
February 1, 2021

Performance Audit
Recommendations and
Corrective Actions for Audit:
17-04

AGENCY OF HUMAN
SERVICES

Process and Documentation
Improvements Could Better
Support Decision-Making in
Employee Misconduct Cases

Dated: June 23, 2017

Overview

The State Auditor's Office (SAO) makes recommendations designed to improve the operations of state government. For our work to produce benefits, auditees or the General Assembly must implement these recommendations, although we cannot require them to do so. Nevertheless, a measure of the quality and persuasiveness of our performance audits is the extent to which these recommendations are accepted and acted upon. The greater the number of recommendations that are implemented, the more benefit will be derived from our audit work.

In 2010, the SAO began to follow-up on the recommendations issued in our performance audits. Experience has shown that it takes time for some recommendations to be implemented. For this reason, we perform our follow-up activities one and three years after the calendar year in which the audit report is issued. Our annual performance reports summarize whether we are meeting our recommendation implementation targets.

<http://auditor.vermont.gov/about-us/strategic-plans-and-performance-reports>

This report addresses the requirements of Act 155 (2012) to post the results of our recommendation follow-up work on our website. The report does not include follow-up on recommendations issued as part of the state's financial statement audit and the federally mandated Single Audit, which are performed by a contractor. However, our current contract for this work requires the contractor to provide the results of its recommendation follow-up.

Rec #	Recommendation	Follow-Up Date	Status	Review Comments
1	Develop and implement criteria that specify the types of allegations that should be investigated by the Agency of Human Services (AHS) investigation unit (IU).	2018	No Longer Applicable	In December 2018, the AHS IU was dissolved and staff transferred to the Department of Human Resources (DHR) IU.
		No further follow-up is required because the recommendation is no longer applicable.		
2	Develop procedures for revisiting an employee's Temporary Relief From Duty (RFD) status after the investigation is completed and guidelines on when the employee should be removed from RFD status if departments are not considering removing the employee from State employment.	2018	Not Implemented	AHS did not implement this recommendation.
		2020	Partially Implemented	AHS cited a DHR meeting held on 1/30/2019 when the requirement for RFD extension letters was reviewed.
3	Modify the AHS IU SharePoint® system or develop a new system to be a repository of allegations, investigations, and resolutions of all employee misconduct decisions, and include edits to help ensure that records are complete and accurate.	2018	No Longer Applicable	In December 2018, the AHS IU was dissolved and staff transferred to the DHR IU.
		No further follow-up is required because the recommendation is no longer applicable.		
4	Modify the manual for the AHS IU SharePoint® site to include descriptions of each field and expected values.	2018	No Longer Applicable	In December 2018, the AHS IU was dissolved and staff transferred to the DHR IU.
		No further follow-up is required because the recommendation is no longer applicable.		
5	Develop one or more targets for when investigations are expected to be completed regardless of the organization of the investigator, and track the extent to which this target is being met. There could be multiple targets to address in certain circumstances, such as when the employee is in RFD status status.	2018	No Longer Applicable	AHS reported that it believes that there are too many variables outside of their control during the course of an investigation to develop targets.
		No further follow-up is required because the recommendation is no longer applicable.		
6	Develop one or more targets for when Appointing Authorities or designees are expected to finalize the disposition of a case, and track the extent to which this target is being met. There could be multiple targets to address, for example, whether due process procedures were initiated or stipulated agreements were negotiated.	2018	Not Implemented	AHS reported that it believes that there are too many variables outside of their control during the course of an investigation to develop targets.
		2020	Not Implemented	AHS reported that it has not taken action on this recommendation.

Rec #	Recommendation	Follow-Up Date	Status	Review Comments
DCF* -1-	In conjunction with DHR, develop a process to document the decision-maker for each disposition of an employee misconduct case, when the decision was made, and confirmation that the disposition was carried out. This could be done by recording this information in the AHS IU SharePoint® site.	2018	Partially Implemented	DCF provided a copy of a spreadsheet it maintains that shows disposition of a misconduct case, but not the decision maker or confirmation that the disposition was carried out.
		2020	Implemented	DHR's 2020 Sharepoint User's Guide emphasizes the need to update information in its Investigative Unit's system, which includes fields for the name and title of the appointing authority, type of case disposition, and date of disposition.
DMH* -1-	In conjunction with DHR, develop a process to document the decision-maker for each disposition of an employee misconduct case, when the decision was made, and confirmation that the disposition was carried out. This could be done by recording this information in the AHS IU SharePoint® site.	2018	Not Implemented	DMH did not provide evidence supporting that this recommendation was implemented.
		2020	Implemented	DHR's 2020 Sharepoint User's Guide emphasizes the need to update information in its Investigative Unit's system, which includes fields for the name and title of the appointing authority, type of case disposition, and date of disposition.
DOC* -1-	In conjunction with DHR, develop a process to document the decision-maker for each disposition of an employee misconduct case, when the decision was made, and confirmation that the disposition was carried out. This could be done by recording this information in the AHS IU SharePoint® site.	2018	Not Implemented	DOC did not provide evidence supporting that this recommendation was implemented.
		2020	Implemented	DHR's 2020 Sharepoint User's Guide emphasizes the need to update information in its Investigative Unit's system, which includes fields for the name and title of the appointing authority, type of case disposition, and date of disposition.
DCF DMH DOC -2-	When considering imposing discipline in an employee misconduct case and in conjunction with DHR, document the rationale used in the decision-making process, including how the 12 factors were applied.	2018	Not Implemented	None of the departments provided evidence supporting that this recommendation was implemented.
		2020	Not Implemented	AHS reported that it has not taken action on this recommendation.
DMH DOC -3-	Develop a process, in conjunction with DHR, to ensure that all employee misconduct cases and resolutions are recorded in the AHS IU SharePoint® site.	2018	Not Implemented	Neither department provided evidence supporting that this recommendation was implemented.
		2020	Implemented	DHR's Sharepoint User's Guide, which was reviewed with staff in October 2020, states that all misconduct cases regardless of who is assigned to conduct the investigation must be entered into the investigative unit's system.

*Recommendation made to specific AHS department:

DCF Department for Children and Families
DMH Department of Mental Health
DOC Department of Corrections