

HUMAN SERVICES COMMITTEE

The Human Services Committee reviewed the functional and operational procedures of all departments within the Human Services System, with the exception of the departments of Behavioral Health and Public Health. These two departments were a part of Health Care Services during the early part of our term, and were reviewed by that committee.

The Human Services System coordinates the activities of the following County departments:

- Aging and Adult Services
- Children's Services
- Community Services
- Jobs and Employment Services
- Preschool Services
- Transitional Assistance
- Veterans Affairs

The Human Services System also provides fiscal and technical support to both the Children's Network and the Children's Fund.

The Human Services Committee established subcommittees to review the function of each of the above departments. All department heads were interviewed. Further interviews were held to investigate compliance with County policies. Suggested areas of concern by previous Grand Juries were considered.

Grand Jurors went on ride-alongs with welfare fraud field investigators, attended the Homeless Coalition Faire and the grand opening of the Children's Assessment Center, observed the functioning of the Child Abuse Hotline, and went on visits to Head Start sites.

The Human Services Committee makes the following findings and recommendations.

DEPARTMENT OF AGING AND ADULT SERVICES

IN-HOME SUPPORTIVE SERVICES PROGRAM

BACKGROUND

The In-Home Supportive Services Program (IHSS) within the Department of Aging and Adult Services (DAAS) allows low income elderly, blind, and disabled persons to remain in their own homes when they become unable to care for themselves. Program recipients receive services that are less expensive for the County than out-of-home care. Because of this program, recipients avoid institutionalization.

Under this program care providers come into the recipient's home, providing domestic, personal, and protective care on an assigned basis.

The 1998-99 Grand Jury, in its final report, made recommendations to improve the personal security of the recipients. The Board of Supervisors' official response was brief and appeared to summarily dismiss the Grand Jury's recommendations. For that reason, this Grand Jury reviewed the IHSS program.

The Grand Jury's primary concern was for the health and well being of the recipient, as well as possible County liability in the event of abuse at the hands of a County-recommended provider.

FINDINGS

The IHSS program is federally, state, and county funded. It is administered by County DAAS and governed by the California Welfare and Institutions Code and directives of the State Department of Social Services.

Care providers are selected and hired by the care recipient. Approximately 62 percent of care providers are either a relative or friend of the recipient. When the recipient has no relative or friend available to act as his/her care provider, a County-recommended and maintained list of providers is given to the recipient from whom a selection is made. Not being a friend or relative, the providers on this list are relatively unknown to both the County and recipient. To be placed on this list, potential providers must only submit positive identification, pass an interview by a County social worker, and sign a declaration vouching for their past and present legal compliance.

The governing statutes do not provide the County with the authority to request background fingerprint checks on care providers from the Department of Justice. A local public records background check is permissible. The recipient may, at his/her own expense, obtain a Department of Justice background check on a potential or existing care provider.

County Counsel provided the following legal opinion on this state-directed program. Under the new statutes (Assembly Bill 1682 and Senate Bill 710), effective January 1, 2000, pertaining to the establishment of an employer of record, the County is held harmless in an abuse situation of a recipient by a care provider if the County has followed all governing statutes/directives in its administration of the program. Specifically, the governing Welfare and Institutions Code (affected by the new legislation) now provides immunity for the state and counties from liability resulting from their implementation of the Code.

When initially contacted by the Grand Jury, DAAS understood that the new legislation required background checks of care providers. The following information was obtained from a legal opinion requested of County Counsel. The new legislation does not alter the current inability of counties to require a Department of Justice background check of IHSS providers. This legislation added Section 12302.25 to the Welfare and Institutions Code and requires each county to be in conformance by January 1, 2003. It effectively requires each county to act as, or establish, an employer of record for care providers for the purpose of establishing a collective bargaining agency for providers. This agency will be responsible for investigating the background or qualifications of potential providers. In the Foster Parents Program, foster

parents are required to undergo a criminal background investigation. In the IHSS program, care providers are not investigated.

There are thousands of cases of elder abuse reported in San Bernardino County each year. Currently, about 200,000 seniors reside in the County. DAAS projects 369,000 seniors by the year 2010 and 500,000 by the year 2020. DAAS also estimates that one-fourth of the County's population will be seniors in 2020. Currently, there are approximately 9,200 recipients in the program and 38 percent of their providers came from the County provided list. If the population grows by the above estimates, by the year 2020 there will be approximately 23,000 recipients in the program and about 8,700 of this number will come from the County's list of providers. With no background checks of care providers, these numbers are reason for alarm today and present increased concern for the future.

Findings support the primary concern of the Grand Jury. More can be done to ensure the health and well being of IHSS recipients. County liability is tempered by the legislation, but not forgotten. If the County has not followed the Welfare and Institutions Code to the letter and an abusive care provider surfaces, the County stands to lose.

RECOMMENDATIONS

- 00-70 PROVIDE LOCAL PUBLIC RECORDS CHECKS OF ALL PROSPECTIVE CARE PROVIDERS AT COUNTY EXPENSE.

- 00-71 SPONSOR A LEGISLATIVE CHANGE/AMENDMENT TO THE CALIFORNIA WELFARE AND INSTITUTIONS CODE REQUIRING DEPARTMENT OF JUSTICE BACKGROUND CHECKS BE CONDUCTED ON ALL PROSPECTIVE CARE PROVIDERS. THE RIGHT TO HIRE, FIRE, AND SUPERVISE THE CARE PROVIDER WOULD REMAIN WITH THE RECIPIENT. THE EXPENSE OF THE BACKGROUND CHECK WOULD BE BORNE BY THE STATE AND COUNTY.

- 00-72 INFORM RECIPIENTS OF THEIR RIGHT TO REQUEST A DEPARTMENT OF JUSTICE BACKGROUND CHECK ON ANY POTENTIAL OR EXISTING CARE PROVIDER. IF RECIPIENTS DECLINE THIS OPPORTUNITY TO BE INFORMED AS TO WHOM THEY ARE ENTRUSTING THEIR FUTURE WELL-BEING, REQUIRE RECIPIENTS TO SIGN A DISCLAIMER. IF THE RECIPIENT ELECTS TO ORDER THIS BACKGROUND CHECK, HE/SHE MUST SIGN A STATEMENT TO THAT EFFECT.

PRESCHOOL SERVICES DEPARTMENT

BACKGROUND

The Head Start program is funded by the U.S. Department of Health and Human Services' Administration for Children and Families (ACF). The Preschool Services Department (PSD) and its employees operate under Federal guidelines.

In April 1996 the ACF conducted an on-site review of Head Start and found non-compliance of the regulatory and policy requirements governing the program. The County acts as the grantee and was found to have under-expended the grant by over two million dollars in each of the last two budget periods, despite the need for classroom materials, facilities, equipment, and expansion. The program was reviewed again in January 1999 by ACF and several areas of serious concern were found.

The 1998-99 Grand Jury investigated the Federal findings, but was unable to make recommendations at that time due to non-jurisdiction. In March 1999 the Preschool Services Department and 105 administrative and support staff became County employees, under the Human Services System. Personnel at the Head Start sites work under contracts ranging from 9 to 12 months in duration.

FINDINGS

During routine visits to some Head Start sites, the Grand Jury was made aware of deficiencies in the hiring process. A letter was sent to the rest of the sites requesting information regarding vacancies since September 1999, how and when requests were made, and when vacancies were filled, if they were. Twenty-two (22) responses were received out of the 30 sites contacted, and this information was combined with information received during three site visits. Many sites reported having long-standing vacancies. Vacancies included teachers, teacher's aides, custodians, food service workers, and clerical. Teachers and aides were performing custodial and clerical chores in addition to their teaching responsibilities, causing extremely low morale over the long-term at some sites. No temporary or substitute employees were available to cover the vacancies.

Vacancies in staff positions occurred at 21 of the 25 Head Start sites from which we have data. These vacancies were unfilled for periods of time ranging from two weeks to six months. At the time this report was written, there were 46 vacancies unfilled.

Personnel requests by site supervisors to fill vacancies were made in a number of different ways: by telephone, written memos, personal conversations with administrators, field visits, area manager visits, weekly reports, letters, written lists, area meetings, requisitions, and field reports.

Here are three randomly selected examples:

- A teacher position became vacant in September 1999 and was filled in March 2000. Requests to fill the position were made by telephone and through personal conversation with the area coordinator.
- One site was short one clerk and one teacher and in October another teacher resigned. The clerk position was filled in November and both teaching positions were filled in January. The site supervisor notified her supervisor of the vacancy three times – once by phone and twice with written memos.
- At another site a teaching position had been vacant since January and was not filled as of March 31, 2000.

Applicants who live in outlying areas can apply for positions by mail. However, they must report to San Bernardino for testing and interview.

RECOMMENDATIONS

- 00-73 CREATE A STANDARD PROCEDURE FOR HEAD START SITE SUPERVISORS TO USE WHEN REQUESTING PERSONNEL, TO INCLUDE DOCUMENTATION OF WHEN THE REQUEST IS MADE, TO WHOM, AND THE DATE THE VACANCY IS FILLED.
- 00-74 EDUCATE ALL SITE SUPERVISORS IN THE NEED TO FOLLOW THE PROCEDURE FOR REQUESTING PERSONNEL, AND TO DOCUMENT THEIR REQUESTS.
- 00-75 BEGIN RECRUITING NEW PERSONNEL DURING THE SUMMER MONTHS IN ORDER TO CREATE A POOL FROM WHICH TO FILL VACANCIES THAT WILL OCCUR WHEN THE NEW SCHOOL YEAR BEGINS AND THROUGHOUT THE YEAR.
- 00-76 ESTABLISH A POOL OF AVAILABLE SUBSTITUTE EMPLOYEES FOR ALL POSITIONS.

- 00-77 FILL VACANCIES AT HEAD START SITES AS SOON AS THEY OCCUR.
- 00-78 CONDUCT TESTING AND INTERVIEWING AT SITES CLOSE TO THE LOCAL COMMUNITIES WHERE THE JOBS WILL BE PERFORMED.

TRANSITIONAL ASSISTANCE DEPARTMENT

BACKGROUND

Under the Human Services System, the Transitional Assistance Department (TAD), with an annual budget of \$124.3 million, is responsible for the administration of the financial support programs that assist the needy with basic services. Of this appropriated budget, \$113.9 million is from Federal and State revenue, with a local cost share of \$10.4 million. The TAD is budgeted for a staff of 1,914. The primary services provided include Transitional Assistance to Needy Families, food stamps, Medi-Cal, childcare, and general assistance. The goals of TAD are to meet the basic needs of families and individuals while working to help them attain self-sufficiency, and to promote work and personal responsibility.

One program within TAD is the Fraud Prevention Bureau (FPB). The mission of the FPB's Special Investigations Unit (SIU) is to detect and deter incidents of welfare fraud by persons deemed ineligible by law for public assistance. This mission is accomplished by thorough investigation of allegations, false claims, or misrepresentation of fact in compliance with due process of law without infringing upon the constitutional rights of applicants or recipients.

This report focuses on the overall Transitional Assistance Department and the Special Investigations Unit of the Fraud Prevention Bureau and their coordinated efforts in providing services to applicants and recipients.

FINDINGS

The classifications of the approximately 1,000 Eligibility Workers (EW) within TAD are as follows:

- EW Trainee - Approximate monthly salary of \$1,387. Requires high school diploma or GED, plus 2 years full-time public contact employment. Following completion of an 8-week orientation/training class, the entry level Trainee advances to the next level.
- EW I - Approximate monthly salary of \$1,726. Requires completion of a 6-month, closely supervised on-the-job training program, and requires a passing satisfactory performance evaluation before being eligible for advancement.
- EW II - Approximate monthly salary of \$2,047 to \$2,616. Requires completion of additional six month probationary period before becoming "regular status" and being eligible to apply for EW III level.
- EW III - Approximate monthly salary of \$2,207 to \$2,815. Requires bidding, applying, testing, and qualifying.

Approximately 80 new Eligibility Worker Trainees are hired each quarter. Newly hired EWs cannot transfer until after completion of the 8-week orientation/training class and a one-year probationary period. After the investment of training newly hired EWs in the multiple programs criteria, eligibility, and regulations for a period of 14 months, a significant number of these employees transfer to other departments/positions within the County at a higher rate of pay. The turnover rate has been running 15 to 22 percent over the past several years.

The file notes that Eligibility Workers provide to SIU Fraud Investigators are not always up-to-date at the time of field investigations. Unnecessary visitations are often made due to the inadequate or outdated information provided in the Fraud Investigators' files. This situation was verified by ride-alongs of Grand Jury members with Fraud Investigators. In several instances, information reported by the recipient to an Eligibility Worker was not in the file. The field investigators indicated that this situation occurs repeatedly.

Development of the new Consortium IV Welfare Computer System (counties of San Bernardino, Merced, Riverside and Stanislaus) is expected to ultimately resolve the aforementioned issue. This new system will provide all-encompassing paperless records that will be viewable on-screen to all involved agencies. Field investigators, case managers, and eligibility workers would all have access to view each other's notes up-to-the minute, eliminating the time-lag problem of written notes being in the Field Investigators' field files. It is

anticipated that the development and implementation phases of this computer system will not be completed for four years (year 2004).

The SIU is currently budgeted for 49 fraud investigators and five supervisors. Of these positions, there are four investigator vacancies, two are currently on "light duty," and the retirement of 4 or 5 is expected this year. This creates an extreme hardship in the unit because of a backlog of investigations to be completed.

RECOMMENDATIONS

- 00-79 DEVELOP A STRATEGY FOR RETAINING ENTRY-LEVEL ELIGIBILITY WORKERS WITHIN THE TRANSITIONAL ASSISTANCE DEPARTMENT THROUGH RETENTION INCENTIVES TO REDUCE TURNOVER AND LOSS OF TRAINING COSTS.

- 00-80 DEVELOP AND IMPLEMENT AN INTERIM SYSTEM TO ASSURE TIMELY PROCESSING OF PERTINENT INFORMATION FROM ELIGIBILITY WORKERS INTO RECIPIENTS' FILES FOR USE BY FRAUD INVESTIGATORS.

- 00-81 IMPLEMENT AN AGGRESSIVE AND TIMELY RECRUITMENT PROCESS TO FILL CURRENT AND ANTICIPATED VACANCIES OF FRAUD INVESTIGATORS IN THE FRAUD PREVENTION BUREAU'S SPECIAL INVESTIGATIONS UNIT.