



City of New York

OFFICE OF THE COMPTROLLER

Scott M. Stringer
COMPTROLLER



MANAGEMENT AUDIT

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Deputy Comptroller for Audit

Audit Report on the Hamilton-Madison
House Child Care Center's Screening
of Personnel through the Statewide
Central Register of Child Abuse and
Maltreatment

ME17-114A

June 20, 2017

<http://comptroller.nyc.gov>



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

June 20, 2017

To the Residents of the City of New York:

My office has audited the Hamilton-Madison House (HMH) child care center located at 253 South Street in Manhattan 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 determine whether City contractors are complying with relevant statutes and regulations.

This audit reviewed the SCR-clearance status of eight individuals who were working as employees or volunteers at the HMH child care center at 253 South Street as of January 17, 2017, and found that for five individuals—four employees and one volunteer—HMH had not obtained the most recently required SCR clearance in a timely manner; the clearances were late by periods that ranged from 11 days to nearly two years. The audit also found that HMH had not obtained any SCR clearance for one volunteer for eight years.

Based on the audit findings, the audit made five recommendations to HMH, including that it ensure that all of its personnel receive the required initial SCR clearances before they start work and receive renewal SCR clearances within two years of their prior clearances.

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

If you have any questions concerning this report, please e-mail my Audit Bureau at audit@comptroller.nyc.gov.

Sincerely,

A handwritten signature in blue ink that reads "Scott M. Stringer".

Scott M. Stringer

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
Audit Findings and Conclusions	1
Audit Recommendations.....	1
Agency Response.....	2
AUDIT REPORT	3
Background	3
Objective.....	4
Scope and Methodology Statement.....	4
Discussion of Audit Results with HMH.....	5
FINDINGS	6
RECOMMENDATIONS	7
ADDENDUM	

THE CITY OF NEW YORK OFFICE OF THE COMPTROLLER MANAGEMENT AUDIT

Audit Report on the Hamilton-Madison House Child Care Center's Screening of Personnel through the Statewide Central Register of Child Abuse and Maltreatment

ME17-114A

EXECUTIVE SUMMARY

This audit determined whether personnel working at the Hamilton-Madison House (HMH) child care center located at 253 South Street in Manhattan 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. HMH operates a child care center for three and four year-old children at 253 South Street in Manhattan (and at three 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 eight individuals who were working as employees or volunteers at the HMH child care center at 253 South Street as of January 17, 2017, and found that for five individuals—four employees and one volunteer—HMH had not obtained the most recently required SCR clearance in a timely manner; the clearances were late by periods that ranged from 11 days to nearly two years. We also found that HMH had not obtained any SCR clearance for one volunteer, even though the individual told us that he had worked at the child care center for eight years.

Audit Recommendations

To address these issues, the audit recommends, among other things, that HMH ensure that all of its personnel receive the required initial SCR clearances before they start work and renewal SCR clearances within two years of their prior clearances.

Agency Response

In its written response, HMM generally agreed with the audit's five recommendations but did not fully respond to one of them in that it only addressed the maintenance of personnel files for its employees and not for its volunteers. The full text of HMM'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. HMH operates an *EarlyLearn NYC* child care center for three and four year-old children at 253 South Street in Manhattan 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.¹ 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.² 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

¹ 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.

² 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 HMM location at 253 South Street in Manhattan—to audit for their compliance with the SCR-clearance requirements.

Since 1954, HMM has been providing social services to children, the elderly, the disabled, new immigrants, refugees, and the unemployed, primarily in the Chinatown and Lower East Side neighborhoods of Manhattan. As of January 17, 2017, the HMM child care center at 253 South Street in Manhattan had six employees and a total enrollment of 32 children in its two classrooms.³

Objective

To determine whether personnel working at the HMM child care center located at 253 South Street in Manhattan 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 personnel who were employed by or volunteering at the HMM child care center at 253 South Street in Manhattan on January 17, 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.

³ HMM also operates three other child care centers under contract with ACS. This audit concerned only the child care center at 253 South Street.

Discussion of Audit Results with HMM

The matters covered in this report were discussed with HMM officials during and at the conclusion of this audit. A preliminary draft report was sent to HMM on May 16, 2017, and was discussed at an exit conference held on May 24, 2017. On May 31, 2017, we submitted a draft report to HMM with a request for comments. On June 14, 2017, we received a written response from HMM dated June 9, 2017.

In its response, HMM generally agreed with the audit's five recommendations but did not fully respond to one of them in that it only addressed the maintenance of personnel files for its employees and not for its volunteers.

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

FINDINGS

We reviewed the SCR-clearance status of eight individuals who were working as employees or volunteers at the HMH child care center at 253 South Street as of January 17, 2017, and found the following:

- HMH obtained the most recently required SCR clearance on time for two employees;
- For five individuals—four employees and one volunteer—HMH did not obtain the most recently required SCR clearances on time; the clearances were late by periods that ranged from 11 days to nearly two years; and
- HMH did not obtain any SCR clearance for one volunteer, even though the individual told us that he had worked at the child care center for eight years.

The breakdown is shown in Table I below.

Table I

Timeliness of Most Recently Required SCR Clearances at HMH

Personnel Type	Category	Number of Individuals	Initial or Renewal SCR Clearance Obtained Timely	Initial or Renewal SCR Clearance Obtained Late	No SCR Clearance
Employees	Recently hired (within previous two years)	2	1	1	---
	Worked at center two or more years	4	1	3	---
Volunteers	Recently began volunteering (within previous two years)	---	---	---	---
	Volunteered at center two or more years	2	---	1	1
Totals		8	2	5	1

HMH Had No Personnel File or SCR Clearance for One Volunteer

The child care center had personnel files for the six employees and one of the two volunteers working at the center as of January 17, 2017, the date of our visit. However, HMH had no personnel file (and no SCR clearance) for the eighth person—the other volunteer—who informed us that he had been a volunteer at the center for about eight years.

Five of the Seven HMM Personnel Files Contained SCR Clearances That Were Late

By reviewing the personnel files that were available for seven of the eight individuals, we determined that as of January 17, 2017:

- Of the two employees who had been hired during the two preceding years, HMM obtained a timely, pre-hire SCR clearance for one. However, the other employee was hired 20 days before HMM obtained the required SCR clearance.
- Of the five individuals—four employees and one volunteer—who had worked at the child care center for two or more years, only one employee's most recent SCR renewal clearance had been received timely (i.e., within two years of the prior clearance). Clearances for the four remaining individuals were late by varying degrees, as shown below:
 - Three employees' renewal clearances were obtained late, by, respectively, 11 days, 33 days, and almost 6 months.
 - The SCR renewal clearance for the volunteer was almost two years late.

To protect the safety of the children receiving services at the HMM child care center, 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

On a related matter, the child care center addresses on the most recent SCR clearance letters for all six employees and one volunteer were for HMM's child care center at 60 Catherine Street in Manhattan rather than for 253 South Street in Manhattan. To ensure that any allegation that may be received by SCR is forwarded to the correct location, HMM should ensure that it has provided the correct work address information to the SCR for all of its personnel.

On a second related matter, while visiting HMM's child care center at 253 South Street, we observed that one person who was working with a child was not an HMM employee or volunteer. An HMM official informed us that the person was a special education teacher working for a Department of Education (DOE) contractor. However, the HMM child care center was unable to provide any documentation from the contractor for that person.

On April 27, 2017, we sent an email to HMM in which we provided the center with an opportunity to address these findings. HMM responded on May 10 and 12, 2017, but the only matter addressed in those responses concerned the individual HMM stated was a special education teacher working for a DOE contractor. On May 16, 2017, an independent consultant for HMM provided us with a copy of the required SCR clearance for that teacher. However, we note that the HMM child care center did not maintain the SCR clearance documentation for that special education teacher working at the center.

RECOMMENDATIONS

1. HMM should ensure that it maintains personnel files for all its employees and volunteers.

HMH Response: “The HMH Human Resource office manages the collection of all documentation required of new employees prior to their start date. These files are maintained at the agency’s central office located at 253 South Street, 2nd floor. Prior to the start date a duplicate copy of the employee’s files are sent to the location where the staff is scheduled to work.”

Auditor Comment: HMH’s response addresses only one of the two categories of individuals mentioned in our recommendation—HMH’s employees—and does not address the need to maintain personnel files for HMH’s volunteers. In this audit, HMH had no personnel file and no SCR clearance for one person who was at the 253 South Street site on the date of our visit and said that he had been a volunteer there for about eight years. Accordingly, HMH must make sure that it maintains personnel files on its volunteers as well as on its employees.

2. HMH should ensure that all of its personnel have received the required SCR clearance before they start work.

HMH Response: “As per requirements the agency will ensure all personnel clearances are received prior to the first day of employment. The clearance letters from the State Central Registry will be received (and dated) before the employee’s first day of work at HMH. The dates of clearance and start date will be added to the site’s Staff Document Tracking Record.”

3. HMH should ensure that all of its employees and volunteers receive SCR renewal clearances within two years of their prior clearances.

HMH Response: “Site Directors will have all employees and volunteers who are at their location fill out SCR clearance forms 60 days prior to expiration. These forms will be submitted to HMH Human Resource Department for processing. Immediately upon receipt of the clearance letter, the Human Resources Department will provide a copy of the document to the Director for file maintenance. The Director will update all tracking forms within 24 hours of receipt. The Assistant Executive, assigned to monitor early childhood services for the agency, will do internal audits monthly to ensure all records are maintained and up to date.”

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

HMH Response: “HMH has two site numbers assigned for the State Central Registry clearance for their employees. The[] address[es] are 60 Catherine Street which is the number for all child care employees and the agency was assigned a number for 253 South Street for all Head Start employees. Immediately following the Comptroller’s Office Audit, the agency requested individual numbers for each site. Upon receipt of the contract numbers for the two additional sites agency will use those assigned numbers so that each individual’s number is specific to the location the employee works in lieu of contract assignment. As mentioned above.”

5. HMH should ensure that it has SCR clearance documentation from any DOE contractor providing special education services in the child care center.

HMH Response: “As per correspondence from NYCDOE the contractors providing special services have been cleared by CPSE [Committee on Preschool

Special Education] prior [to] hire. HMM staff will have clear sight of the contract staff who have not provided a copy of their clearance forms. Any contract staff providing pull out services will need to provide a copy of their clearance documents prior to removing any child from clear sight [of] HMM staff.”

Auditor Comment: According to DOHMH, professional consultants (such as special education teachers and therapists) who provide educational or therapeutic services to children must provide a Notification of Assignment of Professional Consultant form to the center confirming that the consultant has an SCR clearance. If the consultant does not present the form to the center on the first day of service, the consultant is required to work within the line of sight of a child care teacher. According to ACS, the Consultant forms must be maintained by the center to show that clearances have been received.



June 9, 2017

Marjorie Landa
Deputy Comptroller for Audit
Comptroller's Office
Municipal Building
1 Centre Street, Room 1100
New York, NY 10007

Re: Audit Report on the Hamilton Madison House Child Care
253 South Street Center

Ms. Landa,
Please find below our comments in response to May 31st Audit report.

RECOMMENDATIONS:

1. HMH should ensure that it maintains personnel files for all of its employees and volunteers. **The HMH Human Resource office manages the collection of all documentation required of new employees prior to their start date. These files are maintained at the agency's central office located at 253 South Street, 2nd floor. Prior to the start date a duplicate copy of the employee's files are sent to the location where the staff is scheduled to work.**
2. HMH should ensure that all of its personnel have received the required SCR clearance before they start work. **As per requirements the agency will ensure all personnel clearances are received prior to the first day of employment. The clearance letters from the State Central Registry will be received (and dated) before the employee's first day of work at HMH. The dates of clearance and start date will be added to the site's Staff Document Tracking Record.**
3. HMH should ensure that all of its employees and volunteers receive SCR renewal clearances within two years of their prior clearances. **Site Directors will have all employees and volunteers who are at their location fill out SCR clearance forms 60 days prior to expiration. These forms will be submitted to HMH Human Resource Department for processing. Immediately upon receipt of the clearance letter, the Human Resources Department will provide a copy of the document to the Director for file maintenance. The Director will update all tracking forms within 24 hours of receipt. The Assistant Executive, assigned to monitor early childhood services for the agency, will do internal audits monthly to ensure all records are maintained and up to date.**

4. HMM should ensure that it provides the correct work address information to SCR for all of its personnel.
HMM has two site numbers assigned for the State Central Registry clearance for their employees. They address are 60 Catherine Street which is the number for all child care employees and the agency was assigned a number for 253 South Street for all Head Start employees. Immediately following the Comptroller's Office Audit, the agency requested individual numbers for each site. Upon receipt of the contract numbers for the two additional sites agency will use those assigned numbers so that each individual's number is specific to the location the employee works in lieu of contract assignment. As mentioned above.
5. HMM should ensure that its clearance documentation from any DOE contract providing special education services in the child care center
As per correspondence from NYCDOE the contractors providing special services have been cleared by CPSE prior hire. HMM staff will have clear sight of the contract staff who have not provided a copy of their clearance forms. Any contract staff providing pull out services will need to provide a copy of their clearance documents prior to removing any child from clear sight HMM staff.

If we need to provide any further detail please contact me immediately. Thank you for your recommendations.

Best,

Karenne Berry

Karenne Berry
Assistant Executive Director for Child Care
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Cc: Isabel Chin/Executive Director
Hamilton Madison House

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