NEW YORK STATE ASSEMBLY Internal Control Report July 1, 2019 through September 30, 2019



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INDEPENDENT ACCOUNTANTS' REPORT

To the Honorable Carl E. Heastie Speaker New York State Assembly:

We have examined management's assertion included in its representation letter dated November 25, 2019 that the New York State Assembly's internal controls maintained during the period July 1, 2019 through September 30, 2019, are sufficient to meet the criteria for maintaining internal control as established in the "New York State Governmental Accountability, Audit and Internal Control Act." The New York State Assembly's management is responsible for maintaining internal controls. Our responsibility is to express an opinion on whether internal control is adequate to meet such criteria based on our examination. The significant objectives and relevant controls supporting management's assertion are in the accompanying Appendix A.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and <u>Government Auditing Standards</u>, issued by the Comptroller General of the United States and, accordingly, included obtaining an understanding of internal controls over accounting and administrative operations, testing, and examining the design and operating effectiveness of the internal controls, and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion. Our examination did not constitute an audit of any financial statement prepared by the New York State Assembly, nor did it constitute an economy and efficiency or program audit described by <u>Government Auditing Standards</u>.

Because of inherent limitations in any internal control, misstatements due to errors or fraud may occur and not be detected. Also, projections of any evaluation of the internal control over administrative operations to future periods are subject to the risk that the internal control may become inadequate because of changes in conditions, or that the degree of compliance with the policies or procedures may deteriorate.

We understand that the New York State Assembly believes that the controls referred to in the first paragraph of this report meet the criteria for maintaining internal control as established by the "New York State Governmental Accountability, Audit and Internal Control Act." In our opinion, based on this understanding and on our examination, the New York State Assembly's internal controls maintained during the period July 1, 2019 through September 30, 2019 are sufficient, in all material respects, to meet the criteria established by the "New York State Governmental Accountability, Audit and Internal Control Act." In our opinion, based by the "New York State Governmental Accountability, Audit and Internal Control Act."

This report is intended for the information of the New York State Assembly and should not be used for any other purpose. However, this report is a matter of public record and its distribution is not limited.

EFPR Group, CPAS, PLLC

Williamsville, New York November 25, 2019

BUDGET

Significant Objectives

Budgets and amendments are prepared and approved in accordance with legal requirements.

Budgetary compliance is monitored and noncompliance prevented or detected and properly corrected.

Relevant Controls

• Assembly appropriations are authorized by the Governor.

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- The Budget Director or other designee authorizes Budget Transfer Journals to move appropriated funds between budgetary programs. Budget Journals are approved on-line by the Office of the State Comptroller (OSC) through the Statewide Financial System (SFS).
- Appropriation is compared to the expenditures on a regular basis. Any significant variances are brought to the attention of the Director of Administration.
- Re-appropriations are monitored against the budget of the prior period.

PERSONNEL

Significant Objectives

Proper employee information is obtained, on file and safeguarded.

Appointments are made and terminated according to management authorization.

Relevant Controls

- Personnel files are established for each appointment (excludes members) upon hiring/appointment.
- Personnel files include all relevant documentation as required by Personnel procedures.
- Personnel, Benefit, Time and Attendance files are maintained within the respective units of the Human Resources Department for all Assembly staff and for Members, where required.

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- Personnel Action Request (PAR) is completed for all personnel transactions and approved by the Member or Appointing Authority.
- PAR data is entered into the personnel system and a T-form is generated. Supervisory review of the transaction and supporting documentation is indicated by electronic approval. Additional review and approval is provided by the Director of Human Resources and by the Director of Minority Administration and Personnel (minority personnel).
- For all terminations, Time and Attendance sends timebank balance information to Personnel to identify sick time to be banked for retirement or transferred to another state agency, and/or vacation time payable. Personnel verified that negative timebank balances are recouped before final paychecks are released.
- Finance maintains appropriation balance registers which ensures adequate funds are available.

PERSONNEL

Significant Objectives

Appointments are made in compliance with applicable federal and state law.

Relevant Controls

- Administrative Counsel monitors employment issues and is available for review of applicable employment laws.
- All new appointments must file an I-9 (immigration form) for proof of employment eligibility.

TRAINING

Significant Objectives

Employees are adequately trained.

Relevant Controls

- On the job training is provided within Departments.
- Assembly Members and staff are informed of the schedule and subject matter of Assembly training events. This is done through the circulation of announcements, bulletins, schedules, posters, course descriptions, letters, audio-visual material, or any other relevant and effective means. Software training opportunities are published on the Assembly Internet.

BENEFITS

Significant Objectives

Assembly Members and staff are properly informed of the benefit programs they are eligible to participate in and the employees have made the appropriate elections.

Relevant Controls

- A mandatory orientation program is conducted for all Albany-based new hires of the Assembly that includes the distribution of the "Employee Information Guide" containing benefit information. The information is mailed directly to their home address for non-Albany based employees.
- Updates to the Guide are distributed periodically and reprinted in its entirety biannually. Letters are mailed directly to home addresses or an email is sent to all Assembly employees to publicize changes in benefits.
- Biweekly, Benefits unit monitors changes in payroll status that impact benefits.

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 Benefit program participation is monitored to ensure employees are accumulating/participating in the elected or required benefit programs.
 Employees are registered in the NYS Civil Service's Benefits Eligibility and Accounting System (health benefits) and the Office of the State Comptroller's Employee Retirement System (retirement benefits).

EMPLOYEE COMPENSATION

Significant Objectives

Records of time worked are completed and approved.

Relevant Controls

- Timesheets are completed for all Assembly staff each pay period and are signed by the individual and their time supervisor.
- When a timesheet is delinquent (not received 35 days after payday), paychecks are withheld unless there are mitigating circumstances.
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- An authorized PAR documents all personnel transactions. Input to the personnel system, based on the PAR generates a T-form. The T-form is the basis for initiating a payroll transaction, which is processed through OSC's payroll system (PAYSERV).
- All Assembly Members and staff complete an oath of office form.
- System generated check distribution lists are used to distribute payroll checks.
- Payroll compares and reconciles the current pay period check distribution list to the prior pay period, as well as any changes that have occurred from the generated T-forms.
- Payroll staff compares each check received from OSC to the distribution list.
- Any checks held by the payroll unit are locked in a safe or cabinet with limited access.
- When an employee picks up a paycheck, that individual must sign for it.

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Salaries, wages and benefits are incurred only for assignments authorized and performed.

EMPLOYEE COMPENSATION

Significant Objectives

Salaries, wages and benefits are calculated at the proper rate.

Salaries, wages benefits and related liabilities are

recorded correctly as to fund, account, amount

and period.

Relevant Controls

- Member salaries and special allowances are authorized by law in the legislative budget.
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- Transactions are verified twice before being finalized in the PAYSERV system at OSC.
- The Speaker authorizes designees to certify payroll transactions sent to OSC. Designees use the PAYSERV System for on-line certification to authorize payroll disbursements. Changes to bi-weekly rates, title changes, line changes and appointments or terminations are obtained from the certified T-forms.

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- APC056 Ledger Verification Report reconciles the Assembly's personnel system to the PAYSERV payroll system. Exceptions are reviewed and corrected by the finance department.
- The payroll unit reviews a bi-weekly appropriations balance log for the various payrolls to ensure that the personal service is charged to the appropriate budget line items.

PURCHASE TRANSACTIONS

Significant Objectives

Goods (including capital items) or services are purchased with proper authorization and in compliance with legal requirements.

Relevant Controls

- An item requisition is required for all purchase order related vouchers. The item requisition is reviewed by the Director of Procurement for proper approval.
- Item requisitions are signed by the Member, Department or Unit head or designee and approved by either the Director of Procurement, the Budget Director or the Director of Administration. Item Requisitions initiated by the Director of Procurement are signed by either the Budget Director or the Director of Administration, or designee.
- The Budget Director must sign all item requisitions over \$5,000, indicating budgetary approval.
- Minority office purchases are approved by the Minority Director of Administration and Personnel or designee.
- Thresholds are set, within Purchasing procedures, requiring formal and informal bidding and the documentation of vendor selection.
- Single purchases over \$50,000 are pursuant to the Office of General Services (OGS) centralized contract procedures which may include bidding requirements. Documentation of the OGS centralized contract is maintained in the procurement record. All purchases are reviewed by the Director of Procurement, and the Budget Director for budgetary approval (over \$5,000).
- All purchase order numbers are computer generated in sequential order.

PURCHASE TRANSACTIONS

Significant Objectives

Relevant Controls

- The Director of Purchasing or designee reviews and approves the purchase order.
- Compliance with the prompt payment law requires the Assembly to pay vendors within 30 calendar days of the Merchandise/Invoice Receipt (MIR) date. This is monitored in the Finance Department as a part of voucher processing. MIR dates are entered into the voucher processing system and exception reports are produced and monitored to prevent late payments.

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- For Albany area offices purchase order transactions, receiving personnel physically count the items received and compare the items to the vendor's packing list and shipper's bill of lading, and approve a receiving report which is sent to Purchasing and the Finance Department.
- An inventory receipt form, produced along with the receiving report, is sent with the items to the delivery location specified on the purchase order. This form is signed by the requesting unit to confirm receipt at the delivery location, and a copy is sent back to the Inventory Management Unit.
- For District Office transactions, receipt of goods is verified by the Member's signature on either an inventory receipt form, the voucher or invoice or other supporting documentation.
- The Finance Department audits the voucher package for accuracy, completeness, duplication of payment, and agreement between the purchase order, receiving report or work performance form (receipt of services), invoice and any other supporting documentation and evidences approval on the voucher package.

Goods (including capital items) or services received and related liabilities are recorded correctly as to fund, account, amount and period.

PURCHASE TRANSACTIONS

Significant Objectives

Relevant Controls

- Voucher numbers are computer generated in sequential order.
- Director of Finance or designee approves each voucher.
- Voucher data is transmitted electronically to OSC and verified daily. The Office Automation and Data Processing (OADP) department runs a series of daily programs that compare the OSC and Assembly expenditure and payment data. Exception reports are produced by OADP and are reviewed and reconciled daily by the Finance Department.

CONTRACTS

Significant Objectives

Goods (including capital items) or services are purchased with proper authorization and in compliance with legal requirements.

Relevant Controls

- An item requisition is required for all contracts. The item requisition is reviewed by the Director of Procurement for proper approval.
- Item requisitions are authorized by the Member, Department or Unit head or designee and approved by either the Director of Procurement, the Budget Director or the Director of Administration. Item requisitions initiated by the Director of Procurement are authorized by either the Budget Director or the Director of Administration.
- Minority office items requisitions are approved by the Minority Director of Administration or designee.
- For any contract where bidding is required, at least five written bids are solicited. When bidding is not required, there is documentation maintained in the procurement records as to the reason why bidding did not take place (e.g. OGS centralized contracts, sole or single source procurement) which is reviewed by either the Director of Procurement, Budget Director, or the Director of Administration. All Requests for Proposals (RFP) and Invitation for Bids (IFB) are reviewed by Administrative Counsel before they are issued by the Assembly. All contract awards are reviewed by Administrative Counsel and the Budget Director for budgetary approval (over \$5,000).
- The contract is signed by either the Director of Procurement, Budget Director or Director of Administration. Contracts in excess of \$50,000 are approved by the Attorney General and OSC.

CONTRACTS

Significant Objectives

Relevant Controls

- Contract encumbrances are posted and sent to OSC electronically. Encumbrances are reviewed and reconciled through the Finance Department's daily reporting process.
- Compliance with prompt payment law requires the Assembly to pay vendors within 30 calendar days of the Merchandise/Invoice Receipt (MIR) date. This is monitored in the Finance Department as a part of voucher processing. MIR dates are entered into the voucher processing system and exception reports are produced and monitored to prevent late payments.

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- For Albany area offices contract transactions, receiving personnel physically count the items received and compare the items to the vendor's packing list and shipper's bill of lading, and prepare and approve a receiving report which is sent to the Finance Department.
- An inventory receipt form, produced along with the receiving report, is sent with the items to the delivery location. This form is signed by the requesting unit to confirm receipt at the delivery location, and a copy is sent back to the Inventory Management unit.
- For District Office transactions, receipt of goods is verified by the Member's signature on either an inventory receipt form, the voucher or invoice or other supporting documentation.
- The Finance Department audits the contract voucher package for agreement with contract terms, accuracy, completeness, duplication of payment, coverage period, receiving report or work performance form (receipt of services) where applicable, invoice and any other supporting documentation and evidences approval on the voucher package.

Goods (including capital items) or services received and related liabilities are recorded correctly as to fund, account, amount and period.

CONTRACTS

Significant Objectives

Relevant Controls

- Voucher numbers are computer generated in sequential order.
- Director of Finance or designee approves each voucher.
- Vouchers are electronically posted against the available encumbrance balance.
- Voucher data is transmitted electronically to OSC and verified daily. OADP runs a series of daily programs that compare the OSC and Assembly encumbrance, expenditure and payment data. Exception reports are produced by OADP and are reviewed and reconciled daily by the Finance Department.

JOURNAL VOUCHERS

Significant Objectives

Adjustments to the general ledger are properly authorized and recorded correctly as to fund, account, amount and period.

Relevant Controls

• All journal vouchers (error corrections, chargebacks, journal transfers, legislative chargebacks and refund of appropriations) are approved by the Director of Finance or designee. In addition, legislative chargebacks are approved by the appropriate department/unit head.

POSTAGE

Significant Objectives

Relevant Controls

Postage expenditures are properly authorized.

- Postage requisition forms must be completed and signed to authorize processing through the Assembly's mail room.
- The Director of Finance or designee reviews and signs the voucher used to increase the postage meter reserve level.
- Daily, the Finance Department reconciles postage request forms to postage meter readings.

DISTRICT OFFICE

Significant Objectives

Leases and other District Office expenses are properly authorized and in compliance with legal requirements.

District Office expenditures are recorded correctly as to fund, account, amount and period.

Relevant Controls

- Each lease is signed by the Assembly's Administrative Counsel and reviewed by the Attorney General and OSC.
- For each new lease, the landlord signs a statement attesting that the lease is not with an Assembly Member or Assembly staff or immediate relative, or a Company in which the Assembly Member or Assembly staff or immediate relative has an interest.
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- District office vouchers are reviewed by the Finance Department to ensure that expenditures do not exceed allotted limits, and that the expenditure type appears on a list of allowable expenditures. Voucher processing system edits prevent District Office allotments from being exceeded.
- Director of Finance or designee approves each voucher.

TRAVEL VOUCHERS

Significant Objectives

Travel expenses and travel advances are properly authorized.

Relevant Controls

- The Assembly has established written Travel Policies which are available to Members and staff.
- Request for travel approval (RTAs) are signed by the traveler and approved by a supervisor.
- Member request for travel approvals (MRTA) (where required) for Majority Members are approved by the Speaker. RTAs for Majority Member staff and central staff are approved by the Director of Administration or designee. MRTAs/RTAs (where required) for Minority Members and staff are approved by the Minority Leader or designee.
- The Finance Department audits travel vouchers for payee name, adherence to guidelines, completeness, accuracy, appropriate signatures, agreement to RTA/MRTA where required, and applicable receipts, and evidences approval on the voucher package.
- Director of Finance or designee approves each voucher.

PROPERTY AND EQUIMENT

Significant Objectives

Property and equipment are properly secured until moved to their destination.

Relevant Controls

- Receiving personnel physically count items received and compare the items to the vendor's packing list and shipper's bill of lading.
- A receiving report is completed at the time items are counted and inspected. A supervisor reviews all receiving reports for accuracy. Receiving reports are distributed to Purchasing and Finance.
- An inventory receipt form, produced along with the receiving report, is sent with the items to the requesting unit's delivery location. This form is signed by the requesting unit to confirm receipt at the delivery location, and a copy is sent back to the Inventory Management Unit.

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• Equipment and furniture is tagged with an Assembly decal.

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Property and equipment are appropriately recorded on the Inventory Tracking System in a timely manner.

PROPERTY AND EQUIMENT

Significant Objectives

The location of property and equipment is known and reconciled periodically and physical loss is prevented.

Relevant Controls

- Based on documented criteria for tracking assets, the Inventory Tracking System is updated, via data from the inventory receipt form, receiving report and purchase order.
- Data input to the Inventory Tracking System is reviewed by the supervisor of Inventory Management utilizing maintenance reports issued by OADP.
- The written physical inventory plan has the prior approval of the Director of Procurement.
- Physical inventories are taken at all Albany locations and also at the district and regional offices. The annual inventory plan documents the cycle during which inventories take place. The results of the physical inventory are signed by the Inventory Management Unit and the Member, Department/Unit head or designee.
- The Director of Procurement signs the Supervisor's summary after the inventory paperwork has been reviewed.

CENTRALIZED DATA PROCESSING

Significant Objectives

Development and changes to programs are authorized, tested and approved prior to being placed into production.

Relevant Controls

- Written standards and procedures exist for application development and maintenance and are reviewed and updated at least annually by the Manager of Application Programming.
- Separate test and production environments are maintained. Development activities are performed in test. Programmers have read-only access to production environment.
- Requests for new and modifications to custom application software and production programs are made in writing via a user request for programming services form. The users and Central Data Processing (CDP) personnel approve this form at key development points.
- Users are responsible for providing test data.
- CDP performs unit and systems testing. Parallel testing is used for significant system changes. Test results are retained and used to assist future testing.
- A migration utility is used to move changes into production. Administrators cross reference program changes to migration reports to the user request forms and verify date and time stamps to ensure only authorized changes are migrated to production. Any discrepancies are communicated to the Director.
- The Director of CDP reviews all migrations to production daily.
- Utilities and compilers are limited to programmers in the development/test environment.
- System and program documentation is maintained for each application to assist users for maintenance of the systems.
- Emergency program database and production changes are made by the Manager of Applications using a special user ID when assuming the role of database administrator backup. These changes are handled the same as scheduled changes. The Director of CDP reviews this access monthly.

CENTRALIZED DATA PROCESSING

Significant Objectives

Relevant Controls

- Changes to system software follow vendor recommended installation procedures. All modifications are documented in the Change Management System section of the CDP Procedures.
- The Director is notified directly of problems with production programs and data files both by the operations staff and end users. Daily processing problems are logged in the operator log.
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- The computer room is locked and controlled with card key access. All access to the computer room is logged by the card key system. The manager of operations reviews a card key access report that is generated by the system each week and reports his findings to the Director of CDP. The Director of CDP approves all access.
- All visitors are required to sign in on the visitors log and obtain approval from the Manager of Operations to gain access to the computer room.
- The tapes and cartridges are catalogued in the tape library log and are kept in the computer room.
- Programmers are restricted from initiating online transactions via ID security and a customized security system.
- Requests for changes to system access are made in writing by filling out a request form. The form requires Manager of Systems approval. Requests for changes to access custom applications are made in writing using the user access request form. Both forms require Department head approval, and are kept on file within CDP.

Access to data files is appropriately restricted to authorized users and programmers.

CENTRALIZED DATA PROCESSING

Significant Objectives

Relevant Controls

- Passwords are assigned to individuals and are changed periodically. Password controls have been defined.
- After a number of failed attempts to access the system, the user ID is deactivated and requires action by the Help Desk and Operations to reactivate it.
- Periodically, CDP verifies with the department heads, in writing, the appropriateness of user access privileges. Changes are processed on the user access request form.
- Annually, the Manager of Systems reviews user access to verify that access granted is appropriate. The Manager of Systems reports the results to the Director of CDP.
- After each payroll period, Systems staff reviews Human Resources personnel termination and leave date, and data regarding personnel who have changed units to evaluate and ensure appropriate access.
- Access violations are recorded in the system generated operations log and reported to the Manager of Systems for review. System security is controlled through the Resource Access Control Facility (RACF) security software. The security environment is administered solely by the systems programming staff.
- Changes to RACF security access are made only by the systems staff, except for the ability of programmers to control access to their own files.

CENTRALIZED DATA PROCESSING

Significant Objectives

Computer operations procedures are appropriately authorized and monitored.

Relevant Controls

- Application passwords for end users may be changed by the operations staff upon receipt of a request via email from the OADP Help Desk. The temporary password assigned by Operations is then changed by the user upon log-in.
- The Manager of Operations compares the daily log to the scheduled production and the nonscheduled production to verify that only authorized production occurred. The Manager of Operations approves the daily log.
- Specific jobs are documented in the operators run schedule for each day's processing approved by the Manager of Operations.
- Any additions/deletions/modifications, including one-time production program execution, to the operator's run schedule are requested via a user request for services form and documented on the daily log.
- Application problems are identified by end users or programmers via the user request form.
- All computer hardware, protection systems, power systems, and environment control systems are maintained and inspected routinely. The Manager of Operations documents any issue with computer hardware in accordance with the Problem Management section of the CDP manual.

CENTRALIZED DATA PROCESSING

Significant Objectives

Reduce the likelihood of loss of internal proprietary information.

Relevant Controls

- A contingency plan for disaster recovery exists. Fire and emergency procedures are documented and communicated to operations.
- Daily files are backed up nightly and are secured and stored in a fireproof safe. Weekly and monthly backup tapes are rotated off-site. Weekly tapes are maintained offsite for six weeks, monthly tapes are maintained offsite for three months.
- System software recovery procedures exist and are tested periodically to determine recovery of data in the event of hardware/software malfunction.