



FLORIDA DEPARTMENT OF HEALTH
OFFICE OF INSPECTOR GENERAL

REVIEW OF CONTRACTOR BACKGROUND SCREENING
AND EMPLOYMENT QUALIFICATION VERIFICATION

Report # R-1516DOH-017 • April 14, 2016

PURPOSE OF THIS PROJECT

Review the Department of Health's (Department) Background Screening process for contracted employees and the verification of licensure, education or equivalent work experience (Employment Qualification Verification) process for all newly hired Department employees.

WHAT WAS EVALUATED

- Current policies, procedures, and processes utilized during the Contractor Background Screening and Employment Qualification Verification processes;
- Proposed policies, procedures, and processes regarding the Employment Qualification Verification process; and
- A sampling of historical data to gauge the types of potential issues that are occurring within the Contractor Background Screening and Employment Qualification Verification processes.

SUMMARY OF RESULTS

Management should address six identified control weaknesses:

- **The Department did not have a process in place to efficiently identify and manage information related to all contracted employees;**
- **Contracted employees did not always undergo a background screening in accordance with applicable *Florida Statutes (F.S.)*, *Florida Administrative Code (F.A.C.)*, Department policy and contractual requirements;**
- **DOHP 60-5-15, *Background Screening (Background Screening Policy)* did not require contracted employees in sensitive positions undergo five-year screenings for continued employment;**
- **The Department did not utilize a process to ensure the competencies listed on the job advertisement agree with those listed on the related position description;**
- **DOHP 60-21-13, *Recruitment and Selection (Recruitment and Selection Policy)* included vague language regarding documentation that should be maintained during the Employment Qualification Verification process; and**
- **The Department did not ensure consistent implementation of the Employment Qualification Verification process.**

Additional details follow below. Final reports will include management's response in Appendix A.

BACKGROUND

Regarding background screening of contracted employees, Section 110.1127(2)(a), *F.S.*, states, "each agency shall designate those positions that, because of the special trust or responsibility or sensitive location, require security background investigations. All persons and employees in such positions must undergo employment screening in accordance with chapter 435, using level 2 screening standards." Section 435.02(2), *F.S.*, defines employees as "any person required by law to be screened pursuant to this chapter, including, but not limited to, persons who are **contractors** [emphasis added], licensees, or volunteers."

Meanwhile, verification of employment qualification should take place for all newly hired Department employees. Section 110.213, *F.S.*, states it is the sole responsibility of the Department to ensure applicants selected for appointment are from among the most qualified candidates. Additionally, the Department is “required to document the qualifications of the selected candidate to ensure the candidate meets the minimum requirements as specified by the Department, meets licensure, certification, or registration requirements, if any, as specified by statute, and possesses the requisite knowledge, skills, and abilities for the position.”

It should be noted, prior to the commencement of this review, the Department began regionalizing its 25 Bureau of Personnel and Human Resource Management (HR) offices into seven regions and updating the Employment Qualification Verification process in an effort to allow consistent and standardized practices and processes throughout the Department. Division of Administration (Division) management acknowledged that the proposed process outlined in training presentations and documentation provided during this review will be implemented as a result of the new regionalization, which is scheduled to be completed by December 2016.

DETAILED RESULTS AND RECOMMENDATIONS

Management should address the following identified control weaknesses:

1. *The Department did not have a process in place to efficiently identify and manage information related to all contracted employees.*

- Division management acknowledged it is not aware of a process in the Department that centrally maintains an accounting of all contracted employees.
- For purposes of our review, the Office of Budget and Revenue Management attempted to provide a reasonably accurate listing of Department contracted employees by identifying appropriations throughout the Department that contained funding for staff augmentation and having local management identify the individuals who served in those identified positions. While this “best effort” listing was used for testing purposes during our review, it was acknowledged it was not to be considered as complete or 100% accurate.
- Even though we could find no specific authoritative requirement for the Department to develop a process to identify and manage contracted employees information, the lack of such a process identifies a bigger concern that Department management does not have the ability to quickly and accurately account for all employed individuals working for the Department, especially the non-Full Time Equivalent (FTE) positions.
- As will be discussed in additional findings below, the lack of an accurate identification of all non-FTE positions (including contracted employees) hinders the Department’s ability to ensure complete accountability of those employees and to help local management ensure those individuals meet all required statutory, rule and Department policy requirements regarding their employment.

We recommend the Bureau of Personnel and Human Resource Management develop a process to efficiently identify and manage information related to all contracted employees.

2. Contracted employees did not always undergo a background screening in accordance with applicable statutory, rule, Department policy and contractual requirements.

- Contracted employees in positions designated by the Department as positions of special trust or responsibility or sensitive location (sensitive positions) must undergo a level 2 screening in accordance with Section 110.1127(2)(a), F.S., as mentioned in the background section above.
- Section (I)(A), *Background Screening Policy*, requires contracted employees in sensitive positions to undergo a level 2 background screening, and receive clearance, before being hired.
- Section 435.04, F.S., states, a level 2 screening is a security background investigation which includes, but need not be limited to, fingerprinting for statewide criminal history records checks through the Department of Law Enforcement, and national criminal history records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.
- The Department in some instances utilized notification from a contracted employee's vendor that a background screening was conducted. The Department's reliance on the notification is insufficient due to the notification not providing adequate assurance that a level 2 screening was conducted.
- Additionally, our review of a sample of contracted employees determined some were not screened prior to hiring as required.

For contracted employees hired into positions designated by the Department as sensitive positions, we recommend the Bureau of Personnel and Human Resource Management be the sole responsible party to conduct level 2 background screenings to assure compliance with Section 110.1127(2)(a), F.S.

We also recommend the Bureau of Personnel and Human Resource Management develop a monitoring process to ensure all contracted employees are screened in accordance with statutory, rule, Department policy and contractual requirements.

3. Department policy did not require contracted employees in sensitive positions undergo five-year screenings for continued employment.

- Contracted employees in sensitive positions require the same screening prior to employment as non-contracted employees; however, the *Background Screening Policy* did not specifically require contracted employees in sensitive positions undergo a five-year screening for continued employment as is required of non-contracted employees.
- Our analysis of 18 contracted employees concluded they worked on average 3.8 years for the Department. Additionally, it was determined 44% of those 18 employees worked in excess of five years.
- Division management confirmed HR's position that contracted employees are required to undergo the same five-year screenings for continued employment as non-contracted employees.

We recommend the Bureau of Personnel and Human Resource Management update DOHP 60-5-15, Background Screening to reflect its position that contracted employees undergo a five-year screening for continued employment.

We also recommend the Bureau of Personnel and Human Resource Management develop a monitoring process to ensure contracted employees undergo a five-year screening.

4. The Department did not utilize a process to ensure the competencies listed on the job advertisement agree with those listed on the related position description.

- Section (VII)(C)(1)(b), DOHP 60-7-13 *Classification (Classification Policy)*, states, “the position description and job advertisement should agree.”
- Currently, it is the sole responsibility of the hiring authority to ensure the competencies on the advertisement and position description agree.
- While the proposed Employment Qualification Verification process requires the Region Recruitment Representative review and approve the advertisement, the review does not include ensuring the required competencies on the advertisement agree to those on the position description.

We recommend the Bureau of Personnel and Human Resource Management require the Region Recruitment Representative ensure the competencies on the advertisement agreed to those on the position description prior to approval.

5. Department policy included vague language regarding documentation that should be maintained during the Employment Qualification Verification process.

- As mentioned in the background section above, Section 110.213, *F.S.*, requires the Department document the qualifications of a selected candidate to ensure the candidate meets the minimum position requirements.
- The *Recruitment and Selection Policy* states, “official copies, whenever possible, of transcripts, degrees or licenses will suffice for verification purposes.” However, the policy does not provide direction if the aforementioned documents cannot be obtained.
- The policy also does not specify the documentation that should be maintained to document the candidate possessed the equivalent work experience required for the position.

We recommend the Bureau of Personnel and Human Resource Management update DOHP 60-21-13, Recruitment and Selection to clarify the documentation that must be maintained if official copies of transcripts, degrees or licenses cannot be obtained.

We also recommend the Bureau of Personnel and Human Resource Management update DOHP 60-21-13, Recruitment and Selection to clarify the documentation that must be maintained to evidence a candidate possessed the equivalent work experience required for the position, where applicable.

6. The Department did not ensure consistent implementation of the Employment Qualification Verification process.

- According to the *Recruitment and Selection Policy*, the hiring authority must verify the selected candidate possesses the college credentials, certification, licensure, or registration required for the position prior to hiring.
- Our analysis found no evidence of a review process to ensure the hiring authorities consistently verified candidates possessed the required competencies prior to hiring.

- Division management acknowledged a monitoring process was not in place to ensure consistent implementation of the Employment Qualification Verification process.
- As part of the new regionalization effort, there is a proposal to have a Region Recruitment Representative ensure the local hiring authority verified whether the selected candidate possesses the required competencies for the position. However, this new proposed process is unclear as to whether the various Region Recruitment Representatives will conduct their reviews in a consistent manner.
- Discussions with management indicated they were considering a peer review process to monitor the consistency of the Region Recruitment Representatives' monitoring efforts. We have not been provided detailed information on what this process will include and thus its potential effectiveness could not be evaluated.

We recommend the Bureau of Personnel and Human Resource Management finalize and implement the monitoring process currently under development to ensure consistent implementation of Employment Qualification Verification by the Region Recruitment Representatives.

SUPPLEMENTAL INFORMATION

Section 20.055, *F.S.*, charges the Department's Office of Inspector General with responsibility to provide a central point for coordination of activities that promote accountability, integrity, and efficiency in government.

Ashlea Mincy, CIGA, Senior Management Analyst II, conducted the review under the supervision of Michael J. Bennett, CIA, Director of Auditing.

Our methodology included reviewing Chapters 110, 381 and 435, *F.S.*; Rule 71A-1.004(1), *F.A.C.*; the *Recruitment and Selection Policy*; the *Background Screening Policy*; the *Classification Policy*; and the Department of Management Services, *A Guide for Assessing Applicants for Employment*.

Additionally, we reviewed training presentations of the proposed Employment Qualification Verification process; personnel files; contracted employees' contractual agreements and background screening histories; and interviewed key management. We also conducted a small sampling of historical data to gauge the types of potential issues that have been occurring within the Contractor Background Screening and Employment Qualification Verification processes.

This project was not an audit, as industry-established auditing standards were not applied. Internal Audit Unit procedures for the performance of reviews were followed and used during this project.

We want to thank Division management and staff in HR for the information and documentation they provided, and for their cooperation throughout the project.

Copies of all final reports are available on our website at www.floridahealth.gov (search: internal audit). If you have questions or comments, please contact us by the following means:

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APPENDIX A: MANAGEMENT RESPONSE

	Recommendation	Management Response
1	<p><i>We recommend the Bureau of Personnel and Human Resource Management develop a process to efficiently identify and manage information related to all contracted employees.</i></p>	<p>We concur.</p> <p>All current and new contract staff will be placed in the HR electronic system "Cherwell" upon implementation.</p> <p>Contact: Stephanie Harris Anticipated Completion Date: January 1, 2017</p>
2	<p><i>For contracted employees hired into positions designated by the Department as sensitive positions, we recommend the Bureau of Personnel and Human Resource Management be the sole responsible party to conduct level 2 background screenings to assure compliance with Section 110.1127(2)(a), F.S.</i></p> <p><i>We also recommend the Bureau of Personnel and Human Resource Management develop a monitoring process to ensure all contracted employees are screened in accordance with statutory, rule, Department policy and contractual requirements.</i></p>	<p>We concur.</p> <p>All current and new contract staff will be placed in the HR electronic system "Cherwell" upon implementation.</p> <p>Contact: Stephanie Harris Anticipated Completion Date: January 1, 2017</p>
3	<p><i>We recommend the Bureau of Personnel and Human Resource Management update DOHP 60-5-15, Background Screening to reflect its position that contracted employees undergo a five-year screening for continued employment.</i></p> <p><i>We also recommend the Bureau of Personnel and Human Resource Management develop a monitoring process to ensure contracted employees undergo a five-year screening.</i></p>	<p>We concur.</p> <p>The Background Screening Policy, DOHP 60-5, will be updated to include language requiring contracted staff in sensitive positions undergo five year rescreening's.</p> <p>Once all contract staff are placed in the HR electronic system "Cherwell," the system will be able to notify HR that a five-year screening is required.</p> <p>Contact: Stephanie Harris Anticipated Completion Date: January 1, 2017</p>
4	<p><i>We recommend the Bureau of Personnel and Human Resource Management require the Region Recruitment Representative ensure the competencies on the advertisement agreed to those on the position description prior to approval.</i></p>	<p>We concur.</p> <p>The Recruitment Policy, DOHP 60-21 will be updated to include language requiring that the Knowledge, Skills and Abilities (KSA's) listed in the position description agree with the job advertisement. In addition, this is a step included in the new recruitment process for the Regionalization Project.</p> <p>Contact: Stephanie Harris Anticipated Completion Date: January 1, 2017</p>

<p>5</p>	<p><i>We recommend the Bureau of Personnel and Human Resource Management update DOHP 60-21-13, Recruitment and Selection to clarify the documentation that must be maintained if official copies of transcripts, degrees or licenses cannot be obtained.</i></p> <p><i>We also recommend the Bureau of Personnel and Human Resource Management update DOHP 60-21-13, Recruitment and Selection to clarify the documentation that must be maintained to evidence a candidate possessed the equivalent work experience required for the position, where applicable.</i></p>	<p>We concur.</p> <p>The Recruitment Policy, DOHP 60-21 will be updated to clarify the language regarding the verification of college credentials.</p> <p>The Recruitment Policy, DOHP 60-21 will be updated to clarify the language regarding the required documentation that should be maintained in the official personnel files.</p> <p>In addition, this is a step included in the new recruitment process for the Regionalization Project.</p> <p>Contact: Stephanie Harris Anticipated Completion Date: January 1, 2017</p>
<p>6</p>	<p><i>We recommend the Bureau of Personnel and Human Resource Management finalize and implement the monitoring process currently under development to ensure consistent implementation of Employment Qualification Verification by the Region Recruitment Representatives.</i></p>	<p>We concur.</p> <p>As part of the HR Regionalization project a monitoring tool will be developed in January 2017 with the first monitoring visit scheduled to occur in April 2017. Part of the monitoring process will be to ensure consistent implementation of employment qualification verification.</p> <p>Contact: Amy Graham Anticipated Completion Date: January 31, 2017</p>