

# OFFICE OF THE STATE AUDITOR

## PERFORMANCE AUDIT FOLLOW-UP

Status of Recommendations

Game and Fish Department

Report No. 3034-1

May 19, 2017



Joshua C. Gallion, State Auditor

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May 19, 2017

The Honorable Doug Burgum, Governor

Members of the North Dakota Legislative Assembly

Terry Steinwand, Director, Game and Fish Department

The Office of the State Auditor conducted an audit follow-up on the performance audit entitled *Game and Fish Department (report #3034) dated April 9, 2014*. The objective of this audit follow-up was to determine the implementation status of the 44 recommendations presented in the performance audit report. The objectives of the performance audit were to answer the following questions:

“Is the Private Land Program operating effectively?”

“Is the Game and Fish Department in compliance with laws, rules, and policies related to human resources and use of resources?”

The Game and Fish Department has fully implemented 36 of the 44 recommendations presented in the performance audit report. The remaining 8 recommendations were considered partially implemented. Included in this report are the conclusions we made regarding the implementation status of the recommendations. Management’s responses are included for partially implemented recommendations.

We want to extend our appreciation to the personnel of the Game and Fish Department for their assistance and cooperation during the follow-up.

Sincerely,

A handwritten signature in black ink that reads "Joshua C. Gallion".

Joshua C. Gallion  
State Auditor

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## Partially Implemented

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**Recommendation 1-1**      **We recommend the Game and Fish Department obtain input from stakeholders of PLOTS to identify expectations of the program and use such information in establishing an appropriate goal to measure the effectiveness of the program.**

*Partially Implemented*      The Department is in the process of implementing this recommendation. A contract has been entered into with a vendor to evaluate the PLOTS program and obtain stakeholder input to identify expectations of the program. Our review identified this work is planned to be completed in April 2018.

*Management's Response*      The Department agrees with the status of the recommendation. At the time of this response, the Department has completed the first phase of this project, which involves development of the initial survey documents. The second phase, involving survey testing and conducting surveys will begin July 2017. The project is planned to be completed by April 2018 or earlier.

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**Recommendation 1-11**      **We recommend the Game and Fish Department establish adequate policies and procedures to improve the operations and effectiveness of the Depredation Assistance Program.**

*Partially Implemented*      The Department has established policies and procedures; however, these policies and procedure still need improvements. Our review identified a lack of specific requirements regarding information to be entered into the Depredation database.

*Management's Response*      The Department agrees with the status of the recommendation. Policies and procedures will be improved to provide clarity regarding the specific type of information to be entered into the Depredation database.

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**Recommendation 1-12**      **We recommend the Game and Fish Department comply with policies and procedures related to the Depredation Assistance Program.**

*Partially Implemented*      Our review identified instances of noncompliance with Depredation Assistance Program policies and procedures. The Department entered information related to a food plot in the wrong database and did not consistently complete a required form.

*Management's Response*      The Department agrees with the status of the recommendation. Policies and procedures will be improved to provide clarity when entering information into the Depredation database. Reports have been developed to ensure forms are being completed as required.

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**Chapter 1**  
**Partially Implemented**

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**Recommendation 3-6**      **We recommend the Game and Fish Department acquire and maintain adequate supporting documentation for expenditures. At a minimum, the Department should:**

- a) Obtain itemized receipts.**
- b) Retain complete listings of those in attendance at trainings, workshops, and banquets in which the Department is paying for food, beverages, and related items.**

*Partially Implemented*      The Department is obtaining itemized receipts and maintaining this information. Our review identified efforts were made to retain complete listings of event attendees; however, some of the listings reviewed did not include all staff members attending the events.

*Management's Response*      The Department agrees with the status of the recommendation. We have implemented corrective action.

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**Recommendation 4-4**      **We recommend the Game and Fish Department comply with North Dakota Century Code Chapter 37-19.1. At a minimum, the Department should:**

- a) Award appropriate veterans' preference points to qualifying applicants.**
- b) Send letters of nonselection to veteran applicants via certified mail.**
- c) Include required information in the letters of nonselection sent to veteran applicants.**

*Partially Implemented*      Our review identified instances of noncompliance with North Dakota Century Code Chapter 37-19.1. A veteran was identified as being awarded the wrong points. Letters sent to veteran applicants for one hiring process reviewed were not sent via certified mail and did not include required information. The predetermined number of applicants to be interviewed was not documented upfront.

*Management's Response*      The Department agrees with the status of the recommendation and have implemented corrective actions.

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**Chapter 1**  
**Partially Implemented**

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**Recommendation 5-8**

**We recommend the Game and Fish Department make improvements with the policies and procedures related to clothing provided to employees. At a minimum, the Department should:**

- a) Modify policies to ensure a uniform policy is applicable to Game Wardens only.**
- b) Ensure clothing is provided only for the performance of essential and directly related job duties of the position and clothing is not suitable for everyday wear.**
- c) Establish appropriate tracking and monitoring procedures to prevent abuse.**

*Partially Implemented*

The Department did not agree that a uniform policy should apply only to Game Wardens. Our review identified the uniform policy is still applicable to certain non-Game Warden employees and that certain clothing items being provided still appear to be suitable for everyday wear. It appears clothing provided to employees is being treated as property of the Department as employees are required to turn in items provided upon termination or as items need replacement. Our review also identified spreadsheets were established to track and monitor clothing items provided to employees.

*Management's Response*

The Department agrees with the status of the recommendation as partially implemented. The Department tracks and monitors clothing items provided to employees for all divisions.

---

**Recommendation 5-9**

**We recommend the Game and Fish Department make improvements with inventory processes. At a minimum, the Department should:**

- a) Ensure the annual verification of inventory is appropriately completed.**
- b) Ensure the inventory records are complete and current.**
- c) Perform an independent verification of inventory periodically by someone in the Department.**

*Partially Implemented*

The Department made improvements to inventory processes; however, an independent verification of inventory by someone in the Department has not been completed. The first such independent verification is scheduled to be conducted in 2018. Our review of the most recent annual inventory identified the inventory appeared to be appropriately completed.

*Management's Response*

The Department agrees with the status of the recommendation. Due to timing of various audits, which affected staff workload, the Department scheduled the independent verification to be conducted in 2018.

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**Chapter 1**  
**Partially Implemented**

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- Recommendation 5-10**     **We recommend the Game and Fish Department make improvements to policies and procedures related to confiscated and seized items. At a minimum, the Department should:**
- a) Establish appropriate policies and procedures for properly maintaining and accessing confiscated and seized items.**
  - b) Comply with policies and procedures.**
  - c) Ensure items are adequately secured at all times.**

*Partially Implemented*

The Department contacted the Bureau of Criminal Investigation for guidance on property and evidence handling to ensure policy revisions would address the audit recommendation and would comply with State law and Court guidelines. Our review identified concerns with monitoring for compliance with policies and procedures.

*Management's Response*

The Department agrees with the status of the recommendation. Upon being notified by the auditors of their concerns with monitoring for compliance with policies and procedures, we have already implemented corrective actions.



## Fully Implemented

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**Recommendation 1-2**      **We recommend the Game and Fish Department establish adequate policies and procedures to improve the operations and effectiveness of PLOTS.**

*Fully Implemented*

The Department established adequate policies and procedures in relation to issues identified in the original audit. Our review identified significant changes have been made to improve the operations and effectiveness of PLOTS.

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**Recommendation 1-3**      **We recommend the Game and Fish Department comply with policies and procedures related to PLOTS.**

*Fully Implemented*

Our review identified the Department is complying with policies and procedures related to PLOTS.

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**Recommendation 1-4**      **We recommend the Game and Fish Department ensure compliance with terms/conditions included in PLOTS agreements. At a minimum, the Department should:**

- a) **Establish guidelines for frequency of reviews.**
- b) **Document reviews performed and actions taken if noncompliance issues are identified.**

*Fully Implemented*

The Department established a quality review process to ensure compliance with terms/conditions included in PLOTS agreements. Our review identified staff are documenting quality review assessments performed and actions taken.

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**Recommendation 1-5**      **We recommend the Game and Fish Department ensure the operations of the PLOTS programs are adequately monitored. At a minimum, the Department should:**

- a) **Generate reports to monitor the effectiveness of the PLOTS programs.**
- b) **Conduct reviews of land evaluations and agreements to ensure compliance with requirements and to identify areas for improvement.**

*Fully Implemented*

The Department established policies and procedures to ensure operations of the PLOTS programs are adequately monitored. Our review identified reports are being generated and program administrators are conducting reviews of agreement information.

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**Chapter 2  
Fully Implemented**

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**Recommendation 1-6**      **We recommend the Game and Fish Department ensure PLOTS agreements are signed by both parties prior to the agreements effective date.**

*Fully Implemented*

Our review identified PLOTS agreements are being signed by both parties prior to the agreement's effective date.

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**Recommendation 1-7**      **We recommend the Game and Fish Department make improvements related to district priority incentive areas. At a minimum, the Department should:**  
a) Document approval of district priority areas.  
b) Require documentation of the reasons for incentive payments.  
c) Ensure district priority maps are maintained.

*Fully Implemented*

Our review identified documented approval of the district priority areas, reasons for the incentive payments, and district priority maps.

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**Recommendation 1-8**      **We recommend the Game and Fish Department make improvements related to ownership of land included in PLOTS agreements. At a minimum, the Department should:**  
a) Obtain assurance of the legal land owner.  
b) Recoup moneys from individuals inappropriately paid for land which was not owned by them.

*Fully Implemented*

Our review identified the Department is obtaining assurance of the legal land owner and is recouping moneys from individuals who are inappropriately paid.

---

**Recommendation 1-9**      **We recommend the Game and Fish Department ensure adequate information is readily available to hunters in regards to PLOTS.**

*Fully Implemented*

Our review identified the Department appears to be providing adequate PLOTS information to hunters.

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**Recommendation 1-10**      **We recommend the Game and Fish Department ensure the information made available to landowners in regards to PLOTS is up-to-date and user friendly.**

*Fully Implemented*

Our review identified the Department has updated the PLOTS information available to landowners and has made the information user friendly.

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**Chapter 2**  
**Fully Implemented**

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- Recommendation 1-13** We recommend the Game and Fish Department establish a monitoring process for the Depredation Assistance Program. At a minimum, the Department should:
- a) Generate reports to monitor the program's effectiveness.
  - b) Conduct reviews of the actions taken to ensure compliance with requirements and to identify areas for improvement.

*Fully Implemented*

The Department established a monitoring process for the Depredation Assistance Program. Reports are being generated to monitor the program's effectiveness and to identify areas of improvement and is conducting reviews to ensure compliance with requirements.

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- Recommendation 1-14** We recommend the Game and Fish Department meet with the Risk Management Division of the Office of Management and Budget to address the risks associated with providing state owned property to private individuals as part of the Depredation Assistance Program.

*Fully Implemented*

The Department met with Risk Management. Our review identified hold harmless and indemnification language has been added to the form landowners are required to sign when state owned property is provided as part of the Depredation Assistance Program. In addition, shot guns and cracker shells are no longer being provided as part of this program.

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- Recommendation 2-1** We recommend the Game and Fish Department comply with procurement laws, rules, and policies.

*Fully Implemented*

Our review identified the Department is complying with procurement laws, rules, and policies.

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- Recommendation 2-2** We recommend the Game and Fish Department meet with representatives of the State Procurement Office to:
- a) Receive guidance on determining the required procurement process to use for goods being purchased for apparent public improvement purposes.
  - b) Review various relationships and agreements established through memorandums of understanding, cooperative agreements, etc. to determine the appropriate procurement requirements.

*Fully Implemented*

Our review identified the Department met with State Procurement Office representatives and received guidance related to the concerns identified in the original audit.

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**Chapter 2**  
**Fully Implemented**

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**Recommendation 2-3**

**We recommend the Game and Fish Department comply with requirements of the P-Card Manual and ensure only the authorized person is allowed to use the P-Card.**

*Fully Implemented*

The Department is complying with P-Card Manual requirements. Our review attempted to identify unauthorized signatures; however, instances were noted where cardholders are no longer required to sign a credit card receipt or cardholders are no longer provided a signed copy of the receipt. Due to this, sufficient, appropriate evidence did not exist for all transactions reviewed. No concerns were identified with the reviewed transactions containing signatures.

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**Recommendation 2-4**

**We recommend the Game and Fish Department make improvements with contracts and agreements entered into for services. At a minimum, the Department should:**

- a) Ensure payments for services are made pursuant to a written contract or agreement.**
- b) Include applicable terms and conditions within contracts and agreements as recommended by the Office of the Attorney General.**
- c) Ensure appropriate reviews are performed by legal counsel.**

*Fully Implemented*

Our review identified payments for services are being made pursuant to written contracts or agreements, applicable terms and conditions are being included within contracts and agreements as recommended by the Office of the Attorney General, and reviews are being performed by legal counsel.

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**Recommendation 2-5**

**We recommend the Game and Fish Department make improvements with contract administration. At a minimum, the Department should:**

- a) Ensure compliance with contracts and agreements.**
- b) Periodically review contracts and agreements for changes in relationships between parties or for changes in law.**
- c) Establish a central repository and/or database to actively manage contracts and agreements.**

*Fully Implemented*

The Department has established processes to ensure compliance with contracts and agreements. Our review identified the Department is periodically reviewing contracts and agreements and has established a central repository for contracts and agreements.

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**Chapter 2**  
**Fully Implemented**

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**Recommendation 3-1**

**We recommend the Game and Fish Department ensure an appropriate grant program is established when the Department is to provide public funds for sponsorships and similar payments. At a minimum, the Department should:**

- a) Ensure grant programs have appropriate legislative authority to be administered.**
- b) Establish appropriate policies and procedures related to grant applications and grant agreement terms and conditions.**
- c) Monitor the use of grant funds awarded to ensure such moneys are expended appropriately.**

*Fully Implemented*

The Department established a Sponsorship/Education Grants program to provide public funds for sponsorships and similar payments. Our review identified grant applications and grant agreements are being required. The grant agreement indicates grant funds will be awarded on a reimbursement basis. Use of grant funds is monitored by reviewing documentation supporting the requests for reimbursement.

---

**Recommendation 3-2**

**We recommend the Game and Fish Department ensure payments to employees comply with applicable laws, rules, and policies.**

*Fully Implemented*

Our review identified the Department is ensuring payments to employees comply with applicable laws, rules, and policies.

---

**Recommendation 3-3**

**We recommend the Game and Fish Department obtain legal advice to determine whether a Game Warden's district constitutes their normal place of employment in the context of North Dakota Century Code Section 44-08-04 and establish in policy when Game Wardens are considered to be in travel status.**

*Fully Implemented*

The Department obtained legal advice from the Attorney General's Office. A policy was established in consultation with the Office of Management and Budget that clarifies a Game Warden's normal place of employment and when it is appropriate for a Game Warden to claim meal per diem.

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**Chapter 2**  
**Fully Implemented**

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**Recommendation 3-4**      **We recommend the Game and Fish Department document the working arrangements for temporary/seasonal employees upfront. At a minimum, the arrangements should:**

- a) List the employee's normal place of employment.**
- b) Describe any lodging accommodations provided.**
- c) Identify when meals can/cannot be claimed, including days off, for employees with unique working arrangements.**

*Fully Implemented*

The Department implemented a process documenting the working arrangements for temporary/seasonal employees. Our review identified hiring letters sent to temporary/seasonal employees included the applicable working arrangements.

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**Recommendation 3-5**      **We recommend the Game and Fish Department comply with Office of Management and Budget Policy 217 in regards to allowing employees to participate in meals provided by the Department.**

*Fully Implemented*

The Department obtained a waiver from the Office of Management and Budget regarding Policy 217. This waiver allows employees to participate in certain meals provided by the Department instead of having employees claim per diem.

---

**Recommendation 3-7**      **We recommend the Game and Fish Department make improvements with the use of public funds. At a minimum, the Department should:**

- a) Ensure public funds are used in an appropriate manner.**
- b) Enhance the organizational culture of accountability and proper stewardship of public funds.**

*Fully Implemented*

Our review identified the Department acted to address the concerns which led to this recommendation. A process was also established in which the Deputy Director reviews a selection of purchasing card transactions and payments to employees monthly.

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**Chapter 2**  
**Fully Implemented**

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**Recommendation 3-8**

**We recommend the Game and Fish Department ensure employees who are responsible for approving payments for travel expenses or other expenditures of public funds comply with North Dakota Century Code Section 44-08-05.1 and determine before approving the payments that the expenditures were for lawful and official purposes, actually due the individuals, and that the payments contain no false claims.**

*Fully Implemented*

The Department has taken steps and made improvements to ensure employees comply with North Dakota Century Code Section 44-08-05.1. In June 2014, Office of Management and Budget representatives provided training in various areas to staff. A process was also established in which the Deputy Director reviews a selection of purchasing card transactions and payments to employees monthly.

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**Recommendation 4-1**

**We recommend the Game and Fish Department comply with North Dakota Administrative Code requirements related to annual and sick leave and ensure temporary employees are not granted such leave.**

*Fully Implemented*

Our review identified the Department is no longer granting temporary employees annual and sick leave.

---

**Recommendation 4-2**

**We recommend the Game and Fish Department ensure a consistent and reasonable screening process is used to evaluate job applicants. At a minimum, the Department should:**

- a) Evaluate applicant information only on criteria clearly identified in job announcements.**
- b) Assign points in the screening process in a consistent and reasonable manner.**

*Fully Implemented*

Our review identified the Department is using more consistent and reasonable screening processes to evaluate job applicants. This is due, in part, to the Department's use of the Human Resource Management Services' online application system.

---

**Recommendation 4-3**

**We recommend the Game and Fish Department ensure compliance with records management requirements and ensure applicable documentation related to the hiring process is maintained for the required time period.**

*Fully Implemented*

The Department is complying with records management requirements and ensuring applicable documentation related to the hiring process is maintained for the required time period.

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**Chapter 2  
Fully Implemented**

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**Recommendation 4-5**      **We recommend the Game & Fish Department ensure compliance with Session Law requirements related to salary increases.**

*Fully Implemented*

Our review identified the Department is complying with Session Law requirements related to salary increases.

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**Recommendation 4-6**      **We recommend the Game and Fish Department comply with North Dakota Administrative Code Section 4-07-05-03 and ensure individuals employed, promoted, reinstated, or transferred meet at least the minimum qualifications of the job class.**

*Fully Implemented*

The Department worked with Human Resource Management Services to revise the minimum qualifications for Game Warden II positions.

---

**Recommendation 4-7**      **We recommend the Game and Fish Department make improvements to its performance evaluation process. At a minimum, the Department should:**

- a) **Comply with North Dakota Administrative Code Chapter 4-07-10 related to employee performance evaluations.**
- b) **Ensure any changes made to an employee's performance evaluation after signing are communicated.**
- c) **Ensure consistency in the communication of employee expectations regarding job responsibilities and performance evaluations.**

*Fully Implemented*

The Department is complying with employee performance evaluation requirements. Our review identified employees signing off on the document used to communicate employee expectations regarding job responsibilities and performance evaluations.

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**Recommendation 5-1**      **We recommend the Game and Fish Department adequately safeguard sensitive information obtained and maintained by the Department. At a minimum, the Department should:**

- a) **Identify sensitive information obtained and maintained.**
- b) **Conduct background checks of all newly hired employees who will have access to sensitive information.**
- c) **Limit access to sensitive information to those employees who require the information to perform essential duties.**

*Fully Implemented*

During the 2015 Legislative Session, the Department received authorization to conduct criminal background checks for volunteers and final applicants for employment. Our review identified background checks had been conducted. The Department also took action to address the concerns identified in the original audit related to access and storage of sensitive information.

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**Chapter 2**  
**Fully Implemented**

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**Recommendation 5-2**      **We recommend the Game and Fish Department establish formal policies and procedures in relation to the volunteer education instructor program.**

*Fully Implemented*

The Department established formal policies and procedures related to the volunteer education instructor program.

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**Recommendation 5-3**      **We recommend the Game and Fish Department establish formal policies and procedures related to guns used for hunter education. At a minimum, the Department should:**  
a) **Ensure the guns are secured and used as intended.**  
b) **Ensure the guns are appropriately inventoried.**  
c) **Reduce risks to the state.**

*Fully Implemented*

The Department established formal policies and procedures related to guns used for the hunter education instructor program. The policies and procedures address the distribution, assignment, use, security, tracking, and inventory of all Department-owned firearms (non-firing and live-fire). Our review of the firearm inventory database identified guns are being appropriately inventoried. The Department has also acted to reduce risks to the state, which included trading in approximately 500 live-fire firearms for non-firing training firearms. The Department uses non-firing training firearms for classroom instruction. Live-fire firearms are only for use in live-fire training (outdoor trainings and live hunts) under the supervision of a certified Hunter Education instructor.

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**Recommendation 5-4**      **We recommend the Game and Fish Department periodically check the state's sex offender registry for all volunteer instructors.**

*Fully Implemented*

The Department has included periodic background and sex offender registry checks into policy. Our review identified periodic checks of the state's sex offender registry being performed for volunteer instructors.

---

**Recommendation 5-5**      **We recommend the Game and Fish Department ensure only allowable costs are charged to federal grant programs.**

*Fully Implemented*

The original audit identified concerns related to federal funds used to pay certain costs related to annual recognition banquets for volunteer aquatic and hunter education instructor programs. Our review was limited to these two programs. The Department incorporated information about the annual recognition banquets in the respective grant applications for both programs. Now attendees are required to attend approximately four hours of training in conjunction with the recognition banquets. Our review identified additional costs related to guests of volunteers were no longer being paid by the Department.

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**Chapter 2**  
**Fully Implemented**

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**Recommendation 5-6**

We recommend the Game and Fish Department establish formal requirements to promote and increase the safety of employees operating off-highway vehicles, snowmobiles, and watercraft. At a minimum, the Department should establish requirements related to:

- a) Use of helmets while operating off-highway vehicles and snowmobiles.
- b) Use of life jackets while operating or riding in a watercraft.
- c) Training requirements employees must fulfill prior to the operation of off-highway vehicles, snowmobiles, and watercraft.

*Fully Implemented*

The Department established formal requirements to promote and increase the safety of employees operating off-highway vehicles, snowmobiles, and watercraft. Our review of the applicable policies identified employees are required to wear helmets whenever operating a snowmobile, while operating an off-highway vehicle on any road, or as otherwise directed by a supervisor. Our review of the applicable policies also identified employees are required to wear personal floatation devices (PFD) if certain conditions occur while operating or riding in a watercraft or as otherwise directed by a supervisor. Even though the Department does not require employees to wear personal floatation devices or helmets at all times, the Boat and Trailer Safety policy includes the statement, "All staff will be encouraged to wear a PFD at all times regardless of conditions."

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**Recommendation 5-7**

We recommend the Game and Fish Department establish policies and procedures related to promotional items. At a minimum, the Department should:

- a) Clearly define promotional items.
- b) Identify when it is appropriate to provide promotional items.
- c) Establish a method for monitoring and tracking promotional items.

*Fully Implemented*

Our review identified the Department has defined promotional items, identified when it is appropriate to provide promotional items, and established a method for monitoring and tracking promotional items.