



# City of New York

## OFFICE OF THE COMPTROLLER

Scott M. Stringer  
COMPTROLLER



## MANAGEMENT AUDIT

**Marjorie Landa**

Deputy Comptroller for Audit

Audit Report on The Child Center of  
New York's Screening of Personnel  
through the Statewide Central Register  
of Child Abuse and Maltreatment

ME17-121A

June 23, 2017

<http://comptroller.nyc.gov>



THE CITY OF NEW YORK  
OFFICE OF THE COMPTROLLER  
SCOTT M. STRINGER

June 23, 2017

To the Residents of the City of New York:

My office has audited The Child Center of New York (TCCNY) at 34-10 108th Street in Queens to determine whether its personnel have been properly screened through the Statewide Central Register of Child Abuse and Maltreatment (SCR). We conduct audits such as this to help ensure public safety by determining whether City contractors are complying with relevant statutes and regulations.

This audit reviewed the SCR-clearance status of 37 individuals who were working as employees at TCCNY at 34-10 108<sup>th</sup> Street in Queens as of January 31, 2017, and found that for 22 employees, TCCNY had not obtained the most recently required SCR clearances on time; the clearances were late by periods that ranged from five days to over 11 months (344 days).

Based on the audit findings, the audit made three recommendations to TCCNY, including that it ensure that its personnel receive SCR renewal clearances within two years of their prior clearances.

The results of the audit have been discussed with TCCNY officials, and their comments have been considered in preparing this report. Their complete written response is attached to this report.

If you have any questions concerning this report, please e-mail my Audit Bureau at [audit@comptroller.nyc.gov](mailto:audit@comptroller.nyc.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott M. Stringer".

Scott M. Stringer

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# THE CITY OF NEW YORK OFFICE OF THE COMPTROLLER MANAGEMENT AUDIT

## Audit Report on The Child Center of New York's Screening of Personnel through the Statewide Central Register of Child Abuse and Maltreatment

ME17-121A

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### EXECUTIVE SUMMARY

This audit determined whether personnel working at The Child Center of New York (TCCNY) at 34-10 108th Street in Queens have been properly screened through the Statewide Central Register of Child Abuse and Maltreatment (SCR). New York City Health Code §47.19 requires that all child care center employees and volunteers undergo an SCR clearance review prior to being hired and every two years thereafter.

Child care centers are essential for many working families. They contribute to the overall development of children by providing education, recreation, and a safe and structured environment for children while their parents work. TCCNY operates a child care center for three and four year-old children at 34-10 108th Street in Queens (and at two other locations) under a contract with the New York City (City) Administration for Children's Services (ACS).

### Audit Findings and Conclusions

We reviewed the SCR-clearance status of 37 individuals who were working as employees at TCCNY at 34-10 108<sup>th</sup> Street in Queens as of January 31, 2017, and found that for 22 employees, TCCNY had not obtained the most recently required SCR clearances on time; the clearances were late by periods that ranged from five days to over 11 months (344 days).

### Audit Recommendations

To address this issue, the audit recommends, among other things, that TCCNY ensure that its personnel receive SCR renewal clearances within two years of their prior clearances.

### Agency Response

In its written response, TCCNY agreed with two of the audit's three recommendations and disagreed with one. The full text of TCCNY's response is included as an addendum to this report.

# AUDIT REPORT

## Background

ACS is responsible for protecting the safety and promoting the well-being of children and their families by investigating reports of child abuse and neglect, overseeing foster care services, and coordinating affordable child care services. Child care centers are essential for many working families. They contribute to the overall development of children by providing education, recreation, and a safe and structured environment for children while their parents work.

ACS coordinates affordable child care services for families who meet income-eligibility requirements through two principal methods: (1) issuing child care vouchers that families can use to obtain child care services from privately-run child care programs and eligible individuals; and (2) making available seats in *EarlyLearn NYC*, a program whereby ACS contracts with privately-operated child care centers and programs that enroll children for ACS-subsidized child care and early-education services. TCCNY operates an *EarlyLearn NYC* child care center for three and four year-old children at 34-10 108th Street in Queens under a contract with ACS.

In general, child care programs that operate in the City, including the child care centers under contract with ACS, are licensed by the City Department of Health and Mental Hygiene (DOHMH) and must comply with New York State (State) and City statutes and regulations that, among other things, require specific screening procedures for current and prospective personnel, both paid and unpaid.<sup>1</sup> Under New York City Administrative Code §21-119 and New York City Health Code §47.19, individuals who work or volunteer for entities that provide child care services must be fingerprinted and screened for criminal convictions and pending criminal actions. In accordance with an Intra-City Agreement signed by DOHMH, ACS and the City Department of Investigation (DOI), a child care center must send prospective personnel to DOI for such screening. The child care center is also required to determine whether prospective personnel have the training, education, and experience needed to work in particular titles at the center.

In addition, for all prospective personnel, including volunteers, whose duties may result in their having unsupervised contact with children, the child care centers must submit clearance requests to the SCR to determine whether any of them have been the subjects of indicated child abuse or maltreatment reports.<sup>2</sup> The clearance requests may be submitted by the center and answered to the center electronically through a web-based application or by mail. New York City Health Code §47.19 requires that all child care center employees and volunteers undergo an SCR clearance review prior to being hired and every two years thereafter.

While we were conducting an audit of ACS' monitoring of its contracted child care centers' screening of personnel, the State Office of Children and Family Services (OCFS), which is

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<sup>1</sup> Article 47 of the New York City Health Code applies to a "child care service," defined as "any program providing child care for five (5) or more hours per week, for more than 30 days in a 12-month period, to three (3) or more children under six (6) years of age." Title 24 of the Rules of the City of New York (RCNY), section 47.01(c)(1). Each such child care service requires a permit from DOHMH. 24 RCNY 47.03. The Office of the City Comptroller issued a report on October 26, 2016, noting that child care facilities located in "Tier II Family Shelters" have been allowed to operate without DOHMH permits based on a legal opinion that they are exempt because they provide care for children in the children's own residences (i.e., the shelters where the children reside). The City Comptroller's report recommended that those child care facilities in shelters be regulated by DOHMH, just as all other publicly accessible child care centers are in the City, noting, among other findings, that 82 percent of the child care workers in the shelters had not been screened for disqualifying criminal convictions and records of child abuse. See *An Investigation into the Provision of Child Care Services in New York City Homeless Shelters*, Office of New York City Comptroller Scott M. Stringer, October 26, 2016.

<sup>2</sup> A report is determined to be "indicated" if the investigation resulting from the report concludes that credible evidence of the alleged abuse or neglect exists.

responsible for the operation of the SCR, determined that ACS is not one of the entities allowed by New York Social Services Law §422(4)(A) to receive or review SCR clearances for child care personnel, notwithstanding ACS' central role in contracting with the child care centers for the provision of services to thousands of children. Consequently, ACS can no longer effectively monitor its child care contractors' compliance with SCR clearance requirements.

We are continuing our audit of ACS' monitoring of its contracted child care centers' screening of personnel relating to non-SCR clearance requirements, including DOI-clearance and applicable training, education, and experience standards. In addition, given ACS' now-diminished role and inability to review SCR clearances of child care center personnel, we have chosen a randomly selected sample of child care centers—including the TCCNY location at 34-10 108<sup>th</sup> Street in Queens—to audit for their compliance with the SCR-clearance requirements.

TCCNY began operations in 1953 as a children's counseling center in Queens. Today, TCCNY provides early childhood education, behavioral health, family support, and youth development services primarily in Queens but also to a limited extent in Manhattan, Brooklyn, and the Bronx. As of January 31, 2017, TCCNY's location at 34-10 108<sup>th</sup> Street in Queens had 37 employees and a total enrollment of 146 children in its eight classrooms.<sup>3</sup>

## Objective

To determine whether personnel working at the TCCNY location at 34-10 108<sup>th</sup> Street in Queens have been properly screened through the SCR.

## Scope and Methodology Statement

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the City Charter.

The scope of this audit covered all of the TCCNY personnel who were employed by or volunteering at the child care center at 34-10 108<sup>th</sup> Street in Queens on January 31, 2017, the date of our unannounced visit to the center, and who had the potential of unsupervised contact with children at the center.

During our unannounced visit, we checked the identifications of all of the personnel we observed working at the child care center on that day. For those individuals, plus any employed by the center who were not working on the day of our visit, we reviewed their personnel files to determine whether they had received the necessary initial and renewal SCR clearances. This audit did not endeavor to determine the cause of any failure to properly screen personnel through the SCR.

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<sup>3</sup> TCCNY also operates two other child care centers under contract with ACS. This audit concerned only the child care center located at 34-10 108<sup>th</sup> Street in Queens.



## Discussion of Audit Results with TCCNY

The matters covered in this report were discussed with TCCNY officials during and at the conclusion of this audit. A preliminary draft report was sent to TCCNY on May 19, 2017, and was discussed at an exit conference held on June 2, 2017. On June 8, 2017, we submitted a draft report to TCCNY with a request for comments. On June 21, 2017, we received a written response from TCCNY dated June 16, 2017.

In its response, TCCNY agreed with two of the audit's three recommendations: that it ensure that all of its personnel receive SCR renewal clearances within two years of their prior clearances, and that it prepare and maintain hiring letters at its child care centers establishing the start dates for all of its new employees. TCCNY disagreed with the recommendation that it ensure that it provides the correct work address information to the SCR for all of its personnel contending, in essence, that its current practices ensure that an employee's work location at TCCNY would be notified of any allegations TCCNY received from the SCR on the employee even if the SCR notification was sent to the incorrect TCCNY location.

The full text of TCCNY's response is included as an addendum to this report.

## FINDINGS

We reviewed the SCR-clearance status of 37 individuals who were working as employees at TCCNY at 34-10 108<sup>th</sup> Street in Queens as of January 31, 2017 and found the following:

- TCCNY obtained the most recently required SCR clearance on time for 15 employees.
- For 22 employees, TCCNY did not obtain the most recently required SCR clearances on time; the clearances were late by periods that ranged from five days to over 11 months (344 days).

The breakdown is shown in Table I below.

**Table I**

Timeliness of Most Recently Required SCR Clearances at TCCNY

| Category   | Number of Employees | Initial or Renewal SCR Clearance Obtained Timely | Initial or Renewal SCR Clearance Obtained Late |
|--|---------------------|--|--|
| Employees recently hired (within previous two years) | 14                  | 14   | 0  |
| Employees who worked at center two or more years     | 23                  | 1  | 22   |
| <b>Totals</b>  | <b>37</b>           | <b>15</b>  | <b>22</b>                                      |

*22 of 23 Clearance Renewals Received Late*

Of the 23 employees who had worked two or more years at this location as of our January 31, 2017 visit, 22 employees' renewal clearances were received late. For those 22 employees, 17 clearances were between five and 27 days late, and five clearances were between 50 and 344 days late. Those five clearances were, on average, 159 days late.

To protect the safety of the children receiving services at TCCNY, it is essential that all individuals who work there be properly screened through the SCR, both prior to hiring and periodically (every two years) thereafter.

*Related Matters*

During our audit, we noted that the child care center address on the most recent SCR clearance letter for one of the 37 TCCNY employees working at the 34-10 108<sup>th</sup> Street location in Queens



was for the TCCNY child care center located at 60-02 Roosevelt Avenue in Queens. To ensure that any allegations that are received by the SCR are forwarded to the correct location, TCCNY should ensure that it has provided the correct work address information to the SCR for all of its personnel.

We also noted that TCCNY did not maintain at the child care center located at 34-10 108th Street in Queens hiring letters for any of the 15 employees hired during the two years immediately preceding our visit.<sup>4</sup> Subsequent to the exit conference, TCCNY officials provided us with hiring documents for 14 employees and stated that these letters were maintained by the human resources unit of TCCNY's main administrative office located elsewhere in Queens. For one of the 15 employees, TCCNY was unable to provide a hiring letter. We caution that by not maintaining these letters at the child care centers where the individual employees are working, it is difficult for an independent reviewer of that center, such as a DOHMH licensing inspector, to determine whether the employee's start date preceded the SCR clearance date.

## RECOMMENDATIONS

1. TCCNY should ensure that all of its personnel receive SCR renewal clearances within two years of their prior clearances.

**TCCNY Response:** "Renewal clearances were requested and received for all staff. In an effort to improve the process for submission of clearance request to the SCR, the Agency has developed a tracking mechanism to execute and monitor the submission of requests one month prior to the two-year resubmission. In addition, screening dates will be tracked in the electronic human resource information system (HRIS) to monitor and ensure all SCR screenings are up to date based on the date of the prior clearance."

2. TCCNY should ensure that it provides the correct work address information to the SCR for all of its personnel.

**TCCNY Response:** "The audit report noted an employee whose SCR clearance letter was addressed to 60-02 Roosevelt Avenue in Queens. The employee noted in the report is a coordinator whose key job functions require work across multiple early childhood sites. The initial and subsequent clearances were processed from our main early childhood location at 60-02 Roosevelt Avenue in Queens. All clearance results and staff files are maintained by the human resource department and files are also maintained at each work site location. Any possible notifications by the SCR is immediately communicated to the program sites and the human resource department."

**Auditor Comment:** The finding that we present in the report does not relate to a coordinator, but rather to a former TCCNY substitute teacher who was hired to be a teacher aide at the 34-10 108th Street location on October 3, 2016, well before

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<sup>4</sup> Of the 37 employees at TCCNY, 15 were hired during the two years preceding our visit. One of these 15 employees required an SCR renewal clearance during this period. Because the most recently required SCR clearance for this employee was the renewal clearance, we did not test the timeliness of this individual's clearance at the point of hiring (and therefore only reviewed 14 employees for that test). However, we did include this individual in the group of 15 for whom we tested the presence of hiring letters in the employees' files.

our visit on January 31, 2017. The SCR clearance letter for this employee, which was on file at the 108th Street location on the day of our visit, stated that the employee's work address was 60-02 Roosevelt Avenue. To ensure that any allegations that are received by the SCR are forwarded to the correct location, TCCNY should ensure that it has provided the correct work address information to the SCR for all of its personnel.

3. TCCNY should prepare and maintain hiring letters at its child care centers establishing the start dates for all of its new employees.

**TCCNY Response:** "Independent reviewers can access this information by reviewing employee records at our administrative offices. As a result of the audit, the early childhood program sites will maintain a copy of the hire letter in the employee file maintained at the program site."



June 16, 2017

Mr. James Bradley  
Assistant Director  
City of New York Office of the Comptroller  
1 Centre Street Room 1100  
New York, NY 10007

Dear Mr. Bradley,

I am writing on behalf of The Child Center of NY in response to the draft audit report on the screening of personnel through the statewide central register of child abuse and maltreatment. The Child Center of NY is dedicated to ensuring quality services to children and families across all Agency programming. This is achieved in part by hiring and retaining qualified staff. The Child Center of NY conducts required background clearances including criminal background checks and child abuse and maltreatment screening of all personnel.

#### Recommendation 1

Prior to hire, all early childhood staff are screened and receive clearance to ensure the safety and well-being of children and families served. At the time of the audit all staff had clearances from the statewide central register of child abuse and maltreatment. None of the staff employed had indicated cases and all were cleared and qualified to work under the guidelines of the City Department of Health and Mental Hygiene. Renewal clearances were requested and received for all staff. In an effort to improve the process for submission of clearance request to the SCR, the Agency has developed a tracking mechanism to execute and monitor the submission of requests one month prior to the two-year resubmission. In addition, screening dates will be tracked in the electronic human resource information system (HRIS) to monitor and ensure all SCR screenings are up to date based on the date of the prior clearance.

#### Recommendation 2

The audit report noted an employee whose SCR clearance letter was addressed to 60-02 Roosevelt Avenue in Queens. The employee noted in the report is a coordinator whose key job functions require work across multiple early childhood sites. The initial and subsequent clearances were processed from our main early childhood location at 60-02 Roosevelt Avenue in Queens. All clearance results and staff files are maintained by the human resource department and files are also maintained at each work site location. Any possible notifications by the SCR is immediately communicated to the program sites and the human resource department.

#### Recommendation 3

The human resource department of The Child Center of NY is responsible for generating and issuing employee hire letters. These letters are maintained at the administrative office at 118-35 Queens Blvd in Queens. In addition to hire letters, the Agency utilizes an electronic human resource information

system (HRIS) which includes employee profiles and hire dates. This system is populated through the use of employee change of status forms (COS) which are completed by managers at hire and to reflect all employment status changes including hiring, promotion, salary changes and terminations. The HRIS system can generate reports including hire dates. Independent reviewers can access this information by reviewing employee records at our administrative offices. As a result of the audit, the early childhood program sites will maintain a copy of the hire letter in the employee file maintained at the program site.

The Child Center of NY maintains high quality, licensed early childhood programs. As part of the draft report, we thank you for including our comments to the recommendations made in the management audit. If you have any questions regarding the response, please contact me at 718-651-7770 ext. 6842.

Sincerely,

*Linda Rodriguez*

Linda Rodriguez

Vice President of Early Childhood and Preventive Services