

**MIKE SPANO
MAYOR**




**CITY HALL
YONKERS, NEW YORK
10701**

**KITLEY S. COVILL
INSPECTOR GENERAL**

**Ph: 914-377-6107
Fax: 914-377-6990**

**DEPARTMENT OF
INSPECTOR GENERAL
CITY OF YONKERS**

TO: Mike Spano, Mayor
Susan Gerry, Deputy Mayor
Thomas Meier, Commissioner, Department of Public Works
Chuck Lesnick, City Council President
All City Counsel Members

FROM: Kitley S. Covill, Inspector General 

DATE: March 22, 2013

RE: Department of Public Works Report

The Department of Inspector General (IG) commenced an investigation and review of certain issues pertaining to the City of Yonkers (City) Department of Public Works (DPW). The IG has spoken with many DPW employees, including the Commissioner, Deputy Commissioner, Managers, Directors, Supervisors, and employees. This report outlines what the IG found and makes general recommendations regarding DPW operations.

Background

DPW has the third most employees in the City, the Yonkers Police Department and Fire Department being one and two respectively. DPW currently has 334 employees. These employees are divided into several divisions, including Refuse Collection (known in the City Budget as Environmental Services), Refuse Disposal, Vehicle Maintenance, City Maintenance, General Services and Sewer and Water Bureaus. They also have a small division for Administration. About one third of DPW employees are assigned to refuse collection, which includes residential refuse collection, city litter baskets pick up and bulk pick up. Another third of the DPW workforce is divided between the Water Bureau and City Maintenance, and the remaining third are assigned to the other units. Most DPW employees belong to either the Teamsters Union Local 456 or the AFSME Union

Local 1897, and are working under collective bargaining agreements that expired December 31, 2008.

Investigation and Review

The IG received complaints regarding DPW employees variously performing other jobs or tasks, sleeping on the job, or spending long hours at home during regular business hours. The IG also received inquiries about DPW employees completing a day's work by ten or eleven o'clock in the morning, although the regular work day pursuant to the collective bargaining agreements is eight hours. The IG received inquiries about the management structure at DPW. The IG reviewed all of these issues.

Refuse Collection

There are 113 environmental maintenance workers (EMWs) assigned to refuse collection. In addition there are six supervisors, two managers, one custodial worker and one clerk. The City collects residential and non profit refuse and recycling and unloads the refuse and recycling in a Westchester County Material Recovery Center (MRF) near the Thruway in Yonkers known as "The MURF". The City is divided into five regions, known as sectors, with 54 sanitation routes. Every day except Wednesday the City collects refuse on 27 routes; recycling is collected from every household on Wednesdays only.

The routes were devised many years ago and originally EMWs retrieved the residential bins from the homeowner's yard, dumped the garbage in a pick-up type truck and returned the bins to the homeowner's yard. Currently the homeowner is required to place the garbage bins at the curb, and garbage trucks now are larger and carry more refuse than the pick-up trucks. The routes are known as "incentive routes", meaning that when the routes are completed the workers leave for the day. The collective bargaining agreements do not refer to incentive routes.

Approximately three years ago the City attempted to change garbage pick up to one day a week in order to cut costs. A slow down in garbage pick up and sporadic pick up ensued. The union representing the EMWs threatened to grieve the issue pursuant to a past practice labor law rule, and garbage pick up was not changed.

The City has "three man" trucks, meaning that every truck is staffed by three workers¹. The only exception is the garbage deposited in the litter baskets scattered throughout the City which is picked up by two employees². The

¹ The City Of Peekskill has three man trucks, the City of Rochester has one man trucks and the City of White Plains is starting to purchase garbage trucks that need only one man as well.

² The two man litter trucks receive \$40 daily extra pay and if a regular garbage truck is manned by only two men then those two men also receive \$40 daily extra pay.

garbage trucks currently in use in the City have three workers as the trucks sit high off the ground and the driver has to climb three tall steps to enter and exit. The IG was told that this design makes it impractical for the driver to exit the vehicle at every stop. Since the trucks do not travel a road more than once a day, each non driving worker retrieves refuse bins from both sides of the street, thus requiring two additional workers.

The official workday pursuant to the Collective Bargaining Agreement is 7 am – 3:30 pm. Most EMWs assigned to refuse collection, however, begin the work day at 6:00 am and end somewhere between 10:00 am and noon. One employee drives to the garage where the truck is kept and somewhere on the route picks up the other two EMWs assigned to that route³. The workers do not take coffee or lunch breaks. The Supervisors assigned to refuse collection generally follow the garbage trucks to ensure that all refuse is collected. Until approximately three weeks ago the Supervisors work day started at 7:00 am and ended when the EMW's day ends. The Supervisors work day now starts at 6:00 am.

DPW employees and second jobs/tasks

Many DPW employees have second jobs. The IG interviewed three DPW employees concerning second jobs or tasks that could occur during the regular work day. One employee admitted that for over a year he had been performing a task during the regular business day that was personal and would take approximately forty five to sixty minutes nearly every work day. Another employee was evasive and did not answer questions about why he spent many hours during the regular work day at home, although he admitted he had a second job that was located in his home. A third employee was confronted with emails that were sent during regular work hours to his second job using his City email address and City employment title.

The three employees interviewed by the IG were at different management levels in DPW. Upper management at DPW told the IG that EMWs assigned to refuse collection generally do not have second jobs because the city job is physically demanding. They indicated that they believe that no more than 10 percent of those workers have second jobs.

DPW employees working less than eight hour work days

Most DPW employees, including EMWs and their Supervisors, are covered by a city collective bargaining agreement (CBA) and belong to the Teamster Union Local 456. The CBA specifically delineates a Teamsters' work hours. The CBA states as follows: "The work day shall consist of eight (8) consecutive hours plus an interruption for an unpaid meal period; the work week shall consist of five (5)

³ The IG was told that the reason the other two EMWs are picked up enroute is because parking is limited at the garage.

consecutive days, Monday through Friday....⁴” and “a fifteen (15) minute coffee/rest period between the start of the shift and meal period, and between the meal period and the end of the shift”. The IG has been told that there is an additional fifteen minute “wash up” period, however that break is not written in the CBA.

Other than EMWs, the work day for most non supervisory DPW employees is 7:00 am to 3:30 pm. There are sign-in sheets for some of the DPW workers and Supervisors, but not for all of them. The sheets are signed by the workers and the Supervisors affix their signature attesting to the time worked.

In interviews with DPW employees the IG was told that it is common practice for many non supervisory DPW employees to end the work day at 3:00, working eight consecutive hours, taking the “unpaid meal break” at the end of the day. Thus although the time sheets reflect a 7:00 - 3:30 work day, with a certification of those hours by a Supervisor, in fact most DPW non supervisory employees and some Supervisors work 7:00 - 3:00.

A review of GPS records for vehicles used by Supervisory and non supervisory DPW workers shows that most non EMW DPW workers stop for breaks and a meal during the work day. Consistent with GPS records, it has also been reported to the IG that some of these Supervisors and employees have been observed multiple times sitting in various restaurants in Yonkers during the morning. Thus many DPW workers are taking a meal break, and leaving thirty minutes before the work day is finished.

Management structure

DPW management structure includes a Commissioner, Deputy Commissioners, Fleet Directors, Managers, Supervisors and employees⁵. Currently there are five non union employees in DPW, including the Commissioner, two Deputy Commissioners, a Director and a Senior Budget Analyst. The Managers hold civil service positions that require a civil service test, and belong to the AFSME Union Local 1897. The first line Supervisors, some other managerial positions and employees belong to the Teamsters Union Local 456. The Supervisors are civil service employees, all of whom are required to take a civil service test and many, but not all, of the employees are civil service employees who are not required to take a civil service test.

⁴ The regular work week for other DPW employees may consist of five (5) consecutive days either Monday through Friday, Tuesday through Saturday or some other five (5) day consecutive configuration in a seven (7) day week. There is an exception for weeks that contain a holiday and a summer schedule of ten (10) hour four (4) day work weeks for DPW employees assigned to Traffic Maintenance.

⁵ The DPW Water Shop has a slightly different structure. In addition to the Manager there are other management positions such as Water Works Superintendent, Assistant Water Works Superintendent, Chief Water Plant Operator etc.

Theoretically the structure of the DPW appears appropriate. Because of the union membership however, there is an inherent conflict. The direct, first line Supervisor belongs to the same union as his supervisees. All the Supervisors interviewed by the IG readily stated that being in the same union as the workers they supervise creates a conflict.

Miscellaneous

In discussions with various DPW employees there appears to be some confusion about the length of time for the unpaid meal period, the right to go home during the work day and for how long, and chain of command⁶. Additionally there appear to be some inequalities regarding hours, particularly Supervisors assigned to duties other than following garbage trucks. Some Supervisors are working a full eight hours while other Supervisors are working less than eight hours, but both have the same or similar civil service titles and are paid at the same rate.

Most DPW workers who drive city vehicles are assigned the same vehicle every day. Some of the DPW workers have take home-car privileges, most do not. Some of the city vehicles assigned to DPW workers have GPS installed, many do not. For the vehicles that have GPS installed it is unclear if any Supervisor is actually reviewing where the vehicle is traveling or at what rate of speed. A small sample of GPS records revealed that some DPW employees were not attending to their job duties during the regular business day and exceeded the speed limit regularly.

A review of past hiring practices in Yonkers indicates a preference for Yonkers residents. That hiring practice has led to an unintended consequence of employees who are related to each other working in DPW and in some cases even supervising one another. While this issue is not unique to DPW it seems to pose particular challenges in that department. In one instance investigated by the IG a sibling was supervising a sibling, giving at least the appearance of impropriety. In addition, little supervisory training has been given and therefore few supervisors are aware of what can and should be done when an employee's actions require some measure of discipline.

Recommendations

1. According to interviews of some of the DPW employees, there is some confusion about who is a direct Supervisor, and what authority the Supervisor has. The IG recommends that upper management clarify

⁶ One unit in DPW has twenty six (26) Teamsters, including three supervisors. On any given day a different supervisor may be in charge of an employee because supervisors are assigned a specific city building and the employees are assigned tasks in various buildings as needed. That lack of consistent supervision can lead to confusion as to responsibility and accountability for both the employee and the Supervisor.

- chain of command and authority, and that each employee be directly supervised by only one Supervisor. The IG also recommends supervisory training and training in progressive discipline.
2. According to the IG's review of DPW practices there is confusion about the length of time for the unpaid meal period and some lax enforcement about taking it. Therefore the IG recommends that DPW management clarify the work rules regarding breaks, including clarifying what constitutes a full work day and specified hours.
 3. In conjunction with clarifying a full work day, the city should require all employees to disclose second jobs to ensure that the hours and duties do not conflict with their city job. The city should also emphasize that no employee should be using any city resources to conduct activities related to a second job.
 4. After review of the sign-in sheets, the IG was told that the sheets have been revised and that more DPW employees are required to sign-in and out. The IG recommends that upper management check the sign-in and sign-out sheets periodically to ensure that what is stated on the time sheets is accurate.
 5. Interviews with DPW employees indicate a lack of clarity regarding going home during the work day. The IG recommends that DPW implement a written policy regarding going home during the work day.
 6. Based on a review of union membership in DPW the IG recommends restructuring so that a Supervisor is not supervising someone in the same union. The IG also recommends that a non union high level management employee have the responsibility for administration and personnel in DPW, including overseeing all discipline related issues and that higher management hold Supervisors accountable for the employees they supervise. The IG further recommends that no Supervisor be permitted to supervise a relative.
 7. Based on reviews of verbal and written policies in DPW it is recommended that all policies be written and distributed to all Managers and Supervisors and that a binder with all current policies be maintained in the Commissioner's office.
 8. It has been stated to the IG that installation of GPS in all vehicles is expensive. Nonetheless the IG recommends installation in all non commercial vehicles driven by DPW employees. In addition supervisors should be trained in monitoring GPS installed in vehicles driven by the employees they supervise and given direction about authority to discipline when infractions are detected.