syracuse.com

Onondaga County Sheriff's deputies rack up the overtime to make more than their bosses

Published: Sunday, December 20, 2009, 5:00 AM Updated: Monday, December 21, 2009, 7:31 AM

By **The Post-Standard**

Dick Blume / The Post-Standard, 2008An Onondaga County Sheriff's deputy stops a motorist on Route 57 in Clay in 2008. A couple sheriff's deputies have racked up enough overtime to make more money than their bosses.

By Michelle Breidenbach
and John O'Brien

Onondaga County sheriff's Sgt. Michael Asmolik started his day as coordinator of the Central New York police academy at 6 a.m. Jan. 2, 2008, and clocked out 11 hours later. The next day, he worked 6 a.m. to 6 p.m. The next day, his shift stretched from 4 a.m. to 8 p.m.

Asmolik worked like this without a day off for 32 days — racking up 180 hours of straight time and 291.5 hours of overtime, an average of 15 hours per day, according to his time sheets.

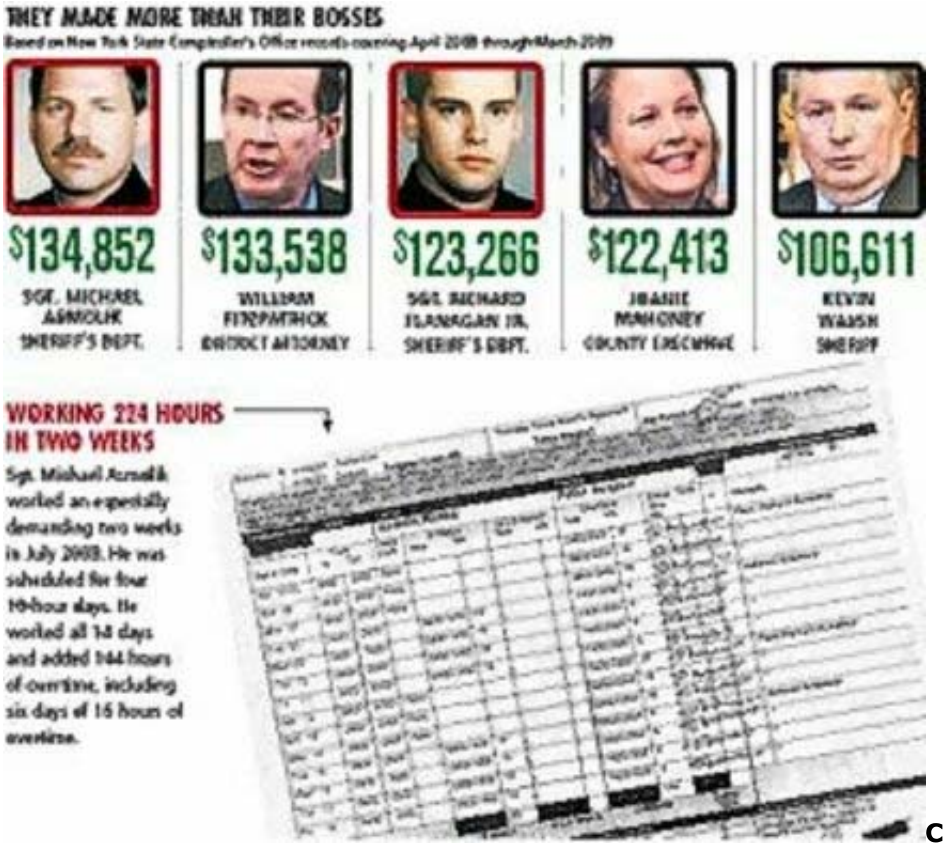
By the end of the year, Asmolik had worked 1,328 hours of sheriff's overtime and another 554 hours of part-time pay at the academy. That's equal to an extra 47 weeks of full-time work.

Asmolik, 53, more than doubled his base pay — from about $60,000 to $134,852 in the fiscal year that ended March 31, according to records from the state pension system. That made him the fourth-highest-

paid worker in Onondaga County government. He made more money than his boss, Sheriff Kevin Walsh, and County Executive Joanie Mahoney.

Sgt. Richard Flanagan Jr. joined Asmolik in the overtime shifts at the **police academy at Onondaga Community College**. Flanagan, whose father is director of the training center, worked a regular shift as an inspections sergeant and reported to the academy to teach driving courses.

Some days, Asmolik and Flanagan took just eight hours off overnight, then returned to work at 4 a.m. to teach inexperienced cops the high-speed driving techniques they need to chase bad guys. On those days, they worked every available minute allowed by sheriff's policy, which limits hours to 16 per day.



Click here for a more detailed look. The job is not all classroom work. Previous instructors have wound up in surgery after being knocked around in the car, according to a supervisor. "It takes a toll, physically," Flanagan said. Still, Flanagan worked 1,182 hours — 22.7 hours per week — in overtime in 2008. He earned another 428 hours in part-time academy work paid by OCC. At age 37, with 11 years' experience, Flanagan was the ninth-highest-paid employee in Onondaga County government. He was paid $123,266 in the 2009 fiscal year, pension records show. By the end of the year, Walsh had to ask the Onondaga County Legislature for an extra $1.1 million to pay for overruns in his overtime budget. Legislators gave it to him with a warning to get costs under control. After that, Walsh put an end to overtime pay at the academy and changed the way some courses are designed. But by the time Walsh stopped the overtime spree, Asmolik had boosted his annual pay for at least three years — enough to increase his pension benefits by about $20,000 a year. After The Post-Standard requested his time sheets, Asmolik filed the paperwork to retire after 21 years in the sheriff's office. Asmolik, who declined to comment, initially said he was retiring because he believed The Post-Standard wrongly targeted him, Walsh said. Last week he withdrew the papers, Walsh said. The sheriff

said he didn't know why Asmolik changed his mind.

'We're ordered to do it'

The Central New York Police Academy started in the 1960s, when a federal grant paid one sergeant from the sheriff's office and one from the Syracuse Police Department to train officers from agencies in seven counties.

In 1975, it moved to Onondaga Community College.

In 1994, the Syracuse Police Department pulled out and started its own academy.

Over the years, the sheriff's office assumed responsibility for managing the academy, even though students came from other police agencies in Onondaga and other counties. The sheriff sends $80,000 a year to OCC to pay for administrative costs. Towns and villages inside the county send officers to school for free. The academy had 157 students in the 2007-08 school year and 69 in 2008-2009.

Walsh said he did not send any new recruits through the academy this year.

The sheriff's office assigned Asmolik to be the coordinator at the academy. His base salary and overtime are paid by the sheriff's office and OCC also pays him a part-time wage, about $24,000 so far this year. OCC paid Flanagan $16,000.

Walsh and Undersheriff Warren Darby also teach at the academy and are paid extra by OCC. Walsh has been paid $2,400 so far this year and Darby made $7,200, according to OCC.

It's an arrangement the sheriff has been defending for more than 20 years.

A 1985 report in The Post-Standard criticized Walsh, then a captain, for charging OCC for work that was part of his regular duties at the sheriff's office. The story said the county law department determined the OCC payments to Walsh were improper and that there should be no further payments to officers assigned to the police academy.

Walsh said last week that the situation in 1985 was not the same as the current setup.

Walsh's staff reviewed Asmolik's and Flanagan's time sheets and theyfound nothing wrong, Walsh said. The sheriff said his staff ordered the overtime.

"I have never gone out and done driver training just because I wanted to," Flanagan said. "We're ordered to do it. We do it."

OCC investigates

OCC hosts the police academy. The county-run community college provides space, in J. Stanley Coyne Hall.

The school pays the salary of the director, Richard Flanagan Sr.

Adjunct professors who teach other subjects at OCC are supervised under a labor agreement with the college that results in classroom observations, student observations and recommendations that go to the provost for approval. Other adjuncts are paid a set amount for the course.

Things are different at the police academy. There is no labor agreement. Trainers are paid by the hour. And OCC leaves oversight to the **Division of Criminal Justice Services**, a state agency that certifies the trainers, said Amy Kremenek, public affairs officer for OCC.

DCJS staff last visited the school on a routine check in October 2007 and found no problems, said Janine Kava, a DCJS spokeswoman.

She said there have been no complaints about the academy. DCJS makes sure instructors are teaching the correct courses in the right kind of settings, but the agency does not review an academy's finances.

OCC administrators have never had any reason to question staffing at the academy, Kremenek said.

Now, they are reviewing how Flanagan Jr. working for Flanagan Sr. fits the school's policy against nepotism.

The college prohibits family members from supervising or making employment decisions pertaining to their relatives because family relationships complicate work relationships and because the appearance of favoritism is unavoidable, according to the policy.

Flanagan Sr., as director of the training center, oversees the law enforcement section as well as fire and homeland security sections. Flanagan Sr. supervises Asmolik, who supervises Flanagan Jr. The elder Flanagan did not return phone messages for comment.

Flanagan Jr. said this separation means that his employment is allowed under the nepotism policy.

The elder Flanagan's boss — David Wall, OCC's director of corporate and public partnerships and a former deputy — said he investigated Asmolik's and Flanagan's work records after The Post-Standard's inquiries. He looked into the question of whether Flanagan was in violation of the college's nepotism policy but would not comment on his findings.

Wall said he produced a "lengthy" report and submitted it last week to OCC Vice President James Sunser.

The college did not advertise for applications when it hired Flanagan Jr., Kremenek said.

The practice at the training academy is for administrators to ask police chiefs if they have officers who are certified and available to teach certain courses, she said.

Flanagan Jr. said he was a logical choice. He said he is an expert.

'That's a lot of stamina'

Walsh defended the arrangement by saying that it saved money, even if it ran up overtime for two men, when it came to the mandated in-service training for his officers.

The sheriff's office used to pay more in overtime to get its 250 patrol deputies through in-service training, Walsh said. Instead of paying all 250 deputies four hours apiece to get trained off-duty, the deputies were trained while on-duty, with Asmolik and Flanagan running up the OT, Walsh said.

Instead of 1,000 hours of OT to all the deputies, Asmolik and Flanagan rang up nearly 300 hours apiece, according to their time sheets. "We saved a ton of money that way," Walsh said.

He concedes that puts a lot of work on the two instructors. "That's a lot of stamina," he said. "Obviously, we're concerned about their ability to do it. They felt they were able to."

At the beginning of this year, Walsh stopped putting the burden on the two men as part of an effort to reduce overtime.

The sheriff's office cut its overtime this year from $5.7 million in 2008 to $2.3 million so far this year, according to records on file in county Comptroller Bob Antonacci's office.

At the academy, Walsh said, he lengthened the emergency driving course from two weeks to six weeks so instructors do not have to work double shifts.

Flanagan now teaches driving courses as part of his regular day shift for the sheriff's office. That means no one is doing his job for six weeks.

When Flanagan is not at the training academy, he's an inspections sergeant for the sheriff's police division. He meets with unit commanders to see whether they're following procedures.

Walsh acknowledged the training academy could have been managed better. They could add more instructors. But he said it is difficult to staff the academy because people get injured, worn out or move to detective jobs, where they take on caseloads and push training to the side.

Even with the new schedule, taxpayers will be paying for the overtime binge for a long time.

That's because public pension retirement pay is based on the average of the retiree's three highest years of pay. And Asmolik and Flanagan have been boosting their base salaries with overtime for at least three years.

Asmolik, 53, could be eligible for a $43,376 annual pension for the rest of his life, according to an analysis by The Post-Standard. That's about $20,000 more than the pension of a sheriff's sergeant who received no overtime pay. Flanagan, 37, would be eligible for a $33,541 pension if he works the required 20 years and the past three years remain his highest.

It is common for law enforcement agencies to run up overtime, but not for training, said Lise Bang-Jensen, a policy analyst with the **Empire Center for New York State Policy**. The group has been studying the pension system and is posting public employee salaries on its Web site, **SeethroughNY.net**.

"Usually overtime is given because of some unpredictable event — an accident, some weather problem," she said. "This is a case where they can schedule people. They know that two officers are going to be teaching at the academy on certain dates and they know that probably months in advance."

Working 15 or 16 hours a day 32 days straight would likely affect anyone's quality of work, she said.

"Unless these officers are supermen, you can't be as effective a police officer when you're tired," she said. "It's hard to imagine what was happening in Syracuse that required these men to work 32 days straight."

Contact Michelle Breidenbach at **mbreidenbach@syracuse.com** or (315) 470-3186 and John O'Brien at **jobrien@syracuse.com** or 470-2187.