



STATE OF NEW YORK  
OFFICE OF THE STATE INSPECTOR GENERAL

**Final Report**  
**September 13, 2007**

**Enhanced Control of Hiring-Related Records Recommended at OTDA**

SUMMARY OF FINDINGS/RECOMMENDATION

The Inspector General's investigation did not obtain evidence to substantiate that a state employee was improperly hired. The Inspector General recommended that the New York State Office of Temporary and Disability Assistance (OTDA) review its procedures for interviewing applicants for employment and maintaining pertinent records relating to those applicants.

ALLEGATION

The Inspector General's Office received an anonymous complaint that a convicted felon is working for the State of New York. The complainant alleged that this individual had previously worked in State government, had been convicted of rape and terminated from her State employment, but thereafter had been rehired back into State service. The complainant did not identify the agency that currently employs this individual.

SUMMARY OF INVESTIGATION

The Inspector General's investigation found that the individual currently is employed by the New York State Office of Temporary and Disability Assistance (OTDA). Records show that the individual pleaded guilty to Rape in the 3<sup>rd</sup> Degree, a Class E Felony, in 1991, and was sentenced to five years probation.

A review of the individual's employment application now on file at the New York State Department of Civil Service indicated that she had disclosed her prior conviction on her application, as required. Additionally, the records show that the individual had submitted to Civil Service a Certificate of Relief from Disabilities, which is a document provided by a court relieving the holder of certain civil disabilities, such as bars to

employment. According to documents on file at Civil Service, the individual was employed by the Albany County Department of Social Service (DSS) at the time of her arrest and conviction, and remained employed there until she was hired by OTDA in 2000. Thus, the allegation that the individual had been fired from State service at the time of her criminal conviction was incorrect.

With respect to the individual's employment at OTDA, the Inspector General's investigation determined that she was hired by the agency on September 14, 2000, which is the same date the individual signed and dated an OTDA pre-employment application. However, according to OTDA, a prospective employee completes a pre-employment application at the time of interview, not when he or she is actually hired.

Although the individual's OTDA pre-employment application indicated that her Certificate of Relief was on file, OTDA officials were unable to locate a copy of the certificate. The officials told us that in an effort to reduce the volume of paper documents it keeps on file, OTDA electronically scans original documents into a computer system, and then destroys the original documents. Thus, the possibility exists that the certificate provided by the individual was destroyed without having been scanned into the OTDA computer. As a result, OTDA officials could not determine, from their records, what crime the subject had been convicted. In addition, OTDA records contained no indication that the individual had been questioned about her conviction prior to her hiring.

This Office notes that the individual's position with OTDA is administrative in nature, and does not involve interaction with children.

## FINDINGS/RECOMMENDATIONS

The Inspector General's investigation did not substantiate the allegation that the individual, a convicted felon, was improperly hired into State service. The investigation found that the individual had disclosed her criminal conviction to Civil Service on an application for State employment, and had provided Civil Service a copy of her Certificate of Relief. Additionally, the individual's OTDA application indicated that the Certificate was on file. However, OTDA's original paperwork apparently was destroyed or lost, and OTDA cannot ascertain if the interviewer questioned the individual regarding her prior criminal conviction at the time the subject was hired.

The Inspector General's Office recommended that OTDA ensure that copies of all pertinent documents relating to the hiring of an employee are maintained in either an electronic or paper format.

OTDA advised the Inspector General's Office that it is taking steps to implement the recommendation.