

# INTEROFFICE MEMO



County of San Bernardino

DATE April 6, 1999

PHONE 387-5427

 FROM CAROL T. SHEARER *Carol Shearer*  
 Acting County Administrative Officer

 TO ELECTED OFFICIALS, ASSISTANT COUNTY ADMINISTRATORS, DEPUTY  
 COUNTY ADMINISTRATORS, AND NON-REPRESENTED DEPARTMENT HEADS

SUBJECT CHILD SUPPORT COMPLIANCE PROGRAM

On September 22, 1998, the Board of Supervisors approved a county ordinance that will assist the District Attorney (DA) in his efforts to facilitate the successful apprehension of the most delinquent child support evaders in our community. At that time the Board also directed my office to complete the implementation instructions. This memorandum provides a summary on actions taken by the Board and provides departmental implementation instructions.

## Child Support Compliance Program Implementation Instructions

In the fall of 1998 the Board approved an Ordinance to establish the Child Support Compliance Program (Program). This Program will: 1) assist the DA in locating County employees, contractors, and business licensees – individuals who benefit financially from the County – to assure their compliance with any court-ordered child support and spousal support obligations; and, 2) (a) assure that "New Contractors" are aware of and comply with the Program requirements and, (b) seek voluntary compliance from "Existing Contractors." The implementation instructions (Attachment I) provide or explain the following:

- Departmental responsibilities to inform employees and contractors about the Program;
- Language regarding Program compliance that must be included in all job bulletins, new contracts, formal bid and proposal solicitations;
- Departmental requirements to ensure contractor/vendor compliance;
- Contract language to require compliance with Program requirements for "New Contractors";
- A sample letter to request voluntary compliance from "Existing Contractors" and other required forms to implement the Program.

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The Program will be operative as of the date of this memorandum, pursuant to County Code Section 110.0103 and is to be fully implemented no later than 30 days after the memorandum date. Within six months of the operative date and annually thereafter, the DA will report to the Board of Supervisors concerning the effectiveness of this Program.

Please contact Carol Hughes (387-5424) or Dave Gibson (387-5409) of my staff if you have any questions or you may contact Kim Nelson of the DA's Office at 478-7300.

Attachments

cc: Board Members



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# CHILD SUPPORT COMPLIANCE PROGRAM IMPLEMENTATION INSTRUCTIONS

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## I. OVERVIEW OF THE CHILD SUPPORT COMPLIANCE PROGRAM

The Board of Supervisors has established the goal of ensuring that individuals who benefit financially from the County through employment or contract are in compliance with their court ordered child, family, and spousal support obligations. It is the Board's intent to assist the District Attorney (DA) in locating individuals who owe support by implementing the Child Support Compliance Program.

As part of this program, the Human Resources Department will periodically provide Employment Information to the District Attorney. The DA will use this Employment Information to compare to its list of persons who owe support obligations. In addition, through job bulletins and new employee orientation, Human Resources will notify job applicants and new employees of the Child Support Compliance Program.

The program also requires new contractors to provide identifying information concerning the principal owners of their businesses and to certify their cooperation with the District Attorney's requests for employment information and lawfully served court orders for support. Failure to submit the required certifications, prior to the award of a contract, shall be grounds for finding a bid, proposal or other offer non-responsive. The program implementation instructions also require mandatory bid, proposal and contract language acknowledging and requiring adherence to the Child Support Compliance Program.

This Program will be operative as of the date of the memorandum, pursuant to County Code Section 110.0103, and is to be fully implemented no later than 30 days after the memorandum date.

## II. REPORTING INFORMATION ON COUNTY EMPLOYEES

### A. Human Resources Department Reporting of Employment Information for Existing Employees (Refer to County Code Sections 110.0102 and 110.0106)

The Human Resources Department shall provide employee name and title and whether or not he or she receives compensation from the County to the District Attorney within 30 days of the operative date of this chapter and periodically thereafter at the request of the District Attorney. The DA will use this Employment Information to compare to its list of persons who owe child,



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family or spousal support obligations. The DA's matching of Employment Information may result in a request from the DA for additional information to assist their efforts to locate and update employment information on persons with support obligations (WIC Sections 11478, 11487.1, 11478.8).

### **B. Human Resources Department Reporting of New Employees (Refer to County Code Section 110.0102 and 110.0105) to the State Directory of New Hires**

The Human Resources Department is additionally required to report the name, address and Social Security number and date of hire of all New Employees to the State Directory of New Hires on a periodic basis (42 USC Section 653a; Cal. Unempl. Ins. Code Section 1088.5). Among other uses, the State agency enforcing support obligations uses this information to locate those who owe support obligations and may disclose such information to anyone that is under contract with the agency to carry out such purposes. The information reported to the State Directory of New Hires will be available to the District Attorney from the State.

The Human Resources Department must notify job applicants and New Employees of the Child Support Compliance Program and the County's policy of reporting employment information to the State and to the District Attorney under the specified circumstances, as set forth below.

#### **1. Required Notice for Inclusion in Job Bulletins**

The following language, approved by the Department of Human Resources, shall be included in job bulletins after the operative date of the Program:

***CHILD SUPPORT COMPLIANCE: State law requires that information on all new hires (i.e. Name, Address, Social Security Number and Date of Hire) be reported to the State for the purpose of locating persons who owe family support. The District Attorney is authorized to request additional employment and identifying information under specified circumstances. Applicants will not be disqualified from employment based on this information.***

#### **2. New Employee Acknowledgment of Program**

Departments must have New Employees sign the Acknowledgment of San Bernardino County's Child Support Compliance Program (Attachment



A) as part of their orientation.

**C. District Attorney Request for Additional Information on County Employees**

The DA may request any employer, including the County, to provide additional, detail information to assist in identifying persons who owe support obligations under certain circumstances. In order to request additional information, the DA must provide specified identifying elements for the employee subject to inquiry. (See subsection C.2.) **Additional information will not be provided to the DA unless identifying information for a County employee matches at least three of the identifying elements provided by the DA.**

1. DA Notice to an Employee of an Employment Inquiry

The DA is currently required by provisions of WIC Section 11478.8 to notify an individual, at his or her last known address, that employment information will be requested from his or her employer in order to enforce a court-ordered support obligation. The DA's notice will request the employee to contact the DA as soon as possible to clarify a support obligation matter indicating that failure to do so will result in an inquiry to his or her employer. The DA will not request additional information from Human Resources until appropriate notice has been sent to an employee. If the employee contacts the DA in a timely manner and the DA determines that he or she is not the subject of the inquiry, the DA will not request additional employment information from Human Resources.

2. Additional Information to be Provided by Human Resources as Administrator of the Payroll System

Pursuant to WIC Section 11478.8, the County must provide additional employment information on County employees if the DA provides a minimum of three of the following identifying elements: 1) first and last name, and middle initial, if known; 2) Social Security number; 3) driver's license number; 4) date of birth; 5) last known address; or, 6) spouse's name. Human Resources will, therefore, provide the following information to the DA if identifying information for a County employee matches a minimum of three of any of the preceding identifying elements provided to Human Resources by the DA:

- Full name
- Last known residence address
- Date of birth

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- Social Security number
- Date of Hire
- Current rate of pay
- Health insurance information including dependent coverage

### D. Maintaining Confidentiality of Information

Confidential information provided in conjunction with the requirements of this Program must be handled appropriately to maintain its confidentiality. All such information is specifically limited for use in establishing and enforcing outstanding support obligations. Employment Information, as specified in County Code Section 110.0102, will be provided to the DA by Human Resources in an electronic file based on criteria provided by Human Resources. Existing confidentiality requirements shall apply to access to and transmission of this Employment Information data.

## III. CONTRACTOR COMPLIANCE AND REPORTING REQUIREMENTS

### A. New Contractors (Refer to County Code Section 110.0107) - Mandatory Compliance

#### 1. Contractor's Principal Owner Information Form and Certifications

This Program requires individuals or businesses submitting a bid or proposal to contract with the County after the operative date of the Program to submit the Principal Owner Information Form (POI Form, Attachment B) to the DA at the time a bid or proposal is submitted to a soliciting County department.

In addition, bidders or proposers must submit a Child Support Compliance Program Certification (CSCP Certification, Attachment C) with the bid or proposal to the soliciting County department. **At the earliest time after bids have been opened, the contracting department must verify that the CSCP Certification has been provided and send a copy to the DA.** Failure by a bidder or proposer to submit the CSCP Certification prior to award of the contract (which includes certification of submission of the POI Form to the DA) shall be grounds for finding that the bid, proposal or other offer is non-responsive.

#### a. POI Form

Principal Owner is any individual (i.e., natural person) who owns an



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interest of 10 percent or more in a "New" or "Existing Contractor." If no individual (natural person) holds a 10 percent or more interest in a contractor, this must be indicated on the POI Form, as requested. Departments must include the POI Form in each solicitation package and must request that the potential contractor submit it to the DA at the time a bid or proposal is submitted to the soliciting County department.

b. Child Support Compliance Program Certification (CSCP Certification)

New Contractors must also complete and submit a CSCP Certification to the soliciting County department with any bid or proposal. This includes certification of the following: a) that the POI Form has been appropriately completed and provided to the DA with respect to the New Contractor's Principal Owners; b) that the New Contractor has fully complied with all applicable State and Federal reporting requirements relating to employment reporting for its employees; and, c) that the New Contractor has fully complied with all lawfully served Wage and Earnings Assignment Orders and Notices of Wage and Earnings Assignment and will continue to maintain compliance. Each Department must complete the soliciting department information on the CSCP Form and include it in each solicitation package. Before recommending the contract award, the contracting department must verify that it has received an original CSCP form from the potential contractor, and send a copy to the DA.

2. Required Language for Solicitation of Bids or Proposals

The following language has been approved by County Counsel, and must be included in solicitations for bids or proposal submissions (Master and Fixed Priced contracts must comply at the initial award only) after the operative date of this Program:

*The County of San Bernardino established a Child Support Compliance Program. (County Code Section 110.0101 et seq.) The Program is intended to assist the District Attorney (DA) in locating County employees, contractors and business licensees who owe child, family, and spousal support obligations. This Program is designed to enhance the welfare of dependants by ensuring that those who owe a duty of support are held accountable for their*



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*responsibilities, in order to mitigate the County's resultant financial burden.*

*At the time of each bid submission (Master and Fixed Priced contracts must comply at the initial award only) to the soliciting County department, bidders must submit separately to the DA a completed Principal Owner Information Form (POI Form) provided by the County. Additionally, bidders or proposers shall submit along with a bid or proposal to a soliciting County department certifications that: 1) the POI Form has been appropriately completed and provided to the District Attorney with respect to the Contractor's Principal Owners; 2) the Contractor has fully complied with all applicable State and Federal reporting requirements relating to employment reporting for its employees; and 3) the Contractor has fully complied with all lawfully served Wage and Earnings Assignment Orders and Notices of Assignment and will continue to maintain compliance. Such certification must be submitted on the Child Support Compliance Program Certification (CSCP Certification) provided by the County.*

*Failure by a bidder or proposer to submit the CSCP Certification prior to award of contract or issuance of a purchase order (which includes certification that the POI Form has been submitted to the DA) to the soliciting County department shall be grounds for a finding that a bid, proposal, or other offer is non-responsive.*

3. Required Purchase Order and Contract Language for Child Support Compliance Program Requirements

The following language has been approved by County Counsel, and must be included or referenced in purchase orders and contracts after the operative date of this Program:

CONTRACTOR'S WARRANTY OF ADHERENCE TO COUNTY'S CHILD SUPPORT COMPLIANCE PROGRAM.  
*CONTRACTOR acknowledges that COUNTY has established a goal of ensuring that all individuals who benefit financially from COUNTY through contract are in compliance with their court-ordered child, family and spousal support obligations in order to mitigate the economic burden otherwise imposed*



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*upon COUNTY and its taxpayers. As required by COUNTY'S Child Support Compliance Program (County Code Section 110.0101 et seq.) and without limiting CONTRACTOR'S duty under this contract to comply with all applicable provisions of law, CONTRACTOR warrants that it is now in compliance and shall during the term of this contract maintain compliance with employment and wage reporting requirements as required by the Federal Social Security Act (42 USC Section 653a) and California Unemployment Insurance Code Section 1088.5, and shall implement all lawfully served Wage and Earnings Withholding Orders or District Attorney Notices of Wage and Earnings Assignment for Child or Spousal Support, pursuant to Code of Civil Procedure Section 706.031 and Family Code Section 5246(b). Contractor hereby certifies that it has submitted to the County a completed Principal Owner Information (POI Form) and Child Support Compliance Program Certification (CSCP Certification).*

TERMINATION FOR BREACH OF WARRANTY TO MAINTAIN COMPLIANCE WITH COUNTY'S CHILD SUPPORT COMPLIANCE PROGRAM. *Failure of CONTRACTOR to maintain compliance with the requirements set forth in the preceding paragraph shall constitute a default by CONTRACTOR under this contract. Without limiting the rights and remedies available to COUNTY under law or under any other provision of this contract, failure to cure such default within 90 days of notice by the San Bernardino County District Attorney shall be grounds upon which the County Board of Supervisors may terminate this contract.*

4. Required Purchase Order/Contract Termination Clause for Failure to Comply with Child Support Compliance Program Requirements

For Board approved contracts, if the DA finds that a New Contractor is not in compliance as certified in the CSCP Certification, the DA will advise the contractor to become compliant within 90 days. If the contractor is still non-compliant after the 90-day period, the DA will notify the contracting department. The contracting department shall prepare a recommendation to the Board of Supervisors for contract termination under the termination provision set forth above.

For purchase orders, if the DA finds that a New Contractor is not in



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compliance as certified in the CSCP Certification, the DA will advise the contractor to become compliant within 90 days. If the contractor is still non-compliant after the 90-day period, the DA will notify the contracting department. The contracting department shall prepare a recommendation to the Purchasing Agent for purchase order termination under the termination provision set forth above.

### 5. Low Value Purchases and Payment Requests (PR)

The County of San Bernardino's Low Value purchase program has been established to provide an efficient and expeditious manner by which to obtain low value supplies, when the purchase price of those items, in the aggregate, is less than \$3,000, per day. **Individuals or businesses that are awarded purchase orders to provide goods under the low value purchase program shall be exempt from all the contractor compliance provisions of these implementation instructions.**

Similarly, the County of San Bernardino has established an urgent payment request process (PR) designed to assist County departments that have an urgent need of a purchase that exceeds the low value purchase authority. In these instances a PR number is issued by the Purchasing Department to expedite the purchase. **Individuals or business that are awarded PRs under \$10,000 shall be exempt from all the contractor compliance provisions of these implementation instructions.**

### 6. Emergency Procurement

Emergency purchases may be made by any County official authorized to sign requisitions when: (1) such item or items are immediately necessary for the provision of life or property, or, (2) the Purchasing agent or any assistant authorized to make purchases is not immediately available, and the item or items are immediately necessary for the continued operation of the agency or department, and undue delay would cause substantial loss to the County.

In emergency situations, vendors may be awarded contracts or purchase orders without providing principal owner information or the compliance affidavit in advance. However, once the emergency need is met, the department shall provide (mail or FAX) the contractor/vendor with the POI Form for appropriate completion and submission to the DA and the CSCP Certification for submission to the department with a copy to the DA.

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Departments shall establish controls to monitor for return (mail or FAX) of the CSCP Certification which includes certification that the POI Form has been submitted to the DA. The CSCP Certification must be returned to the department before any other procurement may be made from the contractor/vendor.

### B. Existing Contractors - Voluntary Compliance (Refer to County Code Section 110.0108)

#### 1. Central Mailing to Existing Contractors

Within 30 days of the operative date of this program, the Auditor-Controller will provide to the DA a computer file listing of the names and addresses of all vendors/contractors for whom a vendor code has been established. This file will be used by the DA to centrally mail requests to Existing Contractors to voluntarily submit (mail or FAX) the POI Form and the CSCP Certification to the DA. Attachment D provides a sample of this letter request .

### **IV. REPORTING BUSINESS LICENSEE INFORMATION**

Consistent with County Code Section 110.0111, the Clerk of the Board of Supervisors shall provide business licensee information when requested by the DA, but not less than quarterly.