

October 10, 2023

Via Electronic Mail

Michael Johns
Town Administrator
Town of Boxborough
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Kristin Hilberg, Chair
Boxborough Select Board
29 Middle Road
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khilberg@boxborough-ma.gov

Re: Boxborough Police Department Education Incentive Overpayments

Dear Mr. Johns and Chair Hilberg:

The Office of the Inspector General (OIG) received a complaint in January 2021, alleging that the town of Boxborough (town) overpaid education incentives to members of the Boxborough Police Department (department). Since then, the OIG has learned that the town and four police officers agreed to repayment plans through which the town would recover \$12,154 in overpayments to those officers during the period of July 2020 through December 2020. However, during its investigation, the OIG learned that the town made overpayments to some members of the department prior to July 2020 and that the town was likely aware of those overpayments as early as 2021. The town has only recently taken steps to pursue repayment plans related to those earlier overpayments.

The OIG recommends that the town conduct a new audit of all department payroll from July 1, 2018 to the present and seek repayment from any department personnel whom the town determines it overpaid.

The Town's Education Incentives

Section 108L of Chapter 41 of the Massachusetts General Laws (Quinn Bill) provides additional pay to police officers who receive higher education degrees. Under the Quinn Bill, officers are eligible for a 10% salary increase if they hold an associate's degree, a 20% salary increase if they hold a bachelor's degree and a 25% salary increase if they hold a master's degree.¹

¹ M.G.L c. 41, § 108L.

As of July 1, 2011, the Commonwealth stopped funding its share of the Quinn Bill. The town nevertheless continues to fund Quinn Bill education incentives to qualifying officers pursuant to the department's collective bargaining agreement (CBA) with its police union. In addition, the CBA between the department and its police union provides a separate education incentive for police officers who are ineligible for Quinn Bill incentives. The CBA provides ineligible officers an additional \$3,900 for an associate's degree, \$5,900 for a bachelor's degree and \$6,900 for a master's degree. The department factors the non-Quinn Bill education incentives into the eligible officer's hourly pay rate.

Overpayments

In December 2020, an officer notified then-Police Chief Warren Ryder that they had received their master's degree.² At that time, Ryder discovered that the town was already paying the officer for a master's degree under the department's CBA as a Quinn Bill qualifying officer. That discovery prompted Ryder to work with the town administration to review all officers' pay rates. According to an October 21, 2021 memorandum from Ryder to then-Acting Town Administrator Carter Terenzini, Ryder's "initial audit of previous payroll records" revealed that the town overpaid four officers by \$12,154 in Fiscal Year 2021, two officers by \$13,364 in Fiscal Year 2020, and one officer by \$1,626 in Fiscal Year 2019. Ryder did not identify any overpayments for Fiscal Year 2018. In his memorandum, Ryder did not indicate when he conducted this initial audit or which officers had been overpaid.

Despite the results Ryder reported in his memorandum, the town at first sought to recover only overpayments for Fiscal Year 2021. In January 2021, the town established repayment plans with the four police officers and recovered \$12,154 in overpayments for the pay periods from July 2020 through December 2020.³ The OIG learned that the four officers have since completed those repayment plans.

The town's initial response to the OIG's inquiries on this matter was concerning. Upon receipt of this complaint in January 2021, the OIG contacted then-Town Administrator Ryan Ferrara, who informed the OIG that overpayments were limited to Fiscal Year 2021 and that the town had resolved the matters. However, as previously mentioned, in October 2021, Ryder provided the town with the results of an audit that he conducted that showed that the town had made overpayments going back to Fiscal Year 2019. The town did not notify the OIG of the additional findings or that it had not sought recovery of the additional overpayments. The OIG has since been in contact with the town to ensure that the town takes appropriate action for repayment.

² Ryder retired from the department on April 7, 2023.

³ The town posted reports dated February 8, 2023 and February 15, 2023 regarding the overpayments on its website. The reports detail how one officer who held an associate's degree was paid the rate for having earned a bachelor's degree. The bachelor's degree rate was applied to both his regular and overtime pay rates. The reports and supporting documentation can be found at <https://www.boxborough-ma.gov/DocumentCenter> in the Select Board folder.

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Recommendation

The OIG recommends that the town conduct a new audit of all department payroll from July 1, 2018 to the present and seek repayment from any department personnel whom the town overpaid during that time period. The OIG requests that, within 45 days of receipt of this letter, the town inform the OIG, in writing, of what action(s) the town plans to take regarding this matter.

Please do not hesitate to contact me if you have any questions. Thank you for your attention to this matter.

Sincerely,



Jeffrey S. Shapiro
Inspector General

cc (by email):

Priya Sundaram, Clerk, Boxborough Select Board
Wesley Fowlks, Boxborough Select Board
David McKiernan, Boxborough Select Board
Enrique Zuniga, Executive Director, Mass. Peace Officer Standards and Training Commission
Susanne M. O'Neil, General Counsel, OIG
George A. Xenakis, Director, Audit, Oversight and Investigations Division, OIG
Nataliya Urciuoli, Executive Assistant to the Inspector General, OIG