



BUREAU OF FRAUD INVESTIGATION

REFERRAL OF CITY EMPLOYEE CASES

PROCEDURE

Revised

November 23, 2015

Prepared by:

**Management Analysis, Policy & Data
Division**

**Investigation, Revenue and
Enforcement Administration**

PROCEDURE NOTE:

This supersedes any and all prior versions, documents and guidelines issues pertaining to this subject matter.

The following procedure is intended to be a confidential document prepared exclusively for use and review by IREA employees. The purpose of this procedure (including any modifications) is to provide support and guidance to Investigations, Revenue, and Enforcement Administration (IREA) staff. Nothing in this procedure is intended to create or does create any enforceable rights, remedies, entitlements, or obligations. IREA reserves the right to change or suspend any or all parts of this procedure at any time.

For staff handling investigation into IREA/BFI matters, the purpose of the aforementioned material is to facilitate the workflow and establish guidelines that can be applied fairly to all our clients. Be advised that real life cases dictate the process of investigations and it is expected that there will be reasonable deviations from the printed guidelines. Given the nature of the work performed by HRA, it is unlikely that any two cases would be identical. We have to be responsive to individuals who seek our services and take into account individual circumstances. Accordingly, the investigators under management supervision may have to exercise discretion to ensure that proper determinations are made. These guidelines are not intended to prevent review, limit discussion, or predetermine the path of investigation of individual cases.

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AUDIENCE

This procedure is intended for all Investigation, Revenue, and Enforcement Administration (IREA) Bureau of Fraud Investigation (BFI) staff.

POLICY

BFI is mandated by NYS/DSS Regulation §§ 348.2 and 348.3 to conduct investigations of individuals and organized groups alleged to be attempting to or committing fraudulent acts against the programs administered by HRA.

BACKGROUND

BFI investigates allegations of fraudulent receipt of social service benefits. Benefits include Cash Assistance (CA), Medicaid (MA), Supplemental Nutrition Assistance Program (SNAP), and Child Care. In the course of their work, BFI investigators may come upon clients who are also New York City employees. These cases must be handled specially. This procedure provides guidance on how each case should be handled.

CASES FOR NEW YORK CITY EMPLOYEES

During the course of an investigation, if the investigator identifies a client as an employee of the City of New York, the investigator will:

1. Determine if the client is a city employee or a spouse/partner of a city employee.
 - If the client is the spouse or partner of a City employee, this procedure does not apply, **even if the City employee is on the case.**
2. Determine which government agency the City employee belongs to:
 - a. Human Resources Administration (HRA)
 - Refer to instructions in Step 3.
 - b. Mayoral Agency, MTA and HHC Employees (see list in *ATTACHMENT A*)
 - Refer to instructions in Step 4.
 - c. New York City Police Department (NYPD)
 - Refer to instructions in Step 5.
 - d. Employees from State or Federal Agencies (e.g., New York State Office of Temporary and Disability Assistance (OTDA), U.S. Homeland Security, United States Department of Agriculture), (See list of State agencies in *ATTACHMENT B*)
 - Refer to instructions in Step 6.
 - **When in doubt about which agency the City employee belongs to, DO NOT GUESS - CONSULT WITH YOUR SUPERVISOR.**
3. **HRA Employees:** Stop the investigation immediately.
 - a. The manager will prepare the, “Subject is Employee of HRA” memorandum (BFI-209c), (see *ATTACHMENT C*) and submit it to the BFI Assistant Deputy Commissioner.
 - b. BFI Assistant Deputy Commissioner then completes, “Notification to DOI: Investigation of HRA Employee” memorandum (BFI-209d), (*ATTACHMENT D*) and mails it to the HRA Inspector General at the Department of Investigation (DOI), who takes jurisdiction of the case.

- c. The case folder should be retained by the division that initiated the investigation until it is requested by DOI. The case folder should be scanned and indexed before it is sent to DOI.
4. **NYC Mayoral Agency Employees, MTA and HHC Employees:** The investigator continues the investigation.¹ If the case is NOT substantiated, the case folder is updated with an appropriate disposition.

If the case is substantiated, the actions outlined below must be taken:

District Attorney (DA) Referral

- a. The investigator must complete the DA referral package and forward to BFI's Prosecution Unit, indicating the case involves a City Employee.
- b. Once BFI's Prosecution Unit receives the referral package, the Unit must:
 - Send a notice of the referral to the HRA Inspector General at DOI using the, "Notification to DOI: Pending City Employee DA Referral" memorandum (BFI-209a) (*see ATTACHMENT E*).
 - The BFI Assistant Deputy Commissioner's signature is required on the form.
 - The notice is sent **before** formally referring the case to the DA.
 - After sending the memorandum to DOI, the Prosecution Unit waits up to ten (10) business days before referring the case to the DA.

Recoupments/Voluntary Recoveries

- a. If the investigator determines that there was overpayment, and recovery of funds from the client is required, the investigator completes the case as usual.
 - Claims against active cases are collected through recoupment, unless the client voluntarily requests to make monthly repayments through another method e.g., negotiable instruments, return of EBT payments;
 - Claims against closed cases may be collected by voluntary recovery. The client agrees to make voluntary installment payments or a lump sum payment.
 - b. No referral notice to DOI is required.
5. **NYPD:** Continue the investigation. If fraud is determined:

- a. The manager will complete the, "Subject of Investigation is Employee of" memorandum (BFI-209b), (*see ATTACHMENT F*) and submits it to the BFI Assistant Deputy Commissioner.
- b. The BFI Assistant Deputy Commissioner then completes the "Notification of Investigation of Employee" (BFI-209e) (*see ATTACHMENT G*) and mail to the NYPD Internal Affairs Division with a copy sent to the Department of Investigation (DOI).

If fraud is NOT determined, the case folder is updated with an appropriate disposition.

¹ For City Employee matches (i.e., Project 480) a letter (BFI-209) to DOI will be sent with a full list of targets. After ten (10) business days, if there is no DOI objection, the cases are loaded into IRIS. No further communication need be sent unless/until the case becomes a DA Referral.

6. **Employees from State and Federal Agencies:** Continue the investigation and the manager will:
 - a. Complete the, “Subject of Investigation is Employee of” memorandum (BFI-209b), (*see ATTACHMENT F*) and submits it to the BFI Assistant Deputy Commissioner.
 - b. BFI Assistant Deputy Commissioner then completes, “Notification of Employee Investigation” memorandum (BFI-209e) (*see ATTACHMENT G*).
 - c. The memorandum is sent to the employee’s agency.
 - d. BFI may be asked by that agency to conduct a joint investigation.

CITY EMPLOYEE DATA MATCH

In addition to discovering City employees in the course of an investigation, IREA Systems receives a match of City employees receiving public benefits.

1. IREA Systems forwards the match to a Research Data Analyst in the Data Analytics Unit.
2. The Analyst reviews the matches and determines if the employee is potentially ineligible for benefits.
3. The Analyst then forwards ALL names of City Employees found to be potentially ineligible to the Director of Data Analytics and Reporting.
4. The Director of Data Analytics and Reporting will forward the names to the BFI Assistant Deputy Commissioner.
5. The BFI Assistant Deputy Commissioner completes the following steps:
 - **HRA Employees:** the “Notification to NYC Department of Investigation of City Employees found on IREA Data Match” memorandum (BFI-209) (*see ATTACHMENT H*) is completed and mailed to the HRA Inspector General.
 - **NYC Mayoral Agency Employees, MTA and HHC Employees:** the “Notification to NYC Department of Investigation of Non-HRA City Employees found on IREA Data Match” (BFI-209f) (*see ATTACHMENT I*) is completed and mailed to the employees’ agency Inspector General, with a copy sent to the Department of Investigation (DOI).
 - **NYPD Employees:** Only after the investigation has been completed and fraud is determined, the manager will complete the, “Subject of Investigation is Employee of” memorandum (BFI-209b), (*see ATTACHMENT F*) and submit it to the BFI Assistant Deputy Commissioner. Then the “Notification of Investigation of Employee” (BFI-209e) (*see ATTACHMENT G*) is completed and mailed to the NYPD Internal Affairs Division with a copy sent to the Department of Investigation (DOI).

REFERENCES	<ul style="list-style-type: none"> ▪ NYS SSL §134.b – Front-End Detection System (FEDS) ▪ 18 NYCRR §348.2-3
RELATED ITEM	<ul style="list-style-type: none"> ▪ FIA-1004(E) – July 2011 Recoupment Process
ATTACHMENTS	<ul style="list-style-type: none"> A. List of DOI Offices of Inspectors General B. State Agencies C. BFI-209c: Subject is Employee of Human Resources Administration D. BFI-209d: Notification to DOI: Investigation of HRA Employee E. BFI-209a: Notification to DOI: Pending City Employee DA Referral F. BFI-209b: Subject of Investigation is Employee of (State or Federal Agency) G. BFI-209e: Notification of Employee Investigation H. BFI-209: Notification to NYC DOI of City Employee Found on IREA Data Match I. BFI-209f: Notification to NYC DOI of Non-HRA City Employee Found on IREA Data Match J. Decision Tree

ATTACHMENT A: List of DOI Offices of Inspectors General

- Administration for Children's Services
- Department for the Aging
- New York City Board of Elections
- Board of Standards and Appeals
- Department of Buildings
- Buildings Special Investigation Unit
- Business Integrity Commission
- Office of the Chief Medical Examiner
- City Libraries
- Department of City Planning
- City Planning Commission
- Department of Citywide Administrative Services
 - City Civil Service Commission
- Department of Consumer Affairs
- Department of Correction
 - Board of Correction
- Department of Cultural Affairs
- Department of Design and Construction
- Economic Development Corporation
- Department of Environmental Protection
- Department of Finance
 - Office of the Sheriff
- Financial Information Services Agency (FISA)
- Fire Department
 - FD / Bureau of Emergency Medical Services (EMS)
 - Office of Emergency Management
- Department of Health
 - Board of Health
- Department of Homeless Services
- Housing Development Corporation
- Housing Preservation and Development
- Human Resources Administration
- Department of Information Technology and Telecommunications (DOITT)
- Office of Labor Relations
- Landmarks Preservation Commission
- Department of Juvenile Justice
- Lobby Law
- Office of Management and Budget (OMB)
- Marshals Bureau
- New York City Employee Retirement Systems (NYCERS)
- New York City Housing Authority
- New York City School District
- Not-For-Profit Vendor Fraud Unit
- Department of Parks and Recreation
- Office of Payroll Administration
- Department of Probation
- Public Administrators
- Department of Records and Information Services (DORIS)
- Department of Sanitation
- School Construction Authority

- Small Business Services
- Tax Commission / Tax Tribunal
- Taxi and Limousine Commission
- Department of Transportation
- Department of Youth & Community Development
- Division of Youth and Family Justice

ATTACHMENT B: State Agencies

- ◆ [511ny, - Get Connected To Go](#)
- ◆ [Adirondack Park Agency](#)
- ◆ [Aging, Office for](#)
- ◆ [Agriculture and Markets, Department of](#)
- ◆ [Alcoholic Beverage Control, Division of \(State Liquor Authority\)](#)
- ◆ [Alcoholism and Substance Abuse Services, Office of](#)
- ◆ [Arts, Council on](#)
- ◆ [Assembly, New York State](#)
- ◆ [Attorney General, Office of](#)
- ◆ [Authority Budget Office](#)
- ◆ [Battery Park City Authority](#)
- ◆ [Bridge Authority, New York State](#)
- ◆ [Budget, Division of](#)
- ◆ [Buffalo Fiscal Stability Authority](#)
- ◆ [Central Pine Barrens Joint Planning and Policy Commission, The](#)
- ◆ [Children and Families, Council on](#)
- ◆ [Children and Family Services, Office of](#)
- ◆ [City University of New York](#)
- ◆ [Civil Service, Department of](#)
- ◆ [Community Renewal, Office of](#)
- ◆ [Consumer Protection, Division of](#)
- ◆ [Corcraft Products \(Dept. of Corrections and Community Supervision, Division of Industries\)](#)
- ◆ [Correction, Commission of](#)
- ◆ [Correctional Services, Division of Industries \(Corcraft\), Department of](#)
- ◆ [Corrections and Community Supervision, Department of](#)
- ◆ [Counter Terrorism, Office of](#)
- ◆ [Court Administration, Office of](#)
- ◆ [Criminal Justice Services, Division of](#)
- ◆ [Cyber Security, Office of](#)
- ◆ [Developmental Disabilities Planning Council](#)
- ◆ [Dormitory Authority](#)
- ◆ [Education, Department of](#)
- ◆ [Elections, Board of](#)
- ◆ [Emergency Management, Office of](#)
- ◆ [Empire State Development](#)
- ◆ [Employee Assistance Program, NYS](#)
- ◆ [Employee Relations, Governor's Office of](#)
- ◆ [Employment Relations Board, NYS](#)
- ◆ [Energy Research and Development Authority](#)
- ◆ [Environmental Conservation, Department of](#)
- ◆ [Environmental Facilities Corporation](#)
- ◆ [Erie County Fiscal Stability Authority](#)
- ◆ [Family Assistance, Department of](#)
- ◆ [Financial Control Board, New York State](#)
- ◆ [Financial Services, Department of](#)
- ◆ [Fire Prevention and Control, Office of](#)
- ◆ [General Services, Office of](#)
- ◆ [Geographic Information Systems \(GIS\) Clearinghouse](#)
- ◆ [Governor's Office](#)
- ◆ [Governor's Traffic Safety Committee](#)
- ◆ [Health, Department of](#)
- ◆ [Higher Education Services Corporation](#)
- ◆ [Homeland Security and Emergency Services, Division of](#)

- ◆ [Homes and Community Renewal, Division of](#)
- ◆ [Housing Finance Agency/State of NY Mortgage Agency \(SONYMA\)](#)
- ◆ [Hudson River Park Trust](#)
- ◆ [Hudson River Valley Greenway](#)
- ◆ [Human Rights, Division of](#)
- ◆ [Information Technology Services, Office of](#)
- ◆ [Inspector General, Office of the](#)
- ◆ [Insurance Fund, State](#)
- ◆ [Interoperable and Emergency Communications, Office of](#)
- ◆ [Joint Commission on Public Ethics](#)
- ◆ [Judicial Conduct, Commission on](#)
- ◆ [Labor, Department of](#)
- ◆ [Local Government Efficiency & Competitiveness, Commission on](#)
- ◆ [Lottery, Division of](#)
- ◆ [Medicaid Inspector General, Office of](#)
- ◆ [Mental Health, Office of \(En Español\)](#)
- ◆ [Metropolitan Transportation Authority](#)
- ◆ [Military and Naval Affairs, Division of](#)
- ◆ [Motor Vehicles, Department of](#)
- ◆ [Nassau County Interim Finance Authority](#)
- ◆ [New York State Department of Financial Services](#)
- ◆ [New York State Gaming Commission](#)
- ◆ [New York State Law Revision Commission](#)
- ◆ [Office of Victim Services \(En Español\)](#)
- ◆ [Olympic Regional Development Authority](#)
- ◆ [Parks, Recreation and Historic Preservation, Office of](#)
- ◆ [Parole, Division of](#)
- ◆ [People With Developmental Disabilities, Office for](#)
- ◆ [Port Authority of New York and New Jersey](#)
- ◆ [Power Authority](#)
- ◆ [Prevention of Domestic Violence, Office for the](#)
- ◆ [Probation and Correctional Alternatives, Division of](#)
- ◆ [Public Employment Relations Board](#)
- ◆ [Public Service, Department of](#)
- ◆ [Quality of Care and Advocacy for Persons with Disabilities, Commission on](#)
- ◆ [Roosevelt Island Operating Corporation of the State of New York](#)
- ◆ [Science, Technology and Innovation, NYS Foundation for](#)
- ◆ [Senate, New York State](#)
- ◆ [South Shore Estuary Council](#)
- ◆ [State Comptroller, Office of](#)
- ◆ [State Employees Federated Appeal \(SEFA\)](#)
- ◆ [State Police, Division of](#)
- ◆ [State University Construction Fund](#)
- ◆ [State University of New York \(SUNY\)](#)
- ◆ [State, Department of](#)
- ◆ [Tax Appeals and Tax Appeals Tribunal, Division of](#)
- ◆ [Taxation and Finance, Department of](#)
- ◆ [Teachers' Retirement System](#)
- ◆ [Technology, Office for](#)
- ◆ [Temporary and Disability Assistance, Office of](#)
- ◆ [Thruway Authority](#)
- ◆ [Transportation, Department of](#)
- ◆ [Veterans' Affairs, Division of](#)
- ◆ [Welfare Inspector General, Office of the](#)
- ◆ [Workers Compensation Board](#)

ATTACHMENT C: Subject is Employee of the Human Resources Administration (BFI-209c)

BFI-209c
09/09/2014

MEMORANDUM

THE CITY OF NEW YORK
HUMAN RESOURCES ADMINISTRATION

DATE: January 1, 2001

TO: Laura Parker
Assistant Deputy Commissioner
Bureau of Fraud Investigation

FROM: <BFI Manager>

SUBJECT: **Subject is Employee of the Human Resources Administration**

This memorandum informs you that the subject listed below is an employee of the Human Resources Administration. This investigation should be forwarded to DOI for completion. Please contact <Contact Name> at <Telephone Number> for further information.

IRIS Control # _____
Case Category: _____
Case Name: _____
Case Number: _____
Period of Receipt: _____

cc: <Supervisor>
<Investigator>

ATTACHMENT D: Notification to DOI Investigation of HRA Employee (BFI-209d)

BFI-209d 05/05/2015



INVESTIGATION, REVENUE AND ENFORCEMENT ADMINISTRATION
BUREAU OF FRAUD INVESTIGATION
250 CHURCH STREET, 3rd FLOOR
NEW YORK, NY 10013

January 1, 2001

Milton Yu
Inspector General
New York City Department of Investigation
80 Maiden Lane
New York, NY 10038

Re: Notification to DOI: Investigation of HRA Employee

IRIS Control # _____
Case Category: _____
Case Number: _____
Period of Receipt: _____

Dear Mr. Yu:

This letter informs you that the Bureau of Fraud Investigation (BFI) has suspended the investigation into the individual named below per Mayoral Executive Order 105:

Name	Social Security Number	Agency	Date of Hire	Wage	Wage Period
	xxx-xx-	HRA	12/12/2001	\$0.00	Select...

Please contact Director <Director's name> at telephone number <Phone number> or email address <Email address> should you need additional information.

Sincerely,

Laura Parker
Assistant Deputy Commissioner
Bureau of Fraud Investigation
Phone: 929-252-2129
Email: parkerla@hra.nyc.gov

cc: Paul Ligresti, Office of Legal Affairs

**ATTACHMENT E: Notification to DOI: Pending City Employee District Attorney (DA)
Referral (BFI-209a)**

BFI-209a 05/04/2015



**INVESTIGATION, REVENUE AND ENFORCEMENT ADMINISTRATION
BUREAU OF FRAUD INVESTIGATION
250 CHURCH STREET, 3rd FLOOR
NEW YORK, NY 10013**

January 1, 2001

Milton Yu
Inspector General
New York City Department of Investigation
80 Maiden Lane
New York, NY 10038

Re: Notification to DOI: Pending City Employee DA Referral

**IRIS Control #
Case Category:
Case Number:
Fraud Period:**

Dear Mr. Yu:

This letter informs you that the Bureau of Fraud Investigation (BFI) has concluded the investigation into the individual named below and has determined that a referral to the District Attorney's Office is appropriate.

- Name:
- Social Security Number: xxxx-xx-
- Agency:

If DOI has any concerns or objections to this referral, please advise me within 10 business days of the date of this letter.

Please contact Director [Director's name] at telephone number [Phone number] or email address [Email address] should you need additional information.

Sincerely,

Laura Parker
Assistant Deputy Commissioner
Bureau of Fraud Investigation
Phone: 929-252-2129
Email: parkerla@hra.nyc.gov

ATTACHMENT F: Subject of Investigation is Employee of (Non-Mayoral or Non-City Agency) (BFI-209b)

BFI-209b
03/24/2014

MEMORANDUM

THE CITY OF NEW YORK
HUMAN RESOURCES ADMINISTRATION

DATE: January 1, 2001
TO: Laura Parker
Assistant Deputy Commissioner
Bureau of Fraud Investigation
FROM:
SUBJECT: Subject of Investigation is Employee of

This memorandum informs you that the subject of this investigation is an employee of the agency listed.

- Name:
- Social Security Number: xxx-xx-
- IRIS Control Number:
- Case Category:
- Case Number:
- Fraud Period:

cc: <Supervisor>
<Investigator>

ATTACHMENT G: Notification of Employee Investigation (BFI-209e)

BFI-209e 03/24/2014



INVESTIGATION, REVENUE AND ENFORCEMENT ADMINISTRATION
BUREAU OF FRAUD INVESTIGATION
250 CHURCH STREET, 3rd FLOOR
NEW YORK, NY 10013

January 1, 2001

<Contact>
<Title>
<Agency>
<Address>
<City, State ZIP Code>

Re: Notification of Employee Investigation
Agency: _____

IRIS Control Number: _____

Dear _____ :

This letter informs you that the Bureau of Fraud Investigation (BFI) has identified the subject of an open investigation as an employee of your agency.

Name	Social Security Number
	XXX-XX-

Please contact Director <Director's name> at telephone number <Phone number> for additional information.

Sincerely,

Laura Parker
Assistant Deputy Commissioner
Bureau of Fraud Investigation
Phone: 212-274-5611
Email: parkerla@hra.nyc.gov

ATTACHMENT H: Notification to NYC DOI of City Employee Found on IREA Data Match (BFI-209)

BFI-209 03/24/2014



INVESTIGATION, REVENUE AND ENFORCEMENT ADMINISTRATION
BUREAU OF FRAUD INVESTIGATION
250 CHURCH STREET, 3rd FLOOR
NEW YORK, NY 10013

January 1, 2001

Milton Yu
Inspector General
New York City Department of Investigation
80 Maiden Lane
New York, NY 10038

Re: Notification to the NYC Department of Investigation of City Employees found on IREA Data Match

Dear Mr. Yu:

This letter informs you that the City employees named on the attached list were identified for investigation by a data match. HRA employees are under your jurisdiction and will not be investigated by the HRA Bureau of Fraud Investigation. Non-HRA employees will be investigated by BFI.

BFI will advise you when any of the Non-HRA employee cases require a referral to the District Attorney's Office.

Sincerely,

Laura Parker
Assistant Deputy Commissioner
Bureau of Fraud Investigation
Phone: 212-274-5611
Email: parkerla@hra.nyc.gov

cc: Paul Ligresti, Office of Legal Affairs

**ATTACHMENT I: Notification to NYC DOI of Non-HRA City Employees Found on IREA
Data Match (BFI-209f)**

BFI-209f 10/28/2013



**INVESTIGATION, REVENUE AND ENFORCEMENT ADMINISTRATION
BUREAU OF FRAUD INVESTIGATION**
250 CHURCH STREET, 3rd FLOOR
NEW YORK, NY 10013

January 1, 2000

Inspector General
New York City Department of Investigation
80 Maiden Lane
New York, NY 10038

Re: Notification to the NYC Department of Investigation of Non-HRA City Employees found on
IREA Data Match

Dear _____ :

This letter informs you that the City employee named on the attached list was identified for investigation by a data match. Since this individual is not an HRA employee, BFI will commence our investigation and will advise you if this case requires a referral to the District Attorney's office.

Our investigation is in its preliminary stages and we have not determined wrongdoing at this time.

Sincerely,

Laura Parker
Assistant Deputy Commissioner
Bureau of Fraud Investigation
Phone: 929-252-2129
Email: parkerla@hra.nyc.gov

cc: Paul Ligresti, Office of Legal Affairs

ATTACHMENT J: DECISION TREE

DECISION TREE

