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Rick Scott, Governor

Erin Rock, Secretary

December 29, 2017

Michelle Wilson, Executive Director
Florida Commission on Human Relations
4075 Esplanade Way, Suite 110
Tallahassee, FL 32399

Dear Executive Director Wilson:

In accordance with section 20.055, Florida Statutes, the enclosed documents represent our explanation of the six-month status of the findings and recommendations included in the Auditor General published Report No. 2017-214, ***Department of Management Services and Florida Commission on Human Relations - Operational Audit.***

This status report relates to the findings in the report for Department of Management Services and Florida Commission on Human Relations and the findings and recommendations appear in the same order as they appeared in the report.

If further information is needed concerning the status, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dawn E. Case'. The signature is stylized with a large initial 'D' and a cursive 'E'.

Dawn E. Case
Inspector General

DEC/yvl

Enclosure

cc: Mailea Adams, Director of Administration
Cheyanne Costilla, General Counsel
Eric Miller, Chief Inspector General
Sherrill F. Norman, Auditor General
Joint Legislative Auditing Committee
Yolanda Lockett, Audit Director

Audit Status Report Update Form

Status Date	Report No.	Report Title	
12/29/2017	2017-214	Operational Audit of Florida Commission on Human Relations	
Contact Person	Program/Process	Phone No.	
Michelle Wilson	Commission	850-907-6784	
Activity	Accountability	Schedule	
Commission	Responsible Unit	Repeat Finding	Anticipated Completion Date
	Executive Director	No	Ongoing
Finding			
No.	2	Commission Composition	
Date	6/26/2017		
Finding	<p>The Commission was not constituted in accordance with State law. As of October 2016, only 8 of the 12 required Commission members were serving and, of the 8 serving members, only 2 Commissioners' terms had not expired. Timely appointments of Commission members who broadly represent various racial, religious, ethnic, social, economic, political, and professional groups within the State promote the Commission's mission of preventing unlawful discrimination against all persons in the State.</p>		
Recommendation			
<p>Commission management should continue to work with the Executive Office of the Governor to ensure that Commission members are timely appointed in accordance with State law.</p>			
Response/Action Plan			
<p>The Commission will continue to work with the Executive Office of the Governor to ensure that Commission members are timely appointed in accordance with State law.</p>			
Status Update-6mo			
<input checked="" type="checkbox"/> Open <input type="checkbox"/> Management assumes risk <input type="checkbox"/> Partially Complete <input type="checkbox"/> Complete pending verification by OIG <input type="checkbox"/> Complete		<p>Director Wilson has been in constant contact with the Governor's Appointment office reiterating the importance of a full and diversified Commission Board. On December 8, 2017 the Governor appointed Mario Garza to the Board. After this appointment, Director Wilson provided the Appointments office with a chart showing the current demographics of the Board. Currently the Board is 40% African-American and 10% Hispanic American. Also, the Board is made up of 50% male and female. The Director has reduced the number of members with expired terms to three and is continuing to work with the Governor's office to address.</p>	
Status Update-12mo			
<input type="checkbox"/> Open <input type="checkbox"/> Management assumes risk <input type="checkbox"/> Partially Complete <input type="checkbox"/> Complete pending verification by OIG <input type="checkbox"/> Complete			
Status Update-18mo			
<input type="checkbox"/> Open <input type="checkbox"/> Management assumes risk <input type="checkbox"/> Partially Complete <input type="checkbox"/> Complete pending verification by OIG <input type="checkbox"/> Complete			

Audit Status Report Update Form

Status Date	Report No.	Report Title	
12/29/2017	2017-214	Operational Audit of Florida Commission on Human Relations	
Contact Person	Program/Process	Phone No.	
Cheyanne Costilla	Investigations	850-907-6784	
Activity	Accountability	Schedule	
Employment Investigations	Responsible Unit	Repeat Finding	Anticipated Completion Date
	Employment Investigations	No	Ongoing
Finding			
No.	3	Employment, Public Accommodation, and Whistle-Blower Complaint Investigations	
Date	6/26/2017		
Finding			
The Commission did not always investigate or handle employment and public accommodation discrimination complaints or allegations of retaliation against State agency whistle-blowers within the time frames specified by State law.			
Recommendation			
Commission management should ensure that employment, public accommodation, and whistle-blower complaints are investigated within the statutory time frames.			
Response/Action Plan			
<p>Between 2012 and 2015, the Commission experienced high rates of turnover of employees, due in part to low salaries. Trained, productive employees were accepting offers from both private and public sectors at salaries that far exceeded the Commission's ability to compete. Of course, new investigators were hired to fill those vacancies, but it can take up to twelve months to fully train an investigator so that they can independently investigate cases. Whenever an investigator leaves, the cases that employee was working on must be reassigned to another investigator. All investigators were working at capacity, and there were cases sitting idle just waiting for an investigator to be assigned. The Commission requested additional budget authority from the Legislature to increase the salary for investigators and related positions. The 2016-17 GAA authorized the Commission to grant competitive pay adjustments to address retention, pay inequities, or other staffing issues. As a result, the minimum salary for Investigator Specialist I was increased from \$30,006.08 to \$33,006.69, and the minimum salary for Regulatory Specialist I was increased from \$25,479.22 to \$28,027.14. Additionally, current employees received a competitive pay adjustment based upon their years of service in the position class. Depending upon years of service, those employees received an increase that ranged from 10-20%.</p> <p>The Commission has also focused on recruiting qualified individuals and training, developing, and educating those individuals to promote individual success and increase overall value to the Commission. Toward that end, the Commission has been developing a new investigator training program to ensure that proper focus is on following the prescribed investigation timeline and that all new investigators are given every opportunity to succeed. Additional training and mentoring is also available to those needing improvement strategies. Finally, managers are provided with a "Last Action Report" on a bi-weekly basis. This report shows any cases that haven't had a status update in at least 30 days, which allows the managers to ensure that timely activity is being maintained in every case.</p> <p>The Commission is now fully staffed, and many of its investigators have at least one year of training and experience. The investigators were offered the opportunity to work overtime during the third and fourth quarters of FY 2016-17 in order to close most of the cases that had exceeded the statutory timeframes due to the previous staffing issues. Many investigators took advantage of this, and they were able to close a lot of cases. The managers are now able to assign cases to an investigator soon after receipt, so the cases should routinely be closed within the required timeframe, barring some unforeseen circumstances.</p>			
Status Update-6mo			
<input type="checkbox"/> Open <input type="checkbox"/> Management assumes risk <input checked="" type="checkbox"/> Partially Complete <input type="checkbox"/> Complete pending <input type="checkbox"/> Complete			
<p>During the period July 1 through December 14, 2017, the Commission completed 469 investigations of employment and public accommodation discrimination complaints and 27 investigations of whistle-blower retaliation complaints. In 359 (77 percent) of the 469 employment and public accommodation discrimination complaint investigations, the Commission did determine within 180 days of the filing of the complaint whether there was reasonable cause to believe that a discriminatory practice had occurred. This is a significant increase. In 7 (26 percent) of the 27 whistle-blower retaliation complaint investigations, the Commission did provide the State agency head and the complainant with a fact-finding report, which is a slight increase. The Commission has proposed legislation to increase the statutory timeframe from 90-days to 180-days in order to address this ongoing problem. The investigators were working overtime up until June 30, 2017, which allowed them to close out many of the older cases and submit their cases for review earlier. The Commission's efforts to retain its investigative staff have been successful, with only one investigator vacancy in the past 6 months. The Commission put a new case management system into place that is much faster and experiences no down time, which allows the investigators to be more productive.</p>			
Status Update-12mo			
<input type="checkbox"/> Open <input type="checkbox"/> Management assumes risk <input type="checkbox"/> Partially Complete <input type="checkbox"/> Complete pending <input type="checkbox"/> Complete			
Status Update-18mo			
<input type="checkbox"/> Open <input type="checkbox"/> Management assumes risk <input type="checkbox"/> Partially Complete <input type="checkbox"/> Complete pending <input type="checkbox"/> Complete			

Audit Status Report Update Form

Status Date	Report No.	Report Title	
12/29/2017	2017-214	Operational Audit of Florida Commission on Human Relations	
Contact Person	Program/Process	Phone No.	
Mailea Adams	Information Systems Security	850-907-6784	
Activity	Accountability	Schedule	
Information Security	Responsible Unit	Repeat Finding	Anticipated Completion Date
	Information Technology	No	5/31/2019
Finding			
No.	4	Information Security Program	
Date	6/26/2017		
Finding			
The Commission had not established a comprehensive information security program in accordance with Agency for State Technology rules.			
Recommendation			
<p>Commission management should implement a comprehensive information security program that includes:</p> <ul style="list-style-type: none"> • Complete and up-to-date IT policies and procedures. • An information security awareness training program that provides employees security awareness training upon hire and, at a minimum, on an annual basis thereafter. • An information security risk management process, including comprehensive risk assessments and risk mitigation plans. • A COOP, including a documented disaster recovery plan. 			
Response/Action Plan			
<p>The Commission plans to implement a comprehensive information security program by:</p> <ul style="list-style-type: none"> • Updating standard operating procedures (SOP's) for the Management Information's Systems (MIS) Department and has already established a comprehensive information security program (Kaseya) on April 03, 2017 in accordance with Agency for State Technology rules. Kaseya provides two factor authentication and comprehensive risk assessments. The Commission will provide information security training to new hires upon granting user access and to all staff the first quarter every budget year. This will be implemented by August 31, 2017. • Implementing an information security risk management process, including comprehensive risk assessments and risk mitigation plans. FCHR is currently researching adding a second off-site Back Up and Disaster Recovery plan that meets the physical distances from the Commission headquarters requirement. This security solution program will allow universal restore for recoveries to dissimilar hardware and/or virtual machines. Systems can be completely restored in less than one hour, dramatically minimizing downtime and helping get employees back up and running quickly. Through point in time imaging we can restore our operating systems, business applications, data and user setting. This will be implemented by September 30, 2017. • Implementing a formal COOP, that includes a documented disaster recovery plan. A draft plan is in progress and will be implemented by May 31, 2018. 			
Status Update-6mo			
<p>The Management Information Systems (MIS) department implemented standard operating procedures (SOPs) on July 28, 2017 outlining IT policies and procedures.</p> <p>Regarding Security Awareness Training: From September 27, 2017 through October 2, 2017, FCHR held End User Cyber Security Awareness Training. Each employee signed a pledge indicating completion of the training. New employees will complete training during new hire orientation on the first day of employment in Human Resources. The training will be reviewed, updated as necessary, and presented to employees annually.</p> <p>The MIS department is in the process of establishing a comprehensive information security program, including comprehensive risk assessments and risk mitigation plans, in accordance with Agency for State Technology rules. This process has been delayed with the departure of the MIS director in November 2017. However, we expect a plan to be implemented in 2018.</p> <p>FCHR is in process of compiling a COOP's Plan with a documented Disaster Recovery plan with an expected completion and implementation date in 2018.</p>			
<input type="checkbox"/> Open <input type="checkbox"/> Management assumes risk <input checked="" type="checkbox"/> Partially Complete <input type="checkbox"/> Complete pending <input type="checkbox"/> Complete			
Status Update-12mo			
<input type="checkbox"/> Open <input type="checkbox"/> Management assumes risk <input type="checkbox"/> Partially Complete <input type="checkbox"/> Complete pending <input type="checkbox"/> Complete			
Status Update-18mo			
<input type="checkbox"/> Open <input type="checkbox"/> Management assumes risk <input type="checkbox"/> Partially Complete <input type="checkbox"/> Complete pending <input type="checkbox"/> Complete			

Audit Status Report Update Form

Status Date	Report No.	Report Title			
12/29/2017	2017-214	Operational Audit of Florida Commission on Human Relations			
Contact Person	Program/Process	Phone No.			
Mailea Adams	Information Systems Security	850-907-6784			
Activity	Accountability	Schedule			
Security	Responsible Unit	Repeat Finding	Anticipated Completion Date		
	IT	No	5/31/2019		
Finding					
No.	5	Security Controls -- User Authentication, Physical and Environmental Controls			
Date	6/26/2017				
Finding	Certain Case Management System (CMS) user authentication controls and other Commission physical and environmental controls need enhancement to protect the confidentiality, integrity, and availability of Commission data and related information technology resources.				
Recommendation	Commission management should enhance certain security controls related to CMS user authentication and physical and environmental security to ensure the confidentiality, integrity, and availability of Commission data and related IT resources.				
Response/Action Plan	The Commission will begin migrating to a new CMS in June 2017. The new CMS provides the enhanced security controls which should address this finding.				
Status Update-6mo					
<input type="checkbox"/> Open <input type="checkbox"/> Management assumes risk <input checked="" type="checkbox"/> Partially Complete <input type="checkbox"/> Complete pending <input type="checkbox"/> Complete		The Commission migrated to a new case management system (CMS) in July 2017. The new CMS provides enhanced security controls which should address this finding.			
Status Update-12mo					
<input type="checkbox"/> Open <input type="checkbox"/> Management assumes risk <input type="checkbox"/> Partially Complete <input type="checkbox"/> Complete pending <input type="checkbox"/> Complete					
Status Update-18mo					
<input type="checkbox"/> Open <input type="checkbox"/> Management assumes risk <input type="checkbox"/> Partially Complete <input type="checkbox"/> Complete pending <input type="checkbox"/> Complete					

Audit Status Report Update Form

Status Date	Report No.	Report Title	
12/29/2017	2017-214	Operational Audit of Florida Commission on Human Relations	
Contact Person	Program/Process	Phone No.	
Mailea Adams	Information Systems Security	850-907-6784	
Activity	Accountability	Schedule	
Security	Responsible Unit	Repeat Finding	Anticipated Completion Date
	IT	No	5/31/2019
Finding			
No.	6	CMS and Network User Access Privilege Controls	
Date	6/26/2017		
Finding	Commission records did not evidence periodic reviews of CMS and network access privileges.		
Recommendation	Commission management conduct and document periodic reviews of CMS and network user access privileges.		
Response/Action Plan	The Management Information System (MIS) Department is implementing user access forms to be completed in the Human Resource (HR) Office upon employee hire and separation. This information is currently transmitted via helpdesk ticket. In the new CMS, user access can be locked at any time. Also, a new MIS policy will enforce user computer and network access privileges, revocation immediately after employment separation with source ip address restrictions.		
Status Update-6mo			
<input type="checkbox"/> Open <input type="checkbox"/> Management assumes risk <input checked="" type="checkbox"/> Partially Complete <input type="checkbox"/> Complete pending <input type="checkbox"/> Complete		standard operating procedure will be developed and administered in Operations by June 30, 2018. A review of all systems access will be completed on a quarterly basis by the Operations Manager beginning July 1, 2018. A	
Status Update-12mo			
<input type="checkbox"/> Open <input type="checkbox"/> Management assumes risk <input type="checkbox"/> Partially Complete <input type="checkbox"/> Complete pending <input type="checkbox"/> Complete			
Status Update-18mo			
<input type="checkbox"/> Open <input type="checkbox"/> Management assumes risk <input type="checkbox"/> Partially Complete <input type="checkbox"/> Complete pending <input type="checkbox"/> Complete			

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Status Date	Report No.	Report Title	
12/29/2017	2017-214	Operational Audit of Florida Commission on Human Relations	
Contact Person	Program/Process	Phone No.	
Mailea Adams	Information Systems Security	850-907-6784	
Activity	Accountability	Schedule	
Security	Responsible Unit	Repeat Finding	Anticipated Completion Date
	IT	No	8/31/2017
Finding			
No.	7	Access Authorization	
Date	6/26/2017		
Finding		Commission records supporting the authorization of access privileges to the CMS for some employees were incomplete and did not evidence appropriate management approval.	
Recommendation		Commission management should strengthen controls to ensure that complete and appropriately approved access authorization forms are maintained evidencing that CMS user access privileges are authorized and appropriately assigned.	
Response/Action Plan		FCHR will be migrating to a new case management system (CMS) in July 2017. To gain access to FCHR's CMS system, an access form signed by the employee's manager and FCHR Director must be submitted to MIS prior to access being granted. The system access form will describe access level granted in accordance with functionality required to perform duties. User access will be restricted to job-specific modules. Managers will be required to notify MIS of any employee duty changes that may require adjustment of user access levels. HR will be required to contact MIS immediately upon termination of any employee for revocation of system access. This form and its procedures will be fully implemented by September 1, 2017. The new CMS logs and tracks user entries in real-time. MIS and Managers will be able to monitor all user activity. MIS will keep a dated log of user access forms.	
Status Update-6mo			
<input type="checkbox"/> Open <input checked="" type="checkbox"/> Management assumes risk <input type="checkbox"/> Partially Complete <input type="checkbox"/> Complete pending <input checked="" type="checkbox"/> Complete			
Status Update-12mo			
<input type="checkbox"/> Open <input type="checkbox"/> Management assumes risk <input type="checkbox"/> Partially Complete <input type="checkbox"/> Complete pending <input type="checkbox"/> Complete			
Status Update-18mo			
<input type="checkbox"/> Open <input type="checkbox"/> Management assumes risk <input type="checkbox"/> Partially Complete <input type="checkbox"/> Complete pending <input type="checkbox"/> Complete			

Audit Status Report Update Form

Status Date	Report No.	Report Title															
12/29/2017	2017-214	Operational Audit of Florida Commission on Human Relations															
Contact Person	Program/Process	Phone No.															
Jacquelyn Steele	Background Screenings	850-907-6784															
Activity	Accountability	Schedule															
Background Screenings	Accountability	Repeat Finding	Anticipated Completion Date														
	Administration	No	7/15/2017														
Finding																	
No.	8	Background Screenings															
Date	6/26/2017																
Finding	The Commission did not ensure that Commission employees were subject to periodic background screenings as a condition of continued employment.																
Recommendation	Commission management should update Commission background screening policies and procedures to designate all Commission employees as holding positions of special trust in accordance with current Commission practices. We also recommend that Commission management ensure that all Commission employees are subject to periodic level 2 background screenings as a condition of continued employment.																
Response/Action Plan	<p>The Commission has designated all positions as positions of "special trust." Therefore, all employees undergo a Level 2 background screening. However, as indicated in the finding, the Commission did not subject current employees to additional checks as a condition of continued employment.</p> <p>Based on the recommendation of the Auditor General, the Commission has updated the Background Check Policy and Procedures to include the following statement: "For continued employment, each employee, volunteer, or contracted staff in the Department is required to be rescreened at no more than five (5) year intervals following the completion of their initial screening." The updated policy is in final review and scheduled to be communicated to all staff by June 30, 2017.</p> <p>Action Plan: Based on the new requirement to rescreen employees every 5 years, the Commission determined 22 employees needed to be rescreened. These employees will be screened by July 15, 2017. The Commission's HR Office is responsible for ensuring compliance with the upgraded policy and will act as custodians of the process and spreadsheet. Based on the updated policy, the Commission has determined the following employees (based on current staffing levels) would be checked during the next six (6) Fiscal Years (FY).</p> <table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <thead> <tr style="background-color: #4f81bd; color: white;"> <th>FY</th> <th># of Employees</th> </tr> </thead> <tbody> <tr><td style="background-color: #4f81bd; color: white;">2016-17</td><td style="background-color: #4f81bd; color: white;">22</td></tr> <tr><td style="background-color: #4f81bd; color: white;">2017-18</td><td style="background-color: #4f81bd; color: white;">2</td></tr> <tr><td style="background-color: #4f81bd; color: white;">2018-19</td><td style="background-color: #4f81bd; color: white;">5</td></tr> <tr><td style="background-color: #4f81bd; color: white;">2019-20</td><td style="background-color: #4f81bd; color: white;">2</td></tr> <tr><td style="background-color: #4f81bd; color: white;">2020-21</td><td style="background-color: #4f81bd; color: white;">11</td></tr> <tr><td style="background-color: #4f81bd; color: white;">2021-22</td><td style="background-color: #4f81bd; color: white;">13</td></tr> </tbody> </table>			FY	# of Employees	2016-17	22	2017-18	2	2018-19	5	2019-20	2	2020-21	11	2021-22	13
FY	# of Employees																
2016-17	22																
2017-18	2																
2018-19	5																
2019-20	2																
2020-21	11																
2021-22	13																
Status Update-6mo <input type="checkbox"/> Open <input type="checkbox"/> Management assumes risk <input type="checkbox"/> Partially Complete <input type="checkbox"/> Complete pending <input checked="" type="checkbox"/> Complete	We have completed our initial rescreening of all employees that were overdue for their 5 year screening. We have updated PF to include an expiration date on all employees' background checks. This will alert supervisors and HR regarding expiring background checks. Additionally, we have changed our policy and certified that we are in full compliance with the parameters of the policy.																
Status Update-12mo <input type="checkbox"/> Open <input type="checkbox"/> Management assumes risk <input type="checkbox"/> Partially Complete <input type="checkbox"/> Complete pending <input type="checkbox"/> Complete																	
Status Update-18mo <input type="checkbox"/> Open <input type="checkbox"/> Management assumes risk <input type="checkbox"/> Partially Complete <input type="checkbox"/> Complete pending <input type="checkbox"/> Complete																	

Audit Status Report Update Form

Status Date	Report No.	Report Title	
12/29/2017	2017-214	Operational Audit of Florida Commission on Human Relations	
Contact Person	Program/Process	Phone No.	
Mailea Adams	Purchase Card Cancellation	850-907-6784	
Activity	Accountability	Schedule	
Purchasing Cards	Responsible Unit	Repeat Finding	Anticipated Completion Date
	Administration	No	6/1/2017
Finding			
No.	9	Purchase Card Cancellations	
Date	6/26/2017		
Finding	The Department did not always timely cancel purchasing cards upon a cardholder's separation from Department or Commission employment.		
Recommendation	Department management ensure that purchasing cards are promptly canceled upon a cardholder's separation from Department or Commission employment.		
Response/Action Plan	Upon notification from the Human Resource Office to the Budget Office of an employee separation, the FCHR Budget Office will perform a review of the active Purchasing Card holders list to determine if the separating employee is a Purchasing Card holder. If they are, the budget office will retrieve the Purchasing Card from the employee prior to separation and notify the DMS Purchasing Card Administrator immediately to cancel the Purchasing Card.		
Status Update-6mo	<input type="checkbox"/> Open <input type="checkbox"/> Management assumes risk <input type="checkbox"/> Partially Complete <input type="checkbox"/> Complete pending <input checked="" type="checkbox"/> Complete		
Effective June 1, 2017, upon notification from the FCHR Human Resource Office to the FCHR Budget Office of an employee separation, the FCHR Budget Office performs a review of the active Purchasing Card holders list to determine if the separating employee is a Purchasing Card holder. If they are, the budget office immediately retrieves the Purchasing Card from the employee and immediately contacts the DMS Purchasing Card Administrator notifying the agency to immediately cancel the Purchasing Card.			
Status Update-12mo	<input type="checkbox"/> Open <input type="checkbox"/> Management assumes risk <input type="checkbox"/> Partially Complete <input type="checkbox"/> Complete pending <input type="checkbox"/> Complete		
Status Update-18mo	<input type="checkbox"/> Open <input type="checkbox"/> Management assumes risk <input type="checkbox"/> Partially Complete <input type="checkbox"/> Complete pending <input type="checkbox"/> Complete		