



**State of Florida  
Department of Children and Families**

**Rick Scott**  
*Governor*

**David E. Wilkins**  
*Secretary*

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**DATE:** June 15, 2011

**TO:** David E. Wilkins  
Secretary

**FROM:** Dawn E. Case  
Inspector General

**SUBJECT:** Ethical Climate – Department of Children and Families

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Attached is the assurance report of the Department's Ethical Climate. This project evaluated recent actions taken by the Department to promote ethical policies and to implement the Office of the Governor's Executive Order Number 11-03, Ethics and Open Government.

Our report revealed that the Department complied with the Governor's Executive Order 11-03 and survey results indicated that the Department has effectively promoted and communicated expectations for ethical behavior.

The following enhancements could strengthen the Department's ethical policies:

- Add records retention to its training curriculum and ensure that employees complete the mandatory training.
- Include the Governor's new training requirements in operating procedures.

The Department concurred and indicated that corrective action is in progress. If you have questions, please let me know.

Attachment

Distribution:

Ramin Kouzehkanani, Acting Deputy Secretary  
Vivian Myrtetus, Chief of Staff  
Drew Parker, General Counsel & Ethics Officer  
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Mission: Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency



# DEPARTMENT OF CHILDREN AND FAMILIES

## OFFICE OF INSPECTOR GENERAL, INTERNAL AUDIT

David E. Wilkins, Secretary

Dawn E. Case, Inspector General

Project #A-1011EOG-007

June 15, 2011

### **Ethical Climate Department of Children and Families**

#### **Purpose, Scope and Objectives**

The purpose of this project was to evaluate the ethical climate and infrastructure at the Department of Children and Families (Department). It included a review of recent actions taken by the Department to design, communicate, monitor, promote and enforce ethical standards and policies applicable to its employees.

This project was undertaken in conjunction with 21 other state agencies and the Executive Office of the Governor in an effort to assess statewide issues associated with ethics. Each agency will produce a report, and based on findings and recommendations in these reports, the Chief Inspector General will provide a summary roll-up report to the Governor.

#### **Background**

Since November 1991, the United States Sentencing Commission's "Federal Sentencing Guidelines Manual" has encouraged organizations (including governments) to adopt formal ethics and legal compliance programs.<sup>1</sup> Requirements for such programs include establishing standards and procedures, high-level oversight, due diligence in hiring and promoting, effective communication (including training), compliance monitoring, enforcement, and preventive measures.

In January 2011, Governor Rick Scott issued Executive Order 11-03 and a revised Code of Ethics, requiring each executive agency secretary to designate an individual at his or her agency to act as the agency's Chief Ethics Officer, who will make reasonable efforts to ensure that the employees responsible for adhering to this Code become familiar with relevant ethics, public records and open meeting requirements. The Governor also directed that each agency secretary attend training on these subjects, as well as on the subjects of records retention, equal opportunity and proper personnel procedures, and arrange for similar training of his or her employees on an annual basis. Each agency is directed to

<sup>1</sup> Chapter 8, Part B, Section 2.1, of the manual entitled, *Effective Compliance and Ethics Program*, outlines the minimum requirements to achieve an effective ethics and legal compliance program.

implement any agency-specific adjustments to the code within 45 days of the date of the order. This Code of Ethics imposes more stringent requirements than the Code it revises.

In conducting this project, we reviewed governing laws, Department policies and procedures, interviewed appropriate personnel and conducted an ethics survey to assess the ethical climate of the Department.

## Findings

### **Finding 1: The Department complied with the Governor's Executive Order 11-03 and has met all except one training requirement.**

Our review revealed that the Department met the requirements of Executive Order 11-03 through the designation of a Chief Ethics Officer and the implementation of a revised Code of Ethics based on the Governor's Code of Ethics.<sup>2</sup>

Additionally, our review revealed that the Chief Ethics Officer is making reasonable efforts to ensure that employees<sup>3</sup> become familiar with ethics, public records, open meetings, records retention, proper personnel procedures and equal opportunity requirements, as required by the executive order. The Department's Secretary, Deputy Secretary and Chief of Staff have met all training requirements with the exception of records retention training. The Department provides several resources<sup>4</sup> regarding records retention as guidance for employees; however, no formal training is available. We **recommend** that the Department include records retention in its training curriculum and that the Chief Ethics Officer continue efforts to ensure that employees complete mandatory training. We also **recommend** that CFOP 60-05, Chapter 5, be enhanced by including the Governor's new training requirements.

### **Finding 2: The Department has effectively promoted and communicated expectations for ethical behavior.**

All staff had the opportunity to provide responses to survey questions designed to assess the Department's ethical climate. Approximately 13,000 surveys were sent out and 3,524 (27%) responses were returned. Over one-half of the respondents indicated they have worked for the Department for over ten years. Most respondents, 84 to 97<sup>5</sup> percent, agreed that senior management, supervisors and co-workers promote, encourage and demonstrate ethical behavior, while 95 to 98 percent agreed that the Department's ethics policy is clear,

<sup>2</sup> Children and Families Operating Procedure (CFOP) 60-05, Chapter 5, *Code of Ethics for Public Officers and Employees* was revised as required within the forty-five day time frame.

<sup>3</sup> The Governor's Code of Ethics, defines "employees" as all secretaries, deputy secretaries and chiefs of staff of executive agencies under the purview of the Governor.

<sup>4</sup> CFOP 15-4, Records Management contains detailed information on records retention. In addition, two guides: Children and Families Pamphlet (CFP) 15-1, Basics of Records Management and CFP 15-7, Records Retention Schedules Used by the Department are available on-line.

<sup>5</sup> Combined percentages for agree and strongly agree responses.

comprehensive and that ethics training is adequate. We **recommend** that the Department continue its efforts in providing sufficient ethics training.

Survey results are depicted in the table below.<sup>6</sup>

Survey Questions	Strongly Agree	Agree	Disagree	Strongly Disagree	Don't Know or No Opinion	Yes	No
My agency's senior management models and promotes ethical behavior.	42.0%	42.1%	5.6%	2.8%	7.5%		
My supervisor models and promotes ethical behavior.	57.4%	34.3%	3.4%	1.7%	3.2%		
My co-workers model and promote ethical behavior.	38.0%	52.3%	4.4%	1.3%	3.9%		
I know how to report suspected unethical behavior and fraud within my agency.						96.2%	3.8%
I have been adequately trained by my agency to know what constitutes ethical and unethical behavior.	62.1%	35.7%	1.1%	.3%	.8%		
My agency has written ethical guidance, such as a code of conduct, policy and/or other guidelines.					3.1%	96.5%	.4%
The agency's ethical guidance, including code of conduct, policy and/or other guidelines, is clear and comprehensive.	49.1%	46.2%	1.9%	.2%	2.6%		
I believe my agency has made clear my ethical responsibilities.	55.1%	41.7%	1.3%	.2%	1.7%		
Unethical conduct is appropriately handled by management in my agency.	30.9%	39.0%	7.1%	3.3%	19.7%		
My agency requires each new employee to sign and date a form acknowledging receipt of, understanding of, and agreement to comply with the agency's ethics policy/standards of conduct.						98.8%	1.2%

## Acknowledgements

The Office of Inspector General would like to thank management and staff of the Offices of Legal Services and Human Resources for their assistance in this project.

<sup>6</sup> As part of the survey, each respondent had the opportunity to provide a written comment. Comments warranting immediate attention have been forwarded to the appropriate office.

## Management Responses

In accordance with s. 20.055(5)(d), Florida Statutes, management's responses to the preliminary and tentative audit findings are included in their entirety as the following attachment.

This audit was conducted in accordance with the *International Standards for the Professional Practice of Internal Auditing*, published by the Institute of Internal Auditors. The report includes responses from management as necessary per s. 20.055, F.S. This audit was conducted by Renea Alexander under the supervision of Jerry Chesnutt, Director of Auditing (850) 488-8722.

## ATTACHMENT

John Slye/D20/DCF  
06/13/2011 09:58 AM

To Jerry Chesnut/D20/DCF@DCF, Renea Alexander/D20/DCF@DCF  
cc Drew Parker/D20/DCF@DCF, Dawn Case/D20/DCF@DCF, Nancy Greenfield/D20/DCF@DCF, Cynthia Hefren/D20/DCF@DCF  
bcc  
Subject Response to audit entitled: Ethical Climate: Department of Children and Families

This is in response to the preliminary and tentative findings and recommendations from the audit entitled *Ethical Climate: Department of Children and Families*.

I have been asked by the Department's General Counsel, Drew Parker, Ethics Officer for the Department, to provide a response to the recommendations in the audit report by June 20, 2011.

### RESPONSE:

The report includes two findings:

Finding 1.: The Department complied with the Governor's Executive Order 11-03 and has met all except one training requirement.

Finding 2: The Department has effectively promoted and communicated expectations for ethical behavior.

Finding 1 includes the following recommendations:

Recommendation #1. The Department include records retention in its training curriculum and the Chief Ethics Officer continue efforts to ensure that employees complete mandatory training.

Response to Recommendation #1: The Human Resources function of the Department has developed a draft training syllabus to provide annual online records retention training as directed of each Agency Secretary by the Governor's Code of Ethics effective January 4, 2011. The Office of General Counsel has reviewed and provided comments on the Records Retention Training and the General Services staff will do the same.

The online Ethics Training for Specified State Employees of the Department - 2011, was taken by all 519 specified state employees of the Department from the end of February through the middle of May, 2011. This training could not have been developed and managed without the strong support of the Human Resources function of the Department. It will continue to be offered annually as mandated training for the Specified State Employees of the Department.

Recommendation #2. CFOP 60-05, chapter 5, be enhanced by including the Governor's new training requirements.

Response to Recommendation #2: After reviewing this recommendation, our office's recommendation is that CFOP 60-05, Chapter 5, continue to be focused on ethics and ethics training, rather than including the additional training requirements of public records, open meetings, records retention, equal opportunity and proper personnel procedures required of the Governor's agencies in Section II on page 4 of the Governor's Code of Ethics. Some of the topics such as public records, open meetings, records retention, equal opportunity and proper personnel procedures are outside the focus of the substantive material on ethics currently contained in Chapter 5 of DFOP 60-05. Some, such as public records and records retention are already addressed in CFOPs 5-5, 15-4, 15-9, and CFP 15-7; Equal Opportunity in CFOP 60-15,; and various other CFOPs addressing personnel procedures in CFOP 60-1 thru 60-70. Each of these policies could be amended to require annual training on the topics included in them, or, alternatively, a separate CFOP could be developed listing topics requiring annual training.

Finding 2 contains the following recommendation: The Department continue its efforts in providing sufficient ethics training.

Response to the Recommendation in Finding #2: We support this recommendation and our office plans to continue the annual Ethics Training for Specified State Employees. We will also offer support and guidance to the Human Resources Function in their development of ethics training for new employees, annual ethics training for all employees, and continuing to provide counsel and advice to management and individual employees on a variety of ethics issues.

We are particularly appreciative of the effort that went into the survey which is a part of the report. Although there is room for improvement, we are encouraged by the responses, and it appears we are on the right track with the initiatives we have underway. Thank you for your comments and support!

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CORRESPONDENCE SENT TO ME VIA E-MAIL MAY BE SUBJECT TO DISCLOSURE.