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 | INFORMATIONAL LETTER |
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TRANSMITTAL: 91 INF-39

TO: Commissioners of
 Social Services
 Directors of
 Authorized Agencies, and
 Day Care Centers

DIVISION: Family and
 Children
 Services

DATE: August 15, 1991

SUBJECT: Ability to Hire Employees Prior to Receiving
 SCR Screening Results

SUGGESTED
 DISTRIBUTION: Child Welfare Staff
 Administrative Staff
 Staff with employment hiring duties
 Staff Development Coordinators

CONTACT PERSON: Attachment A: Regional Office staff contacts, is
 available on-line

ATTACHMENTS: Attachment B: Chapter 260 of the Laws of 1991, is
 not available on-line

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
86 ADM-43		Parts 402 414,418,421, 432,442,447, 448,477	SSL 424-a Chapter 260 of the Laws of 1991	CPS Program Manual Chapter 5 Section D	

This is to bring to your attention Chapter 260 of the Laws of 1991, which amends Section 424-a of the Social Services Law. It allows a provider agency to hire an applicant for employment after submitting the applicant's name to the Department's State Central Register (SCR) but prior to receiving the results of the clearance inquiry, as long as the newly hired worker is not permitted to have unsupervised contact with children. It also allows providers or employees of providers of goods and services to the agency to have supervised contact with children in care of the provider agency during the period between submission of the names to the SCR and receipt of the clearance inquiry results from the SCR.

This statutory amendment addresses the problem that provider agencies have experienced in having staff vacancies which they are unable to fill until the SCR clearance results are received. Provider agencies are defined in Section 424-a(3) of the Social Services Law as authorized child care agencies, the Division for Youth, facilities licensed or operated by the Office of Mental Health or Office of Mental Retardation and Developmental Disabilities, Special Act School Districts, residential schools operated, supervised or approved by the State Education Department and licensed day care centers. Note that foster boarding homes and family day care homes are not included in the definition of provider agency and therefore not covered by the provisions of Chapter 260.

The Department will be promulgating regulations relating to authorized agency programs and day care programs over which the Department has licensure and supervisory authority. The regulations will address the issue of the level of supervision and monitoring that will have to be provided over employees or providers or employees of providers of goods and services to the agency while awaiting the results of the State Central Register inquiry. In the interim, it is legally permissible to hire prior to receiving the screening results. However, we suggest that you take necessary steps to ensure that a sufficient level of supervision over such staff persons is provided.

A copy of Chapter 260 is attached. Chapter 260 became effective on July 1, 1991.

Should you have any questions regarding this matter, please contact the appropriate person listed in Attachment A area of this informational letter.

Joseph Semidei
Deputy Commissioner
Division of Family and
Children Services

Attachment A

Your F&CS Regional Office Director:

Albany: John O'Connor, (518) 432-2751
Buffalo: Linda Brown, (716) 847-3145
Metropolitan: Fred Cantlo, (212) 804-1202
Rochester: Linda Kurtz, (716) 238-8200
Syracuse: Jack Klump, (315) 428-3235

Your F&CS Bureau of Child Care Regional Office Manager:

Albany: Mabel Leon, (518) 432-2763
Buffalo: Carolyn Huffman, (716) 847-3828
Metropolitan: Judith Rollins, (212) 804-1157
Rochester: Ella Renckert, (716) 238-8531
Syracuse: Margaret Pavlos, (315) 428-4301
Yonkers: Frances Pena, (914) 376-8810