



**2024
ETHICS POLICY
COMPLIANCE AUDIT
REPORT**

**Cuyahoga County
Personnel Review Commission**

INTRODUCTION

Cuyahoga County Charter Article IX, Section 9.02, authorizes the Personnel Review Commission (PRC) to review and audit compliance with federal, state, and local laws regarding personnel matters within the County Executive's organization and departments. This includes the responsibility to submit reports and recommendations to the County Executive and County Council on issues of compliance.

Cuyahoga County Code (Title 4: Ethics) (the 'Code') includes the County's Ethics policy and sets forth specific requirements for the PRC, the County's Human Resources Department (HR), the Agency of the Inspector General (AIG), and County employees. The County's Employee Handbook also includes requirements for new and active employees to receive ethics training. Cuyahoga County Code §407.02 requires the PRC to provide an annual report to County Council detailing HR's compliance with these requirements.

The focus of this audit is the County's compliance with laws governing training, distribution and posting of ethics laws.

BACKGROUND

Cuyahoga County Code (Title 4: Ethics) (the 'Code') includes the County's Ethics policy and sets forth specific requirements for the PRC, the County's Human Resources Department (HR), the Agency of the Inspector General (AIG), and County employees. The Code requires the PRC to provide an annual report to County Council detailing HR's compliance with these requirements which include:

- **Training for newly elected officials, employees and board members –** Every new elected official, employee and board member is required to complete an ethics training program approved by the Inspector General within (30) days of first assuming office. (County Code §403.01) This requirement is also included in the County's Employee Handbook (§4.01). The Code requires the Human Resources department to administer ethics training which includes notice to employees of whistleblower rights and responsibilities, and notification to supervisors of their responsibilities to avoid retaliating against any employee who makes a whistleblower complaint pursuant to Section 406 of the Code. (County Code §407.03).
- **Training for active employees and elected officials –** Every current employee and elected official is required to participate in annual ethics training administered by the HR department. (Code §403.01) This requirement is also included in the County's Employee Handbook (§4.01).
- **Distribution and Recordkeeping:–** HR is required to distribute a copy of the County's ethics policy to all elected officials, employees and board members who are required to receive training under Title 4. HR is also required to furnish a copy of the County Ethics Policy Manual to all elected officials, employees and board members on or before the date of their first ethics training and to distribute a copy of ethics laws and the County Ethics Policy Manual to all elected officials, employees, and board members who

must acknowledge receipt. (Ethics Policy/ Code §§407.03(A), (C) and (E).) The Code requires anyone who completes the required ethics training to acknowledge, electronically or in writing, that they have read, understood and agree to abide by the County's Ethics policy. HR is required to receive and maintain training records of those elected officials, employees and board members who are required to complete the training. (County Code §403.01 and §407.03).

- **Posting of the Whistleblower policy** – HR is required to post the County's whistleblower policies at County worksites. (County Code §§407.03(D) and (E).)

OBJECTIVE AND SCOPE

The objective of this audit is to assess the County's compliance with four requirements of ethics laws during calendar year 2024. Specifically, these include:

- whether HR administered ethics training for new elected officials, employees and board members within 30 days of their appointment per the requirements of County Code and the Employee Handbook,
- whether HR administered ethics training to all elected officials and active employees per the requirements of County Code and the Employee Handbook,
- whether HR either made available or distributed a copy of ethics laws and the County Ethics Policy Manual to all elected officials, employees, and newly appointed board members required to complete training, obtained an acknowledgment of their receipt and understanding of these documents, and maintained records of their completion of the required training; and
- whether HR posted County whistleblower policies at County worksites.

METHODOLOGY

The PRC relies on information provided by the Human Resources department to conduct this audit. Information necessary to conduct this audit is primarily maintained by HR in the Learning Management System (LMS), an on-line training platform which includes training and maintains records of module of INFOR which stores information about the County's employee training and development. On January 21, 2025, the County's Training Manager Kathy Jackson provided the PRC with a report of those employees who completed ethics training during 2024. Upon request, Ms. Jackson also provided additional information to clarify or supplement the information in the report. The County's Manager of Employee and Labor Relations (Manager, ELR), Brooke Deines, and the Manager, Environmental Health & Safety and Workers' Compensation (Manager, EHS), Denny Matheou provided information about the posting of whistleblower policies at County facilities.

FINDINGS

The County's ethics training was made available to employees beginning in early November 2024. From November 4 to December 31, 2024, the County sent multiple communications to inform County employees that the mandatory ethics training was available and needed to be done by year's end. Notices were included in the County's

electronic weekly newsletters and podcasts, and in the Infor Homepage accessible to all County employees. The notices informed employees that training would be available both through the LMS and through in-person sessions for those employees without easy access to a county computer. HR held in-person training sessions at centralized County locations including the Harvard Garage and Justice Center. The dates and times of the in-person training sessions were announced at roll call for jail employees and via signs posted at the Harvard Garage for Public Works employees. Training was held at the Harvard Garage six times a day on December 3, 11, 12, 23, and 30; training was held in the Justice Center for all shifts beginning November 1, 2024, through January 23, 2025.

The ethics training available through the LMS was a 17-minute virtual video presentation which included the required notice to employees of whistleblower rights and responsibilities, and notification to supervisors of their responsibilities to avoid retaliating against any employee who makes a whistleblower complaint pursuant to Section 406 of the Code. The pass rate for the training was set at 70%. For those employees who completed the training through the LMS, the system created and maintains a digital record of the participant's completion of the training; employees taking the in-person training signed an attendance sheet to verify their completion of the training.

Training for newly elected officials, employees and board members

The County hired 506 new employees and appointed 18 new board members who were required to complete ethics training within 30 days of their hire/appointment. (There were no newly elected officials during 2024.) Of that total group of new employees and board members, 501 of the 524 (96%) completed the required training within 30 days of hire. From the reports provided by HR, the records indicate that 23 employees (22 new employees and 1 Board member) of these 524 did not complete the required training within 30 days of appointment. However, of the 22 new employees, HR verbally confirmed that 12 of them actually took the required training for new employees within their first 30 days but also took the training when it was offered later to all County employees. The LMS reports provided to the PRC only reflect the latest day the training was taken, so it initially appeared that these employees missed the deadline to complete the required training, which was incorrect. HR maintains records of the new employees' participation in ethics training in their personnel files.

Human Resources has indicated they have a tentative plan to create a separate file for new hire orientation Ethics completions each year and set up the 'annual' ethics training to be open to all employees. This will enable the system to maintain a separate file for NHO Ethics completions each year and leave the "Annual" completion course open to all which would be recorded in a separate file. That way, the County should be able to avoid confusion caused by the current way the LMS records the ethics training completion dates.

Training for active employees and elected officials

In 2024, a total of 4,081 active County employees and elected officials were required to complete the annually required ethics training. Of that group, 3,710 (91%) completed the

required training by the end of 2024; a total of 371 employees did not complete the required training. Of those 371 employees, 255 are in the Sheriff's office and HHS; the other 53 are spread across 12 other departments.

105 employees were on a leave of absence during 2024. Of this group, 65 employees (62%) did not meet the 2024 ethics training requirement. This is an important finding which is addressed in the recommendations portion of this report.

Distribution and Recordkeeping

To comply with the Ethics Policy, the AIG has prepared a comprehensive County Ethics Policy Manual which is made available to training participants. The AIG has also prepared a comprehensive Plain Language Guide/Ethics Policy Manual (Guide) to "assist County employees, elected officials, board members, ... to better understand and comply with the County Ethics Code." (Code §407.01(M).) These documents can be found on the AIG's website at <https://www.cuyahogacounty.gov/inspector-general>.

In addition, the Code requires elected officials, employees and board members to acknowledge they have read, understood and agreed to abide by the County's ethics policy, including provisions of Title 4 of the Code, Ohio Revised Code Chapter 102, and Ohio Revised Code sections 2921.42 and 2921.43. During training, employees are provided with a link to the County's Ethics Policy Manual and these ethics laws on the AIG's website. HR has confirmed the website link was distributed to all ethics training participants who completed the training in 2024 and 2025.

Participants are required to sign an Acknowledgment form to confirm receipt of this information. These records are maintained by HR in compliance with the Code. HR has confirmed, however, that the 392 employees who did not participate in the training in 2024 also did not receive the required materials nor did they sign the required acknowledgement of their receipt of the materials or sign-in forms to verify their participation in the training.

Posting Of Whistleblower Policy at County Worksites

The County's Manager of Environmental Health and Safety and the Manager, Employee and Labor Relations confirmed that the current Whistleblower policy was posted at all County worksites in 2024. Human Resources has provided a list of the locations and HR staff responsible for whistleblower postings at County worksites which is attached to this Report (Attachment A).

CONCLUSION AND RECOMMENDATIONS

The County achieved 100% compliance with the requirements for distribution of ethics laws, training recordkeeping and posting of the whistleblower policy requirements of the ethics laws.

The County achieved an overall rate compliance rate of 91% with the training requirements of the ethics laws. A total of 4,605 active employees and elected officials, newly hired employees and newly appointed board members were subject to ethics training requirements in 2024; of those, 4,211 met the training requirements. A total of 394 (approximately 9%) of the 4,606 did not complete the required training in 2024.

The County has established procedures to address employees who failed to complete the required ethics training. During January 2025, HR sent weekly reports to HR Managers who in turn directed supervisors of non-compliant employees to advise them of the required training. HR also issued written warnings to employees who do not complete the required training.

The PRC recognizes the County's efforts to monitor employee participation and persist in their efforts to achieve full participation in the required training. Of the 394 employees/officials/board members who did not complete the required training in 2024, the County's persistence resulted in 304 employees/officials/board members completing the required training by March 2025. This was largely due to the diligence of the Human Resources department to monitor participation in the required training and take steps to ensure the training was completed even past the deadline for completion.

The PRC also commends HR's employee training and development division for its use of the monitoring and component capabilities of INFOR; centralized and detailed recordkeeping was a key tool in this audit. The PRC encourages the HR department to continue capitalizing on the capacities of the system for recordkeeping and reporting to support management and any PRC or Department of Internal Audit auditing activities involving HR policies and practices.

The PRC recognizes and thanks the Human Resources Department, specifically Ms. Jackson, Ms. Deines, and Mr. Matheou for their assistance with this audit. To improve its compliance with the training requirements in the ethics laws, the PRC recommends the following:

- Consider offering training earlier in the year, rather than waiting until the 2nd half of year. The HR Director acknowledged this would be helpful and noted that loading the County's training programs into the LMS system sometimes requires more time than anticipated, and in 2024 the OED team was focusing on developing and implementing a performance management system in the LMS (this was a priority of the County Executive's administration). Being able to provide training earlier in the year would likely help all employees meet the training requirement, including those who are on a leave of absence at some point during the year. The PRC recommends the County establish a specific performance goal, such as increasing training participation of employees who are on a leave of absence during 2025 from 62% to 80%,
- Implement the plan to create a separate file in LMS for new hire orientation as opposed to new employees who also take the annual training provided later in the

year. This will prevent confusion in the records of when new employees complete the training.

- Any standardized HR communications to employees going on a leave of absence and then returning from leave should include reminders of the obligation to complete the required ethics training before the end of the calendar year.
- The HR Director confirmed that ethics training for new employees occurs during the one-day session of the new employee orientation. New employees who did not meet the ethics training requirement were likely absent from that day of orientation, so the PRC recommends implementing a quality control process to track those new employees who miss new employee orientation to ensure they received the required training. Supervisors of new employees should also be incorporated into that quality control process to solicit their assistance in ensuring the new ensure any employee

A summary of this report will be posted on the PRC's website at <https://www.cuyahogacounty.gov/personnel-review-commission/about-us/compliance-reporting>. Full copies of this report and the data that support it are available through a public records request to the Personnel Review Commission.