

AUDIT REPORT

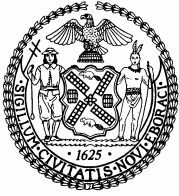


CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
BUREAU OF FINANCIAL AUDIT
WILLIAM C. THOMPSON, JR., COMPTROLLER

Audit Report on NYC Pensioners Working for New York State After Their Retirement January 1, 2005 – December 31, 2005

FL07-086A

June 28, 2007



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
1 CENTRE STREET
NEW YORK, N.Y. 10007-2341

WILLIAM C. THOMPSON, JR.
COMPTROLLER

To the Citizens of the City of New York

Ladies and Gentlemen:

In accordance with the responsibilities of the Comptroller contained in Chapter 5, §93, of the New York City Charter, my office conducted an audit to identify New York City pensioners who may be reemployed by New York State and illegally collecting a pension, and to quantify the amounts of any improper payments to individuals who appear to be violators of New York State Retirement and Social Security Law, §211 and §212 or New York City Charter § 1117 during calendar year 2005.

A retiree of any of the five New York City retirement systems who is reemployed in State or City government service may not continue to collect pension benefits except in accordance with conditions established by the New York State Retirement and Social Security Law, the New York City Administrative Code, and the New York City Charter. Audits such as this provide a means of ensuring that pensioners are complying with all laws pertaining to public service reemployment and that appropriate steps are taken to recoup improper payments to individuals after retirement.

The results of our audit, which are presented in this report, have been discussed with officials of the five New York City retirement systems, and their comments have been considered in preparing this report. Their complete responses are attached to this report.

I trust that this report contains information that is of interest to you. If you have any questions concerning this report, please contact e-mail my audit bureau at audit@Comptroller.nyc.gov or telephone my office at 212-669-3747.

Very truly yours,

A handwritten signature in cursive script that reads "William C. Thompson, Jr.".

William C. Thompson, Jr.

WCT/fh

Report: FL07-086A
Filed: June 28, 2007

Table of Contents

AUDIT REPORT IN BRIEF

Audit Findings and Conclusions..... 1
Audit Recommendations..... 1

INTRODUCTION..... 2

Background..... 2
Objective..... 5
Scope and Methodology..... 5
Discussion of Audit Results..... 7

FINDINGS 8

Overpayment of Pension Benefits..... 8

RECOMMENDATIONS.....9

APPENDIX I – Summary of Overpayment

APPENDIX II – 2005 Pension Overpayments – NYC Police Department Pension Fund – Service Retirees

APPENDIX III – 2005 Pension Overpayments – NYC Police Department Pension Fund – Disability Retirees

APPENDIX IV – 2005 Pension Overpayments – NYC Fire Department Pension Fund – Service Retirees

APPENDIX V – 2005 Pension Overpayments – NYC Fire Department Pension Fund – Disability Retirees

APPENDIX VI – 2005 Pension Overpayments – NYC Employees’ Retirement System – Service Retirees

APPENDIX VII – 2005 Pension Overpayments – NYC Employees’ Retirement System – Disability Retirees

APPENDIX VIII – 2005 Pension Overpayments – NYC Teachers’ Retirement System – Service Retirees

APPENDIX IX – Re-employed NYC Pensioners – Total by Current Employer

ADDENDUM I - Police Department Pension Fund Response

ADDENDUM II - Fire Department Pension Fund Response

ADDENDUM III – NYC Employees’ Retirement System Response

ADDENDUM IV – Teachers’ Retirement System Response

ADDENDUM V – Board of Education Retirement System Response

*The City of New York
Office of the Comptroller
Bureau of Financial Audit*

**Audit Report on New York City Pensioners
Working for New York State after Retirement
January 1, 2005—December 31, 2005**

FL07-086A

AUDIT REPORT IN BRIEF

The objective of this audit was to identify New York City pensioners who may be reemployed by New York State and illegally collecting a pension from a New York City retirement system—known as “double-dippers” or “disability violators”—and to quantify the amounts of any improper payments to individuals who appear to be violators of New York State Retirement and Social Security Law (RSSL) §211 and §212 or New York City Charter §1117 during calendar year 2005.

Audit Findings and Conclusions

The audit found 16 individuals who received \$251,055 in pension payments during 2005 that appear to violate applicable sections of State and City laws. These individuals were in apparent violation of RSSL §211 or §212 because they were under age 65 and received excess State wages above the limitations without having a waiver on file at one of the five City retirement systems, or were in violation of §1117 of the New York City Charter because they were collecting disability pensions while earning more than \$1,800 (including pension payments) a year at a New York State agency.

Audit Recommendations

The audit made four recommendations, that New York City retirement systems officials should:

- Investigate those individuals identified as receiving pensions while being reemployed in New York State public service. City retirement system officials should also commence prompt recoupment action against those individuals found to be illegally collecting pensions.
- Forward to the Department of Investigation, if the circumstances warrant such action, the name of those individuals found to be illegally collecting pensions.

- Ascertain whether previous pension overpayments have been recouped and whether current pensions have been suspended for those individuals who have been cited in previous audits as “double-dippers” or “disability violators.”
- Send special reminders to service retirees under the age of 65 and to all disability retirees that clearly state their responsibilities regarding public service reemployment.

INTRODUCTION

Background

A New York City service retiree who is reemployed by New York State or any of its political subdivisions may not continue to collect pension benefits, except in accordance with conditions established by the New York State Retirement and Social Security Law (RSSL), §210 through 216. In the case of New York City disability retirees, the governing regulations are the New York City Administrative Code (Volume 3, Title 13) and the New York City Charter (§1117). If a post-retirement employee does not comply with the relevant laws, the practice is termed “double-dipping.”

Pursuant to §211, a service retiree (a person receiving an ordinary service retirement rather than a disability retirement) who is reemployed in New York public service and who exceeds the §212 salary limitations may have his or her pension benefits denied, unless the service retiree requests that the prospective employer apply for a waiver from the State or municipal Civil Service Commission or other authorized agency. The prospective employer must set forth the reasons for the application and obtain a waiver from that agency.

New York State law grants the authority to issue waivers to the following seven agencies:

- New York State Civil Service Commission (NYS)
- Commissioner of Education (NYS)
- Municipal Civil Service Commission of the City of New York (NYC)
- Chancellor of the Department of Education (NYC)
- Board of Higher Education (CUNY) (NYC)
- Chancellor of State University (SUNY) (NYS)
- Administrator of Courts (NYS-NYC)

To obtain a waiver for an employee, the prospective employer of the retiree must show that the person’s skills are unique and in the best interests of the government service, and that no other qualified persons are readily available for recruitment to perform the duties of the position to be filled. Initial or renewed waivers may be for periods of up to two years.

An exception to this restriction is provided by RSSL §212, which permits a service retiree to be reemployed in New York public service if the retiree earns no more than the amount prescribed by that section and files a “Section 212 Statement of Election” with his or her retirement system (see below). For calendar year 2005, the earnings limitation does not apply after the retiree reaches the age of 65.

There are five New York City retirement systems that provide benefits for their employees and the employees of various City agencies. They are:

- New York City Employees' Retirement System (NYCERS)
- New York City Teachers' Retirement System (TRS)
- New York City Board of Education Retirement System (BERS)
- New York City Police Department Pension Fund (POLICE)
- New York City Fire Department Pension Fund (FIRE)

This report includes New York City pensioners from the above retirement systems.

For calendar year 2005, the earnings limitation for a service retiree who filed a Statement of Election under §212 was \$27,500. Accordingly, any service retiree earning more than \$27,500 in 2005 should have received a §211 waiver to prevent suspension of the retirement allowance during that year. Failure to comply with these requirements can result in the forfeiture of pension benefits in subsequent years.

Disability retirees are not subject to RSSL §211 and §212. However, the New York City Administrative Code, the New York State Education Law, and the New York City Charter (§1117) provide for the reemployment of New York City disability retirees in New York State public service. The following regulations are applicable to each of the five New York City retirement systems:

TRS:

The New York City Administrative Code (Volume 3, Title 13, Chapter 4, §13-553) combined with the New York City Charter (§1117), prohibits a TRS disability retiree from earning more than \$1,800 a year (including pension payments) in New York public service, unless the retiree's disability pension is suspended during the time of such employment.

POLICE:

The New York City Administrative Code (Volume 3, Title 13, Chapter 2, §13-254), provides for the reemployment of New York City Police Department disability retirees in New York public service. These provisions (also known as "Disability Safeguards") apply up to only the minimum period for service retirement elected by the employee (usually 20 years, but 25 years may be elected), subject to the following conditions: (1) the retiree undergoes a medical examination, (2) the Board of Trustees of the retirement system agrees with the medical board report and certification of the extent to which the retiree is able to work (the Board must then place the retiree's name on a civil service list as a "preferred eligible"), and (3) the Board reduces the retiree's pension to an amount which, when added to the retiree's salary, does not exceed the current maximum salary for the next higher title than that held by the person at retirement.

After the minimum (20- or 25-year) period for service retirement has expired, disability retirees in New York City are subject to the New York City Charter §1117, which prohibits a

retiree from earning more than \$1,800 a year (including pension payments) in New York public service unless the retiree's disability pension is suspended during the time of such employment.

FIRE:

The New York City Administrative Code (Volume 3, Title 13, Chapter 3, §13-356 and §13-357), provides for the reemployment of New York City Fire Department disability retirees in New York public service. These provisions (also known as "Disability Safeguards") apply up to only the minimum period for service retirement elected by the employee (usually 20 years, but 25 years may be elected), subject to the following conditions: (1) the retiree undergoes a medical examination, (2) the Board of Trustees of the retirement system agrees with the medical board report and certification of the extent to which the retiree is able to work (the Board must then place the retiree's name on a civil service list as a "preferred eligible"), and (3) the Board reduces the retiree's pension to an amount which, when added to the retiree's salary, does not exceed the current maximum salary for the next higher title than that held by the person at retirement.

After the minimum (20- or 25-year) period for service retirement has expired, disability retirees in New York City are subject to the New York City Charter §1117, which prohibits a retiree from earning more than \$1,800 a year (including pension payments) in New York public service unless the retiree's disability pension is suspended during the time of such employment.

BERS:

The New York State Education Law (Title 2, Article 52, §2575), combined with the New York City Charter (§1117), prohibits a New York City Department of Education non-pedagogical disability retiree from earning more than \$1,800 a year (including pension payments) in New York public service, unless the retiree's disability pension is suspended during the time of such employment.

NYCERS:

The New York City Administrative Code (Volume 3, Title 13, Chapter 1, §13-172), provides for the reemployment of New York City Employees' Retirement System disability retirees in New York State public service. These provisions (also known as "Disability Safeguards") apply up to only the minimum period for service retirement elected by the employee, subject to the following conditions: (1) the retiree undergoes a medical examination, (2) the Board of Trustees of the retirement system agrees with the medical board report and certification of the extent to which the retiree is able to work (the Board must then place the retiree's name on a civil service list as a "preferred eligible"), and (3) the Board reduces the retiree's pension to an amount which, when added to the retiree's salary, does not exceed the current maximum salary for the next higher title than that held by the person at retirement.

After the minimum period for service retirement has expired, disability retirees in New York City are subject to the New York City Charter §1117, which prohibits a retiree from

earning more than \$1,800 a year (including pension payments) in New York public service, unless the retiree's disability pension is suspended during the time of such employment.

With regard to disability retirees of the five City retirement systems, waivers superseding the above provisions may not be granted.

Objective

The objective of this audit was to identify any New York City pensioners who may be reemployed by New York State and illegally collecting a pension from a New York City retirement system—known as “double-dippers” or “disability violators”—and to quantify the amounts of any improper payments to individuals who appear to be violators of RSSL §211 and §212 or New York City Charter §1117 during calendar year 2005.

Scope and Methodology

Our audit period was January 1, 2005 through December 31, 2005. We met with officials of the five New York City retirement systems (TRS, POLICE, FIRE, BERS, and NYCERS) to review their monitoring processes for individual pensioners.

To determine the extent to which retired New York City employees were being improperly reemployed by New York State agencies, the New York State Bureau of Payroll Audit (Office of the State Comptroller, Albany) performed a computer match of the approximately 277,000 New York City pensioners against a listing of all New York State workers (approximately 387,000 annually) who received a W-2 wage statement for the year 2005.¹ This matching process identified 341 individuals under age 65 who either received more than \$27,500 in 2005 (service retirees), or \$1,800 in 2005 (disability retirees). These individuals were then sorted by retirement system and investigated to determine the reasons why those individuals received a pension check and a payroll check concurrently.

Among the valid reasons individuals received both pension checks and payroll checks are the following: some had been granted waivers; some had their pensions suspended at the appropriate times; and some were not actually employed during 2005, but instead received lump-sum payments for accrued vacation and sick leave or for having selected an early retirement program that provided subsequent cash payments in 2005. Because of the magnitude of the task, we did not match the retirees against the other New York City, New York State, and local government employees paid by municipalities, counties, and systems other than those integrated with the State or FISA.

Of the 341 matches, 236 were individuals collecting POLICE pensions, 56 were individuals collecting NYCERS pensions, 34 were individuals collecting TRS pensions, 15 were individuals collecting FIRE pensions. There were no individuals collecting BERS. For 341 individuals from POLICE, NYCERS, TRS, and FIRE we:

¹ This audit report is exclusive of the five separate audit reports of New York City pensioners working for New York City after their retirement in 2005: the five audits of City workers are FL07-083A (TRS), FL07-085A (BERS), FL07-084A (NYCERS), FL07-082A (POLICE), and FL07-081A (FIRE).

- obtained additional detailed information about their individual year 2005 pension and payroll payments;
- analyzed the timing, and, to some extent, the types of payments received;
- verified the amounts shown on the computer match listing; and
- met with retirement system representatives, who assisted us in searching their files for waivers and other relevant information.

Initial investigations eliminated 325 of these 341 individuals. The remaining 16 individuals appeared to lack valid reasons for being on both lists. Of the 16 individuals, 8 are service retirees and 8 are disability retirees. The total amount of improper pension payments is \$251,055 consisting of \$81,341 in improper pension payments to service retirees, and \$169,714 in improper pension payments to disability retirees.

The breakdowns for the five New York City retirement systems are as follows:

<u>Retirement System</u>	<u>Service Retirees</u>	<u>Disability Retirees</u>	<u>Total Retirees</u>	<u>Improper Pension Payments</u>
POLICE	2	5	7	\$ 154,581
FIRE	1	1	2	\$ 49,423
NYCERS	4	2	6	\$ 36,346
TRS	<u>1</u>	<u>0</u>	<u>1</u>	<u>\$ 10,705</u>
Total	<u>8</u>	<u>8</u>	<u>16</u>	<u>\$ 251,055</u>

For those pensioners who appeared to lack valid reasons for receiving both pension and payroll checks, we calculated the apparent pension overpayments, based on our analyses of when these reemployed pensioners reached the legal earnings limitations of \$27,500 for service retirees, and \$1,800 for disability pensioners. The annuity portions of the pension payments, if any, are not affected by RSSL §211 and §212 and New York City Charter §1117 and therefore should be excluded from the overpayments cited in this report. The annuity portions, which are estimated to be less than five percent of the total overpayments, can be determined only by retirement system officials.

In addition, we followed-up on the implementation status of the recommendations from last year's audit report—*NYC Pensioners Working for The State After Retirement January 1, 2004—December 31, 2004*, FL06-101A, issued June 30, 2006—by reviewing correspondence from BERS, POLICE, NYCERS, and TRS. FIRE did not provide any information on the implementation status of the previous recommendations in response to our inquiry.

In accordance with §13-103, §13-202, §13-302, and §13-507 of the New York City Administrative Code, and §2575 of the New York State Education Law, Boards of Trustees head NYCERS, POLICE, FIRE, TRS, and BERS. The Comptroller is one of the trustees of NYCERS, POLICE, FIRE, and TRS. The Comptroller sits on each of these Boards through a

designee. The Comptroller's designee was not involved in planning or conducting this audit, or in writing or reviewing the audit report.

This audit was conducted in accordance with generally accepted government auditing standards (GAGAS) and included tests of records and other auditing procedures that we considered necessary. This audit was performed in accordance with the audit responsibilities of the Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

Discussion of Audit Results

The matters covered in this report were discussed with officials of the five City retirement systems during and at the conclusion of this audit. A preliminary draft report was sent to officials of the five City retirement systems and discussed at exit conferences with officials of four of the five retirement systems. FIRE officials elected to waive their exit conference. We submitted a draft report to the five City retirement systems with a request for comments. Each of the five retirement systems provided us with separate responses to a draft of this audit, which are summarized as follows:

POLICE Response: On June 6, 2007, we received a response from the POLICE Executive Director, in which he described the actions POLICE has taken to address the report's recommendations.

NYCERS Response: On June 1, 2007, we received a response from the NYCERS Director of Finance, in which he described the actions NYCERS has taken to address the report's recommendations.

TRS Response: On June 4, 2007, we received a response from the TRS Deputy Director, stating: "Please be advised that the Teachers' Retirement System (TRS) is in full compliance with your recommendations."

BERS Response: On June 4, 2007, we received a response from the BERS Director of Operations, in which he described the actions BERS has taken to address the report's recommendations.

FIRE Response: On June 13, 2007, we received a response from the FIRE Chief Compliance Officer, in which he either agreed to implement or stated that FIRE was already in the process of implementing the report's recommendations.

The full texts of these written responses are included as addenda to this report.

FINDINGS

Overpayment of Pension Benefits

This audit identified 16 individuals who received \$251,055 in pension payments during 2005 that appear to violate applicable sections of State and City laws. (See Appendices I through IX for the agency summaries and detailed listings of the 16 pensioners and their current employers.)

As stated previously, we identified 16 pensioners who were in apparent violation of RSSL §211 or §212 because they were under age 65 and received excess State wages above the limitations without having a waiver on file at one of the five City retirement systems, or were in violation of §1117 of the New York City Charter because they were collecting disability pensions while earning more than \$1,800 (including pension payments) a year at a New York State agency and were past their applicable anniversary dates. These 16 individuals received improper pension payments of \$251,055, as follows:

	<u>Number of Individuals</u>	<u>Total Improper Payments</u>
2005 §211/212 Violators	8	\$ 81,341
2005 §1117 Violators	<u>8</u>	<u>169,714</u>
Total	<u>16</u>	<u>\$ 251,055</u>

Our total represents the amount of improper 2005 pension payments based on an analysis of when the reemployed pensioners reached the legal earnings limitations of (\$27,500 for service retirees, and \$1,800 for disability pensioners). Allowances were made for those retirees who worked only part of that year. Moreover, the annuity portions of the pension payments, if any, that are not affected by RSSL §211 or §212, were not excluded; rather, they were estimated to be less than five percent of the total calculated payments. The exact annuity portion, if any, for each individual can be determined only by City retirement systems officials. Immediate action by the five City retirement systems and employing State agencies is needed to investigate and recoup, when appropriate, any improper payments made to those retirees identified as possible “double-dippers.” (The applicable employing agencies involved in this audit appear in Appendix IX.)

The following is an example of a POLICE disability retiree who was found to be working at a State agency for eight months of calendar year 2005:

CASE #1: A Captain designated as an Inspector who retired in November 2004 on a disability pension, collected 12 pension checks (one each month) in calendar year 2005, totaling \$133,870. He worked as an Adjunct Lecturer for John Jay College for eight months of 2005 (February through May and September through December) and collected a salary of \$9,559. He began working for the Police Department in 1964, and therefore, cannot qualify

for the “Disability Safeguards” provisions beyond 1984. Accordingly, any earnings above the \$1,800 for 2005 make the disability pension payments for that year improper. Thus, it appears that seven months of disability checks (March through May and September through December 2005), totaling \$63,910 may have been improperly received and cashed in 2005.

The following is an example of a TRS service retiree who was found to be working at a State agency for the nine months of calendar year 2005:

CASE #2: A Teacher who retired in July 2001, collected 12 pension checks (one each month) in calendar year 2005, totaling \$63,999. He worked for the City University of New York’s Lehman College for nine months of 2005 (January through September) and collected a salary of \$35,986. We found no evidence of a waiver for him for any portion of calendar year 2005. He exceeded the \$27,500 cumulative salary earnings limit for service retirees on July 7, 2005. Therefore, it appears that two pension checks (August and September 2005) totaling \$10,705 may have been improperly received and cashed in calendar year 2005.

It should be noted that in their correspondences concerning the implementation status of the recommendations from last year’s audit of 2004, NYCERS, TRS, POLICE and BERS officials advised us that, they have implemented or were in the process of implementing the report’s recommendations.

RECOMMENDATIONS

Officials of the New York City retirement systems should:

1. Investigate those individuals identified as concurrently receiving pensions while being reemployed in New York State public service. City retirement system officials should also commence prompt recoupment action against those individuals found to be illegally collecting pensions.

Agency Responses: POLICE, FIRE, TRS, and NYCERS agreed with this recommendation.

There were no BERS pensioners cited in this report.

2. Forward to the Department of Investigation, if the circumstances warrant such action, the names of those individuals found to be illegally collecting pensions.

Agency Responses: POLICE, FIRE, TRS, and NYCERS agreed with this recommendation.

There were no BERS pensioners cited in this report.

3. Ascertain whether previous pension overpayments have been recouped and whether current pensions have been suspended for those individuals who have been cited in previous audits as “double-dippers” or “disability violators.”

Agency Responses: POLICE, FIRE, TRS, and NYCERS agreed with this recommendation.

There were no BERS pensioners cited in the previous report.

4. Send special reminders to service retirees under the age of 65 and to all disability retirees that clearly state their responsibilities regarding public service reemployment.

Agency Responses: POLICE, FIRE, TRS, BERS, and NYCERS agreed with this recommendation.

SUMMARY OF 2005 OVERPAYMENTS

	<u>SERVICE</u>		<u>DISABILITY</u>		<u>TOTAL</u>	
	Persons	Amount	Persons	Amount	Persons	Amount
POLICE	2	15,598	5	138,983	7	154,581
FIRE	1	36,960	1	12,463	2	49,423
NYCERS	4	18,078	2	18,268	6	36,346
TEACHERS	1	10,705			1	10,705
TOTAL	<u>8</u>	<u>\$81,341</u>	<u>8</u>	<u>\$169,714</u>	<u>16</u>	<u>\$251,055</u>

**APPENDIX II
2005 PENSION OVERPAYMENTS - NYC POLICE DEPARTMENT PENSION FUND
SERVICE RETIREES**

Pension Number	Date Retired	2005 Pension	Months Overpaid	Amount Overpaid	2005 Employer	Payroll Code	2005 Salary	Waiver Issuing Agency	Waiver in 2005
P-050795-0	03/31/02	\$ 23,174	5	\$ 11,949	DEPT OF LAW	3000	\$ 54,712	NYSCSC	NO
P-035671-0	09/19/88	43,599	1	3,649	EMPIRE STATE COLLEGE	28280	32,193	SUNY	NO

Total Individuals: 2

Total: \$ 15,598

NOTES:

DEPT OF LAW
EMPIRE STATE COLLEGE

Department of Law
State University of New York

NYSCSC
SUNY

New York State Civil Service Commission
State University of New York

**APPENDIX III
2005 PENSION OVERPAYMENTS - NYC POLICE DEPARTMENT PENSION FUND
DISABILITY RETIREES**

Pension Number	Date Retired	2005 Pension	Months Overpaid	Amount Overpaid	2005 Employer	Payroll Code	2005 Salary	Disability Safeguards
CASE# 1 P-056513-0	11/30/04	\$ 133,870	7	\$ 63,910	JOHN JAY COL ADJ	70061	\$ 9,559	NO
*P-021976-0	10/20/82	42,294	11	38,777	LONG ISLAND PARK COMM	49220	11,568	NO
*P-022920-0	07/04/83	30,954	11	28,364	PALISADES INTER PARK COMM	49059	31,936	NO
P-020114-0	11/06/81	6,589	4	4,667	SUNY SYSTEM ADMIN	28650	100,961	NO
P-011117-0	11/14/75	39,278	1	3,265	DIV OF VET AFF	1130	22,419	NO

Total Individuals: 5

Total: \$ 138,983

Notes:

JOHN JAY COL ADJ	City University of New York John Jay College Adjunct
LONG ISLAND PARK COMM	Office of Parks & Recreation Long Island Park Commission
PALISADES INTER PARK COMM	Office of Parks & Recreation Palisades Interstate Park Commission
SUNY SYSTEM ADMIN	State University of New York System Administration
DIV OF VET AFF	Division of Veteran's Affairs

* This individual was also cited in our prior audit for 2004

**APPENDIX IV
2005 PENSION OVERPAYMENTS - NYC FIRE DEPARTMENT PENSION FUND
SERVICE RETIREES**

Pension Number	Date Retired	2005 Pension	Months Overpaid	Amount Overpaid	2005 Employer	Payroll Code	2005 Salary	Waiver Issuing Agency	Waiver in 2005
R-021472-0	03/15/03	\$ 63,360	7	\$ 36,960	DIV OF MIL & NAVAL AFF SAD	1072	\$ 92,932	NYSCS	NO

Total Individuals: 1

Total: \$ 36,960

NOTES:

DIV OF MIL & NAVAL AFF SAD Division of Military and Naval Affairs SAD

NYSCS New York State Civil Service Commission

**APPENDIX V
2005 PENSION OVERPAYMENTS - NYC FIRE DEPARTMENT PENSION FUND
DISABILITY RETIREES**

Pension Number	Date Retired	2005 Pension	Months Overpaid	Amount Overpaid	2005 Employer	Payroll Code	2005 Salary	Disability Safeguard
R-017842-0	7/11/1998	\$ 49,854	3	\$ 12,463	DEPT OF STATE	19010	\$ 936	NO

Total Individuals: 1

Total \$ 12,463

NOTES:

DEPT OF STATE Department of State

**APPENDIX VI
2005 PENSION OVERPAYMENTS - NYC EMPLOYEES' RETIREMENT SYSTEM
SERVICE RETIREES**

Pension Number	Date Retired	2005 Pension	Months Overpaid	Amount Overpaid	2005 Employer	Payroll Code	2005 Salary	Waiver Issuing Agency	Waiver in 2005
N-329269-0	09/24/04	\$ 26,860	4	\$ 8,152	NYC FAMILY COURT	5627	\$ 43,321	NYSCSC	NO
N-203628-0	01/02/93	28,249	3	7,110	CUNY HUNTER COLLEGE	70030	38,781	CUNY	NO
*N-241220-0	04/30/95	13,332	2	2,273	OMH BROOK CHILD PSY	50520	32,966	NYSCSC	NO
N-315870-0	11/20/00	5,948	1	543	OMRDD METRO NY	51450	31,170	NYSCSC	NO

Number of Individuals: 4

Total \$ 18,078

NOTES:

NYC FAMILY COURT
CUNY HUNTER COLLEGE
OMH BROOK CHILD PSY
OMRDD METRO NY

NYC Family Court
CUNY Hunter College
Office of Mental Health Brooklyn Children's Psy Center
Office of Mental Retardation and Devolpmental Disabilities Metro NY

NYSCSC
CUNY

New York State Civil Service Commision
City University of New York

* This individual was also cited in our prior audit for 2004

**APPENDIX VII
2005 PENSION OVERPAYMENTS - NYC EMPLOYEES' RETIREMENT SYSTEM
DISABILITY RETIREES**

Pension Number	Date Retired	2005 Pension	Months Overpaid	Amount Overpaid	2005 Employer	Payroll Code	2005 Salary	Disability Safegaurds
* N-313070-0	6/26/99	\$ 10,299	11	\$ 9,446	DEPT OF HEALTH	12150	\$ 41,777	NO
N-206674-0	8/18/92	21,096	5	8,822	SENATE TEMPO	4001	8,498	NO

Total Individuals: 2

Total: \$ 18,268

NOTES:

DEPT OF HEALTH Department of Health - St. Albans Home for Veterans
SENATE TEMPO NYS Senate Temporary

* This individual was also cited in our prior audit for 2004.

**RE-EMPLOYED NYC PENSIONERS
TOTAL BY CURRENT EMPLOYER**

Current State Employer	Payroll Code	Individuals Paid under Code				TOTAL
		NYCERS	TRS	POLICE	FIRE	
		2005	2005	2005	2005	
Division of Military & Naval Affairs SAD	1072				1	1
Division of Veterans Affairs	1130			1		1
Department of Law	3000			1		1
NYS Temporary	4001	1				1
Office of Court Administration NYC Family Court	5627	1				1
Department of Health - St. Albans Home for Veterans	12150	1				1
Department of State	19010				1	1
State University of New York Empire State College	28280			1		1
State University of New York System Administration	28650			1		1
Office of Parks & Recreation Palisades Interstate Park Commission	49059			1		1
Office of Parks & Recreation Long Island Park Commission	49220			1		1
Office of Mental Health Brooklyn Children's PSY Center	50520	1				1
OMRDD Metro NY	51450	1				1
CUNY Hunter College	70030	1				1
Cuny John Jay Adjunct	70061			1		1
Cuny Lehman College	70070		1			1
Total		6	1	7	2	16



New York City Police Pension Fund

233 BROADWAY
NEW YORK, NEW YORK 10278
(212) 693-5100

Executive Director-Michael D. Walsham

June 06, 2007

**John Graham
Deputy Comptroller
Audits, Accountancy & Contracts
Office of the Comptroller
Executive Offices
1 Centre Street
New York, NY 10007-2341**

**Re: Audit Report on New York City
Pensioners working for New York
State after their Retirement
January 1, 2005 – December 31, 2005
FL07-086A**

Dear Mr. Graham:

In regards to the above referenced audit report, the following status report is forwarded.

Recommendation #1

Investigate those individuals identified as concurrently receiving pensions while being re-employed in New York State public service. City retirement system officials should also commence prompt recoupment action against those individuals found to be illegally collecting pensions.

Response

The Police Pension Fund is in total agreement that recoupment of pension benefits received in violation of the law should be commenced immediately. It should be noted, however, that this Retirement System does not exercise control over its Pension payroll data tape. We are requesting that the Comptrollers Office, as custodian of Police Pension payroll records, supply a list to my office on a semi-annual basis of all retirees found to be "double-dipping." This will afford the Police Pension Fund an opportunity to fully investigate all identified violators on a timely basis.

-2-

Regarding the 13 retirees listed by the Comptrollers Office in the May 18, 2007 audit report as possible violators, the Police Pension Fund will investigate all members in question to determine if they are in violation of Section 1117 of the New York City Charter. Those in violation will be given the opportunity to obtain retroactive 211 waivers, as the current law permits. Should such approval be denied, the Police Pension Fund will recover all pension moneys received from the period in question.

Recommendation #2

Forward to the Department of Investigation, if the circumstances warrant such action, the names of those individuals found to be illegally collecting pensions.

Response

The Police Pension Fund concurs with recommendation #2, however, no retiree investigated was deemed appropriate for such a referral.

Recommendation # 3

Ascertain whether previous pension overpayments have been recouped and whether current pensions have been suspended for those individuals who have been cited in previous audits as "double-dippers" or "disability violators."

Response

The Police Pension fund has in the past and will continue to suspend or reduce the pension benefit of all identified service or vested interest retirees who elect to continue employment with the State of New York without the benefit of Section 211. Additionally, as noted in our response to previous audits, this fund has recovered over six hundred thousand dollars from members of this System identified as violators of these statutes.

Recommendation #4

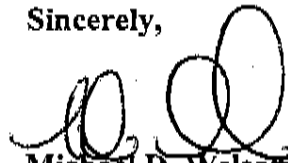
Send special reminders to service retirees under the age of 65 and to all disability retirees that clearly state their responsibilities regarding public service re-employment.

Response

Upon retirement, each member receives the restrictions on employment after retirement in a special handout of the retirement package. In 2006, an insert outlining this policy was prepared and mailed to all retirees. In addition, the Police Pension Fund's website provides a special reminder to all retirees with access to the internet and this topic is covered in depth in all retirement seminars conducted by Police Pension Fund personnel as well as in the plan summary description provided to all members.

I hope this response will aid in the development of a program to insure the integrity of all City Retirement Systems.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael D. Welsome', written in a cursive style.

**Michael D. Welsome
Executive Director
Police Pension Fund**

MDW:hdm



FIRE DEPARTMENT
9 METROTECH CENTER - ROOM 8S-10 BROOKLYN, NEW YORK 11201-3857



RAY SAYLOR
CHIEF COMPLIANCE OFFICER

June 13, 2007

Mr. John Graham
Deputy Comptroller
Policy, Audits, Accountancy & Contracts
Office of the Comptroller
1 Centre Street
New York, New York 10007-2341

Re: Audit Report on New York City Pensioners Working for New York State after their Retirement. January 1, 2005 – December 31, 2005. FL07-086A .

Dear Mr. Graham:

Attached is FDNY's comments on the above mentioned report, as well as our response and Agency Implementation Plan for each of the recommendations. Please thank your audit staff for the assistance they have provided to the Department in this review.

If you wish to discuss any portion of our response or AIP, please contact me at (718) 999-1728.

Sincerely,

Ray Saylor
Ray Saylor

cc: Michael Vecchi, Associate Commissioner
Mary Basso, Executive Director

Audit FL07-086A

AUDIT RECOMMENDATIONS / FDNY RESPONSE – AGENCY IMPLEMENTATION PLAN

- 1) Investigate those individuals identified as concurrently receiving pensions while being re-employed in New York State public service. City retirement system officials should also commence prompt recoupment action against those individuals found to be illegally collecting pensions.

FDNY Response – The Department agrees that it should investigate and take action against those identified individuals. FDNY has already initiated recoupment proceedings where appropriate.

- 2) Forward to the Department of Investigation, if the circumstances warrant such action, the names of those individuals found to be illegally collecting pensions.

FDNY Response – The Department agrees to do so when circumstances warrant such action.

- 3) Ascertain whether previous pension overpayments have been recouped and whether current pensions have been suspended for those individuals who have been cited in previous audits as double-dippers or disability violators.

FDNY Response – All previously identified pension overpayments have already been or are in the process of being recouped.

- 4) Send Special reminders to service retirees under the age of 65 and to all disability retirees that clearly state their responsibilities regarding public service reemployment.

FDNY Response – Special reminders on the subject are sent out on a routine basis.

Note: We have provided the necessary documentation for 3 of the 4 violators on the report.

NYCERS

RETIREMENT AND BENEFITS

NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM
MAIL ONLY: 335 ADAMS STREET, SUITE 2300, BROOKLYN, NY 11201-3751
ALL OTHER SERVICES: 340 JAY STREET, MEZZANINE LEVEL, BROOKLYN, NY 11201-3751
TEL: (347) 643-3000
EXECUTIVE DIRECTOR: DIANE D'ALESSANDRO

1 of 5

John Graham
Deputy Comptroller
Office of the Comptroller
1 Centre Street
New York, N.Y. 10007-2341

June 1, 2007

**Audit Report FL07-86A
Pensioners Working for the State
Calendar Year 2005**

Dear Mr. Graham:

This is in response to the recommendations contained in the Audit Report referenced above.

We have investigated all pensioners cited working for New York State and determined that of the eight pensioners named:

- Four were in violation of §212 of the RSSL, and were suspended from NYCERS' payroll as of May 2007
- Two received waivers pursuant to §211 of the RSSL and accordingly were NOT suspended. Copies of the waivers are enclosed for your review.
- One was found to be in violation of §13-171 of the NYC Administrative Code and was suspended from NYCERS' payroll as of May 2007
- One was found to be in violation of §1117 of the New York City Charter and was suspended from NYCERS' payroll as of June 2007.

NYCERS is committed to constant and consistent monitoring to avoid pension overpayments like the ones noted above. As part of our ongoing procedures, NYCERS suspends the retirement allowance when the pensioner exceeds the earning limitation as set forth in §211 and §212 of the RSSL, 13-171 of the NYC Administrative Code or §1117 of the NYC Charter. Our present monitoring program includes New York City payroll and Public Benefit Corporations.

Since NYCERS does not have access to NY State Payroll records, it is very difficult for us to detect violations that occur with NY State employees. As a result, we invariably have several violations each year that are detected through your audit. If there is any way you can influence the State to allow you to share their Payroll information with us, or for them to provide it to us directly, such an effort would be greatly appreciated.

NYCERS will refer all cases to the Department of Investigation that involve individuals who continuously and knowingly violate RSSL §211 or §212, NYC Administrative Code Sec 13-171 or NYC Charter §1117. A special notice regarding re-employment after retirement is sent to our pensioners each year in September.

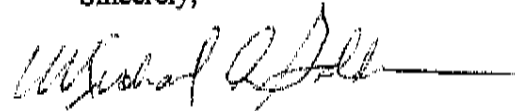
Michael A. Goldson
Director, Finance
Phone: 347-643-3522
E-Mail: mgoldson@nycers.nyc.gov

Visit our Website at:
www.nycers.org

In addition, all pension overpayments for individuals cited in previous audit reports have either been fully recouped or are in the process of being recouped.

Enclosed are details regarding each pensioner cited in this audit report. If you have any questions, I can be reached at (347) 643-3522.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Goldson", followed by a horizontal line extending to the right.

Michael A. Goldson
Director, Finance

AA Search 3 of 3 OK

OOD/JPW

Form A

8/15/05

State University of New York
Approval of the Employment of
A Retired Public Employee in the Unclassified Service

PA 230693

Form UP-211

Approval is requested to employ the retired public employee named below at

SUNY Downstate Medical Center as TH Asst Administrator
(Name of College) (Title of Position)

a position in the unclassified service, effective 8/29/04 at a salary of not to exceed
(Date)

\$ 90,000 for the period 8/29/04 through 8/29/2006
(Amount) (Starting Date) (End Date)

pursuant to Section 211 of the Retirement and Social Security Law.

Name of Retiree: [REDACTED]	Agency Retired From (Plus Agencies Employed at Within the Two Years Prior to Retirement): Health and Hospitals Corporation		
Home Address: [REDACTED]	1. Final Salary: \$ 95,000	2. Final Average Salary: \$	3. Greater of 1 or 2: \$
Date of Birth: [REDACTED]	4. Retirement Allowance without Option (incl. COLA, if any): \$		
Date of Retirement: December 1999	Limitation on Earnings Based On		5. Difference (3 minus 4):
Name of Public Retirement System: N.Y.C. Employees Retirement System	Maximum Yearly Earnings (Limitation [item 5] rounded to the next higher multiple of \$500):		
Retirement Number: 230693 <i>Permit</i>	Social Security Number: [REDACTED]		
Has this retiree been employed in Public Service of this State Since January 1, Last? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Name of Agency	Dates of Employment	Salary	
SUNY Downstate Medical Center	8/30/02 through 12/31/02	\$70,000	
SUNY Downstate Medical Center	1/01/03 through 8/29/04	\$72,000	
SUNY Downstate Medical Center	8/30/04 through 8/29/06	\$90,000	

I do hereby certify that I have satisfied myself that this retiree is qualified, competent and physically fit to perform the duties of this position, and that there are not readily available any other qualified persons to perform the required duties of this position, that this college has a need for the services to be performed and that this employment is in the best interests of New York State.

[Signature]
Signature of Campus President

8/15/05
Date

P 319543



STATE UNIVERSITY OF NEW YORK
REQUEST FOR APPROVAL OF THE EMPLOYMENT OF
A RETIRED PUBLIC EMPLOYEE IN THE UNCLASSIFIED SERVICE

DIRECTIONS
 SUBMIT ORIGINAL TO:
 State University of New York
 Office of Resource Planning
 State University Plaza, Room S-435
 Albany, New York 12245

Form UP-211
 G2356-498

I. TO BE COMPLETED AT THE EMPLOYING CAMPUS

Approval is requested to employ the retired public employee named below at SUNY Downstate Medical Center
 (Name of College)

as TH Medical Records Director SL-5, a position in the unclassified service, effective 1/1/04 (Date)

at a salary of not to exceed \$ 84,154 for the period 1/1/04 through 12/31/05

pursuant to Section 211 of the Retirement and Social Security Law, I do hereby certify that I have satisfied myself that this retiree is qualified, competent and physically fit to perform the duties of this position, and that there are not readily available any other qualified persons to perform the required duties of this position, that this college has a need for the services to be performed and that this employment is in the best interests of the state.

 (Signature of Chief Administrative Officer) (Date)

NAME OF RETIREE		AGENCY RETIRED FROM (plus agencies employed at within the 2 years before retirement):		
HOME ADDRESS		Health and Hospitals Corp.		
DATE OF BIRTH	1. Final Salary	2. Final Average Salary	3. Greater of 1 or 2	
DATE OF RETIREMENT	4. Ret. Allow w/o Opt.	5. Sup. Ret. Payment, if any	6. Sum of 4 and 5	
			7. Difference (3 minus 6)	
	LIMITATION ON EARNINGS BASED ON		MAXIMUM YEARLY EARNINGS*	
			*Limitation (item 7) rounded to the next higher multiple of \$500	
NAME OF PUBLIC RETIREMENT SYSTEM		NYC Employee Retirement System (ERS)		
RETIREMENT NUMBER	SOCIAL SECURITY NUMBER			
782275				
HAS THIS RETIREE BEEN EMPLOYED IN THE PUBLIC SERVICE OF THIS STATE SINCE JANUARY 1, LAST? <input type="checkbox"/> YES <input type="checkbox"/> NO				
(IF "YES" COMPLETE FOLLOWING:)				
Name of Agency		Dates of Employment		Salary
DMC				

II. TO BE COMPLETED BY SYSTEM ADMINISTRATION

REQUEST NUMBER _____

APPROVED FOR PERIOD January 1, 04 THROUGH December 31, 05
 AT NOT TO EXCEED \$ _____
 (Section 211 limit is: \$ _____)

DISAPPROVED

DATE _____ ~~CHANCELLOR~~ PRESIDENT:

NYCERS - RESPONSE STATS - PENSIONERS RETURNING TO THE STATE
CALENDAR YEAR 2006

											SUSPENSE DATE								
RSSL section 212	Service	230680-0		12/31/96	\$ 79,313.00	N/A	\$	-	N/A	N/A	Waiver granted from NY State University covering the period from 8/29/04 to 8/29/06								
RSSL section 212	Service	319543-0		03/25/02	\$ 72,148.00	N/A	\$	-	N/A	N/A	Waiver granted from NY State University covering the period from 1/1/04 to 12/31/05								
RSSL section 212	Service	328268-0		08/24/04	\$ 43,321.00	\$ 27,500.00	\$	8,152.00	May 2007	Aug 2007	Pension allowance has been suspended for 4 Months								
RSSL section 212	Service	200628-0		01/02/93	\$ 38,781.00	\$ 27,500.00	\$	7,110.00	May 2007	July 2007	Pension allowance has been suspended for 3 Months								
RSSL section 212	Service	241220-0		04/30/96	\$ 32,966.00	\$ 27,500.00	\$	2,273.00	May 2007	May 2007	Pension allowance has been suspended for 1 Month								
RSSL section 212	Service	315870-0		11/20/01	\$ 31,170.00	\$ 27,500.00	\$	543.00	May 2007	May 2007	Pension allowance has been suspended for 1 Month								
Section 18-171 NYC Admin Code	Disability	313070-0		08/28/98	\$ 41,777.00	\$ 24,300.00	\$	9,446.00	May 2007	Apr 2006	Pension allowance has been suspended for 12 Months								
RSSL section 1117	Disability	206874-0		08/18/92	\$ 8,496.00	\$ 1,800.00	\$	8,822.00	June 2007	Oct 2007	Pension allowance will be suspended for 5 Months								



TEACHERS' RETIREMENT SYSTEM
55 Water Street, New York, N.Y. 10041

Date: June 4, 2007

Mr. John Graham
Deputy Comptroller Audit Accountancy and Contracts
Bureau of Audit
1 Centre Street Room 500
New York, NY 10007 - 2341

Re: Audit Report on NYC Teachers' Retirement System
New York City Pensioners
Working for New York State after their Retirement
January 1, 2005 to December 31, 2005
FL07-086A

Dear Mr. Graham:

Please be advised that the Teachers' Retirement System (TRS) is in full compliance with all your recommendations. Attached, please find a TRS updated status report, which describes the type of action taken by TRS.

Again, as part of the TRS original audit plan, it is customary for TRS to suspend a member's pension allowance when that member exceeds his/her earnings after the limitation, as cited under Section RSSL 212, RSSL 211, or NYC Chapter 1117, in an appropriate and timely fashion.

In conclusion, TRS will continue its vigilance in seeking total adherence to the existing laws.

If you have any further questions regarding this status report, please feel free to contact me at (212) 612-5503.

Sincerely,

Stan Charles
Deputy Director
Internal Audit Division

Cc: N. Serrano, P. Raucci, A. Scully, S. Morrison-Goldfine, J. Kay, G. Davis III

2005 EAR Audit Report.xls

2005 Pension Overpayments - NYC Teachers' Retirement System ==> Service Retirees (New York State)

1	Pension #	Name	Date Retired	211 Waiver Y/N	OTC 2005 Pension	OTC Months Overpaid	OTC April Overpaid	2005 Employer	Mayor Issuing Agency	OTC 2005 Salary	Retro Payment amt	2005 Salary Diff	Issues/ Comments
1	U-710598-0	[REDACTED]	07/01/01	N	49,391	3	12,431	SUNY OLD WESTBURY/ STONYBROOK	SUNY	37,719	0	37,719.00	NOT EXCEEDED 211 waiver on file
2	U-716290-0	[REDACTED]	01/28/03	N	74,923	6	37,424	JOHN JAY COLLEGE	CUNY	40,317	30,202.56	10,114.44	NOT EXCEEDED Lump- sum reto payment= \$30,202.56
3	U-016629-0	[REDACTED]	01/28/03	N	51,879	3	12,970	COLLEGE OF SI	CUNY	33,344	12,758.37	20,585.63	NOT EXCEEDED Lump- sum reto payment= \$12,758.37
4	U-717752-0	[REDACTED]	01/28/03	N	87,516	6	43,763	NYC TECH COL	CUNY	40,301	17,051.86	23,249.14	NOT EXCEEDED Lump- sum reto payment= \$17,051.86
5	U-705453-0	[REDACTED]	08/02/88	N	49,750	8	33,272	NINTH JUDICI	CAC	95,402	0	95,402.00	NOT EXCEEDED 211 waiver on file
6	U-016544-0	[REDACTED]	01/28/03	N	52,369	1	4,401	COLLEGE OF SI	CUNY	31,026	18,478.34	12,547.66	NOT EXCEEDED Lump- sum reto payment= \$15,478.34
7	U-017591-0	[REDACTED]	01/28/03	N	48,191	1	3,622	COLLEGE OF SI	CUNY	30,746	11,737.86	18,978.14	NOT EXCEEDED Lump- sum reto payment= \$11,737.86
8	U-018822-0	[REDACTED]	01/28/03	N	56,233	1	4,686	LEHMAN COLLEGE	CUNY	31,138	15,985.30	15,152.70	NOT EXCEEDED Lump- sum reto payment= \$15,985.30
9	U-020805-0	[REDACTED]	01/28/03	N	49,948	1	4,162	NYC TECH COLLEGE	CUNY	29,417	11,704.73	17,712.27	NOT EXCEEDED Lump- sum reto payment= \$11,704.73
10	U-707899-0	[REDACTED]	7/1/2001	N	63,999	2	10,705			33,987	0	33,986.91	EXCEEDED 5/17/07- IA15
11	U-715808-0	[REDACTED]	01/28/03	N	89,288	5	37,348	BARUCH COLLEGE	CUNY	39,635	15,497.68	24,137.32	NOT EXCEEDED Lump- sum reto payment= \$15,497.68
12	U-715810-0	[REDACTED]	01/28/03	N	74,377	3	18,686	QUEENS COLLEGE	CUNY	33,984	10,530.51	23,463.49	NOT EXCEEDED Lump- sum reto payment= \$10,530.51
13	U-716027-0	[REDACTED]	01/28/03	N	49,899	2	8,322	YORK COLLEGE	CUNY	31,596	9,798.61	21,797.39	NOT EXCEEDED Lump- sum reto payment= \$9,798.61

2005 EAR Audit Report.xls

2005 Pension Overpayments - NYC Teachers' Retirement System ==> Service Retirees (New York State)

#	Pension #	Name	Date Retired	211 Waiver V/N	OTC 2005 Pension	OTC Months Overpaid	OTC Amt Overpaid	2005 Employer	Waiver Issuing Agency	OTC 2005 Salary	Retro payment amt	2005 Salary Diff	Issues/Comments
14	U-719309-0	[REDACTED]	01/28/03	N	75,245	3	18,726			35,512	15,497.68	20,114.32	NOT EXCEEDED Lump- sum reto payment= \$15,497.68
15	U-715283-0	[REDACTED]	01/28/03	N	\$ 84,989	7	\$ 49,564			\$ 42,512	18,674.41	23,837.59	NOT EXCEEDED Lump- sum. reto payment= \$18,674.41



CHRISTINE BAILEY
EXECUTIVE DIRECTOR

BOARD OF EDUCATION RETIREMENT SYSTEM
OF THE CITY OF NEW YORK
65 COURT STREET
BROOKLYN, NEW YORK 11201- 4965

718-935-5400
OUTSIDE NEW YORK STATE
1-800-843-5575

June 4, 2007

John Graham, Deputy Comptroller
Audits, Accountancy & Contracts
1 Centre Street - 5th Floor
New York, N.Y. 10007-2341

Re: Audit Report on NYC Pensioners
Working for New York State
After Their Retirement
January 1, 2005 - December 31, 2005
FL07-086A

Dar Mr. Graham:

We are in receipt of your recently issued draft audit report on "NYC Pensioners Working for New York State After Their Retirement" covering the period January 1, 2005 through December 31, 2005. For the period under consideration, you did not identify any retiree of the Board of Education Retirement System (BERS) who had violated any of the following laws, the New York State Education Law (Title 2, Article 52, § 2575), combined with the New York City Charter (§ 1117), the RSSL §211 and §212 or the New City Charter § 1117.

We concur with your conclusions, and though no violators have been found in this audit, we will continue to be vigilant in seeking total adherence to the aforementioned laws. Lastly, we would like to acknowledge the efforts of all parties involved in conducting this audit.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "John Cahalin".

John Cahalin
Director of Operations

cc: Anthony Scully, Bureau of Audit
Board of Trustees
Christine Bailey