


COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION

DATE: February 16, 2011

TO: Supervisor Patricia Jursik, Chair, Personnel Committee

FROM: John Ruggini, Acting Fiscal and Budget Administrator 

SUBJECT: Follow-up Report Regarding Unauthorized Usage of Personal Information by an Employee of a Temporary Agency

Issue

After an incident in October, 2010 where an employee of a temporary agency was arrested on suspicion of identity theft arising from her employment at the Division of Employee Benefits, the Personnel Committee requested that the Department of Administrative Services (DAS) report back on county department's use of temporary employees, including access to sensitive information and safeguards in place to prevent future incidents of identity theft or other criminal activity.

Background

In July of 2009, DAS – Employee Benefits secured the services of six temporary employees under an existing contract with Adecco, a temporary employment agency. All of these employees had passed a criminal background check. These employees were hired to assist with two projects relating to record conversion and electronic filing. Under the County's contract, Adecco is required to perform background checks on all employees assigned to Milwaukee County offices. In addition, Adecco is required to provide insurance to cover any damages that may arise from the acts of its employees.

In October of 2010, an Adecco employee who had been working in DAS – Employee Benefits for approximately year, was arrested by Milwaukee County Sheriffs on suspicion of identity fraud. The County sent a letter to Adecco on October 20th giving notice of a potential claim to be filed by the County, however no claims for damages have been filed in relation to this incident. No other incidents of identity theft relating to this exposure have occurred to this date.

The temporary employee and an accomplice pled guilty to the charges and are scheduled to be sentenced in April.

Use of Temporary Employees as of February, 2011

The County currently contracts primarily with three agencies for the services of approximately 40 temporary employees. These employees are primarily performing clerical or paraprofessional functions.¹ In some cases, temporary workers assist with special projects with a defined term, such as the records project at ERS and the electronic imaging project at the Department of Child Support Enforcement (CSE). In other cases, temporary employees are used to fill positions while recruitment and hiring proceeds for a regular appointment. In some cases, County departments have used temporary employees for longer periods of time.

In most cases, temporary employees are not given access to personal information of County employees, although there are some exceptions. In the Behavioral Health Division (BHD), a temporary employee is used to assist with payroll and unemployment claims. DAS – Human Resources (DAS – HR) also has a temporary employee to coordinate the processing of unemployment claims. Labor Relations has a temporary employee providing office support who does have access to personnel files and Ceridian. In addition, temporary employees in CSE, the Office of the Sheriff, Department of Health and Human Services and BHD have access to sensitive information pertaining to members of the public.

Current Safeguards to Protect Sensitive Information

As mentioned above, the existing agreement with all temporary agencies includes a requirement that the agencies perform background checks on any employee placed in a County department. Current agreements also indemnify the County against losses resulting from criminal activity and require temporary agencies to maintain adequate insurance to cover such losses.

- In the Sheriff's Office, temporary employees undergo the same background investigation as permanent employees.
- CSE temporary employees also undergo the same background investigation as permanent employees. CSE has very strict state and federal laws and rules that govern access to departmental data. All employees are briefed on the serious consequences of unauthorized access and are required to sign the department's confidentiality agreement. In addition, the department's main computer programs provide for tracking and monitoring of data accessed by all staff.
- In DHSS, the one temporary employee with access to client information works under an agreement which covers confidentiality of client records.

¹ This analysis does not include temporary employees that are placed in DAS – Information Management Services Division through price agreements with IT service companies.

- The BHD temporary employees have been trained on HIPAA requirements and their work is closely monitored.
- The temporary employee in DAS – HR works closely with the HR Director. She has also signed a confidentiality statement.
- The temporary employee in the Department of Labor Relations has signed a confidentiality agreement.

Next Steps

DAS believes that departments have put sufficient safeguards in place to mitigate the risk associated with access to sensitive information. However, these safeguards are implemented on an ad-hoc basis. In order to ensure that sensitive personal information is protected in all County departments, DAS - Fiscal, in conjunction with Corporation Counsel, DAS - Risk Management, DAS - HR and DAS – Information Management Services Division, will develop a policy regarding access to sensitive information.

Recommendation

This report is informational only.

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