

**SEMINOLE COUNTY
CENTRAL SERVICES DEPARTMENT
HUMAN RESOURCES DIVISION**

**REVIEW OF
CRIMINAL BACKGROUND
INVESTIGATION PROCESS**

REPORT NO. 022611

FEBRUARY 2011

Prepared by:
The Office of the
Clerk of the Circuit Court



MARYANNE MORSE
Clerk of the Circuit Court
Seminole County

February 01, 2011

The Honorable Brenda Carey,
Chairman
The Board of County Commissioners
Seminole County, Florida
1101 East First Street
Sanford, FL 32771

Dear Madam Chairman:

I am very pleased to present you with the attached review of the criminal background process for Seminole County.

Management's responses have been incorporated into the final report. It is our opinion that management has a corrective action plan that will satisfy the audit recommendations. The Office of the Clerk of the Court will continue to monitor the criminal background check process as required.

I would like to acknowledge the assistance of the county staff for their cooperation and assistance throughout the course of this audit. The assistance is deeply appreciated. With warmest personal regards, I am

Most cordially,

Maryanne Morse
Clerk of the Circuit Court
Seminole County

DISTRIBUTION LIST

BOARD OF COUNTY COMMISSIONERS

Ms. Brenda Carey
Mr. Bob Dallari
Mr. Carlton Henley
Mr. Michael McLean
Mr. Dick Van Der Weide

COUNTY MANAGER'S OFFICE

Mr. Joseph A. Forte

CENTRAL SERVICES DEPARTMENT

Ms. Meloney Lung

**BOARD OF COUNTY COMMISSION
RECORDS**

Ms. Jane Spencer

Prepared by:
The Office of the
Clerk of the Circuit Court

TABLE OF CONTENTS

Transmittal letter

Purpose	1
Background	1
Overall Evaluation	2

Findings and Recommendations

1. No comprehensive written policy on criminal background checks	
Recommendation	4
Management Response	4
2. Policy does not define hiring requirements.	
Recommendation	6
Management Response	6
3. Duplicate payments to FDLE might exist.	
Recommendation	7
Management Response	7

The following attachments were submitted with the management response.

Notification of Selection Form	I
New Employee Sign-Off Sheet	II
Data Management Tracking	III

**Seminole County
Central Services Department
Human Resources Division
Follow-Up Review**

Criminal Background Investigation Process

The Office of the Clerk of the Circuit Court has completed a review of the criminal background investigation process. This review focuses on previous audit concerns noted in February 2010. No report was published.

PURPOSE

The review was performed to determine if the county has an adequate process for insuring that an appropriate criminal background check is conducted for employees, contractors, and volunteers in sensitive positions.

BACKGROUND

The Office of the Clerk of the Circuit Court conducted a limited review in February 2010 to determine if criminal background checks were being performed for employees, contractors (working with children) and other public contact positions.

The review in February 2010 revealed that several employees had not had criminal background checks completed; also, a number of tennis pros under contract with the county were not screened. As a corrective action plan, county staff informally agreed to expand criminal background checks for all new hires, new contractor personnel, and all existing employees in a position of public trust.

In November 2010, as part of a normal audit follow up process, we reviewed files for new hires for the period February 2010 to October 2010 to determine if criminal background checks were being performed as planned. We also inquired into the status of criminal background checks for contractors working with children.

The results of this review are included in the report that follows.

Prepared by:
Office of the
Clerk of Circuit Court

SCOPE OF WORK

Newly hired employees, contractors, and volunteers currently working at Seminole County were subject to this review. We also included a review of the associated policy and procedures.

Specifically, we reviewed:

- Employee personnel files for compliance with applicable policies, procedures, and county manager directives of February 2010;
- The system for accounting for those employees, contractors, and volunteers that require a criminal background check; and,
- Interviews with county personnel.

OVERALL EVALUATION

The planned informal corrective action plan as presented by management in February 2010 needs to be fully implemented to ensure public safety. Also, they should publish comprehensive written policies and procedures that address responsibilities.

Although some employees and contractors were hired without background checks completed, we are confident that the issues noted in the report can be corrected.

Also, the Office of the Clerk of the Court is steadfast in its commitment to the safety of the community, and, as such will continue to monitor the criminal background check process as required.

The following conditions are summarized and require management's attention.

- *No comprehensive written policy on criminal background checks;*
- *Employment files are not adequately documented and responsibilities are not clearly defined; and,*
- *Duplicate payments to FDLE may exist.*

These issues are discussed in more detail in the report that follows.

Prepared by:
Office of the
Clerk of Circuit Court

FINDING NO. 1*No comprehensive written policy on criminal background checks.*

There is no formal written policy on whom, when, and how frequently employees, contractors, and/or volunteers are to be criminally background checked; also, the level of criminal background check required is not defined.

We were informed by staff that the current process is for the division hiring to notify the Human Resources Division (HR) if a criminal background check is required. The "Notification of Selection Form" has a place to annotate whether a criminal background investigation is required. We do not agree that a hiring division should be allowed to determine whether a position requires a criminal background check. Furthermore, we believe that all employees, contractors, and volunteers should be criminally background checked.

We found several examples (18) of employees who were hired before being checked. At least one of them had 24 hour access to county buildings, handled cash, and had access to JD Edwards (the county's financial software).

Seven (7) tennis pros hired back as far as 2001 that, although screened initially, have not had a follow-up investigation completed as required under contract. The contracts require a follow-up within the term of the contract. Once a contract is renewed staff has a responsibility to do a follow-up check.

"Per Section 7. CRIMINAL BACKGROUND CHECK. Contractor hereby agrees and consents to a criminal background check conducted by the COUNTY during course of agreement."

We also requested proof of criminal background checks for those involved with Florida Youth Programs (i.e. Zumba Today) that specializes in zumba dance, fitness classes, and martial arts classes for both adults and children. Section 2 of the contract requires the county to administer a criminal history background check. Specifically:

Per Section 2 SERVICES TO BE PROVIDED BY THE COUNTY (f): "The COUNTY will administer criminal history background checks for USER's coaches and volunteers. Background checks for all coaches and volunteers must be completed prior to the first day of working with participants."

No criminal background checks had been performed on these contractors at the time of our review. Subsequently, county staff asked the Seminole County Sheriff's Office for a criminal record check.

Prepared by: Office of the Clerk of Circuit Court

By not having a written policy, there is a risk of hiring employees and contractors with a criminal background; thus, creating a security risk.

Recommendation

1. Publish a comprehensive policy regarding criminal background investigations.
2. HR should develop checklists (final review) to ensure all procedures are completed prior to employees and contractors starting employment.
3. A log listing such items as names, date requested, and date received should be maintained by HR.

Management Response

The Administrative Code 303.0 Hiring will be revised to include a written policy regarding the use of criminal background checks. The County Manager's Policies will be revised to include the current positions requiring a level II criminal background check, and may be amended as circumstances warrant.

All new employees, tennis professionals, and most volunteers receive either a level I or a level II criminal background check.

Those positions currently requiring a level II background check are:

Animal Control Officers, Building Inspectors, Emergency 9-1-1 Communications Dispatchers, Meter Readers, Scale Attendants, Water Billing positions, All Seminole County Fire/Rescue positions, All Seminole County Enterprise Solution positions, All Leisure Services positions, All positions involving operations of the County's water and wastewater treatment plants, all at-will positions. *Criminal background checks for employees of P.A.Y. and Probation are completed by that division, but documented in our tracking.

All positions/individuals not requiring a level II background check receive a level I background check. The reason that most, and not all, volunteers receive criminal background checks is primarily attributable to large volunteer projects (e.g., Lake Jesup cleanup, etc.) when it is not known who will be attending until the day of the event; it becomes impractical as well as cost-prohibitive.

As indicated, the previous "Notification of Selection Form" had a place to annotate whether a criminal background investigation is required. The form has been revised (see Attachment I) and this field has been removed. All new employees receive a criminal background check with the level pre-determined as indicated above to be completed by Human Resources.

The contract language for the various youth programs, other contracts and tennis professionals will be revised to more clearly state the timeframe in which criminal background checks will be conducted for both new contracts as well as renewals. The responsibility for compliance rests with the Department entering into and/or renewing a contract. Upon notification, Human Resources will conduct the appropriate level of criminal background screening for these individuals/positions.

Prepared by:
Office of the
Clerk of Circuit Court

In response to the recommendations:

1. A written policy regarding the use of criminal background checks will be incorporated into the Administrative Code.
2. The Human Resources Division has developed a checklist (see Attachment II) for new employee files to ensure that all procedures are completed prior to them starting work. The Human Resources Division is reliant upon timely notification from departments when contractors are being utilized, thus this responsibility ultimately is that of the respective Department Director. The contracts should clearly state the criminal background check requirements and identify the frequency as well as who is responsible for payment.
3. A spreadsheet (see Attachment III) is now maintained within the Human Resources Division which includes names, date requested, date received and other pertinent information regarding criminal background checks. This document, in an abbreviated form, may be provided to the Clerk of the Court's Office on a monthly basis or at anytime upon request.

FINDING NO. 2

Policy does not define hiring requirements.

Seminole County policy does not adequately define what is to be included in the files maintained by the HR, and the information to be maintained by the hiring division.

From an audit perspective, we would expect to see an auditable trail of the specific actions taken by county staff.

Specifically, some files did not contain:

- Copies of the reference checks;
- Copies of professional licenses, certifications, etc;
- Notation of reason for candidates not selected for consideration;
- HR interview status-i.e. candidate status (notified of non selection)

We discussed this issue with both HR and with one of the hiring divisions. HR is of the opinion that it is the hiring divisions' responsibility to do the reference checks and verify the credentials.

Prepared by:
Office of the
Clerk of Circuit Court

Policy clearly does not address specific hiring procedures. For instance: (1) how many reference checks are required; (2) which division is responsible for the employment reference checks; (3) which division is responsible for verifying professional credentials; and, (4) once verified who keeps the official records, HR or the hiring division. These are issues we believe need to be addressed.

By not having written policies and procedures, sloppy record keeping and a very subjective process are promoted.

Recommendation

Publish written policies and procedures that adequately address the hiring process.

Management Response

It is agreed that copies of reference checks will immediately become a standard part of the hiring process and be included in the personnel file of all new employees. Likewise, copies of professional licenses, and/or certain certifications which are **required** for the position will be included in personnel files. HR is responsible for keeping the official records for all employees. Certificates for training classes, employee of the month, etc. are not maintained in personnel files, but may be maintained at the Department or Division level. Reference checks are required for every new employee (re-hires and transfers are sometimes excluded). I do **not** agree that HR is of the opinion that it is the hiring divisions' responsibility to complete reference checks and/or verify credentials. Some hiring managers prefer to complete their own reference checks. Most managers do not and those are completed by the assigned Human Resources Generalist. In many instances it is preferable that reference checks be completed by the hiring manager. For example, in situations where the technical skills required or the responsibilities of the position are not very well understood by the Human Resources Generalist, it is preferable to have a subject matter expert conduct the reference check. Another example is when a hiring manager has professional relationships with other agency officials and may be able to get more comprehensive information that what is available via telephone or through a public records request.

The number of reference checks required varies based upon job history. Although it is not formally defined generally we suggest approximately seven (7) to ten (10) years. If a prospective employee has only held one position during that time, one reference would be sufficient. Alternatively, if a prospective employee held multiple positions at different organizations, we would recommend a minimum of three (3) reference checks with the most recent positions held being preferred.

With our transition to NeoGov for recruitment, it will become increasingly easy for HR to verify credentials; the hiring manager will also have access to the same

documents which must be attached electronically. Similarly NeoGov enhances our ability to provide timely feedback electronically to applicants to update them on the status of their application.

The issue of noting reasons for non-selection is more complex. If an applicant does not meet the minimum qualifications, that may be noted. Other reasons for non-selection are best identified only in the event that our hiring practices are formally challenged, which is generally handled by legal counsel.

FINDING NO. 3

Duplicate payments to FDLE might exist.

Invoices submitted by FDLE may contain duplicate charges for certain employees who were criminally background checked. We found 4 examples of employees who were included on the invoice more than once.

These invoices may contain erroneous charges that need to be corrected or a representative from human resources should annotate that there was a need to resubmit an employee for a second check. Regardless, the invoices need to be documented as to why they contain possible over-charge.

Recommendation

HR should submit a listing to County Finance of background checks requested by the last day of the month.

Management Response

Of the four individuals included on an FDLE invoice more than once, two are BCC employees and two work for the health department. In the case of the BCC employees, duplicate submissions were made by the Human Resources division (once because we were unclear if the data had been properly transmitted since it was a new process and another time there was confusion as to whether a position required a Level I or a Level II background check was required). This should rarely happen in the future. We conduct criminal background checks upon request for the health department and other Constitutional Offices, even duplicate requests. We are subsequently reimbursed for those charges.

HR will begin submitting a listing of background checks to County Finance, by the end of each month.

Human Resources New Employee Sign-Off Sheet

FORMS	DATE ISSUED/PROCESSED	HR PERSONNEL
Employee Application		
Employee Signed EEOC		
Appropriate Signatures on Employee Notification of Selection		
Employee Temporary Employment Agreement		
Employee Drug Test		
Employee Criminal Background Check	Level One <input type="checkbox"/> Level Two <input type="checkbox"/>	
Employee Notarized Oath		
Employee Issued ID Badge		
Verify Reference Checks Completed and Placed In Personnel File		

ATTACHMENT II

Human Resources Generalist

Date

ATTACHMENT III

Human Resources Criminal Background Checks

Data Management Tracking

NAME/DEPARTMENT	POSITION	DATE OF HIRE	DATE OF PROCESSING CBC	FDLE LEVEL ONE (1) OR TWO (2)	DATE OF CBC REPORT
	Communications Dispatcher	11/15/2010	11/15/2010	Level 2	Cleared- 11/16/ 2010
	Telecommunications Installer	11/15/2010	11/15/2010	Level 2	Cleared -11/ 16/2010
	Volunteer -Solid Waste	N/A	11/15/2010	Level 1	Cleared-11/16/ 2010
	Volunteer - Storm Water Mgmt.	N/A	11/15/2010	Level 2* error	Cleared-11/16/ 2010
	Mech. II – Water/Wastewater		N/A	N/A	Existing Employee
	Customer Services Rep.	09/20/2010	11/16/2010 3 attempts w/livescan*	Name Search Only	Cleared-01/12/2011
	County Commissioner	11/16/2010	N/A per Act. Cnty. Mgr.	N/A	N/A
	Volunteer	N/A	11/16/2010	Level 1	Cleared-11/18/2010
	Deputy County Attorney	11/29/2010	N/A – Passed Florida Bar Exam.	N/A	N/A
	Recreation Specialist	11/29/2010	11/29/2010	Level 2	Cleared-11/29/2010
	Maintenance Worker	11/29/2010	11/29/2010	Level 2	Cleared-11/ 30/2010
	Industrial Pre-Treatment Insp.	11/29/2010	11/29/2010	Level 2	Cleared -11/30/2010
	Animal Shelter Worker	11/29/2010	11/29/2010 Re-submitted on 11/30/2010	Level 1	Cleared -12/01/ 2010
	Animal Shelter Worker	11/29/2010	11/29/2010 Re-submitted on 11/30/2010	Level 1	Cleared-12/01/2010
	Volunteer -Library East Branch	N/A	11/29/2010 1 st attempt rejected 11/30/2010 Name Searched 12/13/2010	Level 2	
	Volunteer-East Branch		11/29/2010 1 st attempt rejected 11/30/2010 Name Searched 12/13/2020	Level 2	

