



**ETHICS AND THE ETHICAL CLIMATE  
AT THE AGENCY FOR PERSONS WITH DISABILITIES**

A-10/11-006

April 2011

## **Background**

On January 4, 2011, Governor Scott issued Executive Order 11-03, directing the immediate adoption and implementation of a revised *Code of Ethics*. This revised *Code of Ethics* contains standards which incorporate and exceed the standards set forth in Chapter 112, Part III, Florida Statutes. This *Code of Ethics* is applicable to all State of Florida Employees including Secretaries, Deputy Secretaries, and Chiefs of Staff.

The revised *Code of Ethics* directs each agency secretary to designate a Chief Ethics Officer for his or her respective agency.

With respect to this revised *Code of Ethics*, we audited the Agency for Persons with Disabilities' (APD) policies and procedures with respect to ethics and the revised *Code of Ethics*. According to an interagency agreement, the APD follows the Department of Children and Families (DCF) procedures addressing ethics requirements. The DCF Operating Procedure CFOP 60-05, Chapter 5, *Code of Ethics for Public Officers and Employees*, was revised to incorporate provisions of the revised Code of Ethics effective February 18, 2011. All ethics training of APD employees is conducted electronically through the DCF's web-site.

## **Audit Results**

### ***Agency Pledge Form related to Ethics***

The APD uses the DCF *Employee Handbook* and follows the DCF Operating Procedures. Included in the DCF *Employee Handbook* on page 1-3 is a description of the agency *Code of Ethics* to be followed by employees. This description includes a reference and a link to the DCF Operating Procedure (CFOP) 60-05. New hires are not given a copy of CFOP 60-05.

APD new hires are required to sign acknowledging their receipt of the *Employee Handbook*. APD new hires are not required to sign an agency Pledge form related to ethics. An agency Pledge form would attest that new employees received a copy of the agency Code of Ethics, understood, and agreed to the agency *Code of Ethics*.

We recommend that the APD enhance its new hire policies and procedures to provide a copy of CFOP 60-05 to each new hire and require an agency Pledge form related to ethics.

### ***Dual Compensation Approval***

APD dually employed or dually compensated employees complete, along with their immediate supervisors, the *Dual Employment and Compensation Request* form as required by the Department of Management Services' (DMS) *Dual Employment Guidelines and Procedures for State Personnel Systems Agencies*. The latest version of the DMS guidelines is dated June 2009 and the latest version of the form is dated July 31, 2009. In addition to the completion of the DMS form, the APD requires that an *Additional Employment Outside of State Government* form be completed if applicable. These 3 documents have not been updated with respect to the Governor's revised *Code of Ethics*. The revised *Code of Ethics* requires that no employee may have any on-going dual employment or dual compensation without prior approval from the agency's Chief Ethics Officer.

To be in compliance with the revised *Code of Ethics*, we recommend: (1) the APD include in its Human Resource policies and procedures the approval of all dual employment or dual compensation by the Chief Ethics Officer; (2) the revised procedure be e-mailed to all employees and that any persons with dual employment or dual compensation be required to update and renew their request; (3) APD Human Resources maintain a current listing of all APD employees dually employed or dually compensated in or outside of State Government.

### ***Ethics Officer Contact Information***

New APD employees are given an *Employee Relations Contact Sheet* which includes the name, address, and phone number of APD's Chief Ethics Officer.

As a result of our inquiries as to what ethics contact information was available for existing APD employees, contact information was placed on the APD internet. In order to access this information, an employee would have to know to drill down through several computer buttons: First the "News and Information" button; then the "Publications and Resources" button; and finally finding the information under the "Legal Resources" button. Presently, the APD Chief Ethics Officer is the General Counsel. This may not always be the case as the Chief Ethics Officer position may be held by another employee.

To be more readily accessible to all APD employees, we recommend the ethics contact information be placed on the APD intranet within the "Human Resources" contact information.

## Ethics Survey Results

To measure the "Ethical Climate" of the APD and to identify opportunities for improvement, we conducted a survey of 1,599 APD employees assigned agency e-mail addresses. The 12 survey questions were developed as part of the multi-agency Ethics Audit and were provided to the APD. The Department of Transportation compiled the survey using the online service SurveyMonkey™. We received responses from 796 (approximately 50% of those surveyed) APD employees. Not all of the responses returned answered every survey question.

The overall results of the survey, presented in Attachment A, indicate that most APD employees are aware of the APD's ethics policies and procedures, have received training in ethics, and are satisfied with the overall ethical climate of the agency.

## Methodology and Scope

The primary objective of this audit was to evaluate the APD's implementation of the Governor's Executive Order Number 11-03, *Code of Ethics*.

A second objective was to evaluate the design and effectiveness of the APD's ethics-related objectives, guidance, and activities in order to identify areas of potential weakness and best practices.

To accomplish these objectives, we interviewed the APD Acting Director, the APD Chief Ethics Officer, and the APD Human Resources Director. We reviewed applicable laws and ethical guidance information, the revised Code of Ethics, the APD's ethics policy, and APD employee training records.

We also conducted a survey of APD employees to gain information about the agency's ethical environment and compliance with the agency's ethics policy.

The scope of this audit focused primarily on recent actions taken by the agency to design, communicate, monitor, promote, and enforce ethical standards and policies applicable to its employees.

We conducted this audit in accordance with the *International Standards for the Professional Practice of Internal Auditing* (IIA Standards). This audit was also conducted pursuant to Section 14.32, Florida Statutes.

## Management's Response

The following actions have been taken in response to the audit findings:

**Agency Pledge Form related to Ethics** - APD has enhanced its new hire policies and procedures to provide a copy of CFOP 60-05, *Code of Ethics for Public Officers and Employees*, to each new employee on the date that they are hired. In addition, each new employee will sign and date a pledge form indicating that they will read and pledge to abide by the provisions of the *Code of Ethics for Public Officers and Employees*.

**Dual Compensation/Employment Approval** – APD is in the process of drafting and adopting a *Dual Compensation and Employment* operating procedure. APD is waiting for clarification from the DMS as to the meaning and application of dual employment and compensation before completing these procedures.

APD adopted the *Additional Employment Outside State Government* operating procedure, APD-OP 01-021, on April 1, 2011. This procedure states that if the employee's secondary employer has a relationship with the APD, the employee should obtain an opinion from the Commission on Ethics and the Chief Ethics Officer to determine if this relationship is a conflict of interest. This operating procedure will be amended after receiving DMS' clarification on dual employment and compensation.

On April 20, 2011, an e-mail was sent to all APD employees stating that any person engaged in dual employment or compensation is required to resubmit such request(s) for approval. The *Additional Employment Outside of State Government* form used for the submission of such requests along with its related instructions was included in the e-mail. This e-mail also directed supervisors to provide a copy of the form and email instructions to those APD employees without e-mail addresses. The *Additional Employment Outside of State Government* form will also be available on APD's intranet and provided to each new hire. Each affected employee must complete the approval request and submit it to the Chief Ethics Officer, Mike Palecki, on or before May 20, 2011. Once APD Human Resources receives the completed forms from the Chief Ethics Officer, a current listing of APD employees dually employed and or compensated will be maintained.

**Ethics Office Contact Information** – To be accessible to all APD employees, the contact information for the APD Ethics Officer has been posted on the Human Resources contacts page at <http://intranet.apd.myflorida.com/hr/contacts/index.htm>.

# Attachment A Ethical Climate Survey Results - APD - 796 Respondents

