

THE UNITED STATES VIRGIN ISLANDS

OFFICE OF THE VIRGIN ISLANDS INSPECTOR GENERAL



INVESTIGATIVE REPORT

**OPERATIONS OF THE DIVISION OF PERSONNEL
ST. CROIX, VIRGIN ISLANDS**

**ILLEGAL OR WASTEFUL ACTIVITIES SHOULD BE REPORTED TO
THE OFFICE OF THE VIRGIN ISLANDS INSPECTOR GENERAL BY:**

Calling:

(340) 774-3388

Web Site:

www.viig.org

Sending Written Documents to:

**Office of the Virgin Islands Inspector General
No. 75 Kronprindsens Gade
St. Thomas, Virgin Islands 00802**

E-mail:

taskforce@viig.org



GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS
OFFICE OF THE V. I. INSPECTOR GENERAL
No. 75 Kronprindsens Gade, Charlotte Amalie, St. Thomas, V.I. 00802

STEVEN VAN BEVERHOUDT
V.I. INSPECTOR GENERAL

Tel: (340) 774-3388
Fax: (340) 774-6431

September 24, 2002

Honorable Charles W. Turnbull
Governor of the Virgin Islands
Government House
21-22 Kongens Gade
Charlotte Amalie
St. Thomas, Virgin Islands 00802

Honorable Almando Liburd
President, 24th Legislature
Capitol Building
Charlotte Amalie
St. Thomas, Virgin Islands 00802

Dear Governor Turnbull and Senator Liburd:

This investigative report contains the results of our investigation of certain allegations made concerning the operations of the Division of Personnel (Personnel) on St Croix.

On November 16, 2001 the Director of Personnel asked that this office make certain inquiries into the operations of the St. Croix Personnel Office. The investigation began in November 2001 and was completed in January 2002. The conclusions of the investigation lead to no specific allegations of criminal misconduct based on Virgin Island law; however, a number of serious discrepancies were found in the operations of that office that violates the Personnel Rules and Regulations and the V.I. Code of Ethics.¹ Some of them may well have violated the Federal gratuity statute², which prohibits the giving to, or receipt by, a public official any thing of value for, or because of, their official acts.

ALLEGATIONS

The allegations dealt with: (i) Personnel employees accepting money for improperly placing employment candidates, out of order, on employment rosters sent to various governmental agencies; and, (ii) the improper handling of employment examinations and the sale of promotional tests by Personnel employees.

¹ 3 VIC Chapter 25

² 18 USC 201(c)(1)

ALLEGATION 1: PREFERENTIAL TREATMENT OF APPLICANTS

Employment applicants were provided preferential treatment; however, as far as could be determined, no Personnel employee asked for, or accepted, money by or on behalf of any applicant because of their official duties.

An analyst for Personnel in the St. Croix office did initiate an intimate relationship with an individual that had gone to the St. Croix office for assistance in obtaining employment. In addition, another employee, in a supervisory position, improperly controlled the names of individuals referred to governmental agencies for employment.

In the first instance, the analyst acted improperly by becoming involved with applicants seeking employment assistance, most recently in 2001. It was not determined that these liaisons were the result of a quid pro quo; however, there was certainly an impropriety in this conduct. This impropriety was compounded by documentation that the analyst had been previously involved with another applicant. These actions, if not criminal, were certainly less than honorable and serve to bring disrepute upon the Virgin Islands Government (Government). It is questionable if there was established policy within the office that would prohibit this sort of conduct; it is, however, a breach of the V.I. Code of Ethics.

In the second instance, it was found that an employee, in a supervisory position, intentionally caused names of some individuals to be withheld from referral in favor of other names the employee wished to have employed ahead of the others. The only reason offered for this deception was centered on ethnic origins. The employee giving this information said that the supervisor provided preferential treatment to Crucians over others persons not from St. Croix. At least one other person in the office corroborated this assertion. The misconduct was aggravated by the fact that the employee, as a supervisor, directed subordinates to produce these improper referrals. It was, in fact, a subordinate who brought the failure to follow established protocol to management's attention. Again, there seems to be insufficient facts to support a criminal action; however, a civil action for a violation of the Federal Civil Rights Act³ could be asserted against the responsible individual.

³ 42 USC 2000

ALLEGATION 2: COMPROMISE OF EXAMINATIONS

The allegation concerning the compromise of examinations was made along two separate lines. The first allegation dealt with pre-employment examinations and the other accusation dealt with promotional testing. Although our investigation determined there were a number of irregularities in the security of pre-employment tests and the testing procedures, no criminal acts on the part of any employee could be confirmed. The promotional tests, on the other hand, were protected from tampering and no defects were found in the procedures of administering these tests.

Pre-Employment Tests

In November 2001, an undercover agent was sent to the Personnel Office on St. Croix to make an application for employment, and was seen by the analyst referenced above. The analyst suggested that because of the agent's military police background, a law-enforcement or corrections position would be appropriate. Both positions required pre-employment tests. The analyst gave copies of both examinations to the applicant-agent who perused them both at leisure. During this examination of the test booklet, it was noted that the answers to many questions were marked.

In December 2001, the applicant-agent took the test for corrections officer and during the test, found that answers were also marked in the test-booklet given for that examination. The proctor for this test was another St. Croix employee. After the test booklets were handed out, the proctor left the room unattended. When the proctor did return, the applicant-agent called attention to the fact that the test-booklet contained answers. No note was taken of this fact. The applicant-agent was not given a clean examination booklet nor was there any inquiry into whether the test-booklets of other applicants also contained answers. The applicant-agent had been directed by us to fail the examination; however, it was noted that had the answers marked in the test-booklet been followed the applicant-agent would have gotten a passing grade. In January 2002, investigators from this office inspected the files in the cabinet where the tests are kept, and found that answers were marked in virtually every test booklets.

In addition, the file cabinet used to store pre-employment tests was located in the analyst's office. The analyst had been instructed to keep the file cabinet locked at all times and had been admonished by the office administrator a number of times about the failure to do so. On a holiday in late December 2001, investigators visited the Personnel Office on St. Croix unannounced. On that occasion, the file cabinet in the analyst's office was found unlocked with every pre-employment test accessible to be viewed, copied or stolen.

This general lack of security, the breach of basic testing protocol and failure to properly monitor examinations may explain the rumors that pre-employment tests were being sold by Personnel employees. No evidence was found that pre-employment tests were, in fact, being sold at all. Although the conduct of certain employees at the Personnel Office on St. Croix does not rise to criminal conduct under Virgin Island law, the conduct is outside the accepted norms of testing, a conflict with established office procedures and probably violates the V.I. Code of Ethics.

Promotional Testing

A separate investigation into the reported sale of promotional examinations by Personnel employees found it improbable that anyone had engaged in any criminal conduct. With specific reference to the last firefighter's examination, for which it was rumored that promotional tests were offered for sale, it was determined that the basis for this accusation was one specific fireman who told others, weeks before the test, that he had the promotional exam. He is reported to have bragged that he was going to score highest on the exam and that he was selling the test to some firemen. The brag that he had the test is probably true, the fact that he may have sold what purported to be the test may also be true, but the fact that what he had was the official test is probably not true.

The promotional exams are received, from the United States, under seal, at the Personnel Office on St. Croix about 24 hours before the test is given. The shipping seal is broken when the test is given out and each individual test is, itself, sealed. It is improbable that anyone could have gotten access to the test at all, much less "weeks" before the exam was delivered to the Personnel Office on St. Croix. Once the test is given, it is returned to the United States for grading.

The security of this test instrument appeared adequate and was properly maintained. The analyst with control over pre-employment examinations had no contact, whatsoever, with this examination. Furthermore, the claim of the firefighter, who supposedly had the test, is discredited by the fact this individual ranked 20th out of the 39 who took the examination.

OTHER OFFICE DISCREPANCIES

On the same occasion that the investigators found the file cabinet unlocked in the analyst's office, a number of graded pre-employment tests were also found on top of the cabinet. Office policy requires completed test to be kept either in the locked file cabinet or in the applicant's folder. They were not in this instance.

The applicant-agent who was sent to St. Croix to apply for work never received the grade obtained on the correctional officer's pre-employment examination. Furthermore, that person's files have disappeared from the Personnel Office on St. Croix. It was noted that this person was not provided information on subsequent testing after a failure or on test review procedures. It should also be noted that the applicant-agent was not asked to complete an Affirmative Action Card as required by Personnel policy. Because the applicant-agent's file could not be found, it could not be determined if a card had been filled out by an employee of the office. This, and other indicators, led investigators to believe the analyst and/or others employed at the Personnel Office on St. Croix learned of this investigation and the identity of the applicant-agent. But, for whatever reason and with or without improper motives, the test scores and the personal information of at least one person has gone missing from the St. Croix Personnel Office.

The Personnel Office on St. Croix is not computerized. For this reason 5" X 7" index cards are used to store and retrieve applicant information for employment referrals. These cards, when not in use, are to be kept in file cabinets located in a room, specifically set aside for storage purposes. On the same day the file cabinet was found unlocked in the analyst's office, more than 100 index cards, with applicant information, were found in six different locations, spread about the desk of the supervisor referenced above, who is in charge of making employment referrals.

At the same time, a number of pieces of unopened mail were found on the supervisor's desk that were not addressed to that individual. One piece in particular was of concern to the investigators. That piece of mail was addressed to the Government's Group Insurance Office, to the attention of the employee who dealt exclusively with insurance matters. The return address on this letter indicated that it was from a former, retired employee. The letter was postmarked in November 2001, more than 6 weeks earlier. It had apparently been intercepted by this supervisor for unknown reasons, and not forwarded to the person for whom it was intended.

On, in and around this same supervisor's desk was a substantial quantity of material that indicated the person had been engaging in desktop publishing from the office. The material indicated that the work was done for church and other personal interests.

There were substantial reports from a number of persons interviewed that employees within the St. Croix office would frequently leave work on personal business without clocking out. It was reported that the practice of employees clocking in and out for each other had ceased when the current administrator was appointed to that office. However, when the administrator is away from the office, employees do go out on personal errands without clocking out.

While, as with the more serious breaches of conduct, these misdeeds do not rise to the level of criminal action, the responsible persons do however, show a general lack of concern for their jobs, a general disregard for their duties to their employer and a substantial failure to meet even minimal ethical standards. And, although, perhaps not criminal, some of the conduct recited here may subject the government to civil suit.

RECOMMENDATIONS

We recommend that the Director of Personnel:

1. Establish a strict policy that prohibits personal involvement between employees and applicants and a procedure to insure its adherence.
2. Provide training for all office personnel, including supervisors and managers, regarding the V.I. Government's policy and Personnel's policy on sexual discrimination and harassment in the work place.
3. Post the Sexual Discrimination and Harassment Policy prominently in Personnel's St. Croix office.
4. Ensure that employment referrals to government agencies are properly prioritized.
5. Implement and enforce a strict code of integrity to ensure that not even the appearance of impropriety exists in dealings with applicants by employees of the Division of Personnel.
6. Consider doing away with existing eligibility lists on a six or twelve month schedule or otherwise develop as system that will purge existing lists on some set schedule to ensure that all "active" applications are given the same opportunity for consideration on referrals.
7. Create a new pre-employment test instrument for each job classification requiring a test.
8. Create a test question bank for each pre-employment test to ensure that the same examination is not given in perpetuity.
9. Establish and enforce strict security measures for the test question bank and for individual test instruments.
10. Establish and enforce strict security measures for per-employment test answer sheets.
11. Discard pre-employment examinations used more than twice and substitute a new and different test instrument covering the same test objective.
12. Ensure that each test booklet given to an applicant is clean and without any notations.
13. Ensure that every applicant's examination scores are provided to the individual.
14. Ensure that every applicant is afforded all rights to the employment process, including the right to review test results, if desired.

15. Ensure that the records of every applicant, including test records, are properly maintained and available on request.

16. Take action necessary to ensure that employees are aware of their ethical responsibilities in separating work-related duties from personal activities in the workplace.

17. Establish and enforce strict security measures relative to personal information provided by individual applying for work.

18. Ensure that Affirmative Actions Cards are being completed by each applicant and when an applicant fails or refuses to do so, ensure that the card is completed by the analyst handling the applicant.

19. Implement a computerized records entry, filing and retrieval system.

20. Take appropriate disciplinary action with respect to those Personnel employees whose conduct have been dishonest, negligent or unethical.

Division of Personnel's Response

The Director of Personnel, in her September 18, 2002 response agreed with all of the recommendations made in the report. The Director indicated that most of the recommendations would be addressed in the revised Personnel Rules and Regulations and Personnel Standard Operating Procedures, scheduled for release in early Fiscal Year 2003. In addition, with the implementation of the Human Resources Management System software, most of the manual processes will be automated.

Regarding the conduct of Personnel employees, disciplinary action is in progress in accordance with the existing collective bargaining agreement.

A copy of the Division of Personnel's response is included as an appendix to this report.

If you or your staff require additional information, please call me at 774-6426.

Sincerely,



Steven van Beverhoudt, CFE, CGFM
VI Inspector General

Appendix:

Office of
The GovernorJoanne U. Barry
DirectorGOVERNMENT OF
THE VIRGIN ISLANDS OF THE UNITED STATES**DIVISION OF PERSONNEL**GERS COMPLEX • 48B-50C Kronprindsens Gade • St. Thomas, Virgin Islands 00802 • (340) 774-8588 • (340) 714-5040 – Fax
Orange Grove Shopping Center Bay Nos. 6, 7 & 8 • Christiansted • St. Croix, Virgin Islands 00820 • (340) 773-0341 • (340) 773-5669 - Fax

September 18, 2002

Mr. Steven van Beverhoudt
V.I. Inspector General
No. 75 Kronprindsens Gade
Charlotte Amalie
St. Thomas, U.S. Virgin Islands 00802

**RE: RESPONSE TO DRAFT INVESTIGATIVE REPORT REGARDING OPERATIONS
DIVISION OF PERSONNEL - ST. CROIX**

Dear Mr. van Beverhoudt:

Please allow me the opportunity to thank you for addressing my concerns regarding the various reports I received with respect to the *alleged* discrepancies in the Division of Personnel's St. Croix office. Your quick, efficient, and effective handling of this investigation was appreciated. I would be remised if I did not thank your staff, in particular, Mr. Allen and Ms. Gunther. They represented your agency very well and have proven themselves to be professionals. I take this opportunity to express my gratitude to them, through you, for a job well done!

Presented below are my responses to each of your recommendations in accordance with your instructions outlined on page ten (10) of your letter dated February 15, 2002. For your convenience, I have restated the recommendations given. In summary, all responses to each recommendation are in full concurrence. As per your request, I have provided you with a plan of action, the expected completion date of each action, and several responsible Division of Personnel staff to ensure the implementation of each requirement by the projected dates given.

1. **Establish a strict policy that prohibits personal involvement between employees and applicants and a procedure to insure its adherence."**

CONCUR: A policy and accompanying procedures will be developed and displayed in St. Thomas and St. Croix DOP offices within ninety (90) days. Additionally, the policy will be distributed to those departments/agencies with similar interview/applications processes (i.e., *Human Services, Department of Housing, Parks, and Recreation, Department of Labor, etc.*) for compliance. Moreover, the policy will be included in the revised Personnel Rules and Regulations, currently in its final stages of revision, the accompanying employee handbook and the Personnel Standard Operating Procedures.

RE: RESPONSE TO DRAFT INVESTIGATIVE REPORT REGARDING OPERATIONS OF DOP - STX

Steven G. van Beverhoudt

September 18, 2002

Page 2

A copy of the drafted Personnel Standard Operating Procedures will be submitted to the Attorney General for review prior to distribution.

RESPONSIBLE DOP STAFF: Assistant Directors on each island will be the responsible personnel for this action. Please note I will complete the distribution of the policy and accompanying procedures to government agencies.

2. "Provide training for all office personnel, including supervisors and managers, regarding the V.I. Government's policy and Personnel's policy on sexual discrimination and harassment in the work place."

CONCUR: Training will be provided to the DOP staff within ninety (90) days. Additionally, information will be distributed to all departments/agencies and training will be coordinated by DOP for all government employees. The information will be included in the revised Personnel Rules and Regulations, the accompanying employee handbook, and the Personnel Standard Operating Procedures.

RESPONSIBLE DOP STAFF: Mr. Kenneth Hermon, Associate Director, will be the responsible person for this action.

3. "Post the Sexual Discrimination and Harassment Policy prominently in Personnel's St. Croix office."

CONCUR: DOP will coordinate with the Department of Labor's Employee Relations Division, to obtain the appropriate poster. This poster will be displayed within DOP's St. Thomas and St. Croix offices within ninety (90) days. Additionally, information regarding the posting of this policy will be delegated to all government agencies for immediate compliance.

RESPONSIBLE DOP STAFF: Mrs. Tia Liburd, Labor Management Specialist, will be the responsible person for this action.

4. "Ensure that employment referrals to government agencies are promptly prioritized."

CONCUR: Currently, DOP prioritizes employment referrals to those departments currently in a staffing crisis (*i.e.*, Department of Education and Department of Health). A memorandum will be sent out within ninety (90) days to the Division of Personnel Assistant Directors for compliance and delegation of this responsibility to the appropriate staff.

RESPONSIBLE DOP STAFF: I will be the responsible person for this action.

RE: RESPONSE TO DRAFT INVESTIGATIVE REPORT REGARDING OPERATIONS OF DOP - STX

Steven G. van Beverhoudt

September 18, 2002

Page 3

5. "Implement and enforce a strict code of integrity to ensure that not even the appearance of impropriety exists in dealing with applicants by employees of the Division of Personnel."

CONCUR: In coordination with the Department of Labor's Employee Relations Division, an appropriate poster, simplistically outlining the code of integrity, will be displayed in both DOP offices within ninety (90) days. Additionally, the policy will be distributed to those departments/agencies with similar interview/applications processes (i.e., Human Services, Department of Housing, Parks, and Recreation, Department of Labor, etc.) for compliance. Moreover, the policy will be included in the revised Personnel Rules and Regulations, currently in its final stages of revision, the accompanying employee handbook and the Personnel Standard Operating Procedures. A copy of the drafted Personnel Standard Operating Procedures will be submitted to the Attorney General for review prior to distribution.

RESPONSIBLE DOP STAFF: Mrs. Tia Liburd, Labor Management Specialist, will be the responsible person for this action.

6. "Consider doing away with existing eligibility lists on a six or twelve month schedule or otherwise develop a system that will purge existing lists on some set schedule to ensure that all 'active' applications are given the same opportunity for consideration on referrals."

CONCUR: The DOP is currently in the process of implementing its Human Resource Management System (HRMS), which includes a component designed to replace the manual eligibility lists. Once in place, we intend to work with the V.I. Legislature to make the appropriate amendments to the Title 3, Chapter 25 of the Virgin Islands Code to accommodate for these changes. This system will be going "live" on November 1, 2002. The DOP recruitment staff will begin using the eligibility listing shortly thereafter.

RESPONSIBLE DOP STAFF: Mr. Kevin Rodriguez, Assistant Director, Mr. Kenneth Belle, MIS Administrator, and Ms. Millicent Aubain, Supervisor, Recruitment and Classification, and myself will be the responsible personnel for this action.

7. "Create a new pre-employment test instrument for each job classification requiring a test."

CONCUR: DOP has investigated and completed research regarding this process. We have purchased computer-testing software to aid in the development as well as the conduction of exams via the computer. We are currently collaborating with the USDA

RE: RESPONSE TO DRAFT INVESTIGATIVE REPORT REGARDING OPERATIONS OF DOP - STX

Steven G. van Beverhoudt

September 18, 2002

Page 4

Graduate School on the delivery of Test Item and Test Instrument Training courses for Division of Personnel staff members. We anticipate that the software will be fully implemented for use by December 31, 2002.

RESPONSIBLE DOP STAFF: Mr. Kenneth Hermon, Associate Director, and Ms. Millicent Aubain, Supervisor, Recruitment and Classification, will be the responsible personnel for this action.

8. "Create a test question bank for each pre-employment test to ensure that the same examination is not given in perpetuity."

CONCUR: DOP has investigated and completed its research regarding this process. We have purchased computer-testing software to aid in the development of test question banks. We are collaborating with the USDA Graduate School on the delivery of Test Item and Test Instrument Training courses for Division of Personnel staff members. We anticipate that the software will be fully implemented for use by December 31, 2002.

RESPONSIBLE DOP STAFF: Mr. Kenneth Hermon, Associate Director, and Ms. Millicent Aubain, Supervisor, Recruitment and Classification, will be the responsible personnel for this action.

9. "Establish and enforce strict security measures for the test question bank and for individual test instruments."

CONCUR: Existing procedures will be reviewed and revised, as appropriate and suitable individuals will be designated to ensure strict security compliance of these instruments. Test instruments and test question banks will be centrally stored to ensure security. It is anticipated that once we move to the computer based testing system that our security issues will be fully addressed. Additionally, these procedures will be included in the revised Personnel Rules and Regulations, the accompanying employee handbook and the Personnel Standard Operating Procedures. These procedures will be fully implemented within ninety (90) days.

RESPONSIBLE DOP STAFF: Assistant Directors on each island will be the responsible personnel for this action.

10. "Establish and enforce strict security measures for pre-employment test answer sheets."

CONCUR: Existing procedures will be reviewed and revised, as appropriate and suitable individuals will be designated to ensure strict security compliance of the test answer sheets. Answer sheets will be centrally stored to ensure security. It is anticipated that

RE: RESPONSE TO DRAFT INVESTIGATIVE REPORT REGARDING OPERATIONS OF DOP - STX

Steven G. van Beverhoudt

September 18, 2002

Page 5

once we move to the computer based testing system that this issues will be fully addressed. Additionally, these procedures will be included in the revised Personnel Rules and Regulations, the accompanying employee handbook and the Personnel Standard Operating Procedures. These procedures will be fully implemented within ninety (90) days.

RESPONSIBLE DOP STAFF: Assistant Directors on each island will be the responsible personnel for this action.

11. "Discard pre-employment examinations used more than twice and substitute a new and different test instrument covering the same test objective."

CONCUR: DOP has investigated and completed research regarding this process. All pre-employment test instruments that are more than five (5) years old will be retired and replaced once the computer testing program comes online which is anticipated to be operational by December 31, 2002.

RESPONSIBLE DOP STAFF: Mr. Kenneth Hermon, Associate Director, and Ms. Millicent Aubain, Supervisor, Recruitment and Classification, will be the responsible personnel for this action.

12. "Ensure that each test booklet given to an applicant is clean and without any notations."

CONCUR: Existing procedures will be reviewed and revised as appropriate. All current testing instruments that contain marks, notations, or answers of any sort will be discarded immediately. The appropriate individuals will be designated to ensure test booklets to are clean of any notations prior to distributing to applicants. Additionally, these procedures will be included in the revised Personnel Rules and Regulations, the accompanying employee handbook and the Personnel Standard Operating Procedures. These procedures will be fully implemented within ninety (90) days.

RESPONSIBLE DOP STAFF: Assistant Directors on each island will be the responsible personnel for this action.

13. "Ensure that every applicant's examination scores are provided to the individual."

CONCUR: Existing procedures will be reviewed and revised as appropriate. Policies will be developed to ensure that applicants receive written notification of their examination in a timely manner following the examination. Additionally, these procedures will be included in the revised Personnel Rules and Regulations and the

RE: RESPONSE TO DRAFT INVESTIGATIVE REPORT REGARDING OPERATIONS OF DOP - STX

Steven G. van Beverhoudt

September 18, 2002

Page 6

Personnel Standard Operating Procedures. These procedures will be fully implemented within ninety (90) days.

RESPONSIBLE DOP STAFF: Assistant Directors on each island will be the responsible personnel for this action.

14. "Ensure that every applicant is afforded all rights to the employment process, including the right to review test results, if desired."

CONCUR: Existing procedures will be reviewed and revised as appropriate. Refresher training will provide to the Recruitment and Classification Unit to reacquaint them with polices and procedures. Additionally, these procedures will be included in the revised Personnel Rules and Regulations and the Personnel Standard Operating Procedures. These policies and procedures will be developed, and training conducted, within ninety (90) days.

RESPONSIBLE DOP STAFF: Assistant Directors on each island will be the responsible personnel for this action.

15. "Ensure that the records of every applicant, including test records, are properly maintained and available on request."

CONCUR: Existing procedures will be reviewed and revised as appropriate. Test records will be stored centrally to increase security and a test review policy and procedure will be developed. Additionally, these procedures will be included in the revised Personnel Rules and Regulations, the accompanying employee handbook and the Personnel Standard Operating Procedures. These procedures will be fully implemented within ninety (90) days.

RESPONSIBLE DOP STAFF: Assistant Directors on each island will be the responsible personnel for this action.

16. "Take action necessary to ensure that employees are aware of their ethical responsibilities in separating work-related duties from personal activities in the workplace."

CONCUR: Existing procedures will be reviewed and revised as appropriate. All employees will be informed of their ethical responsibilities and supervisors will be held accountable to ensure strict compliance. Training will provide to the entire staff of the Division of Personnel to reacquaint them with polices and procedures. Moreover, these procedures will be included in the revised Personnel Rules and Regulations, the

RE: RESPONSE TO DRAFT INVESTIGATIVE REPORT REGARDING OPERATIONS OF DOP - STX

Steven G. van Beverhoudt

September 18, 2002

Page 7

accompanying employee handbook and the Personnel Standard Operating Procedures. These procedures will be fully implemented within ninety (90) days.

RESPONSIBLE DOP STAFF: Assistant Directors on each island will be the responsible personnel for this action.

17. "Establish and enforce strict security measures relative to personal information provided by individuals applying for work."

CONCUR: The appropriate training will be afforded to the entire staff of the Division of Personnel in collaboration with the USDA Graduate School. Policies and procedures developed from this training will be included in the revised Personnel Rules and Regulations and the Personnel Standard Operating Procedures. It is anticipated that this training will be conducted by November 1, 2002.

RESPONSIBLE DOP STAFF: Assistant Directors on each island will be the responsible personnel for this action.

18. "Ensure that each applicant completes Affirmative Action Cards (AAC) and when an applicant fails or refuses to do so, ensure that the analyst handling the applicant completes the card."

CONCUR: The Division of Personnel has revised its Employment Application Form and believes that this issue may have been addressed. Please find attached the revised application for your review. If it is deemed that our new application does not satisfy this issue, we will create a separate AAC to be attached to the application. Additionally, these procedures will be included in the revised Personnel Rules and Regulations and the Personnel Standard Operating Procedures. We await your response relative to this issue.

RESPONSIBLE DOP STAFF: Assistant Directors on each island will be the responsible personnel for this action, if needed.

19. "Implement a computerized records entry, filing, and retrieval system."

CONCUR: The DOP is currently in the process of implementing its Human Resource Management System (HRMS), which includes a component designed to record, file and retrieve an individual's application. This system will be going 'live' on November 1, 2002.

RESPONSIBLE DOP STAFF: Mr. Kenneth Belle, MIS Administrator, will be the responsible person for this action.

RE: RESPONSE TO DRAFT INVESTIGATIVE REPORT REGARDING OPERATIONS OF DOP - STX

Steven G. van Beverhoudt

September 18, 2002

Page 8

20. "Take appropriate disciplinary action with respect to those Personnel staff whose conduct has been dishonest, negligent or unethical."

CONCUR: Hearings are being scheduled to provide an opportunity for the employees to defend themselves against charges of dishonesty, negligence or unethical conduct. All actions are subject to compliance with the respective Collective Bargaining Agreements.

If you have any questions regarding the information presented, please feel free to contact me. Again, thank you for your assistance.

Sincerely,


Joanne U. Barry
Director

p.c. Charles W. Turnbull, Governor - Office of the Governor
Juel T. R. Molloy, Chief of Staff - Office of the Governor