnel director. Susan Maros-Victoria is the YPA's Human Resources Director and is responsible for administering the YPA's employee benefit programs. Ms. Maros-Victoria testified that she was unaware of the existence of the YPA's tuition reimbursement program. She knew that Ms. Gonzalez was enrolled in school, but did not know that the YPA was paying a portion of her tuition until the facts of this investigation became public in June.⁴ Ms. Maros-Victoria said she was surprised to learn about

⁴It is probable that Ms. Maros-Victoria did not initially hear about the tuition reimbursement program because she was out of work for medical reasons for most of the first six months of 2006.

Ms. Gonzalez's tuition benefit because it is her job to administer all YPA employee benefits and she has implemented other YPA training initiatives.

Haitham Gammoh, the YPA Chief of Finance and Administration, testified that he was not aware that the YPA was making tuition payments for Ms. Gonzalez until he spoke to Mr. Dalton about them in December of 2006.⁵ Mr. Gammoh testified that the YPA had never authorized such an employee benefit and claimed that in June of 2007 he told Mr. Dalton that he would not sign off on them. Mr. Gammoh said that the tuition, board and travel budget line had always been used for approved travel by Board members and staff, and not tuition reimbursement.

During his interview Mr. Dalton stated that he required Ms. Gonzalez to change her major to business so that her degree would be helpful for YPA administration. Mr. Dalton admitted, however, that he was not familiar with the specifics of the City's program. He erroneously believed that the City's program's only guideline was that an employee could receive 80% tuition assistance provided that the employee maintained a "C" average. Mr. Dalton also acknowledged that the YPA did not have any written policies and procedures regarding tuition reimbursement. While he stated that he had spoken to Mr. Regan and to two other YPA Board members about implementing a program, and believed that he had authority to approve the tuition payments, he acknowledged that he never submitted a program to the YPA Board of Directors for their review and approval.⁶ In hindsight, Mr. Dalton said it would have been better if he allowed the YPA's human resources administrator to oversee the program.⁷

In reviewing all the evidence we find that, no matter how well intended, Mr. Dalton's grant of tuition assistance to Ms. Gonzalez was irregular and that appropriate administrative protocols were not in place. The failure to establish formal tuition reimbursement policies and procedures and to seek formal approval from the YPA Board of Directors for such a program before its implementation created the appearance of impropriety.

⁵Mr. Gammoh was absent from work for extended periods for personal reasons in the latter part of 2006, but was present when Ms. Gonzalez first began to receive the benefits in June 2006.

⁶The tuition reimbursement payments that Mr. Dalton authorized involved underlying policy considerations that were usually made by the YPA Board of Directors. A review of the Board's minutes from January 24, 2006, to April 24 2007 revealed that matters concerning personnel policies, procedures and employee benefits were regularly submitted to and voted on by the Board.

⁷In his written response, Mr. Dalton provided additional background information regarding his thinking with respect to implementing the tuition reimbursement program. He further explained how the YPA has benefited from Ms. Gonzalez's enrollment in the Mercy College Organizational Management Program. He also listed employees to who he recommended the program and training opportunities that could potentially be available under the program.

Supporting Documentation for Restaurant Charges on the YPA Credit Card was Inadequate, and Raises Policy Questions for the YPA Board of Directors.

The anonymous letter writer alleged that Mr. Dalton's use of a YPA credit card was improper and that expenditures were made for drinks with YPA employees at local bars.

Our investigation revealed that the YPA has one Citibank credit card account which only the Executive Director is authorized to use. We reviewed the credit card statements and supporting materials from March 2006 through April 2007. It is a well established requirement that in order for a restaurant charge to qualify as a reimbursable expense, supporting documentation that sets forth the items purchased, the people in attendance, and the specific business purpose must be submitted. In a government setting, the purchase of alcoholic beverages is generally not considered a proper expense. Our review revealed that there was inadequate documentation for 48 charges at local restaurants totaling \$2,176.49. (A list of the charges is attached.)

Mr. Dalton testified that all of the charges were YPA business-related and stated that he was unaware of the requirements for submitting documentation for restaurant charges. He stated that he did not have a YPA credit card before becoming Executive Director, and he believed that all that was required was that he submit a credit card receipt for the payment. Mr. Dalton also stated that his predecessor, former Executive Director Robert Jean, did not regularly use the YPA credit card for restaurant expenditures. Although records indicated that the charges include the purchase of an alcoholic beverage on two occasions, Mr. Dalton stated that alcohol was generally not consumed, and that he was unaware of the policy prohibiting reimbursement for alcoholic beverages.

We provided Mr. Dalton with a list of the unsupported restaurant charges, and thereafter he provided us with a spreadsheet that set forth the business details of the charges in question. The spreadsheet was reported to have been created from other YPA documentation, but not the original restaurant receipts, which could not be located. Mr. Dalton also provided a spreadsheet and credit card statements from his personal credit card account which showed that during the same time period, he personally paid for charges at some of the same restaurants that appeared on the YPA's credit card statements.

In his written submission Mr. Dalton explained that missing supporting documentation could be attributable, in part, to staffing vacancies and extended staff absences at the YPA. He further explained that all of the YPA expenditures were business-related, and that, as evidenced by his personal credit card expenditures, he differentiates between personal and business expenses.

Mr. Gammoh, the Chief of Finance and Administration, stated that he was generally aware of the restaurant charges on the YPA credit card, but did not

review them. He believed that it was not his place to question the Executive Director's expenditures. Generally, Mr. Gammoh's said it was his practice to only review expenditures that exceed several hundred dollars. He often did not review the YPA Executive Director's credit card payments.⁸

The Inspector General's review of the 48 charges was triggered by the lack of supporting documentation. Although the after-the-fact submissions by Mr. Dalton generally support a conclusion that YPA business was being conducted at the restaurants, they do not resolve the problem of the missing documentation. Moreover, the restaurant charges as described by Mr. Dalton raise a policy question for the YPA's Board of Directors. Most of the charges were for YPA and City employees. Despite Mr. Dalton's explanation that these meetings were business-related and that there was a reason for them being held out of the office, there is a policy question as to whether the Board wants to sanction such expenditures. As a general matter, meetings with YPA and City employees should be held during work time.

Based on our review of the evidence, we find that Mr. Dalton was remiss in not originally submitting the detailed documentation which supported the business nature of the restaurant charges. We also find that there is a policy question as to whether it was appropriate to charge meals for YPA and City employees. In addition, Mr. Gammoh's failure to review or question these payments did not meet his obligations as the YPA's fiscal manager. The YPA's payment of these charges without proper documentation or review highlights the need for a credit card policy, and improved internal controls to ensure that only appropriately documented expenditures are approved for payment.

Recommendations

1. The Board of Directors Should Take Appropriate Administrative Action Based on the Findings of this Investigation.

The YPA Board should review the facts and conclusions of this report and take whatever administrative action that is deemed necessary.

2. The Board of Directors Should Review and Update the Authority's Administrative Policies and Procedures.

As part of our investigation, we reviewed the YPA's policies and procedures. Currently, the YPA does not maintain an updated policy and procedure manual. The policies and procedures are to be found in numerous separate documents including an old manual from 1986,

⁸According to both Mr. Dalton and Mr. Gammoh, the general, longstanding YPA practice is that all claims should be reviewed by both the Executive Director and the Chief of Finance and Administration before payment is authorized. However, as a practical matter, claims are often paid when only one and not both has reviewed a particular bill.

resolutions of the Board of Directors, Bylaws of the YPA, and directives of the Executive Director. We believe that these policies and procedures should be reviewed, updated and collated in a new policy and procedure manual that is issued to all YPA employees.

3. The Board Should Issue New Policies and Procedures to Address Current Deficiencies and to Create Clear Guidance for YPA staff and to Meet the Requirements of the Public Authorities Accountability Act.

The Board should adopt policies and procedures with respect to a tuition assistance program and the use of the YPA credit card. The Board should give clear guidance as to what are acceptable uses of the credit card with respect to restaurant charges, and also set forth the approval process necessary before claims are paid. In addition, the Board should review policies and procedures for investigating and documenting incidents of employee misconduct. These recommended new policies are important in light of the Board's responsibility under the New York State Public Authorities Accountability Act of 2005. Section 2824(1) of the Act requires that board members of state and local authorities exercise direct oversight of the authority's chief executive and establish policies and procedures for effective and ethical management of the authority.

Section 2824(1)(e) of the Public Authorities Accountability Act also requires that the Board establish "policies protecting employees from retaliation for disclosing information concerning acts of wrongdoing, misconduct, malfeasance, or other inappropriate behavior by an employee or board member of the authority." The YPA currently does not have a whistleblower policy, which is required under this provision. Such a policy is important given the nature of the complaint that triggered this investigation.

4. The Board Should Request that the Inspector General Conduct a Follow Up Review to this Investigation in Six Months to Ensure that New and Revised Board Policies are being Followed.

As a matter of quality control, the YPA Board of Directors should request the Inspector General to conduct a compliance review of YPA operations to ensure that new and revised policies have been fully implemented.

ATTACHMENTS

- 1. Michael Dalton's Written Response**
- 2. City of Yonkers Tuition Reimbursement Program**
- 3. Food & Restaurant Charges Spreadsheet**



YONKERS PARKING AUTHORITY

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Philip A. Amicone
Mayor

Michael J. Dalton
Executive Director

CONFIDENTIAL

July 27, 2007

Philip A. Zisman
 Inspector General
 City Hall
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Re.: FOLLOW UP: INTERVIEW OF JULY 19, 2007

Dear Mr. Zisman,

This letter accompanies attachments that I submit to follow up on the interview held at your request at your office on July 19, 2007.

During that interview, you discussed the nature of the proposed findings of your investigation that was triggered by an undated, anonymous letter directed to Hon. Joseph Nocca, and received by Corporation Counsel on April 9, 2007. You also had questions that, to answer fully, required me to review YPA records. Thank you for this opportunity to respond.

TUITION REIMBURSEMENT AND EDUCATION PROGRAM

Background

You asked about the YPA's tuition reimbursement program. The YPA has had a tuition line in its budget since at least 1991. See attached, showing a line of \$15,000 in 1991 and similar amounts in subsequent years. Each such budget has been approved by the YPA Board, including the two budgets approved while I have served as Executive Director. The YPA Budgets during these two years both contained \$15,000 and \$20,000 tuition

lines respectively. I attach copies of the relevant pages of the 2006 and 2007 YPA Budgets.

Prior to my assuming the office of YPA Executive Director, these funds were primarily used for the expenses of sending YPA Board members and executive staff to conferences.

I believed it would be a good idea to instead use these budgeted funds more like the City's tuition reimbursement program; specifically, with a goal of assisting employees in furthering their own education, and thereby enhancing their value to the organization. After discussing the matter with YPA Chairman Bill Regan, I began to implement this administrative change.

Implementing the Change

While there is no law requiring the YPA to create and conduct a program which is identical to the City's, I felt a good place to start would be to review the City's program. At Mr. Regan's suggestion, I met with Gerry Serpico in about June of 2006 to discuss it. He told me that the City reimbursed 80% of a student's tuition expenses. I understand that you gave Mr. Regan a copy of a city policy from 2002, which shows that differing percentages are reimbursed (with a maximum of 75%), depending on the degree to which the course relates to the employee's work duties. It also lists a cap of \$2,000 per student per year, "to distribute funds more equitably," as of 2002.

I did not discuss either these sliding percentages or the cap with Mr. Serpico, and was then unaware of them. As to the percentages, I implemented a program that would compensate all employees up to 80% of tuition for course work so long as it relates to their job or would help qualify them for additional responsibilities at the YPA. The sliding percentages, while inevitably subjective to some extent, would make some sense in some situations, and I will discuss the concept with Mr. Regan and the YPA Board. As far as an individual-based cap, I did not implement one, because I did not anticipate that we would approach the budget amounts. Again, that is a concept worth considering.

Employees Who Have Used the Program, or Sought to Do So

As you know, our office employee Sara Gonzalez has used the tuition reimbursement program. She enrolled in the Mercy College Organizational Management Program, which includes required courses almost entirely in Management, Economics, and Psychology. Her education has already enabled her to assume a greater role in the accounting and bookkeeping needs of the administrative offices, and to fill in for a broad variety of people in the event of absences.

Just to quickly address the anonymous letter's suggestion that this program was not available to all YPA employees, I offer the following information. Others have used or sought to use the program, and I recommended it to numerous other YPA employees. Here is a sampling:

- Dell Liggins and Scott Cabot – Prepared to take IPI/University of Virginia online program in Parking Facility Management. See attached letter from IPI.
- Dell Liggins – This employee prepares all the YPA’s graphics in house. I offered to send employee to additional graphics courses in 2006; employee declined.
- Nick Moccia – Arc welding course [on hold pending this investigation]
- Richie Borek – Arc welding course [on hold pending this investigation]
- Billy Docos – electrician apprentice who is now obtaining a full electrician’s license
- Security Guard Training – twelve security staff obtained on-premises training to become NYS certified; now can operate state of the art security camera systems.
- Dalton, Cabot, Liggins – NYS Parking Authority Conference, 10/18/06
- Susan Maros Victoria – Human Resources Manger – SHRM membership (includes courses) – November 2006
- Maritza Forero – Notary Class and certification – October 2006
- Rudy Mendez, Borek, Liggins, Cabot – Convention on Special Signage, U.S. Sign Council, December 2006

On May 16, 2007 a representative of the College of Westchester came to the YPA to explain the “Teamwork and Personality” program the college is offering. According to the instructor, eleven YPA employees signed up for more information. This presentation was scheduled before I was made aware the existence of the anonymous letter or investigation. On hold pending this investigation.

While not everyone has taken advantage of this opportunity (which can require a significant commitment of personal time and energy), clearly, the opportunities have been made available throughout the Authority.

USE OF THE EXECUTIVE DIRECTOR CHARGE CARD

Background

The Executive Director of the YPA has for at least twenty years had a charge card for discretionary business expenses. The main purpose of such a card is to simplify the process of handling expenses. It avoids having to prepare and submit vouchers, receiving a check, depositing the check, etc. It also creates a supplemental record of expenses,

specifically, the monthly statement. My predecessor, Bob Jean, had such a card, and in March 2006, the signatory on the card was changed to my name.

I have used the card for a broad variety of purchases. As you know, these include purchase of office supplies and equipment. The uses that you asked me about during the interview related to certain meal expenses from March 2006 through April 2007. Your questions focused on the fact that the records your staff had obtained from the YPA contained only some, but not all, of the business purposes of each. Since the interview, I consulted other records in my office, and submit herewith a complete list briefly stating the business purpose of the meetings.

The receipts and notes of these expenses might have been more readily available, if not for the fact that my administrative staff – especially those with bookkeeping and accounting roles – were out on extended (and legitimate) absences during the relevant periods, and there were many key positions vacant due to attrition, or only filled part-time. This often curtailed my ability to have a staff member make a contemporaneous note of the business purpose on each and every receipt. See attached chart and attendance cards for office staff. Moreover, for several of these individuals, the severity of the illnesses and/or personal problems prevented them from focusing on their responsibilities while present at work. I believe this is why some of the receipts were misplaced; in any event, the monthly statements contain essentially the same information (except for time of day and gratuity information).

While your office prepared a line-by-line of the uses of this card, and you ask generally whether meal expenses are “prudent,” I think it’s important that we look at the big picture here. For perspective, consider these points. First, as you can see, all charges were related to business meetings: with YPA Officials, my office staff, City Officials, potential or current developers, or persons representing interests doing business with the YPA or seeking to do so. Only a few of the charges were for staff; and those related to studying the restaurant’s premises or were on occasions when it was necessary to have discussions regarding an in-office co-worker. Three times I dined alone, twice to leave the office to give an uninterrupted review of a document. See attached.

Second, in many instances, I work beyond 9 to 5 – early, late and weekends, and sometimes also around the clock during weather emergencies or special events. This comes with my responsibilities; but my point is that I did not expense-out meal money on these occasions, nor charge my personal meals on this card (except once), as I might have legitimately done. I estimate that there are about 80 to 100 such days per year.

Third, in many other instances, as a courtesy, I purchased food and beverages for our staff who I visit when I make my rounds to YPA facilities, many of whom work tough shifts out in the elements. It is a personal gesture of appreciation toward these employees, and I have done it since I began supervising crews in the 1980s. Accordingly I do not expense-out these either -- nor do I keep track of them -- but now estimate these have totaled approximately one thousand dollars since I became Executive Director.

Finally, I learned that you found the purchase of "specialty tea" on May 4, 2006 objectionable. This is available in our common kitchen for all office staff and work crews, and at least five of us use them. As to the price, of about \$1/serving, for comparison, our coffee machine uses canisters that are 50 cents/serving plus machine lease costs. Such expenses are customary and relate to worker productivity.

THE 2004 INCIDENT LEADING TO A SUSPENSION

You also brought up a 2004 incident (which was quite inaccurately referenced in the anonymous letter), which led to the temporary suspension of one of our employees then. I am not sure how this is relevant, as the anonymous letter you are investigating targeted me, and you learned immediately that then-Executive Director Bob Jean actually handled the incident. I was aware of the incident at the time. Perhaps someone else might have responded differently; but I believe Mr. Jean handled it appropriately, as did the Police Department.

CONCLUDING STATEMENT

One reason I could not fully prepare for the July 19 interview was that on June 21, 2007 my staff inadvertently did not retain copies of the documents they provided in response to your request dated June 20, 2007. The very next day, your office declined our office the courtesy of providing us copies of our originals. See attached letter dated June 21, 2007.

Moreover, at that interview, you put some questions to me that I had not considered before. I certainly understand why you would use this as an investigative tool, but I was unfairly put on the spot. I trust you will not conclude it is meaningful that I did not immediately know whether I have a certain document back in our files, or what was the business purpose of a given luncheon a year ago. To the contrary, I did not "cram" for the interview; I merely appeared and answered truthfully in all respects to the best of my recollection. Accordingly, this submission is a bit more than you asked for. But I felt that under the circumstances, I needed to tell a more complete story than what you had managed to collect through your office's investigation.


You stated during the interview that the key allegations of the anonymous complaint were "unsubstantiated." That does not go far enough. That letter's most critical allegations (for example, that I gave an employee raises without Board approval) were not just "unsubstantiated;" they were *proven false*. The anonymous complaint is a despicable, wholly malicious, personal attack intending to, and succeeding in, causing emotional distress. It is not a "whistleblower" complaint; the person(s) responsible for it, is subject to criminal and civil liability under the City's Ethics Code and common law.

One of your general criticisms is that there is a greater need for detailed, written policies delimiting the use of my executive authority with regard to the above matters. I agree that we need to improve in that regard. While maybe not a gifted writer; I'm a people person, and I like to do things face to face and verbally. I am also a hands-on manager, who teaches and trains staff by showing how to perform a task; whether paving a lot,

rebuilding a meter, or designing a facility. I count on my staff to help me in writing, and as our staffing has improved, I've been creating better documentation.

On a more personal note, as you might have learned from your audit, my style emphasizes developing people in my staff, and developing relationships outside of the office to help the YPA reach its goals and develop new goals. Each member of the YPA Board has endorsed my management style, and ways of advancing the Authority's interests. I stand by *all* of my actions and decisions.

Sincerely,



Michael Dalton
Executive Director

cc.: Hon. Philip A. Amicone
Hon. William Regan
Hon. Joseph Nocca
Corporation Counsel Frank J. Rubino

CITY OF YONKERS TUITION REIMBURSEMENT PROGRAM

The City of Yonkers has established a **TUITION REIMBURSEMENT PROGRAM** for unrepresented employees and employees represented by SEIU. Tuition reimbursement and/or educational incentives for employees who are represented by other collective bargaining units are subject to collective negotiations with the unit's representative. Mayor Spencer has authorized a \$10,000 budget for Fiscal Year 2002/2003 for this program. Although this is a modest amount, the financial condition of the City will not allow increased funding for this program. However, it is anticipated that as the program develops and its advantages are validated, the funding for this program will increase.

Tuition Reimbursement is a financial assistance program established to assist employees in obtaining further education. The goals of this program are:

- ❖ To provide opportunity to the employees to increase their knowledge, skills, and/or abilities thereby enhancing the employee's ability to perform their job duties and increasing the employee's value to the organization.
- ❖ To provide employees with the education, skill and knowledge required for greater career advancement within the organization.

I. **FY 2002/2003 GUIDELINES FOR ELIGIBILITY**

1. Applicants must be full time employees with a minimum of one year of continuous full time service with the City. Those applicants who have not been City employees for at least one year may be eligible for reimbursement by signing the attached waiver.
2. Applicants must be employed with the City during the length of the course or educational program for which they are seeking tuition reimbursement and at the time their reimbursement checks are issued.
3. Tuition reimbursement will be considered for courses, educational programs, professional development seminars, certification programs (including examination fee), administered by an entity licensed by the State Department of Education or equivalent licensing authority.
4. Tuition reimbursement will not be considered for conferences, and seminars sponsored by professional associations (funded in individual department's tuition, board and travel account), hobby, lifestyle, and social courses.

5. Reimbursement percentages will be based on the relation of the course to the employee's current position, as follows:

*75% will be for courses **directly related** to the performance of employees' duties and functions. Course completion should strengthen the performance of employees' current position.*

*50% will provide for courses that would have **applications in other areas of the department** the employee is working in, and not essentially required for the function of the employee in their current position.*

*25% provides for assistance for courses that are **related to a career path or position within the City organization**, but does not have to relate to job or department functions as outlined above. This would provide assistance for courses to be credited towards a degree requirement, such as English, Algebra, GMAT prep, etc.*

The Personnel Department will make final determination of job relevance. Recommendation from Department Heads will be considered in this decision.

6. In order to encourage undergraduate and certificate studies to distribute funds more equitably, there will be a \$2,000 cap on requested reimbursement expenses per fiscal year.
7. The only expense eligible for reimbursement is the actual tuition for the course or educational program. No other fees qualify for reimbursement including registration, lab or books.
8. Employees receiving financial aid and/or scholarships will be eligible for tuition reimbursement only after the financial aid and/or scholarship has been used and deducted from eligible expenses. The remaining eligible expenses will then be considered under this program. The financial aid statement is part of the application process. Without this information, the application is considered incomplete and cannot be processed for approval until completed.
9. Courses that hold registration prior to the end of the fiscal year, but end within 45 days of the end of the fiscal year will be considered for reimbursement for the fiscal year in which the registration occurs. This may affect summer courses. Courses that end beyond this window will be rejected for registration for that fiscal year but may be submitted for the following fiscal year, dependent upon approved budget.
10. All applicants for tuition reimbursement are based on the availability of budgeted funds. Applications that meet all criteria will be approved on a "first come, first serve" basis. First priority will be given to any employee who was rejected from previous fiscal year due to lack of funding. Incomplete applications will be removed from process until complete. **Applications will be considered incomplete if any requested information is missing, including signatures.**

11. Applicants are entitled to reimbursement for courses in which they receive a minimum grade of C (2.0) for undergraduate courses, a minimum of B (3.0) for graduate courses, or written proof of successful completion of certificate program courses.
12. Any employee whose employment is terminated as a result of a disciplinary action shall be required to reimburse the City for funds received for educational purposes during the year preceding the termination. The full amount will be deducted from their final paycheck.

II. APPLICATION/REIMBURSEMENT PROCESS

1. Carefully read Guidelines to be sure you meet Eligibility Requirements.
2. Complete 2002/2003 Application for Tuition Reimbursement prior to or as close to registration as possible.
3. Give Form Appendix C: Recommendation, to your Department Head and ask him/her to forward completed form to the Personnel Department.
4. Contact the Financial Aid Office at the school/college and request that they complete Appendix B: Financial Aid, and include it with your application for reimbursement.
5. Submit the following to the Personnel Department:
 - ❖ Completed Application
 - ❖ Appendix B: Financial Aid Statement
 - ❖ Course Outline from School/College Catalog
 - ❖ Course Fee Schedule
 - ❖ Appendix C: Recommendation
 - ❖ Paid Receipts
6. You will be advised of approval or denial approximately 10 days after receipt of completed application in Personnel. However, it is your responsibility to contact the Personnel Department regarding your application should you not hear from us within that 10-day period.
7. Employees, whose applications are not approved, may request a review by the Mayor or designated representative. Such request shall be made in writing within 3 days of receipt of denial to the Tuition Reimbursement Program, Personnel Department, Room 116, City Hall.
8. The Personnel Department within 15 days of approved application (dependent upon registration dates) must receive proof of registration and payment or approval will be automatically rescinded and funds will be made available to other employees.
9. Upon completion of course(s), submit a copy of your grades to the Personnel Department.
10. Payment will be processed for reimbursement approximately 10 days after receipt of final grades. You should receive payment in approximately 30 days after your reimbursement claim has been processed.

**CITY of YONKERS
OFFICE of the INSPECTOR GENERAL
YONKERS PARKING AUTHORITY
CLAIMS REVIEW
FOOD & RESTAURANT CHARGES
01/01/06 THROUGH 06/15/07**

	PMT. DATE	CHECK NUMBER	CLAIM AMOUNT	CLAIMANT	ITEM DATE	ITEM AMOUNT	LOCATION	COMMENTS
1	04/11/06	2096	212.13	CITIBANK	03/08/06	77.57	ZUPPA	STATEMENT ONLY - RECEIPT MISSING
2					03/14/06	58.70	PIERVIEW	STATEMENT ONLY - RECEIPT MISSING
3	05/09/06	2167	375.68	CITIBANK	03/22/06	38.84	ZUPPA	CREDIT CARD RECEIPT - NO DETAIL
4					04/03/06	24.00	TYRONE HOUSE	CREDIT CARD RECEIPT - NO DETAIL
5					04/11/06	15.00	TYRONE HOUSE	CREDIT CARD RECEIPT - NO DETAIL
6					04/18/06	74.15	THE GRIST MILL	CREDIT CARD RECEIPT - NO DETAIL
7	06/07/06	2245	1,093.89	CITIBANK	04/26/06	160.96	SILVIO'S RESTAURANT	YPA OFFICE LUNCH
8					04/27/06	24.05	PIERVIEW	CREDIT CARD RECEIPT - NO DETAIL
9					05/04/06	66.49	THE REPUBLIC OF TEA	SPECIALTY TEAS
10	07/26/06	2416	3,554.93	CITIBANK	06/01/06	53.60	PIERVIEW	CREDIT CARD RECEIPT - NO DETAIL
11					06/15/06	63.77	ZUPPA	CREDIT CARD RECEIPT - NO DETAIL
12	08/08/06	2459	594.05	CITIBANK	07/07/06	32.05	PIERVIEW	MEETING
13					07/19/06	58.77	SILVIO'S RESTAURANT	MEETING
14	09/19/06	2565	500.92	CITIBANK	07/26/06	14.35	EMERALD DINER	CREDIT CARD RECEIPT - NO DETAIL
15					08/07/06	34.21	RORY DOLANS	MARIO CARUSO McLEAN AVENUE STREETSCAPE
16	10/11/06	2654	992.42	CITIBANK	09/05/06	70.00	TYRONE HOUSE	STAFF MEETING
17					09/14/06	111.04	ZUPPA	LUNCH WITH DR. NICOLSON - BOARD MEMBER
18	11/08/06	2749	291.37	CITIBANK	09/26/06	27.70	PIERVIEW	MEETING WITH STAFF
19					10/16/06	30.00	ZUPPA	MEETING WITH JOHN FLEMING [COULD BE PIERVIEW]
20					10/16/06	45.65	PIERVIEW	LEN FROM NEXUS [CAMERAS] [COULD BE ZUPPA]
21	12/20/06	2863	1,341.42	CITIBANK	11/09/06	36.85	SILVIO'S RESTAURANT	2 PEOPLE - 1 GLASS WINE
22					11/13/06	40.18	LEGENDS IV	CREDIT CARD RECEIPT - NO DETAIL
23					11/15/06	20.00	THE CONNECTING BAR	STATEMENT ONLY - RECEIPT MISSING
24					11/17/06	45.46	SILVIO'S RESTAURANT	CREDIT CARD RECEIPT - NO DETAIL
25					11/16/07	10.00	THE CONNECTING BAR	STATEMENT ONLY - RECEIPT MISSING
26	01/10/07	2966	1,375.59	CITIBANK	11/21/06	36.85	LEGENDS IV	CREDIT CARD RECEIPT - NO DETAIL
27					11/28/06	51.85	LEGENDS IV	CREDIT CARD RECEIPT - NO DETAIL
28					11/28/06	55.50	ZUPPA	STATEMENT ONLY - RECEIPT MISSING
29					11/29/06	19.65	EMERALD DINER	STATEMENT ONLY - RECEIPT MISSING
30	02/16/07	3064	831.57	CITIBANK	01/03/07	39.76	LEGENDS IV	STATEMENT ONLY - RECEIPT MISSING
31					01/09/07	53.45	PIERVIEW	ANDY API
32					01/17/07	37.68	LEGENDS IV	STATEMENT ONLY - RECEIPT MISSING
33	03/16/07	3172	415.47	CITIBANK	01/23/07	24.00	EMERALD DINER	STATEMENT ONLY - RECEIPT MISSING
34					01/30/07	96.33	ZUPPA	BOARD MEETING
35					01/30/07	26.00	PIERVIEW	CREDIT CARD RECEIPT - NO DETAIL
36					01/31/07	13.25	EMERALD DINER	MEET W/ JOE INGENITO re: ACCTG. SOFTWARE
37					02/06/07	48.60	LEGENDS IV	BID
38					02/08/07	17.68	LEGENDS IV	MEETING
39	04/13/07	3242	479.02	CITIBANK	02/20/07	25.95	PIERVIEW	MEETING (1 GLASS WINE ON BILL)

**CITY of YONKERS
OFFICE of the INSPECTOR GENERAL
YONKERS PARKING AUTHORITY
CLAIMS REVIEW
FOOD & RESTAURANT CHARGES
01/01/06 THROUGH 06/15/07**

	PMT. DATE	CHECK NUMBER	CLAIM AMOUNT	CLAIMANT	ITEM DATE	ITEM AMOUNT	LOCATION	COMMENTS
40					02/22/07	36.80	PIERVIEW	MEETING
41					03/12/07	28.30	THE GRIST MILL	CREDIT CARD RECEIPT - NO DETAIL
42					03/13/07	61.40	LEJENDS	CREDIT CARD RECEIPT - NO DETAIL
43	05/11/07	3323	2,631.72	CITIBANK	03/21/07	55.00	ZUPPA	MEETING
44					03/22/07	22.88	LEJENDS	GRAND OPENING
45					03/27/07	65.00	THE GRIST MILL	BOARD MEETING
46					04/02/07	37.60	THE GRIST MILL	BARRY DAVIS W/ PARKSON
47					04/03/07	92.56	LEJENDS	MEETING W/ McFARLANCE
48					04/11/07	40.00	TYRONE HOUSE	MEETING W/ CHRIS O'CONNER
49					04/17/07	23.50	EL MALECON RESTAUR	DISCUSSION OF PARKING LEASE
				TOTAL		\$2,242.98		