



# **REPORT ON ETHICS COMPLIANCE 2018**

**Cuyahoga County  
Personnel Review Commission**

## **Background**

Chapter 407 of the Cuyahoga County Code sets forth the various duties of the County's Inspector General (IG), Department of Human Resources (HR), and Personnel Review Commission (PRC) relative to the County's Ethics Policy.

Section 407.02 of the Code requires the PRC to provide an annual report to County Council regarding ethics training, distribution of ethics laws, and posting of whistleblower policies in County worksites.

**Training** – All elected officials, employees, and board members are required to complete ethics training within 30 days of assuming office. Thereafter, elected officials and employees are required to complete training on an annual basis.

**Distribution** – A copy of ethics laws and the County Ethics Policy Manual shall be distributed to all elected officials, employees, and board members who shall acknowledge receipt.

**Posting** – Whistleblower policies shall be posted with other employment law postings at County worksites.

## **Objective and Methodology**

This Report is intended to provide County Council with a summary of the Human Resources Department's compliance with the requirements of the County's Ethics Policy, specifically Section 407.03.

Per Section 407.02 of the Code, the PRC and HR collaborated to compile the information necessary to provide Council with the following Compliance Report. The data is accurate as of February 25, 2019.

Data regarding the elected officials, board members, and employees of the County Council, Prosecutor's Office, and the Personnel Review Commission is included as part of ensuring HR has satisfied its responsibilities under Section 407.03 of the County Code.

The PRC used the following data to produce this Report:

- 2018 Mandatory Training Completion Report dated 2/25/19 from HR
- 2018 Ethics Training Completion Report from HR
- Ethics Training 2018 Compliance form the Prosecutor's office
- Upholding Trust in County Government 2018 Ethics Compliance from the Prosecutor's office
- SAP - HRIS database
- Executive's Personnel Agendas for 2018

**Uncorrected Compliance Concerns from 2017 (and 2016) Reports**

County Code Section	Issue	Recommendation
§ 407.03(C)	HR does not distribute the County Ethics Policy Manual to covered individuals on or before their first ethics training	(1) Seek legislative revisions to align Code Sections 407.03(C) and 401.07(M); (2) Include reference to Manual and where employees can obtain a copy (IG's website) in ethics training.
§ 407.03(D,E)	Whistleblower poster revision	Poster must be revised to correct the name of the Personnel Review Commission

# COMPLIANCE REPORT

## TRAINING

### 1. New Employees

Per Section 403.01(A) of the County Code, new employees of the County must attend ethics training within 30 days of hire. The Department of Human Resources is responsible for conducting this training under County Code Section 407.03(A). Ethics training is included in the County's New Employee Orientation.

Five hundred eighty-three (583) new hires attended orientation/ethics training in 2018. A review of the data provided by HR reveals that all but one employee attended ethics training within 30 days of hire.

In addition, a review of data from the Executive's Personnel Agendas in comparison with the data provided by HR regarding ethics training reveals that 31 temporary employees appointed in 2018 did not attend ethics training as required by the County Code.

### **Compliance Concern**

Per the data provided to the PRC, one employee initially hired as a temporary intern on February 12, 2018 did not attend ethics training until October 15, 2018 after being hired to a permanent position in the IT Department. As such, this employee did not attend ethics training as required by the County Code.

Section 402.01(F) defines "employee" as "any employee of Cuyahoga County including, but not limited to, any person employed, **full or part time in a temporary or permanent capacity**, by the County Executive...."

This employee should have attended ethics training within 30 days of his temporary appointment on February 12, 2018.

### **Recommendation**

All employees, whether full-time, part-time, temporary, or permanent must attend training within 30 days of hire per the County Code.

### **HR Response**

HR will continue to work to ensure all new hires receive ethics training within 30 days of hire.

## **Compliance Concern**

There were thirty-nine (39) temporary appointments in 2018 assigned to Executive departments/agencies, and one temporary appointment assigned to the Inspector General, and one assigned to the Personnel Review Commission according to the 2018 Personnel Agendas.

While the County Code requires temporary employees to attend ethics training there is an inconsistent practice for the temporary appointments:

- Nine temporary employees attended ethics training within 30 days of hire;
- Two attended training, but beyond the 30-day window;
- One who failed to attend ethics training; and
- Twenty-nine that are listed as being appointed in 2018 on the Executive's Personnel Agendas but not listed as employees on HR's 2018 Mandatory Training Completion Report, and presumably did not attend training.

## **Recommendation**

All employees, whether full-time, part-time, temporary, or permanent must attend training within 30 day of hire per the County Code. This requirement should be applied consistently.

## **HR Response**

Upon review of the names provided by the PRC, HR found that 2 were hired in 2017; 4 attended training, but beyond the 30-day window; and 25 did not attend ethics training. HR will continue to work to consistently provide training to all employees within the 30-day requirement.

## **2. Existing Employees**

Per Section 403.01(A) of the County Code, existing County employees must attend ethics training annually. In 2018, all employees of Executive departments/agencies were required to attend in-person ethics training.

The training was offered on December 17, 2018 at the convention center, the Agency of the Inspector General ("AIG") conducted live training sessions at several locations throughout the year, and HR offered make-up sessions to employees that were unable to attend one of these sessions.

- 3,025 employees attended the December 17, 2018 training
- 436 employees attended an AIG training session
- 629 employees completed training during an HR make-up session as of February 25, 2019

NOTE: HR has indicated that these figures may include employees who completed training via multiple methods (e.g. New Employee Orientation and Annual Training).

### **Failure to Complete Training in 2018**

HR has provided the following information regarding employees who failed to complete ethics training in 2018:

- 415 employees did not complete 2018 ethics training by December 31, 2018
  - 95 of these employees requested “make-up sessions” and were considered by HR to have complied with the annual ethics training requirement. Six of these employees have yet to complete the training as of February 25, 2019
  - 45 of these employees were on approved leave; 31 still need to complete 2018 training upon their return to work [see below for compliance concern regarding approved leave]
  - 195 of these employees completed ethics training in January or February 2019
  - 37 of these employees also failed to complete training in 2017
  
- 219 of these 415 employees still need to complete 2018 ethics training as of February 25, 2019.

HR has indicated that employees who were not on approved leave and who failed to complete ethics training by December 31, 2018 without requesting a make-up session will receive verbal warnings from HR and a letter from the Inspector General. The 37 employees who did not complete training in 2107 or 2018 will receive written warnings from HR and a letter from the Inspector General.

### **Compliance Concern**

Section 403.01(A) of the County Code requires “elected officials and employees **shall** complete ethics training annually for every year of service with the County....”

The County Code does not provide for “excused reasons” for failing to complete ethics training annually. Employees not on approved leave who fail to complete training each year before December 31st are in violation of the County Code regardless of whether a “make-up session” was requested.

### **Recommendation**

Employees who fail to complete ethics training before December 31<sup>st</sup> should be advised that they are in violation of the County Code, whether by HR or the IG.

HR should not consider requesting a “make-up session” as compliance with the County Code.

## **HR Response**

In addition to the AIG training sessions, HR conducted 30 ethics training sessions between 12/17/2018 and 12/31/2018 at 7 locations (Convention Center, Administrative HQ, Justice Center, Valley View – Sanitary, Jane Edna Hunter, Virgil E. Brown, Westshore). HR will take the recommendation under advisement for 2019.

## **Compliance Concerns**

Employees on approved leave are protected by laws that supersede the County Code and cannot be required to attend training while on leave. As such, these employees should satisfy the training requirement before or after their leave.

HR has provided data regarding individuals that were on some type of leave and who have not completed ethics training or completed it after December 31, 2018. The PRC cross-checked this information using SAP and the spreadsheet containing the names of employees that received noncompliance letters from the IG.

Additionally, for the employees that the PRC was able to verify the dates of leave:

- None were on leave for the entirety of 2018
- Six began their leave at the end of December 2018 or in 2019 (these employees were not issued non-compliance letter or verbal warnings)
- Two were on leave in November/December 2018 but appear to have been back to work before the December 17, 2018 training session
- All could have satisfied the Code’s requirement at some point in 2018

## **Recommendations**

- (1) HR should make the Ethics Training video available to employees throughout the entire year and remind employees that the training must be completed within the calendar year.
- (2) HR should also verify the dates of employee leave to determine if the leave prevented the employee from attending ethics training during the entire year. For the employees whose leave did not prevent attendance at ethics training, letters and warnings should be issued to them and noted in their personnel files.

## **HR Response**

HR reviewed the provided list of employees on leave and found that one (1) employee did begin leave after the 12/17/2018 ethics training and should have received noncompliance letters from the AIG. Further, HR will continue to work to provide opportunities for employees to complete ethics training within the calendar year.

## **Elected Officials and Board Members**

HR confirmed that all required Elected Officials completed the ethics training for 2018 as required by Section 403.01(A) of the County Code. HR reports there were no new board members appointed in 2018.

The Prosecutor's Office reports that the County Prosecutor completed the ethics training for 2018 as required by Section 403.01(A) of the County Code.

### **3. Prosecutor's Office Employees**

Section 402.01(F) of the County Code defines employee as "any employee of Cuyahoga County including, but not limited to, any person employed, full or part time in a temporary or permanent capacity, by the...Prosecuting Attorney...."

Employees of the Prosecutor's Office complete ethics training by viewing a training video provided to the Prosecutor's Office by HR. In addition, in 2018 the Prosecutor's Office required its employees to view a video of the December 17, 2018 training session conducted by HR.

- 380 employees of the Prosecutor's Office completed training online via video-recording of the December 17, 2018 training session, the ethics training video provided by HR prior to December 31, 2018, or both.
- 2 employees of the Prosecutors office were on approved leave and did not complete employee ethics training in 2018. The dates of the leave are not included in SAP.
- The Prosecutor's Office also employs Law Clerks/Interns on a temporary basis. In 2018, there were 18 law clerks/interns. All but one law clerk completed ethics training in 2018 whether by viewing the annual ethics training video, the video of the December 17, 2018 training, or both.
- As of February 25, 2019, one employee of the Prosecutor's office has yet to complete ethics training, this employee is on Military Leave.



## **DISTRIBUTION**

Per Section 407.03(A,C,E) of the County Code, HR is responsible for distributing the ethics laws and the County Ethics Policy Manual to elected officials, employees, and board members.

### **Compliance Concerns – Not corrected from 2017 Report**

#### **Ethics Laws**

During ethics training, HR notifies participants of the electronic link for the County's full Ethics Policy (Title 4 of the County Code) on the County's website and participants are required to sign an Acknowledgment form as confirmation of receipt of this information.

HR has affirmed their distribution of the ethics laws but with a limitation of the covered individuals to "employees, elected officials, and board members **within the Executive Agencies, including County Council**". See Appendix A [Ethics Distribution Responsibilities statement]. HR continues to incorrectly limit its responsibilities under the Code.

#### **Recommendation**

The County Code requires HR to distribute the ethics laws and the County Ethics Policy Manual to elected officials, employees, and board members, as those terms are defined in the Code. HR should include the board members and the Prosecutor and his employees in its distribution responsibilities.

#### **HR Response -2017**

HR accepts this recommendation regarding distribution of the ethics policy and will facilitate accordingly.

#### **HR Response- 2018**

HR requested an opinion from the County Law Department regarding distribution of ethics training and distribution of the ethics laws. HR updated ethics records for 2018 to include Prosecutor employees, per the Law Department opinion. Chapter 4 of the Code indicates that board members shall receive training upon first assuming office. In 2018, no new board members were appointed to boards established or pursuant to Charter or Code; as such, distribution of the ethics laws was not required.

#### **PRC Response**

It appears that the issue here is simply a need to update the Ethics Distribution Responsibilities statement which continues to indicate a limitation to "employees,

elected officials, and board members **within the Executive Agencies, including County Council**".

### Ethics Policy Manual

Section 407.03(C) requires HR to distribute "the County Ethics Policy Manual prepared by the Department of Law". In 2017, the PRC was informed that the County Ethics Policy Manual is posted on the Inspector General's website.

HR has not indicated whether employees are informed that the Ethics Policy Manual is available to them on the IG's website during ethics training. If not, the requirements of Section 407.03(C) of the Code have not been met. See Appendix A [Ethics Distribution Responsibilities statement].

Similarly, the County Code has not yet been revised to clarify Section 407.03(C).

### **Recommendation**

As is done with the Ethics Policy (i.e. Title 4, County Code), employees should be informed during training that the County Ethics Policy Manual is available to them on the IG's website.

### **HR Response - 2017**

Individuals from the Law Department, HR, and Council staff have determined that when Title 4 of the County Code was amended in 2016, Council intended that the Manual referenced in Section 407.03(C) be the same as the Manual identified in Section 407.01(M); **however, the revisions to Section 407.03(C) were overlooked in the amendment process.**

The County Ethics Policy Manual is posted on the Inspector General's website.

### **PRC Response - 2017**

HR does not "furnish" covered individuals with copies of the Manual on or before their first ethics training as required by the Code. HR should include a reference to the Ethics Policy Manual during ethics training and provide participants with the electronic link for the Manual.

In addition, a revision to Section 407.03(C) is necessary to clarify this issue.

## **HR Response 2018**

The ethics acknowledgement form that employees sign upon training completion specifies that the entire policy can be found online. The ethics acknowledgement is attached for reference. See Appendix C [Acknowledgement of County's Ethics Law Policy].

Additionally, HR will work to revise Section 407.03(C) of the Code.

### **PRC Response**

As indicated in last year's Ethics Report, the Ethics Policy Manual is a separate document from the County's Ethics Policy (i.e. Title 4, County Code). As such, to be in compliance with Section 407.03(C) HR must include a reference to the Ethics Policy Manual in employee training and the acknowledgement.

## **POSTING**

Per Section 407.03(D,E) of the County Code, HR is responsible for posting the County's Whistleblower policy at all County worksites.

### **Compliance**

HR has declared The Whistleblower policy is posted at all County worksites. See Appendix B [Posting locations and responsible employee].

### **Poster Update Needed – carryover from 2016, 2017 reports**

In both the 2016 and 2017 ethics reports, the PRC requested a revision to the Whistleblower Policy poster to reflect this agency's name change from the Human Resources Commission to the Personnel Review Commission pursuant to a 2013 Charter amendment. This change is necessary because employees may be confused by the inaccurate posters.

HR's response both years was that the poster would be updated. The poster has not been updated, see Appendix D [Whistleblower Policy with necessary revision noted].

### **Recommendation**

HR should ensure this change is made and the updated posters should be redistributed and posted at all County worksites.

### **HR Response**

HR has updated the whistleblower poster and is in the process of distribution.

# **APPENDIX**

- A. Ethics Distribution Responsibilities statement
- B. Posting locations and responsible employee
- C. Acknowledgement of County's Ethics Law Policy
- D. Whistleblower Policy with necessary revision noted

## Ethics Distribution Responsibilities

Human Resources is responsible for distributing the Ethics Policy to new employees, elected officials and board members who are within Executive Agencies, including County Council. Staff receive training on the Ethics Policy via a PowerPoint presentation and discussion. Staff are notified of where to locate the full Ethics Policy, then sign an Ethics Acknowledgement form as confirmation of receipt of the information. All staff on the 2018 New Employee list and on the 2018 Elected Officials and Board Members lists have signed acknowledgements on file with Human Resources.

## Whistleblower Policy Posting Information

Building Location	Posting Location	Responsible Party
1642 Lakeside	<ul style="list-style-type: none"> <li>2<sup>nd</sup> floor display case</li> </ul>	<b>Brittany Jones</b> 216-987-7098 <a href="mailto:Bjones@cuyahogacounty.us">Bjones@cuyahogacounty.us</a>
Justice Center 1215 W 3 <sup>rd</sup> Street	<ul style="list-style-type: none"> <li>Posted outside HR</li> <li>Posted in Correction Officer break room</li> </ul>	<b>Kimberley Coleman</b> 216-443-6052 <a href="mailto:kcoleman@cuyahogacounty.us">kcoleman@cuyahogacounty.us</a> <b>Rezarta Dano</b> 216-348-3993 <a href="mailto:Rdano@cuyahogacounty.us">Rdano@cuyahogacounty.us</a> <b>Leigh Harris</b> 216-348-3856 <a href="mailto:lharris@cuyahogacounty.us">lharris@cuyahogacounty.us</a> <b>Emina Paunesku</b> 216-443-6248 <a href="mailto:espaunesku@cuyahogacounty.us">espaunesku@cuyahogacounty.us</a>
DSAS 13815 Kinsman Rd	<ul style="list-style-type: none"> <li>4-5 copies on both the 2<sup>nd</sup> and 3<sup>rd</sup> floors</li> <li>handouts outside HR</li> </ul>	<b>Jainice Belcher</b> 216-698-8930 <a href="mailto:Jainice.Belcher@jfs.ohio.gov">Jainice.Belcher@jfs.ohio.gov</a>
VEB 1641 Payne Ave	<ul style="list-style-type: none"> <li>Posted on each floor on Payne side</li> <li>Posted on lower level of Superior side</li> </ul>	<b>Tina Scott</b> 216-443-8047 <a href="mailto:tina.scott@jfs.ohio.gov">tina.scott@jfs.ohio.gov</a>
Admin HQ 2079 E 9 <sup>th</sup> St	<ul style="list-style-type: none"> <li>Posted on each floor</li> </ul>	<b>Yolanda Guzman</b> 216-443-5813 <a href="mailto:yguzman@cuyahogacounty.us">yguzman@cuyahogacounty.us</a> <b>Lynn Ferraro</b> 216-443-8314 <a href="mailto:lferraro@cuyahogacounty.us">lferraro@cuyahogacounty.us</a>
JEH 3955 Euclid Ave	<ul style="list-style-type: none"> <li>Posted in HR and on bulletin boards in building</li> </ul>	<b>Tomika Ballard</b> 216-881-2491 <a href="mailto:Tomika.ballard@jfs.ohio.gov">Tomika.ballard@jfs.ohio.gov</a>
Old Brooklyn NFSC 4261 Fulton Pkwy	<ul style="list-style-type: none"> <li>Posted on employee bulletin boards</li> </ul>	<b>Tamara Mearig</b> 216-881-5896 <a href="mailto:Tamara.Mearig@jfs.ohio.gov">Tamara.Mearig@jfs.ohio.gov</a>
Westshore NFSC 9830 Lorain Ave	<ul style="list-style-type: none"> <li>Posted on employee bulletin boards</li> </ul>	<b>Ashley Murphy</b> 216-881-4254 <a href="mailto:ashley.murphy@jfs.ohio.gov">ashley.murphy@jfs.ohio.gov</a>

Building Location	Posting Location	Responsible Party
Bridge Garage – PRC 2429 Superior Viaduct	• Posted on employee bulletin board	<b>Brittany Jones</b> 216-987-7098 <a href="mailto:Bjones@cuyahogacounty.us">Bjones@cuyahogacounty.us</a>
MEO 11001 Cedar Ave	• Posted on employee bulletin board	<b>Lynn Ferraro</b> 216-443-8314 <a href="mailto:lferraro@cuyahogacounty.us">lferraro@cuyahogacounty.us</a>
County Airport 26300 Curtiss Wright Pkwy Richmond Heights	• Posted on employee bulletin board	<b>Lynn Ferraro</b> 216-443-8214 <a href="mailto:lferraro@cuyahogacounty.us">lferraro@cuyahogacounty.us</a>
Animal Shelter 9300 Sweet Valley Valley View	• Posted on employee bulletin board	<b>Ciara Stone</b> 216-443-7581 <a href="mailto:cstone@cuyahogacounty.us">cstone@cuyahogacounty.us</a>
York Road Yard York Rd N. Royalton	• Posted on employee bulletin board	<b>Ciara Stone</b> 216-443-7581 <a href="mailto:cstone@cuyahogacounty.us">cstone@cuyahogacounty.us</a>
Brookpark Fleet Garage 9500 Brookpark Rd	• Posted on employee bulletin board	<b>Ciara Stone</b> 216-443-7581 <a href="mailto:cstone@cuyahogacounty.us">cstone@cuyahogacounty.us</a>
Huntington Park Garage W 3 <sup>rd</sup> St	• Posted on employee bulletin board	<b>Brittany Jones</b> 216-987-7098 <a href="mailto:Bjones@cuyahogacounty.us">Bjones@cuyahogacounty.us</a>
Print Shop 1642 Lakeside	• Posted on employee bulletin board	<b>Brittany Jones</b> 216-987-7098 <a href="mailto:Bjones@cuyahogacounty.us">Bjones@cuyahogacounty.us</a>
Mailroom 1W Lakeside	• Posted on employee bulletin board	<b>Brittany Jones</b> 216-987-7098 <a href="mailto:Bjones@cuyahogacounty.us">Bjones@cuyahogacounty.us</a>
Sanitary Facility 6100 W Canal Rd Valley View	• Posted on employee bulletin board	<b>Ciara Stone</b> 216-443-7581 <a href="mailto:cstone@cuyahogacounty.us">cstone@cuyahogacounty.us</a>



## ACKNOWLEDGEMENT OF COUNTY'S ETHICS LAW POLICY

I \_\_\_\_\_ acknowledge that I have viewed the mandatory Ethics Training presentation. I am aware that the entire Cuyahoga County Ethics Law is available online.

My signature below acknowledges that I am responsible for reading this Law in its entirety, and that I understand and agree to all contents of this Law.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee ID Number  
(or last four digits of SSN)

\_\_\_\_\_  
Department

\_\_\_\_\_  
Job Title



## Whistleblower Policy Distribution

The Whistleblower Policy is shown below.



# Whistleblower Policy

*The Cuyahoga County Ethics Code protects individuals who report unethical behavior on the part of employees of Cuyahoga County.*

### What Must Be Reported?

Current Cuyahoga County Officials and Employees **must** report any behavior on the part of other County employees that is potentially criminal in nature. Such report must be made to the Cuyahoga County Inspector General within 5 business days of the event in question.

### What Can Be Reported?

Any person can report unethical behavior on the part of employees of Cuyahoga County.

This includes:

- Violations of state or federal law;
- Misuse of public resources; or
- Violations of County Ethics Code.

### Where Can You Report?

- Call the Whistleblower Hotline: (216) 698-2999
- Inform your supervisor or department management
- Contact the Cuyahoga County Inspector General
- Contact your local law enforcement authorities if the activity is criminal in nature

### Protections for Whistleblowers

Any County employee who is disciplined or retaliated against for whistleblowing activity may file an appeal with the Cuyahoga County Human Resources Commission.

*PERSONNEL REVIEW COMMISSION*

*Employees shall not knowingly file false information or file a complaint that is frivolous or malicious in nature, or that is not in good faith.*