



**Request for City Council Committee Action
From the City Attorney's Office**

Date: July 7, 2010

To: Ways & Means/Budget Committee

Referral to:

Subject: Semi-annual report on the Ethics Report Line Activity

Recommendation: That the Committee receive and file the semi-annual Report on the Ethics Report Line Activity.

Previous Directives: *July 21, 2006* - Resolution establishing a committee to evaluate the best mechanism for employee reporting of ethics and fraud issues.

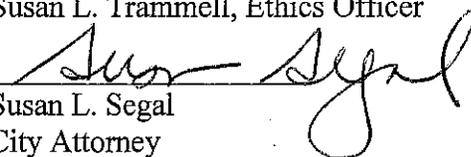
January 12, 2007 - Staff direction to select a vendor for a fraud and ethics reporting line using a competitive procurement process.

May 12, 2008 - Staff direction to report back to Ways and Means./Budget Committee on a semi-annual basis.

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Approved by:


Susan L. Segal
City Attorney

Presenter in Committee: Susan L. Trammell, Ethics Officer

Financial Impact

- No financial impact

Community Impact

City Goal(s):

- Build communities where all people feel safe and trust the City's public safety professionals and systems
- Strengthen City government management and enhance community engagement

Background/Supporting Information

The attached fact sheet describes activity of the Ethics Report Line for the 1st six months of 2010.

Ethics Complaints and Ethics Report Line

Carry-over Ethics Complaints from 2009

Four Ethics Complaints from 2009 were pending at the end of 2009 involving allegations of Respect in the Workplace Policy (Ethics Code § 15.100), Outside Employment (Ethics Code § 15.60) and Conflict of Interest (Ethics Code § 15.40). Two of the four Ethics Complaints have been dismissed and two are still pending.

Ethics Complaints 2010

Through June 30, 2010 Ethics Officer received 15 complaints alleging violations of the Ethic Code. The complaints were reported in 3 ways:

- Ethics Officer – 4
- Ethics Report Line – 8
 - Internet (3)
 - Phone (5)
- Required reporting by department – 3

The subject matter of the 27 allegations¹ covered the entire Ethics Code as well as other management concerns:

- Improper use of City Property or Time – 7
- Fiduciary Duty – 5
- Employee Relations – 5
- Bias or Favoritism – 3
- Respect in the Workplace Policy – 2
- Use of Official Position – 2
- Ethical Aspirations – 1
- Political Activity - 1
- Gifts – 1

The outcomes of the allegations were as follows:

- Dismissed – 19
- Coaching – 6
- Discipline imposed – 1
- Department changes made - 1

¹ Some complaints contained more than one allegation so these numbers will not equal the number of complaints received.

Ethics Report Line Activity

Of the 15 Complaints received thus far in 2010, 8 were made via the Ethics Report Line. Complaints made through the Ethics Report Line are handled in the same manner as complaints reported via other methods. Once received, the complaints are forwarded as required by the Ethics Code to the appropriate official for investigation. For employees other than department heads, the appropriate official is usually the Ethics Liaison and Human Resources Generalist for the applicable department. The Ethics Officer contacts the departmental liaison each month to check on status of the report.

The Network tracks statistics related to the reports made through its clients' compliance lines:

Original Incident Reports 2010	% City Ethics Line Reports	% The Network - 2009 Public Administration
Anonymous Reports	75%	57%
Non-Anonymous Reports	25%	43%
Escalated Incident Reports	0%	1.8%
Previously Reported to Management	25%	18%
Caller Callbacks	12.5%	9.0%

Complaints received via the Ethics Report Line are more likely to be made anonymously than complaints received in other manners. The City's anonymous reporting is significantly higher than that of the Network's other public administration clients. Anonymous reporters are instructed to re-contact the Network after a designated period of time to answer any questions the assigned investigator may have for the caller. The City's anonymous reporters generally have not been re-contacting the Network as only 1 of 8 callers followed directions and called back.

Allegations raised in reports made through the Ethics Report Line are tracked by The Network and compared to the types of incidents reported by The Network's other public administration clients:

2009 Allegations through June 30, 2010	Number City Allegations (all reporting mechanisms)	% City Allegations	% The Network Public Administration YTD
Improper use of City Property or Time – 7	7	25.9%	6.4%
Policy Issues (Incl. Fiduciary Duty – 5, Bias or Favoritism – 3, Ethical Aspirations – 1, Use of Official Position – 2)	5	18.5%	13.4%
Employee Relations – 5	5	18.5%	66.4%
Respect in the Workplace Policy – 2	2	7.4%	13.4
Political Activity – 1	1	3.7%	0%
Gifts	1	3.7%	0%

The Network tracks the resolution of reported claims comparing the City's resolutions to the resolutions of other public administration entities.

Resolution of Allegations (all reporting mechanisms)	% City	% The Network - 2009 Public Administration
Cleared/No Action	70.4%	6%
Discipline Imposed/Coaching	25.9%	4%
Other/Unresolved	3.7%	90%
Terminated	0%	0%
Prosecuted	0%	0%