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Department of Developmental Services

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DEPARTMENT OF DEVELOPMENTAL SERVICES TESTIMONY BEFORE THE COMMITTEE ON CHILDREN

March 6, 2014

Senator Bartolomeo, Representative Urban, and members of the Committee on Children. I am Terrence W. Macy, Ph.D., Commissioner of the Department of Developmental Services (DDS). Thank you for the opportunity to testify on **Senate Bill 294,** An Act Concerning Criminal Background Checks and the Departments of Children and Families and Developmental Services.

One provision of S.B. No. 294 would require annual state criminal background checks for all direct care employees of the Department of Developmental Services.

The health and safety of all individuals supported by DDS is of utmost importance to the department. Currently, DDS requires annual drivers' license checks on direct care staff and conducts pre-employment criminal background checks on all new hires. Also, DDS Work Rule 29 requires that employees must notify the Human Resources Office immediately if they are arrested or convicted of a crime. All employees are issued a copy of the *Department of Developmental Services Work Rules* upon employment, sign for receipt and are expected to understand and comply with the contents. A violation of these *Work Rules* may result in disciplinary action, up to and including suspension or dismissal.

While well intentioned, this bill would have a significant fiscal impact assuming that DDS or the state would have to pay for the yearly criminal background checks.

Approximately 2400-2500 DDS employees would be impacted by this proposal on an annual basis. This includes Developmental Services Workers, Adult services Series, and nurses. Another 350 employees would also be affected if Case Managers were included. A potential overtime expense could be incurred if current employees were allowed to go on work time to have the annual check done. While the bill only appears to require annual checks of DDS employees, the majority of direct care services are provided by the private sector. If the law were to apply to private sector employees who work for provider agencies that contract with DDS, the impact could extend to thousands more employees.

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In addition, the bill is not clear about what the annual state criminal background check would entail. Would it involve fingerprinting, checking the state's judicial website, etc. The State Police are already backlogged. While DDS has access to do a name and birth date check on our own, we are only authorized to do so for purposes of qualifying people for employment. It is our opinion that neither the State Police nor DDS currently have the resources to do annual criminal background checks of all DDS employees.

DDS has many mechanisms in place to keep the individuals who receive supports and services from DDS safe and healthy. While DDS certainly is not opposed to measures that further this goal, there are very real resource issues that must be taken into consideration when placing new requirements on the system.

Thank you again for the opportunity to testify on this bill. Please contact Christine Pollio Cooney, DDS Director of Legislative Affairs at (860) 418-6066 if you have any questions for us.