

7/14/2010

Summary ReportHarry's Home Care dba Harry's Nurses RegistryMulti Division & Multi Agency Filed Visit on 7/13/2010 Jamaica, NY

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Harry's has 118 employees on their most recent payroll. They employ 2 HHAs, approximately 10 RNs and the rest are LPNs. All work is performed in private homes. According to the bookkeeper, 99% of the patients are Medicaid recipients. The ER has 3 interns and 6 office employees on the premises. All were interviewed. The interns have worked for 2 days and the arrangement appears to be that they will be paid a lump sum stipend after 5 weeks.

Rashid Allen & Pierre Magloire of Labor Standards Task Force have copies of EE interviews. They also have original time sheets from 1/1/10 to the present. They will copy the original time sheets and return them to the ER, taking more time sheets one batch at a time until all are copied. Unless LS determines that it is not necessary to continue to copy them since we have access to DOH data which may be helpful. Task Force will return on Friday 7/16/2010 or no later than Monday, 7/19/2010.

Steve Steurenthal of UI Field Tax has a jump drive provided by the employer which contains QuickBooks payroll files for all 1099 employees from 2006 until the most recent completed payroll. Steve knows the QuickBooks program and he will download the file, create reports as needed, and copy the files onto a shared server so that LS can access the data and begin to prepare spreadsheets for OT audit.

Michael Clarke has a copy of the receipt for the time records removed from the ER, a copy of the subpoena served for records and disbursements, etc. He will obtain 2010 QuickBooks software so we can access the ER's files. In the meantime, the ER's bookkeeper will allow us access to their software as a "user" so we can view the files.

Maura McCann of Labor Standards has a hard copy report of all bi weekly wages paid hours worked and rates paid for all 1099 employees from 7/9/2008 to 7/7/2010. She also has a hard copy of listing of all 1099 employees, name, address, and phone number since 2006. The employer does not have electronic files showing weekly hours worked.

The Department of Health is providing all paid claims data on a cd from 1/1/2007- May 2010. They have billing records going back to October, 1996.

Next Steps & Tasks

- Compare ER list of EEs to MA billing records.
- Compare time records to MA billing records.
- Develop query for MA billing data (need IT assistance).
- Conduct phone interviews with nurses and or mail questionnaires re hours, wages, conditions, etc.
- Obtain copies of 1099s from ER for 2004 & 2005.
- Interview the ER regarding his status as an Employment Agency and gather details about how he acts/acted as an employment agency.

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- Obtain copies of any employment contracts with nurses and/or any schedule of fees charged for placement.
- Docket new case in D14 and split out MFC rates due.
- Import QuickBooks payroll data into an excel program. Enter weekly hours worked into spreadsheet and then compute weekly OT underpayments.
- Advise ER that "Interns" must be paid at least MW.

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