



City of New York

OFFICE OF THE COMPTROLLER

Scott M. Stringer
COMPTROLLER



MANAGEMENT AUDIT

Marjorie Landa

Deputy Comptroller for Audit

Audit Report on the All My Children
Daycare and Nursery School's
Screening of Personnel through the
Statewide Central Register of Child
Abuse and Maltreatment

ME17-120A

March 20, 2018

<http://comptroller.nyc.gov>



THE CITY OF NEW YORK
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SCOTT M. STRINGER

March 20, 2018

To the Residents of the City of New York:

My office has audited the All My Children Daycare and Nursery School located at 317 Rogers Avenue in Brooklyn 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 New York City contractors are complying with relevant statutes and regulations.

This audit reviewed the SCR-clearance status of 25 individuals who were working as employees at the child care center as of March 10, 2017, the date of the auditors' unannounced visit to the center. The audit found that for two employees, All My Children did not obtain the most recently required SCR clearances on time; one clearance was late by eight days and the other by 24 days. The audit also found that All My Children did not: (1) ensure that those employees or volunteers whose job functions require work across multiple sites have the central administrative office address on their SCR results; (2) prepare and maintain at each child care center appointment letters establishing the start dates for all of its new personnel (employees and volunteers) at the center; or (3) consistently maintain complete and readily-available personnel files at the child care center location.

Based on the findings, the audit made a total of four recommendations to All My Children, including that it ensure that all of its personnel receive renewal SCR clearances within two years of their prior clearances, as required by the New York City Health Code, and that it maintain appointment letters for its new personnel.

The results of the audit have been discussed with All My Children 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.

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 All My Children Daycare and Nursery School's Screening of Personnel through the Statewide Central Register of Child Abuse and Maltreatment

ME17-120A

EXECUTIVE SUMMARY

This audit determined whether personnel working at the All My Children Daycare and Nursery School (All My Children) located at 317 Rogers Avenue in Brooklyn had 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 appointed and every two years thereafter.

Child care centers provide essential services for many families, including education, recreation, and a safe and structured environment for children while their parents work. All My Children operates an *EarlyLearn NYC* child care center for two to four year-old children at 317 Rogers Avenue in Brooklyn (and at nine other locations) under a contract with the New York City (City) Administration for Children's Services (ACS).

All My Children also operates a separate *EarlyLearn NYC* "family child care" network under the same contract with ACS. The network encompasses a total of 96 licensed "family child care" providers in Brooklyn and Queens, which All My Children supports and monitors through personnel assigned to the 317 Rogers Avenue site. Each provider in the "family child care" network is responsible for providing child care services in a home setting for up to 12 children who are six weeks to four years of age. This audit focuses on the screening of personnel who work at the All My Children child care center located at 317 Rogers Avenue, including both the child care center employees and the network employees who support and monitor All My Children's "family child care" providers.

Audit Findings and Conclusions

We reviewed the SCR-clearance status of 25 individuals who were working as employees at the All My Children's child care center location at 317 Rogers Avenue in Brooklyn as of March 10,

2017, the date of our unannounced visit to the center.¹ We found that for two employees, All My Children did not obtain the most recently required SCR clearances on time; one clearance was late by eight days and the other by 24 days. We also found that All My Children did not: (1) ensure that those employees or volunteers whose job functions require work across multiple sites have the central administrative office address on their SCR results; (2) prepare and maintain at each child care center appointment letters establishing the start dates for all of its new personnel (employees and volunteers) at the center; or (3) consistently maintain complete and readily-available personnel files at the child care center located at 317 Rogers Avenue in Brooklyn.

Audit Recommendations

To address these issues, the report makes a total of four recommendations, including that All My Children ensure that all of its personnel receive renewal SCR clearances within two years of their prior clearances, as required by the New York City Health Code, and that it maintain appointment letters for its new personnel.

Agency Response

In its written response, All My Children generally agreed with the audit's four recommendations and stated that it is in the process of implementing them as part of its best practices. The full text of All My Children's response is included as an addendum to this report.

¹ All 25 individuals were employees of the center; no volunteers worked at the center on the day of our visit.

AUDIT REPORT

Background

ACS is responsible for protecting the safety and promoting the well-being of children and their families. To meet these responsibilities, ACS investigates reports of child abuse and neglect, oversees foster care services, and coordinates affordable child care services at centers throughout the City. Child care centers provide essential services for many City families, including 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 by (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 seats available in *EarlyLearn NYC*, a program where ACS contracts with privately-operated child care centers and programs that enroll children for ACS-subsidized child care and early-education services.

All My Children operates an *EarlyLearn NYC* child care center for two to four year-old children at 317 Rogers Avenue in Brooklyn under a contract with ACS. Also at this location, All My Children operates an *EarlyLearn NYC* “family child care” network under the same contract with ACS. The network has a total of 96 licensed “family child care” providers in Brooklyn and Queens. Each provider is responsible for providing child care services in a home setting for up to 12 children who are six weeks to four years of age. This audit focuses on the screening of personnel who work at the All My Children child care center located at 317 Rogers Avenue, both child care center employees and “family child care” network employees who monitor and support “family child care” providers.

City child care programs, including child care centers under contract with ACS, are licensed by the City Department of Health and Mental Hygiene (DOHMH). These programs must comply with City statutes and regulations that require specific screening procedures for current and prospective personnel, both paid and unpaid.² Under New York City Administrative Code §21-119, individuals who work or volunteer for entities that provide child care services under contract with the City must be fingerprinted and screened for criminal convictions and pending criminal actions. New York City Health Code §47.19 applies that requirement to all child care programs that need a permit from DOHMH, regardless of whether they have City contracts. In accordance with an Intra-City Agreement signed by DOHMH, ACS and the City Department of Investigation (DOI), a City-contracted child care center must send prospective personnel to DOI for such screening. The child care center must also determine whether prospective personnel have the training, education, and experience needed for specific jobs at the center.

In addition, all child care programs that are subject to licensing and oversight by DOHMH must submit clearance requests to the SCR for all prospective personnel, including volunteers, who may have unsupervised contact with children. The SCR determines whether any prospective child care center employees have been the subjects of indicated child abuse or maltreatment

² Article 47 of the New York City Health Code applies to a “child care program,” 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 program requires a permit from DOHMH. 24 RCNY 47.03.

reports.³ These clearance requests may be submitted by the center and answered by the SCR either 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 appointed and every two years thereafter.

While we were conducting an audit of ACS' monitoring of its contracted child care centers' screening of personnel, the New York State Office of Children and Family Services (OCFS), which is responsible for the operation of the SCR, determined that ACS is not allowed by New York Social Services Law §422(4)(A) to receive or review SCR clearances for child care personnel. That determination was made 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 have continued our audit of ACS' monitoring of contracted child care centers' screening of personnel in relation 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 the SCR clearances of child care center personnel, we have chosen a randomly selected sample of child care centers that provided *EarlyLearn NYC* services—including the All My Children child day care location at 317 Rogers Avenue in Brooklyn—to determine their compliance with the SCR-clearance requirements.

All My Children has been providing child care services for over 20 years, primarily in Brooklyn and Queens, but also to a limited extent in Manhattan. On March 10, 2017, the date of our unannounced visit, 25 individuals were employed by the All My Children child care center location at 317 Rogers Avenue in Brooklyn. These included 17 child care center employees and 8 “family child care” network employees. As of the date of our visit, this child care center location had a total enrollment of 75 children in its five *EarlyLearn NYC* classrooms.⁴

Objective

To determine whether personnel working at the All My Children location at 317 Rogers Avenue in Brooklyn had 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 All My Children personnel who were employed by or volunteering at the 317 Rogers Avenue location in Brooklyn on March 10, 2017, the date of our

³ 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.

⁴ All My Children operates a total of 10 child care centers under contract with ACS, including the center located at 317 Rogers Avenue in Brooklyn. This audit concerned only the center located at 317 Rogers Avenue.

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.

Discussion of Audit Results with All My Children

The matters covered in this report were discussed with All My Children officials during and at the conclusion of this audit. A preliminary draft report was sent to All My Children on January 26, 2018, and was discussed at an exit conference held on February 5, 2018. On February 26, 2018, we submitted a draft report to All My Children with a request for comments. On March 12, 2018, we received a written response from All My Children.

In its response, All My Children generally agreed with the audit's four recommendations and stated that it is in the process of implementing them as part of its best practices. The full text of All My Children's response is included as an addendum to this report.

FINDINGS

We reviewed the SCR-clearance status of 25 individuals who were working as employees at the All My Children’s child care center location at 317 Rogers Avenue in Brooklyn as of March 10, 2017, the date of our unannounced visit to the center. We found the following:

- All My Children obtained the most recently required SCR clearances on time for 23 employees.
- For two employees, All My Children did not obtain the most recently required SCR clearances on time; one clearance was late by eight days and the other by 24 days.

The breakdown is shown in Table I below.

Table I

Timeliness of Most Recently Required SCR Clearances
for All My Children Personnel

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)	18	17	1
Employees who worked at center two or more years	7	6	1
Totals	25	23	2

Two of the 25 Personnel Files Contained SCR Clearances That Were Late

Of the seven employees who had worked two or more years at this location as of our March 10, 2017 visit, one employee’s renewal SCR clearance was received 24 days late. In addition, of the 18 employees hired within the two years prior to our visit to the center, one employee’s renewal SCR clearance was received eight days late. For this employee, All My Children officials stated that they had submitted a clearance request to the SCR on December 9, 2016, six days before the renewal SCR clearance due date of December 15, 2016. However, they claimed that the SCR offices were backlogged and did not return SCR clearances in a timely manner.

The Director of Family and Day Care Services further stated that based on her understanding of the New York City Health Code and the contract with ACS, as long as a center submits a clearance request to the SCR prior to the two-year-renewal due date and the individual works under the direct supervision and within the line-of-sight of a screened employee, then the center would be in compliance with the code.

However, to avoid the potential of an unscreened child care center worker being left unsupervised with children, it is in the best interest of the center to obtain the results of an SCR clearance inquiry within two years of the prior clearance. During the exit conference, the Director agreed that this would be the best practice and stated that in the future, All My Children will request SCR clearances earlier than it previously did in order to ensure that it receives the results prior to the two-year-renewal due dates.

To protect the safety and well-being of the children receiving services at the All My Children child care center, it is essential that all individuals who work there be properly screened through the SCR, both prior to appointment and periodically (every two years) thereafter.

Related Matters

During our audit, we noted that the child care center addresses on the most recent SCR clearance letters for three employees working at 317 Rogers Avenue in Brooklyn were for other All My Children child care centers (one letter was addressed to the center at 97-30 Queens Boulevard in Rego Park, Queens, and two letters were addressed to the center at 420 Lefferts Avenue in Brooklyn). All My Children officials explained that because the three employees are not permanently assigned to 317 Rogers Avenue, the most recent SCR letters were not addressed to that center. Rather, they explained, two of the employees were only providing staff coverage as substitutes on the day of our visit (one as a substitute teacher and the second as a substitute custodian), and the third employee is a director whose responsibility is to oversee all of the child care centers and their site directors and to work at each of the centers as needed. Based on those explanations, the work addresses on the SCR clearance letters for the three multiple-site employees should be that of All My Children's central administrative office, at 561 Utica Avenue in Brooklyn. The address of a particular child care center should be used when an employee or volunteer is primarily assigned to that site.

In addition, we were initially unable to definitively determine the dates of hire or effective start dates for 15 of the 18 employees who were hired during the two years immediately preceding our visit. No appointment letters were present in the personnel files for these 15 employees. For 12 of the 15 employees, the dates of hire were recorded on the tabs of their personnel files or on various documents within the files, such as the Contractor Personnel Tracking Form or the Personnel Action Form. For 3 of the 15 employees, the dates of hire were not recorded on any of the documents in the personnel files.

During our visit to the All My Children child care center, we explained to the Director of Family and Day Care Services that the personnel files for the 15 employees did not contain appointment letters. She subsequently provided us with the letters for all of the 15 employees. However, although the letters indicated the dates of hire, the letters themselves were not dated or signed, and did not indicate the new work addresses of the employees. All My Children officials acknowledged that they did not always maintain appointment letters in the personnel files and stated that they were often kept in the central human resources office. They further stated that to ensure the accuracy and transparency in all departments, appointment letters will now be maintained in each personnel file, as well as in the central human resources office. In addition, they told us that they "have begun the practice of ensuring [that] appointment letters have dates, signatures, and the new work addresses of employees." This documentation is important because, without appointment letters clearly stating a date of hire, it is difficult for management or an independent reviewer, such as a DOHMH licensing inspector, to determine whether an employee's start date preceded the SCR clearance date.

We also found that, for two of the 18 employees hired within the two years prior to our visit to All My Children, relevant SCR clearances were not available in the personnel files maintained at the child care center. Although All My Children subsequently provided us with the employees' SCR clearances, they should have been present in the personnel files at the child care center at 317 Rogers Avenue in Brooklyn. It is difficult for site management or an independent reviewer to determine whether All My Children personnel have been properly screened when complete personnel files are not maintained at the centers where the employees and volunteers work.

RECOMMENDATIONS

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

All My Children Response: "All My Children remained in compliance as the SCR clearances were requested before the two year renewal date. While two SCR clearances arrived past their renewal date, this was perhaps due to a backlog in the SCR offices. There are always two staff members in every classroom so the individual works under the direct supervision and within the line of sight of a screened employee. As All My Children strives to engage in best practice, we request SCR clearances one month prior to the renewal due date."

Auditor Comment: In its response, All My Children asserts that the SCR renewal clearances for both employees were requested before the two-year-renewal due dates. However, based on All My Children's records, this is untrue for one of the two employees. Specifically, documentation present in this employee's personnel file reflected that All My Children submitted a clearance request to the SCR on April 27, 2015, 17 days *after* the two-year-renewal SCR clearance due date of April 10, 2015. Irrespective of whether the SCR clearances were requested before the renewal due dates, to avoid the potential of a child care center worker not being screened in a timely manner and being left unsupervised with children, it is in the center's best interest to allow for enough time when it submits the clearance request so that it can obtain the results of the inquiry within two years of the prior clearance. We are pleased that going forward All My Children will be taking steps to ensure compliance in this regard.

2. All My Children should ensure that those employees or volunteers whose job functions require work across multiple sites have the central administrative office address on their SCR results.

All My Children Response: "All My Children is looking into the recommendation of obtaining SCR clearance letters on the address of the All My Children central administrative office at 561 Utica Ave. The Department of [Health and Mental Hygiene] is providing us with the information on how to proceed with this. In the interim, we always request a duplicate SCR and DOI for an employee even when he or she is working at a site temporarily, just for one day."

3. All My Children should prepare and maintain at each child care center appointment letters that establish the start dates for all of the new personnel (employees and volunteers) at the center.

All My Children Response: “While we have always written the hire date in the personnel files, the appointment letters have usually been kept in the administrative department office. All My Children strives to engage in best practice and now prepares and maintains child care center appointment letters with the start dates, signatures, and new work addresses for all personnel in their files at the center. All My Children understands the importance of appointment letters because, without the appointment letter clearly stating a date of hire, it is difficult for management or an independent reviewer to determine whether an employee’s start day preceded the SCR clearance date.”

4. All My Children should maintain complete and readily-available personnel files at the child care centers where the personnel are working.

All My Children Response: “All My Children has always maintained complete and readily-available personnel files both in the center and at the central administrative office at 561 Utica Ave. As All My Children strives to engage in best practice, when importing staff or volunteers from another center to work temporarily at a site, a complete file is held at the temporary work location. All My Children understands the importance of maintaining a complete and readily-available personnel file even at an employee’s temporary work location, as without a complete file it would be difficult for management or an independent reviewer to determine whether All My Children staff have been properly screened.”

Auditor Comment: In its response, All My Children asserts that it always maintains complete personnel files at the child care centers where the personnel are working. However, we found that for two of the 18 employees hired within the two years prior to our visit, relevant SCR clearances were not available in the personnel files maintained at the child care center at 317 Rogers Avenue where these employees work. Although All My Children subsequently provided us with the two employees’ SCR clearances, they should have been present in the personnel files at the work location for these employees. We are pleased that going forward All My Children will be taking steps to fully implement this recommendation.



"Each child is a world...The world is in our hands...We can make a world of difference"

*All My Children Daycare Center # 11
317 Rogers Ave
Brooklyn NY 11215
(929) 234-2320*

March 12, 2018

Dear Ms. Marjorie Landa,

The following addresses the four recommendations made by Office of the City Comptroller in the Audit Report of All My Children's Screening of Statewide Central Register of Child Abuse and Maltreatment:

1. All My Children remained in compliance as the SCR clearances were requested before the two year renewal date. While two SCR clearances arrived past their renewal date, this was perhaps due to a backlog in the SCR offices. There are always two staff members in every classroom so the individual works under the direct supervision and within the line of sight of a screened employee. As All My Children strives to engage in best practice, we request SCR clearances one month prior to the renewal due date.
2. All My Children is looking into the recommendation of obtaining SCR clearance letters on the address of the All My Children central administrative office at 561 Utica Ave. The Department of Mental Health and Hygiene is providing us with the information on how to proceed with this. In the interim, we always request a duplicate SCR and DOI for an employee even when he or she is working at a site temporarily, just for one day.
3. While we have always written the hire date in the personnel files, the appointment letters have usually been kept in the administrative department office. All My Children strives to engage in best practice and now prepares and maintains child care center appointment letters with the start dates, signatures, and new work addresses for all personnel in their files at the center. All My Children understands the importance of appointment letters because, without the appointment letter clearly stating a date of hire, it is difficult for management or an independent reviewer to determine whether an employee's start day preceded the SCR clearance date.
4. All My Children has always maintained complete and readily-available personnel files both in the center



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and at the central administrative offices at 561 Utica Ave. As All My Children strives to engage in best practice, when importing staff or volunteers from another center to work temporarily at a site, a complete file is held at the temporary work location. All My Children understands the importance of maintaining a complete and readily-available personnel file even at an employee’s temporary work location, as without a complete file it would be difficult for management or an independent reviewer to determine whether All My Children staff have been properly screened.

Sincerely,

All My Children Daycare