



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

Date: August 9, 2011

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 with staff direction to file future reports on an annual basis with the Ethics Board Annual Report.

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.

Prepared by: Susan L. Trammell, Ethics Officer

Phone: (612) 673-3230

Approved by:

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Susan L. Segal
City Attorney

A handwritten signature in black ink, appearing to read "Susan L. Segal", written over a horizontal line.

Presenter in Committee: Susan L. Trammell, Ethics Officer

Background/Supporting Information

The attached fact sheet describes activity of the Ethics Report Line for the 1st six months of 2011.

Ethics Complaints and Ethics Report Line

Ethics Complaints 2011

Through June 30, 2010 Ethics Officer received 11 complaints alleging 14 violations of the Ethic Code. The complaints were reported in 3 ways:

- Ethics Officer – 3
- Ethics Report Line – 5
 - Internet (3)
 - Phone (2)
- Required reporting by department – 1
- Internal Audit – 1
- 311 – 1

The subject matter of the 14 allegations¹ covered the entire Ethics Code as well as other management concerns:

- Improper use of City Property or Time – 5
- Compliance with Federal Regulations – 1
- Conflict of Interest – 1
- Contract Compliance – 1
- Bias or Favoritism – 1
- Respect in the Workplace Policy – 2
- Inappropriate Influence – 2
- Ethical Aspirations – 1

The outcomes of the allegations were as follows:

- Dismissed – 8
- Coaching – 3
- Withdrawn by Complainant – 2
- Additional Departmental Training – 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 11 Complaints received thus far in 2011, 5 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	40%	46.5%
Non-Anonymous Reports	60%	53.6%
Escalated Incident Reports	0%	1.2%
Previously Reported to Management	20%	29.6%
Caller Callbacks	16.7%	9.3%

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 in line with 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 20% of the anonymous callers followed directions and called back.

Requested change to Ethics Line Reporting

The number of total complaints being brought to the Ethics Officer's attention remains quite low and the number of complaints made via the Ethics Report Line is less than 50% of the total complaints. Because of the low numbers the Ethics Officer is requesting a change from the prior staff direction to report semi-annually. The requested change is to report the Ethics Line Reporting statistics annually as an inclusion in the Ethical Practices Board's annual report.

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%