

Report on public hearing held September 27, 2023 by the
Philadelphia Board of Ethics regarding a proposed repeal and replacement of
Regulation No. 7 “Annual and Routine Ethics Training”

Dated: October 19, 2023

/s/ J. Shane Creamer Jr. Esq.
Board of Ethics
J. Shane Creamer, Jr., Esq
Executive Director

Dated: October 19, 2023

/s/ Reynelle Staley, Esq.
Law Department
Reynelle Staley
Senior Attorney
Legislative & Legal Counsel Unit

A. Legal Authority

The Board of Ethics (hereinafter “the Board”) was created by an amendment to the Philadelphia Home Rule Charter that voters approved via a ballot question at the May 2006 primary election. *See* Philadelphia Home Rule Charter §§ 3-806 and 4-1100. The Board is charged with administering and enforcing all provisions of the Charter and City Code that pertain to ethical matters, such as conflicts of interest, financial disclosure, standards of governmental conduct, campaign finance, prohibited political activities, and such additional duties as City Council may assign. The Board also has the power to promulgate regulations as necessary to implement and interpret the laws over which it has jurisdiction. *See* Philadelphia Home Rule Charter § 8-407 (conferring rulemaking authority).

The Board has jurisdiction over laws pertaining to the ethics training of City officers and employees under the City Code:

- § 20-606(1)(b)(.1) sets forth a routine training requirement, providing that the Board “shall develop and conduct routine and mandatory educational and training programs for all City officers and employees” and
- § 20-606(1)(b)(.3) sets forth an annual training requirement, providing “annually ... all elected City officers, all cabinet members, all City department heads, and all board and commission members, and their respective staff members as determined by the Board based on staff position, shall participate in an educational and training program conducted by the Board.”

B. Procedural Summary

The Board followed the procedures set forth in Home Rule Charter § 8-407 when promulgating the repeal and replacement of Board Regulation No. 7 (Annual and Routine Ethics Training). On August 16, 2023, the Board voted to approve the posting of the proposed repeal and replacement of Regulation No. 7 at the Department of Records. The Law Department approved the proposed repeal and replacement of Regulation No. 7 for public comment posting and, on August 18, 2023, the Board filed the proposed amendment with the Department of Records. The Board scheduled a hearing on the proposed amendment for September 27, 2023, notice of which was advertised in local newspapers and posted prominently on the Board’s website and X (formerly known as Twitter) account.

Through this report on the September 27, 2023, hearing, the Board modifies the proposed repeal and replacement, and adopts it as modified. A clean copy of the replacement Regulation is attached as Exhibit 1 and shall become effective 11 days after the filing of this Report with the Records Department. A markup showing all changes made to the Regulation by the regulatory process initiated on August 16, 2023, and being

approved by the Board through this Report, is attached as Exhibit 2.

C. The September 27, 2023 Hearing

The hearing was conducted by Michael Reed, Chair of the Board of Ethics, along with Vice-Chair Brian McCormick and Board members Sanjuanita Gonzàlez and Ellen Mattleman Kaplan. Reynelle Staley, Senior Attorney, attended on behalf of the Law Department. The hearing transcript is attached as Exhibit 3. The proposed replacement as posted for public comment at the Department of Records is included in Exhibit 3 as Exhibit A to the hearing transcript. The following witnesses provided testimony: Danielle Gardner Wright, on behalf of Board staff, and Sarah E. Stevenson, the City's Chief Integrity Officer. Ms. Stevenson provided written material accompanying her testimony that was attached to the hearing transcript as Exhibit C.

D. Summary of Hearing Testimony and Board Responses Thereto

1. Testimony of Danielle Gardner Wright, on behalf of Board staff

Ms. Gardner Wright testified that in response to discussions with City offices and amongst Board staff, Board staff recommended changes to the proposed repeal and replacement of Regulation No. 7 approved for public comment. Specifically, Board staff proposed adding specificity and clarity regarding the implementation of routine training by creating distinct compliance groups and adding examples to Subpart C, Paragraph 7.8. Ms. Gardner Wright explained that City officers and employees subject to routine training under Paragraphs 7.8 would be assigned to compliance groups based on the year in which they began their uninterrupted employment or term of service. The timing of their next training would be determined by their compliance group.

Ms. Gardner Wright also stated that Board staff proposed adding a definition to Subpart A at Paragraph 7.1(k) to define "uninterrupted employment or term of service" and amending Paragraph 7.1(f) "City officer or employee" to reflect recent Board opinions. Additionally, she noted suggested changes to the remedies section that would direct employees and officers to the applicable penalty provisions in the Code rather than restating them in detail within the Regulation.

Ms. Gardner Wright offered a markup of the proposed repeal and replacement of Regulation No. 7 approved for public comment that showed the recommended changes including typographical edits. It was duly entered into the record as Exhibit B to the hearing transcript.

Board Response

With the exception of changes to Subpart C, Paragraph 7.8, as detailed further in our Response to Ms. Stevenson, the Board agrees with the other changes proposed by staff as memorialized in the markup attached as Exhibit B to the hearing transcript. These changes have been incorporated into the final version of the amendment, attached hereto as Exhibit 1.

2. Testimony of Sarah E. Stevenson, Chief Integrity Officer, City of Philadelphia

a. Ms. Stevenson applauded the Board for focusing on education as a tool to instill public trust in the City's operations. Ms. Stevenson testified that due to the City's limited tracking tools for City-wide compliance programs and in the spirit of administrative efficiency, she suggested simplifying the routine training categories from three categories (annual; every 3 years; every 5 years) to two categories (annual and *either* every 3 years *or* every 5 years).

Board Response

The Board agrees with this recommendation and modifies Paragraph 7.8 by deleting 7.8(a) which outlined training every three years for supervisors and managers. The Board will require routine training annually or every five years based on City position. These changes have been incorporated into the final version of the replacement, attached hereto as Exhibit 1.

b. Ms. Stevenson testified that training should not be mandatory under threat of a fine and suggested that the fines outlined in the remedies section be eliminated or narrowed.

Board Response

The remedies identified in Subpart D, Paragraph 7.11 are explicitly provided for in the Code. Board staff proposed modest changes to this Section through hearing testimony; the Board agrees with its staff.

E. Approval

At a public meeting on October 18, 2023, the Board voted 4-0 to approve the Proposed Repeal and Replacement of Regulation No. 7 as modified and to approve this Hearing Report. The Regulation as repealed and replaced is attached as Exhibit 1.

Hearing Report
re: Regulation No. 7
Exhibit # 1

**Exhibit 1: Final version of replacement regulation as approved by Board
on October 18, 2023**

PHILADELPHIA BOARD OF ETHICS

REGULATION NO. 7

REQUIRED ETHICS TRAINING

The existing Regulation No. 7 (Annual and Routine Ethics Training), which was filed with the Department of Records on October 21, 2009, is hereby repealed and replaced by the following:

SUBPART A. SCOPE; DEFINITIONS.

7.0 Scope. This Regulation, promulgated by the Board pursuant to its authority under Sections 4-1100 and 8-407 of the Philadelphia Home Rule Charter and Chapter 20-600 of The Philadelphia Code, interprets the requirements of Philadelphia Code Sections 20-606(1)(b)(.1) and (.3) regarding routine and mandatory educational and training programs for City officers and employees.

7.1 Definitions. As used herein, the following words and phrases shall have the meanings indicated.

- a. Agency head.** The head of any office, department, board, commission, or other governmental agency of the City authorized to appoint employees.
- b. Board.** Board of Ethics.
- c. Cabinet member.** The Managing Director, the Director of Finance, the City Solicitor, the Chief Public Safety Director, the Director of Planning and Development, the Director of Commerce, the Director of Labor, the City Representative, and such other officers as the Mayor may designate as members of the Mayor's cabinet.
- d. City.** City of Philadelphia.
- e. City board or commission.** Any City board or commission, without regard to the body's title (including a body denoted as a board, commission, council, committee, task force, working group, panel, or other similar designation), established by the City's Home Rule Charter, ordinance, or Executive Order.
- f. City officer or employee.** Any person who is elected or appointed to a position in any branch of the government of the City including:
 - 1. elected City officials;
 - 2. employees of the City, including those serving full-time, part-time, or seasonally, and those on leaves of absence with or without pay;
 - 3. members of City boards and commissions;
 - 4. individuals appointed or assigned to any City position, whether paid or unpaid,

that exercises significant powers of government.

- g. Effective date of employment.** For City employees, the first calendar day of the first pay period they perform work for the City and are on the City's payroll.
- h. Ethics laws.** Chapter 20-600 of the Philadelphia Code, Article X of the Philadelphia Home Rule Charter, and any other matters relating to ethical standards of conduct for City officers and employees later added to the Code or Charter or otherwise assigned to the Board by ordinance.
- i. Term of service.** For appointed or elected City officials, the period beginning on the date the officer's position takes effect by operation of law or action of the appointing authority and ending on the effective date of separation.
- j. Training.** Any program presented or approved by the Board to educate City officers and employees about the City's ethics laws, regardless of whether delivered (1) live by Board staff either in-person or virtually; (2) through pre-recorded presentations or online activities developed by Board staff; or (3) in limited circumstances with the pre-approval of Board staff, through programs presented by departmental training staff or other designees.
- k. Uninterrupted employment or term of service.** The continuous employment or term of service of City officers and employees, whether paid or unpaid, full-time or part-time. Any period of authorized leave (e.g. FMLA; parental leave; union leave) is not considered an interruption of employment or service for the purpose of this regulation.¹

7.2 Applicability. Except where expressly indicated otherwise, the provisions of this Regulation apply to all City officers and employees.

SUBPART B. INITIAL TRAINING AND ACKNOWLEDGEMENT.

7.3 Initial training. A City officer or employee, regardless of position, duties, or responsibilities, shall attend initial training within 90 calendar days of the effective date of the officer or employee's employment or the beginning of their term of service.

7.4 Copy of the City's ethics laws. An agency head shall provide a copy of the City's ethics laws to each City officer or employee upon the effective date of their employment or the beginning of their term of service. This requirement may be met by providing either an electronic or paper copy of the most current version of the appropriate position-specific ethics manual published by the Board. The most recent versions of the manuals are available for viewing or download at ethics.pub/manuals.

7.5 Acknowledgement. Within 15 calendar days of the effective date of employment or the beginning of a term of service, each City officer or employee shall acknowledge in writing that the officer or employee has received and reviewed a copy of the City's ethics laws in the form outlined in Paragraph 7.4. The agency head shall maintain a copy of the acknowledgement and

¹ An interruption in a term of service for a member of a nominating panel occurs when the panel is inactive or not empaneled.

shall make copies of such acknowledgements available for inspection by the Board upon request.

7.6 Effect of failure to comply. Failure of a City officer or employee to receive, review, or acknowledge receipt of a copy of the ethics laws, or failure of the agency head to maintain a copy of the acknowledgement, shall have no effect on the duty of the City officer or employee to comply with the ethics laws.

SUBPART C. ANNUAL AND ROUTINE TRAINING.

7.7 Annual training. The following City officers and employees shall attend training at least once in each calendar year:

- a. Elected City officers;
- b. Cabinet members;
- c. Agency heads;
- d. Members of all City boards and commissions; and
- e. Any other City officer or employee that the Mayor may designate.

An agency head may, at the agency head's discretion, require additional personnel to attend annual ethics training.

7.8 Routine training. In addition to the initial training detailed in Paragraph 7.3, a City officer or employee not required to receive annual training as provided in Paragraph 7.7 shall attend routine ethics training every five (5) years. These City officers and employees shall be divided into five groups for training compliance based on the year in which they started their uninterrupted employment or term of service with the City as follows:

| <u>Group</u> | <u>Start years</u> | <u>Routine training due</u> |
|---------------------|---------------------------|---|
| A | Years ending in 0 and 5 | December 31, 2025 and every year thereafter ending in 0 and 5 |
| B | Years ending in 1 and 6 | December 31, 2026 and every year thereafter ending in 1 and 6 |
| C | Years ending in 2 and 7 | December 31, 2027 and every year thereafter ending in 2 and 7 |
| D | Years ending in 3 and 8 | December 31, 2028 and every year thereafter ending in 3 and 8 |
| E | Years ending in 4 and 9 | December 31, 2029 and every year thereafter ending in 4 and 9 |

Examples for Paragraph 7.8:

- 1) Employees who started in 2007 must attend their first routine training by December 31, 2027. Their next routine training must be completed no later than December 31, 2032.
- 2) An employee starting in 2023 must attend their first routine training by December 31, 2028. Their next routine training must be completed no later than December 31, 2033.

7.9 Additional training. The Board may from time-to-time determine that additional training is required for some or all City officers and employees. In assessing whether additional training is necessary, factors the Board may consider include:

- a. Amendments or additions to the ethics laws, including the degree of substantive change represented by such amendments or additions;
- b. Issuance of significant Board opinions interpreting the ethics laws;
- c. Other significant events or legal developments that may indicate that additional training is appropriate;
- d. The availability, feasibility, and cost of methods of delivering training, such as online training platforms;
- e. Trends in advice, compliance, or enforcement matters that may indicate additional training is needed; and
- f. The departmental assignment or responsibilities of City officers or employees.

SUBPART D. COMPLIANCE.

7.10 Compliance. Each agency head shall cooperate with the Board to ensure compliance with the training requirements for City officers and employees, including through the provision of information necessary to determine who is required to receive training pursuant to the requirements of Paragraphs 7.7, 7.8 and 7.9 above.

SUBPART E. REMEDIES

7.11 Failure to comply with the requirements set forth in Subparts B-D of this regulation may result in penalties as further provided for in Philadelphia Code Section 20-1301.

Approved for public comment by Board: August 16, 2023

Posted for public comment by Records: August 18, 2023

Hearing held: September 27, 2023

Adopted by Board:

Effective:

Approved for public comment by Board: October 21, 2009

Posted for public comment by Records:

Effective: November 25, 2009

Hearing Report
re: Regulation No. 7
Exhibit # 2

Exhibit 2: Approved repeal and replacement of Regulation No 7
Comparison of public comment posting version and final
Strikethrough indicates matter removed; underline indicates new
matter

PHILADELPHIA BOARD OF ETHICS

REGULATION NO. 7

REQUIRED ETHICS TRAINING

The existing Regulation No. 7 (Annual and Routine Ethics Training), which was filed with the Department of Records on October 21, 2009, is hereby repealed and replaced by the following:

SUBPART A. SCOPE; DEFINITIONS.

7.0 Scope. This Regulation, promulgated by the Board pursuant to its authority under Sections 4-1100 and 8-407 of the Philadelphia Home Rule Charter and Chapter 20-600 of The Philadelphia Code, interprets the requirements of Philadelphia Code ~~Section~~ Sections 20-606(1)(b)(~~i~~1) and (~~iii~~3) regarding routine and mandatory educational and training programs for City officers and employees.

7.1 Definitions. As used herein, the following words and phrases shall have the meanings indicated.

- a. **Agency head.** The head of any office, department, board, commission, or other governmental agency of the City authorized to appoint employees.
- b. **Board.** Board of Ethics.
- c. **Cabinet member.** The Managing Director, the Director of Finance, the City Solicitor, the Chief Public Safety Director, the Director of Planning and Development, the Director of Commerce, the Director of Labor ~~and~~, the City Representative, and such other officers as the Mayor may designate as members of the Mayor's cabinet.
- d. **City.** City of Philadelphia.
- e. **City board or commission.** Any City board or commission, without regard to the body's title (including a body denoted as a board, commission, council, committee, task force, working group, panel, or other similar designation), established by the City's Home Rule Charter, ordinance, or Executive Order.
- f. **City officer or employee.** Any person who is elected or appointed to a position in any branch of the government of the City ~~or to any elected or appointed position which serves the City including, but not limited to, members of agencies, authorities, boards and commissions, individuals serving full-time, part-time or seasonally; and individuals serving with or without compensation.~~ including:
 - 1. elected City officials;
 - 2. employees of the City, including those serving full-time, part-time, or seasonally, and those on leaves of absence with or without pay;
 - 3. members of City boards and commissions;

4. individuals appointed or assigned to any City position, whether paid or unpaid, that exercises significant powers of government.

- g. **Effective date of employment.** For City employees, the first calendar day of the first pay period they perform work for the City and are on the City's payroll.
- h. **Ethics laws.** Chapter 20-600 of the Philadelphia Code, Article ~~40~~X of the Philadelphia Home Rule Charter, and any other matters relating to ethical standards of conduct for City officers and employees later added to the Code or Charter or otherwise assigned to the Board by ordinance.
- i. **Term of service.** For appointed or elected City officials, the period beginning on the date the officer's position takes effect by operation of law or action of the appointing authority and ending on the effective date of separation.
- j. **Training.** Any program presented or approved by the Board to educate City officers and employees about the City's ethics laws, regardless of whether delivered (1) live by Board staff either in-person or virtually; (2) through pre-recorded presentations or online activities developed by Board staff; or (3) in limited circumstances with the pre-approval of Board staff, through programs presented by departmental training staff or other designees.
- k. **Uninterrupted employment or term of service.** The continuous employment or term of service of City officers and employees, whether paid or unpaid, full-time or part-time. Any period of authorized leave (e.g. FMLA; parental leave; union leave) is not considered an interruption of employment or service for the purpose of this regulation.¹

7.2 Applicability. Except where expressly indicated otherwise, the provisions of this Regulation apply to all City officers and employees.

SUBPART B. INITIAL TRAINING AND ACKNOWLEDGEMENT.

7.3 Initial training. A City officer or employee, regardless of position, duties, or responsibilities, shall attend initial training within 90 calendar days of the effective date of the officer or employee's employment or the beginning of their term of service.

7.4 Copy of the City's ethics laws. An agency head shall provide a copy of the City's ethics laws to each City officer or employee upon the effective date of their employment or the beginning of their term of service. This requirement may be met by providing either an electronic or paper copy of the most current version of the appropriate position-specific ethics manual published by the Board. The most recent versions of the manuals are available for viewing or download at ethics.pub/manuals.

7.5 Acknowledgement. Within 15 calendar days of the effective date of employment or ~~of~~ the beginning of a term of service, each City officer or employee shall acknowledge in writing that the officer or employee has received and reviewed a copy of the City's ethics laws in the

¹ An interruption in a term of service for a member of a nominating panel occurs when the panel is inactive or not empaneled.

form outlined in Paragraph 7.4. The agency head shall maintain a copy of the acknowledgement and shall make copies of such acknowledgements available for inspection by the Board upon request.

7.6 Effect of failure to comply. Failure of a City officer or employee to receive, review, or acknowledge receipt of a copy of the ethics laws, or failure of the agency head to maintain a copy of the acknowledgement, shall have no effect on the duty of the City officer or employee to comply with the ethics laws.

SUBPART C. ANNUAL AND ROUTINE TRAINING.

7.7 Annual training. The following City officers and employees shall attend training at least once in each calendar year:

- a. Elected City officers;
- b. Cabinet members;
- c. Agency heads;
- d. Members of all City boards and commissions; and
- e. Any other City officer or employee that the Mayor may designate.

An agency head may, at the agency head's discretion, require additional personnel to attend annual ethics training.

7.8 Routine training. ~~A~~In addition to the initial training detailed in Paragraph 7.3, a City officer or employee not required to receive annual training as provided in Paragraph 7.7 shall attend routine ethics training every five (5) years. These City officers and employees shall be divided into five groups for training compliance based on the year in which they started their uninterrupted employment or term of service with the City as follows:

~~a. Supervisors and managers. A City officer or employee with supervisory or managerial responsibilities, as determined by the relevant agency head, shall attend routine training every three (3) years.~~

~~b. Other City officers and employees. A City officer or employee not covered by Paragraphs 7.7 or 7.8(a) shall attend routine training every five (5) years.~~

| <u>Group</u> | <u>Start years</u> | <u>Routine training due</u> |
|--------------|--------------------------------|--|
| <u>A</u> | <u>Years ending in 0 and 5</u> | <u>December 31, 2025 and every year thereafter ending in 0 and 5</u> |
| <u>B</u> | <u>Years ending in 1 and 6</u> | <u>December 31, 2026 and every year thereafter ending in 1 and 6</u> |
| <u>C</u> | <u>Years ending in 2 and 7</u> | <u>December 31, 2027 and every year thereafter ending in 2 and 7</u> |
| <u>D</u> | <u>Years ending in 3 and 8</u> | <u>December 31, 2028 and every year thereafter ending in 3 and 8</u> |
| <u>E</u> | <u>Years ending in 4 and 9</u> | <u>December 31, 2029 and every year thereafter ending in 4 and 9</u> |

Examples for Paragraph 7.8:

- 1) Employees who started in 2007 must attend their first routine training by December 31, 2027. Their next routine training must be completed no later than December 31, 2032.

- 2) An employee starting in 2023 must attend their first routine training by December 31, 2028. Their next routine training must be completed no later than December 31, 2033.

7.9 Additional training. The Board may from time-to-time determine that additional training is required for some or all City officers and employees. In assessing whether additional training is necessary, factors the Board may consider include:

- a. Amendments or additions to the ethics laws, including the degree of substantive change represented by such amendments or additions;
- b. Issuance of significant Board opinions interpreting the ethics laws;
- c. Other significant events or legal developments that may indicate that additional training is appropriate;
- d. The availability, feasibility, and cost of methods of delivering training, such as online training platforms;
- e. Trends in advice, compliance, or enforcement matters that may indicate additional training is needed; and
- f. The departmental assignment or responsibilities of City officers or employees.

SUBPART D. COMPLIANCE ~~AND RECORDKEEPING.~~

7.10 Compliance. Each- agency head shall cooperate with the Board to ensure compliance with the training requirements for City officers and employees, including through the provision of information necessary to determine who is required to receive training pursuant to the requirements of ~~Subsections~~Paragraphs 7.7, 7.8 and 7.9 above.

SUBPART E. REMEDIES

~~7.11—An officer or employee of the City shall be subject to a civil penalty of up to \$250 for failure to attend a training.~~

~~An appointing authority shall be subject to a civil penalty of up to \$250 for failure to provide a copy of the ethics laws to a City officer or employee.~~

~~7.12—~~7.11 Failure to comply with the requirements set forth in Subparts B-D of this regulation may result in penalties as further provided for in Philadelphia Code Section 20-1301.

Approved for public comment by Board: August 16, 2023

Posted for public comment by Records: August 18, 2023

Hearing held: September 27, 2023

Adopted by Board:

Effective:

Approved for public comment by Board: October 21, 2009

Posted for public comment by Records:

Effective: November 25, 2009

Hearing Report
re: Regulation No. 7
Exhibit # 3

BOARD OF ETHICS PUBLIC HEARING
REGULATION 7 (REQUIRED ETHICS TRAINING)

TRANSCRIPT OF HEARING,
taken by and before CAROL NEALIS,
Professional Reporter and Notary Public, via
ZOOM, Haddonfield, New Jersey, on Wednesday,
September 27, 2023, commencing at 1:14 p.m.

ERSA COURT REPORTERS
30 South 17th Street
United Plaza - Suite 1520
Philadelphia, PA 19103
(215) 564-1233

BOARD OF ETHICS PUBLIC HEARING

1 A P P E A R A N C E S:

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 B O A R D M E M B E R S

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 Michael Reed - Chair

5

 Brian McCormick, Jr.

 Sanjuanita Gonzalez

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 Ellen Mattleman Kaplan

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9 A L S O P R E S E N T:

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 Bryan McHale

 Thomas Klemm

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 Jordana Greenwald

 Shane Creamer

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 Dani Gardner Wright

 Richard Barzaga

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 Dakota B.

 Sarah Stevenson

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 Mike Gutierrez

 Reynelle Staley

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 Hortencia Vasquez

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BOARD OF ETHICS PUBLIC HEARING

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1 I N D E X

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3 TESTIMONY PAGE

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5 DANIELLE GARDNER WRIGHT 9

6 SARAH STEVENSON 17

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12 E X H I B I T S

13 PAGE PAGE

14 NUMBER DESCRIPTION MARKED ATTACHED

15 Exhibit-A Documents 7 24

16 Exhibit-B Revised Reg 22 25

17 Exhibit-C Stevenson Testimony 22 26

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2 HEARING TESTIMONY

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5 MR. REED: The first item of
6 business is that we have a public hearing
7 on the proposed repeal and replacement to
8 current board Regulation No. 7 which is --
9 which regards our Board's ethics-related
10 training requirement.

11 And I think we can ask the court
12 reporter to start taking notes if she
13 hasn't already done that. Thank you.

14 I note for the record that I'm
15 joined by Vice-Chair Brian McCormick and
16 board members Sanjuanita Gonzalez and Ellen
17 Mattleman Kaplan.

18 And I further note for the record
19 that, if it is, in fact, true, that
20 Reynelle Staley from the law department is
21 present. Is that, in fact, true, staff?

22 MS. STALEY: Yes.

23 MR. REED: Thank you. We welcome
24 her. Today's hearing is an opportunity for

1 members of the public and interested
2 parties to provide comments and
3 recommendations for the proposed repeal and
4 replacement of Regulation No. 7.

5 Copies of the proposed
6 replacement has been -- have been made
7 available electronically. For the
8 convenience of today's attendees, I will
9 ask a member of our staff to now provide an
10 electronic link in the chat feature of this
11 Zoom call which contains the proposed
12 repeal and replacement.

13 The board is following the
14 process required by Philadelphia Home Rule
15 Charter Section 8-407 for this proposed
16 repeal and replacement.

17 The board approved this proposed
18 repeal and replacement for public posting
19 at the Records Department during its August
20 16, 2023 public meeting.

21 The law department revealed the
22 proposed repeal and replacement and found
23 the proposed repeal and replacement to
24 Board Regulation No. 7 to be legal, within

1 the Board's authority and in proper form.

2 The Department of Records
3 advertised and gave public notice of the
4 proposed repeal and replacement. The Board
5 also took action by giving notice of the
6 proposed repeal and replacement on its
7 website.

8 The Board proactively scheduled
9 this hearing on the proposed repeal and
10 replacement and provided notice of this
11 hearing by newspaper and on the Board's
12 website.

13 And I am going to add to that
14 that the notice of the adjournment of this
15 hearing from last week to this week was
16 properly given.

17 The Board will not take action on
18 the proposed repeal and replacement at this
19 hearing. Rather, this hearing is an
20 opportunity for the public to comment on
21 the proposed repeal and replacement or
22 recommend modifications to them.

23 Board members may also ask
24 questions of the witnesses if they wish. A

1 hearing report will be considered and
2 approved by the Board at a future Board
3 meeting.

4 The hearing report will respond
5 to testimony and is the mechanism by which
6 the Board may modify the proposed repeal
7 and replacement to the regulation that are
8 pending.

9 A court reporter is present to
10 transcribe this hearing. At this time the
11 documents that the Board filed with the
12 Department of Records, including the
13 proposed repeal and replacement to regulate
14 the No. 7, should be entered into the
15 record of this hearing and marked as
16 Exhibit-A.

17 (At this time, a document was
18 marked for identification as Exhibit-A.)

19 MR. REED: We will now take
20 testimony. I ask any person present at
21 this hearing who wishes to testify to
22 please notify our staff of your intent by
23 way of the chat feature of this Zoom call.

24 Our staff will then coordinate

1 with each of you regarding your testimony
2 including the order in which you will
3 testify.

4 When it is a witness's turn to
5 testify, we will ask the witness to
6 identify themselves prior to their
7 testimony.

8 For those of you that have any
9 documents you would like to submit as
10 exhibits, please send a copy to capital, B,
11 capital, O, capital, E, capital G, capital
12 C, staff, small case, staff, at phila.gov.
13 I imagine that our staff could put that
14 email address in the chat feature or some
15 other way that people can see it if they
16 didn't get what I just said.

17 If you do so, the document will
18 be added to the record. Before the
19 hearing -- before hearing from members of
20 the public, I would like to invite Board
21 staff to testify.

22 It is my understanding that Board
23 staff will recommend several minor
24 revisions to the proposed repeal and

1 replacement. Members of the public should
2 not feel pressed to respond to these
3 recommendations during the hearing.

4 Anyone who wishes to comment on
5 the revised proposed repeal and replacement
6 after today's hearing may do so by
7 submitting written testimony by way of
8 email to General Counsel Jordana Greenwald
9 no later than October 6, 2023.

10 So I'm going to ask staff to now
11 present their testimony.

12 MS. GARDNER WRIGHT: Thank you,
13 Chair Reed. And Jordana is going to screen
14 share for us so that everyone can see the
15 changes.

16 But good afternoon and thank you
17 for the opportunity to present testimony on
18 the proposed repeal and replacement of Reg
19 7 which was approved for public comment and
20 posting.

21 MR. REED: Please identify
22 yourself.

23 MS. GARDNER WRIGHT: I'm sorry.
24 My name is Danielle Gardner Wright and I am

1 the director of training and outreach for
2 the Philadelphia Board of Ethics.

3 As you previously noted, Chair
4 Reed, we are proposing edits to the version
5 that was submitted for public comment and
6 posting.

7 After internal discussions as
8 well as external discussions with some of
9 our partners across the City, some of whom
10 are present today, we are pleased to
11 present to you this revised version.

12 Overall, we believe that these
13 changes add specificity and clarity to the
14 rollout and implementation plan for routine
15 training, and ultimately, will help to
16 promote compliance across the City.

17 Now, let's dig into these
18 proposed changes. So the most significant
19 change appears in subpart C, paragraph 7.8
20 where we have included charts outlining
21 when routine training needs to be completed
22 for city employees and officers who are not
23 subject to annual training.

24 As you can see, we are proposing

1 to assign city employees and officers to
2 groups A through H based on their role and
3 the year in which they started their
4 uninterrupted employment or term of service
5 with the City.

6 As a result, supervisors and
7 managers will fall in two groups A through
8 C. All other city officers and employees
9 who are not subject to annual training will
10 fall into groups D through H.

11 We've also taken into account
12 promotions that may occur over the course
13 of someone's tenure with the City.

14 Additionally, we have added
15 examples as a guide. Example number 1 in
16 paragraph 7.8B reads: An employee starting
17 in 2023 must attend their first routine
18 training by December 31, 2028. Their next
19 routine training must be completed no later
20 than December 31, 2033. This person would
21 fall in group G.

22 We are also proposing minor
23 changes to the definition section with the
24 addition of a definition for uninterrupted

1 employment or term of service at paragraph
2 7.1K as well as a revised definition of
3 city employee or officer at paragraph 7.1F
4 to better align it with other Board
5 regulations.

6 Finally, we are suggesting
7 changes to the remedy section, which
8 instead of directly citing language in the
9 code, we propose to reference the language
10 in the code instead. That concludes my
11 testimony for today.

12 MR. REED: Thank you, just one
13 moment. So first, I will -- are there any
14 questions by Board members for staff I'll
15 ask?

16 MR. MCCORMICK: I just have one,
17 Chair Reed, if you don't mind.

18 MR. REED: Absolutely not.

19 MR. MCCORMICK: Ms. Wright,
20 Danielle, I need a second example of 7.8A2.
21 I was trying to read it as you were going.

22 I thought the dates in the
23 version we received last week were wrong.
24 But it looks like they may have been

1 corrected.

2 MS. GARDNER WRIGHT: Yes.

3 They've been corrected. They've been
4 corrected. I sent that out right before
5 this meeting.

6 MR. MCCORMICK: Yeah. I saw
7 that, but I didn't get a chance to look at
8 it.

9 And then the only other sort of
10 typo we changed I saw was in the definition
11 of cabinet member. I didn't understand
12 where it said the director of labor and the
13 city representative. And it looked like
14 that got revised, too.

15 MS. GARDNER WRIGHT: Yes, it did.
16 Thank you.

17 MR. MCCORMICK: Okay. Other than
18 that, I think -- they were the only two
19 things I caught. Thank you.

20 MS. GARDNER WRIGHT: Thank you,
21 Board Member McCormick.

22 MS. KAPLAN: Dani, my question
23 is -- I have two questions. Number one,
24 what is the effective date of this

1 regulation?

2 MS. GARDNER WRIGHT: So I believe
3 that after the hearing report, the
4 effective date will be when the Board has
5 approved it.

6 But, Jordana, if you want to jump
7 in.

8 MS. GREENWALD: Thanks. It will
9 be ten days after the final approved
10 hearing report is posted with the
11 Department of Records.

12 So if we present a hearing report
13 to the Board at the October meeting, it
14 will be within about two weeks of the
15 meeting.

16 But then I think what Dani has
17 presented as the charts designating groups,
18 there will be effective dates that are on a
19 rolling basis functionally for people to
20 start getting that training under the
21 regulation.

22 MS. KAPLAN: I guess with the
23 change of administration coming up in
24 January, I was just a little concerned

1 about when the effective date would be.

2 There are going to be a lot of
3 new employees that are coming in to the
4 government. And as we all know, things
5 don't always move as quickly as we would
6 like.

7 Are we going to be coordinating
8 with HR when they do their onboarding in
9 order to ensure that employees, both
10 incoming and our continuing employees, are
11 being trained in accordance with this reg?

12 MS. GARDNER WRIGHT: Yes,
13 absolutely. We definitely intend to
14 partner with HR as we have in the past.

15 We do have a pretty effective
16 system, I would say, currently for the
17 initial training that city employees and
18 officers receive when they come into the
19 City.

20 And so this regulation, the
21 changes to this regulation, will really be
22 focused on routine training for city
23 employees and officers.

24 MS. KAPLAN: Okay. And my second

1 question has to do with enforcement.

2 What --

3 What mechanism do we have to
4 ensure that the people who are supposed to
5 be trained are, in fact, being trained on
6 time?

7 MS. GARDNER WRIGHT: That --
8 those details we will definitely need to
9 work out in partnership with the various
10 departments and agencies.

11 So our priority is to provide the
12 training. And then as it notes in the reg,
13 the other departments and agencies will be
14 responsible for ensuring the compliance
15 with it.

16 And if they, you know, have
17 questions around, you know, whether someone
18 attended training, you know, we'll be able
19 to provide them with that information. But
20 they ultimately will be responsible for
21 ensuring the compliance portion of it.

22 And then the enforcement will be
23 able to use that information as they see
24 fit in, you know, any potential violations

1 that they're investigating.

2 MS. KAPLAN: Okay. Thanks.

3 MR. REED: Ellen, does that
4 conclude your questioning?

5 MS. KAPLAN: Yes, it does.

6 Thanks, Chair Reed.

7 MR. REED: I'd like to recognize
8 Sarah Stevenson who I believe would like to
9 present some testimony.

10 MS. STEVENSON: Thank you, Chair
11 Reed. Can you all hear me okay?

12 MR. REED: Yes.

13 MS. STEVENSON: Off the top, I
14 really just want to extend condolences
15 again on the passing of President Epps.
16 That was obviously shocking through so many
17 communities in the City.

18 And on behalf of the
19 administration, sending our deepest love to
20 this group and all who are affected by this
21 which is many. So thank you for allowing
22 me to testify today.

23 I'm Sarah Stevenson, Chief
24 Integrity Officer for the City of

1 Philadelphia. I'm testifying on behalf of
2 the Kenney administration on proposed
3 Regulation 7.

4 First off, kudos to the Board for
5 focusing on workforce training. We all
6 know that public sector employment comes
7 with several restrictions that do not exist
8 in other sectors.

9 And education is the first step
10 to compliance which instills public trust
11 in our municipal operations.

12 With that said, I'd like to offer
13 several comments on the proposed regulation
14 including, respectfully, some proposed
15 changes.

16 The first is, one, I would
17 propose that the training cycles be
18 simplified. We -- currently, the City does
19 not have an adequate tool to track
20 compliance for this type of enterprise-wide
21 training, particularly, with three
22 different training cycles.

23 Given our experience with other
24 city-wide training programs and for

1 administrative efficiency, at least until
2 the time that the City does have an
3 adequate tool for tracking, we propose a
4 one and three-year training cycle or a one
5 and five-year training cycle.

6 Second, I would suggest that we
7 revise the penalty and acknowledgment
8 provisions. I understand these provisions
9 also live in the Philadelphia code.

10 However, I suggest they be
11 amended or eliminated. Our workforce
12 training should be viewed as enriching and
13 beneficial to our employees not attended
14 under threat of fine.

15 Our failure to attend can be
16 addressed through existing evaluation and
17 discipline processes. Therefore, the fines
18 should be eliminated or at the very least
19 narrowed to address defiant or chronic
20 absentees.

21 We also note that signed
22 acknowledgments are an impractical method
23 for compliance. And I recommend that
24 section be stricken as unnecessary under

1 the law.

2 Lastly, since the last time, our
3 office -- we've had a couple meetings with
4 staff, which has been great talking through
5 this, also, with larger HR and CAO who will
6 be assisting very heavily on implementing
7 this regulation.

8 We were initially going to
9 suggest, as I think Ellen was alluding to,
10 a date -- an effective date into the future
11 given transition and given all the work
12 that needs to be done to effectuate this.

13 But given the training cycles --
14 to explain my first comment about modifying
15 the training cycles, I think that right now
16 we're looking at effectively about a
17 one-year implementation timeline given the
18 first class that we'll need to attend
19 routine training.

20 I think, Ellen, to your point,
21 that should be sufficient, I think. Again,
22 with -- you know, we don't know who's going
23 to be in certain positions in January, but
24 I think that --

1 So my last point is I appreciate
2 the clarity on that. Regardless of what
3 training cycles you all end up deciding on,
4 allowing some lead time is prudent.

5 And obviously, staff will
6 continue to work with all the necessary
7 parties to implement this really robust
8 program.

9 So those are my comments. I
10 thank you again for allowing me to testify
11 today.

12 MR. REED: Ms. Stevenson, thank
13 you for those comments. We will certainly
14 take them under advisement and appreciate
15 your attending and your kind remarks about
16 our former colleague.

17 Are there any other witnesses who
18 desire to present testimony? I don't -- go
19 ahead.

20 MS. GARDNER WRIGHT: Sorry, I
21 wanted to request that the -- that this
22 revised version of the proposed repeal and
23 replacement of Reg No. 7 be entered into
24 the record as Exhibit-B. And then our

1 chief integrity officer's, Sarah Stevenson,
2 can be entered into the record as
3 Exhibit-C.

4 (At this time, a documents were
5 marked for identification as Exhibits B and
6 C.)

7 MR. REED: It will -- that will
8 be done. Thank you.

9 So I'm assuming -- it appears
10 that there are no other witnesses. So in
11 the absence of any other witnesses, I --
12 unless staff advises me of other measures
13 that need to be taken, I am going to
14 declare this public hearing concluded and
15 close and thank everyone for attending.

16 (Hearing concluded at 1:33 p.m.)

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1 C E R T I F I C A T E

2

3 I, CAROL NEALIS, Court Reporter, certify that
4 the foregoing is a true and accurate transcript of
5 the foregoing deposition, that the witness was first
6 sworn by me at the time, place and on the date
7 herein before set forth.

8 I further certify that I am neither attorney nor
9 counsel for, not related to nor employed by any of
10 the parties to the action in which this deposition
11 was taken; further, that I am not a relative or
12 employee of any attorney or counsel employed in this
13 case, nor am I financially interested in this
14 action.

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Carol Nealis
Notary Public # 1261298
County of Philadelphia
My commission expires
3/22/2027

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EXHIBIT-B

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EXHIBIT-C

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| <p>A</p> <p>able 16:18,23 absence 22:11 absentees 19:20 absolutely 12:18 15:13 account 11:11 accurate 23:4 acknowledgment 19:7 acknowledgments 19:22 action 6:5,17 23:10,14 add 6:13 10:13 added 8:18 11:14 addition 11:24 Additionally 11:14 address 8:14 19:19 addressed 19:16 adequate 18:19 19:3 adjournment 6:14 administration 14:23 17:19 18:2 administrative 19:1 advertised 6:3 advisement 21:14 advises 22:12 afternoon 9:16 agencies 16:10,13 ahead 21:19 align 12:4 allowing 17:21 21:4,10 alluding 20:9 amended 19:11 annual 10:23 11:9 appears 10:19 22:9 appreciate 21:1,14 approved 5:17 7:2 9:19 14:5 14:9 assign 11:1 assisting 20:6 assuming 22:9 ATTACHED 3:14 attend 11:17 19:15 20:18 attended 16:18 19:13 attendees 5:8 attending 21:15 22:15 attorney 23:8,12 August 5:19</p> | <p>authority 6:1 available 5:7</p> <p>B</p> <p>B 2:3,3,13 3:12 8:10 22:5 Barzaga 2:12 based 11:2 basis 14:19 behalf 17:18 18:1 believe 10:12 14:2 17:8 beneficial 19:13 better 12:4 board 1:2 4:8,16 5:13,17,24 6:4,8,17,23 7:2,2,6,11 8:20 8:22 10:2 12:4,14 13:21 14:4,13 18:4 Board's 4:9 6:1,11 Brian 2:5 4:15 Bryan 2:10 business 4:6</p> <p>C</p> <p>C 2:1 8:12 10:19 11:8 22:6 23:1,1 cabinet 13:11 call 5:11 7:23 CAO 20:5 capital 8:10,11,11,11,11 Carol 1:9 23:3,21 case 8:12 23:13 caught 13:19 certain 20:23 certainly 21:13 certify 23:3,8 Chair 2:4 9:13 10:3 12:17 17:6,10 chance 13:7 change 10:19 14:23 changed 13:10 changes 9:15 10:13,18 11:23 12:7 15:21 18:15 Charter 5:15 charts 10:20 14:17 chat 5:10 7:23 8:14 chief 17:23 22:1 chronic 19:19 citing 12:8</p> | <p>city 10:9,16,22 11:1,5,8,13 12:3 13:13 15:17,19,22 17:17,24 18:18 19:2 city-wide 18:24 clarity 10:13 21:2 class 20:18 close 22:15 code 12:9,10 19:9 colleague 21:16 come 15:18 comes 18:6 coming 14:23 15:3 commencing 1:12 comment 6:20 9:4,19 10:5 20:14 comments 5:2 18:13 21:9,13 commission 23:22 communities 17:17 completed 10:21 11:19 compliance 10:16 16:14,21 18:10,20 19:23 concerned 14:24 conclude 17:4 concluded 22:14,16 concludes 12:10 condolences 17:14 considered 7:1 contains 5:11 continue 21:6 continuing 15:10 convenience 5:8 coordinate 7:24 coordinating 15:7 Copies 5:5 copy 8:10 corrected 13:1,3,4 counsel 9:8 23:9,12 County 23:22 couple 20:3 course 11:12 court 1:21 4:11 7:9 23:3 Creamer 2:11 current 4:8 currently 15:16 18:18 cycle 19:4,5 cycles 18:17,22 20:13,15 21:3</p> |
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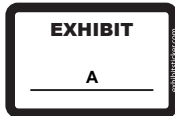
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| <p>D</p> <p>D 2:3 3:1 11:10 Dakota 2:13 Dani 2:12 13:22 14:16 Danielle 3:5 9:24 12:20 date 13:24 14:4 15:1 20:10,10 23:6 dates 12:22 14:18 days 14:9 December 11:18,20 deciding 21:3 declare 22:14 deepest 17:19 defiant 19:19 definitely 15:13 16:8 definition 11:23,24 12:2 13:10 department 4:20 5:19,21 6:2 7:12 14:11 departments 16:10,13 deposition 23:5,10 DESCRIPTION 3:14 designating 14:17 desire 21:18 details 16:8 different 18:22 dig 10:17 directly 12:8 director 10:1 13:12 discipline 19:17 discussions 10:7,8 document 7:17 8:17 documents 3:15 7:11 8:9 22:4</p> | <p>eliminated 19:11,18 Ellen 2:6 4:16 17:3 20:9,20 email 8:14 9:8 employed 23:9,12 employee 11:16 12:3 23:12 employees 10:22 11:1,8 15:3 15:9,10,17,23 19:13 employment 11:4 12:1 18:6 enforcement 16:1,22 enriching 19:12 ensure 15:9 16:4 ensuring 16:14,21 entered 7:14 21:23 22:2 enterprise-wide 18:20 Epps 17:15 ERSA 1:21 Ethics 1:2,2 10:2 ethics-related 4:9 evaluation 19:16 example 11:15 12:20 examples 11:15 Exhibit-A 3:15 7:16,18 24:1 Exhibit-B 3:16 21:24 25:1 Exhibit-C 3:17 22:3 26:1 exhibits 8:10 22:5 exist 18:7 existing 19:16 experience 18:23 expires 23:22 explain 20:14 extend 17:14 external 10:8</p> | <p>18:16 20:14,18 23:5 fit 16:24 five-year 19:5 focused 15:22 focusing 18:5 following 5:13 foregoing 23:4,5 form 6:1 former 21:16 forth 23:7 found 5:22 functionally 14:19 further 4:18 23:8,11 future 7:2 20:10</p> |
| <p>E</p> <p>E 2:1,1,3,3,9,9 3:1,12 8:11 23:1,1 edits 10:4 education 18:9 effective 13:24 14:4,18 15:1 15:15 20:10 effectively 20:16 effectuate 20:12 efficiency 19:1 electronic 5:10 electronically 5:7</p> | <p>F</p> <p>F 23:1 fact 4:19,21 16:5 failure 19:15 fall 11:7,10,21 feature 5:10 7:23 8:14 feel 9:2 filed 7:11 final 14:9 Finally 12:6 financially 23:13 fine 19:14 finest 19:17 first 4:5 11:17 12:13 18:4,9</p> | <p>G</p> <p>G 8:11 11:21 Gardner 2:12 3:5 9:12,23,24 13:2,15,20 14:2 15:12 16:7 21:20 General 9:8 getting 14:20 given 6:16 18:23 20:11,11,13 20:17 giving 6:5 go 21:18 going 6:13 9:10,13 12:21 15:2 15:7 20:8,22 22:13 Gonzalez 2:5 4:16 good 9:16 government 15:4 great 20:4 Greenwald 2:11 9:8 14:8 group 11:21 17:20 groups 11:2,7,10 14:17 guess 14:22 guide 11:15 Gutierrez 2:14</p> <p>H</p> <p>H 3:12 11:2,10 Haddonfield 1:11 hear 17:11 hearing 1:2,8 4:2,6,24 6:9,11 6:15,19,19 7:1,4,10,15,21 8:19,19 9:3,6 14:3,10,12 22:14,16</p> |

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| <p>heavily 20:6 help 10:15 Home 5:14 Hortencia 2:15 HR 15:8,14 20:5</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>identification 7:18 22:5 identify 8:6 9:21 imagine 8:13 implement 21:7 implementation 10:14 20:17 implementing 20:6 impractical 19:22 included 10:20 including 7:12 8:2 18:14 incoming 15:10 information 16:19,23 initial 15:17 initially 20:8 instills 18:10 integrity 17:24 22:1 intend 15:13 intent 7:22 interested 5:1 23:13 internal 10:7 investigating 17:1 invite 8:20 item 4:5</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>January 14:24 20:23 Jersey 1:11 joined 4:15 Jordana 2:11 9:8,13 14:6 Jr 2:5 jump 14:6</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>Kaplan 2:6 4:17 13:22 14:22 15:24 17:2,5 Kenney 18:2 kind 21:15 Klemm 2:10 know 15:4 16:16,17,18,24 18:6 20:22,22 kudos 18:4</p> | <hr/> <p style="text-align: center;">L</p> <hr/> <p>L 2:9 labor 13:12 language 12:8,9 larger 20:5 Lastly 20:2 law 4:20 5:21 20:1 lead 21:4 legal 5:24 let's 10:17 link 5:10 little 14:24 live 19:9 look 13:7 looked 13:13 looking 20:16 looks 12:24 lot 15:2 love 17:19</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>M 2:3,3 managers 11:7 marked 3:14 7:15,18 22:5 Mattleman 2:6 4:17 McCormick 2:5 4:15 12:16 12:19 13:6,17,21 McHale 2:10 measures 22:12 mechanism 7:5 16:3 meeting 5:20 7:3 13:5 14:13 14:15 meetings 20:3 member 5:9 13:11,21 members 4:16 5:1 6:23 8:19 9:1 12:14 method 19:22 Michael 2:4 Mike 2:14 mind 12:17 minor 8:23 11:22 modifications 6:22 modify 7:6 modifying 20:14 moment 12:13 move 15:5 municipal 18:11</p> | <hr/> <p style="text-align: center;">N</p> <hr/> <p>N 2:1,9 3:1 name 9:24 narrowed 19:19 Nealis 1:9 23:3,21 necessary 21:6 need 12:20 16:8 20:18 22:13 needs 10:21 20:12 neither 23:8 new 1:11 15:3 newspaper 6:11 Notary 1:10 23:21 note 4:14,18 19:21 noted 10:3 notes 4:12 16:12 notice 6:3,5,10,14 notify 7:22 number 3:14 11:15 13:23</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>O 2:3,9 8:11 obviously 17:16 21:5 occur 11:12 October 9:9 14:13 offer 18:12 office 20:3 officer 12:3 17:24 officer's 22:1 officers 10:22 11:1,8 15:18 15:23 okay 13:17 15:24 17:2,11 onboarding 15:8 one-year 20:17 operations 18:11 opportunity 4:24 6:20 9:17 order 8:2 15:9 outlining 10:20 outreach 10:1 Overall 10:12</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>P 2:1,1,9 p.m 1:12 22:16 PA 1:23 PAGE 3:3,13,13 paragraph 10:19 11:16 12:1 12:3</p> |
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| <p> particularly 18:21 parties 5:2 21:7 23:10 partner 15:14 partners 10:9 partnership 16:9 passing 17:15 penalty 19:7 pending 7:8 people 8:15 14:19 16:4 person 7:20 11:20 phila.gov 8:12 Philadelphia 1:23 5:14 10:2 18:1 19:9 23:22 place 23:6 plan 10:14 Plaza 1:22 please 7:22 8:10 9:21 pleased 10:10 point 20:20 21:1 portion 16:21 positions 20:23 posted 14:10 posting 5:18 9:20 10:6 potential 16:24 present 4:21 7:9,20 9:11,17 10:10,11 14:12 17:9 21:18 presented 14:17 President 17:15 pressed 9:2 pretty 15:15 previously 10:3 prior 8:6 priority 16:11 proactively 6:8 process 5:14 processes 19:17 Professional 1:10 program 21:8 programs 18:24 promote 10:16 promotions 11:12 proper 6:1 properly 6:16 propose 12:9 18:17 19:3 proposed 4:7 5:3,5,11,15,17 5:22,23 6:4,6,9,18,21 7:6,13 8:24 9:5,18 10:18 18:2,13 </p> | <p> 18:14 21:22 proposing 10:4,24 11:22 provide 5:2,9 16:11,19 provided 6:10 provisions 19:8,8 prudent 21:4 public 1:2,10 4:6 5:1,18,20 6:3,20 8:20 9:1,19 10:5 18:6,10 22:14 23:21 put 8:13 </p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p> question 13:22 16:1 questioning 17:4 questions 6:24 12:14 13:23 16:17 quickly 15:5 </p> <hr/> <p style="text-align: center;">R</p> <hr/> <p> R 2:1,3,3,9 23:1 read 12:21 reads 11:16 really 15:21 17:14 21:7 receive 15:18 received 12:23 recognize 17:7 recommend 6:22 8:23 19:23 recommendations 5:3 9:3 record 4:14,18 7:15 8:18 21:24 22:2 Records 5:19 6:2 7:12 14:11 Reed 2:4 4:5,23 7:19 9:13,21 10:4 12:12,17,18 17:3,6,7 17:11,12 21:12 22:7 reference 12:9 reg 3:16 9:18 15:11 16:12 21:23 regarding 8:1 Regardless 21:2 regards 4:9 regulate 7:13 regulation 1:2 4:8 5:4,24 7:7 14:1,21 15:20,21 18:3,13 20:7 regulations 12:5 related 23:9 relative 23:11 </p> | <p> remarks 21:15 remedy 12:7 repeal 4:7 5:3,12,16,18,22,23 6:4,6,9,18,21 7:6,13 8:24 9:5,18 21:22 replacement 4:7 5:4,6,12,16 5:18,22,23 6:4,6,10,18,21 7:7,13 9:1,5,18 21:23 report 7:1,4 14:3,10,12 reporter 1:10 4:12 7:9 23:3 REPORTERS 1:21 representative 13:13 request 21:21 required 1:2 5:14 requirement 4:10 respectfully 18:14 respond 7:4 9:2 responsible 16:14,20 restrictions 18:7 result 11:6 revealed 5:21 revise 19:7 revised 3:16 9:5 10:11 12:2 13:14 21:22 revisions 8:24 Reynelle 2:14 4:20 Richard 2:12 right 13:4 20:15 robust 21:7 role 11:2 rolling 14:19 rollout 10:14 routine 10:14,21 11:17,19 15:22 20:19 Rule 5:14 </p> <hr/> <p style="text-align: center;">S</p> <hr/> <p> S 2:1,3,9,9 3:12 Sanjuanita 2:5 4:16 Sarah 2:13 3:6 17:8,23 22:1 saw 13:6,10 scheduled 6:8 screen 9:13 second 12:20 15:24 19:6 section 5:15 11:23 12:7 19:24 sector 18:6 sectors 18:8 </p> |
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PHILADELPHIA BOARD OF ETHICS
REGULATION NO. 7
REQUIRED ETHICS TRAINING

The existing Regulation No. 7 (Annual and Routine Ethics Training), which was filed with the Department of Records on October 21, 2009, is hereby repealed and replaced by the following:

SUBPART A. SCOPE; DEFINITIONS.

7.0 Scope. This Regulation, promulgated by the Board pursuant to its authority under Sections 4-1100 and 8-407 of the Philadelphia Home Rule Charter and Chapter 20-600 of The Philadelphia Code, interprets the requirements of Philadelphia Code Section 20-606(1)(b)(i) and (iii) regarding routine and mandatory educational and training programs for City officers and employees.

7.1 Definitions. As used herein, the following words and phrases shall have the meanings indicated.

- a. Agency head.** The head of any office, department, board, commission or other governmental agency of the City authorized to appoint employees.
- b. Board.** Board of Ethics.
- c. Cabinet member.** The Managing Director, the Director of Finance, the City Solicitor, the Chief Public Safety Director, the Director of Planning and Development, the Director of Commerce, the Director of Labor and the City Representative and such other officers as the Mayor may designate as members of the Mayor's cabinet.
- d. City.** City of Philadelphia.
- e. City board or commission.** Any City board or commission, without regard to the body's title (including a body denoted as a board, commission, council, committee, task force, working group, panel, or other similar designation), established by the City's Home Rule Charter, ordinance, or Executive Order.
- f. City officer or employee.** Any person who is elected or appointed to a position in any branch of the government of the City or to any elected or appointed position which serves the City including, but not limited to, members of agencies, authorities, boards and commissions, individuals serving full-time, part-time or seasonally; and individuals serving with or without compensation.
- g. Effective date of employment.** For City employees, the first calendar day of the first pay period they perform work for the City and are on the City's payroll.
- h. Ethics laws.** Chapter 20-600 of the Philadelphia Code, Article 10 of the Philadelphia Home Rule Charter, and any other matters relating to ethical standards of conduct for

City officers and employees later added to the Code or Charter or otherwise assigned to the Board by ordinance.

- i. **Term of service.** For appointed or elected City officials, the period beginning on the date the officer's position takes effect by operation of law or action of the appointing authority and ending on the effective date of separation.
- j. **Training.** Any program presented or approved by the Board to educate City officers and employees about the City's ethics laws, regardless of whether delivered (1) live by Board staff either in-person or virtually; (2) through pre-recorded presentations or online activities developed by Board staff; or (3) in limited circumstances with the pre-approval of Board staff, through programs presented by departmental training staff or other designees.

7.2 Applicability. Except where expressly indicated otherwise, the provisions of this Regulation apply to all City officers and employees.

SUBPART B. INITIAL TRAINING AND ACKNOWLEDGEMENT.

7.3 Initial training. A City officer or employee, regardless of position, duties, or responsibilities, shall attend initial training within 90 calendar days of the effective date of the officer or employee's employment or the beginning of their term of service.

7.4 Copy of the City's ethics laws. An agency head shall provide a copy of the City's ethics laws to each City officer or employee upon their employment or the beginning of their term of service. This requirement may be met by providing either an electronic or paper copy of the most current version of the appropriate position-specific ethics manual published by the Board. The most recent versions of the manuals are available for viewing or download at ethics.pub/manuals.

7.5 Acknowledgement. Within 15 calendar days of the effective date of employment or the beginning of a term of service, each City officer or employee shall acknowledge in writing that the officer or employee has received and reviewed a copy of the City's ethics laws in the form outlined in Paragraph 7.4. The agency head shall maintain a copy of the acknowledgement and shall make copies of such acknowledgements available for inspection by the Board upon request.

7.6 Effect of failure to comply. Failure of a City officer or employee to receive, review, or acknowledge receipt of a copy of the ethics laws, or failure of the agency head to maintain a copy of the acknowledgement, shall have no effect on the duty of the City officer or employee to comply with the ethics laws.

SUBPART C. ANNUAL AND ROUTINE TRAINING.

7.7 Annual training. The following City officers and employees shall attend training at least once in each calendar year:

- a. Elected City officers;
- b. Cabinet members;

- c. Agency heads;
- d. Members of all City boards and commissions; and
- e. Any other City officer or employee that the Mayor may designate.

An agency head may, at the agency head's discretion, require additional personnel to attend annual ethics training.

7.8 Routine training. A City officer or employee not required to receive annual training as provided in Paragraph 7.7 shall attend routine ethics training as follows:

- a. **Supervisors and managers.** A City officer or employee with supervisory or managerial responsibilities, as determined by the relevant agency head, shall attend routine training every three (3) years.
- b. **Other City officers and employees.** A City officer or employee not covered by Paragraphs 7.7 or 7.8(a) shall attend routine training every five (5) years.

7.9 Additional training. The Board may from time-to-time determine that additional training is required for some or all City officers and employees. In assessing whether additional training is necessary, factors the Board may consider include:

- a. Amendments or additions to the ethics laws, including the degree of substantive change represented by such amendments or additions;
- b. Issuance of significant Board opinions interpreting the ethics laws;
- c. Other significant events or legal developments that may indicate that additional training is appropriate;
- d. The availability, feasibility, and cost of methods of delivering training, such as online training platforms;
- e. Trends in advice, compliance, or enforcement matters that may indicate additional training is needed; and
- f. The departmental assignment or responsibilities of City officers or employees.

SUBPART D. COMPLIANCE AND RECORDKEEPING.

7.10 Compliance. Each agency head shall cooperate with the Board to ensure compliance with the training requirements for City officers and employees, including through the provision of information necessary to determine who is required to receive training pursuant to the requirements of Subsections 7.7, 7.8 and 7.9 above.

SUBPART E. REMEDIES

7.11 An officer or employee of the City shall be subject to a civil penalty of up to \$250 for failure to attend a training.

7.12 An agency head shall be subject to a civil penalty of up to \$250 for failure to provide a copy of the ethics laws to a City officer or employee.

Approved for public comment by Board: ____2023

Posted for public comment by Records:

Hearing held:

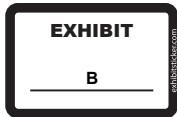
Adopted by Board:

Effective:

Approved for public comment by Board: October 21, 2009

Posted for public comment by Records:

Effective: November 25, 2009



PHILADELPHIA BOARD OF ETHICS-
REGULATION NO. 7
REQUIRED ETHICS TRAINING

The existing Regulation No. 7 (Annual and Routine Ethics Training), which was filed with the Department of Records on October 21, 2009, is hereby repealed and replaced by the following:

SUBPART A. SCOPE; DEFINITIONS.

7.0 Scope. This Regulation, promulgated by the Board pursuant to its authority under Sections 4-1100 and 8-407 of the Philadelphia Home Rule Charter and Chapter 20-600 of The Philadelphia Code, interprets the requirements of Philadelphia Code ~~Section~~Sections 20-606(1)(b)(i) and

7.0 (iii) regarding routine and mandatory educational and training programs for City officers and employees.

7.1 Definitions. As used herein, the following words and phrases shall have the meanings indicated.

- a. Agency head.** The head of any office, department, board, commission, or other governmental agency of the City authorized to appoint employees.
- b. Board.** Board of Ethics.
- c. Cabinet member.** The Managing Director, the Director of Finance, the City Solicitor, the Chief Public Safety Director, the Director of Planning and Development, the Director of Commerce, the Director of Labor, ~~and~~ the City Representative, and such other officers as the Mayor may designate as members of the Mayor's cabinet.
- d. City.** City of Philadelphia.
- e. City board or commission.** Any City board or commission, without regard to the body's title (including a body denoted as a board, commission, council, committee, task force, working group, panel, or other similar designation), established by the City's Home Rule Charter, ordinance, or Executive Order.

f. City officer or employee. Any person who is elected or appointed to a position in any branch of the government of the City including;

- 1. elected City officials;
- 2. employees of the City, including those serving full-time, part-time, or seasonally, and those on leaves of absence with or without pay;
- 3. members of City boards and commissions;

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4. individuals appointed or assigned to any City position, whether paid or unpaid, that exercises significant powers of government.

~~Any person who is elected or appointed to a position in any branch of the government of the City or to any elected or appointed position which serves the City including, but not limited to, members of agencies, authorities, boards~~

~~and commissions, individuals serving full time, part time or seasonally, and individuals serving with or without compensation.~~

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f.g. Effective date of employment. For City employees, the first calendar day of the first pay period they perform work for the City and are on the City's payroll.

g.h. Ethics laws. Chapter 20-600 of the Philadelphia Code, Article ~~40~~X of the Philadelphia Home Rule Charter, and any other matters relating to ethical standards of conduct for City officers and employees later added to the Code or Charter or otherwise assigned to the Board by ordinance.

h.i. Term of service. For appointed or elected City officials, the period beginning on the date the officer's position takes effect by operation of law or action of the appointing authority and ending on the effective date of separation.

i.j. Training. Any program presented or approved by the Board to educate City officers and employees about the City's ethics laws, regardless of whether delivered (1) live by Board staff either in-person or virtually; (2) through pre-recorded presentations or online activities developed by Board staff; or (3) in limited circumstances with the pre-approval of Board staff, through programs presented by departmental training staff or other designees.

j.k. Uninterrupted employment or term of service. The continuous employment or term of service of City officers and employees, whether paid or unpaid, full-time or part-time. Any period of authorized leave (e.g. FMLA; parental leave; union leave) is not considered an interruption of employment or service for the purpose of this regulation.¹

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7.2 Applicability. Except where expressly indicated otherwise, the provisions of this Regulation apply to all City officers and employees.

SUBPART B. INITIAL TRAINING AND ACKNOWLEDGEMENT.

7.3 Initial training. A City officer or employee, regardless of position, duties, or responsibilities, shall attend initial training within 90 calendar days of the effective date of the officer or employee's employment or the beginning of their term of service.

7.4 Copy of the City's ethics laws. An agency head shall provide a copy of the City's ethics laws to each City officer or employee upon ~~the effective date of~~ their employment or the beginning of their term of service. This requirement may be met by providing either an electronic or paper copy of the most current version of the appropriate position-specific ethics manual published by the Board. The most recent versions of the manuals are available for viewing or download at ethics.pub/manuals.

7.5 Acknowledgement. Within 15 calendar days of the effective date of employment or the beginning of a term of service, each City officer or employee shall acknowledge in writing that the officer or employee has received and reviewed a copy of the City's ethics laws in the form outlined in Paragraph 7.4. The agency head shall maintain a copy of the acknowledgement

¹ An interruption in a term of service for a member of a nominating panel occurs when the panel is inactive or not empaneled.

and shall make copies of such acknowledgements available for inspection by the Board upon request.

7.6 Effect of failure to comply. Failure of a City officer or employee to receive, review, or acknowledge receipt of a copy of the ethics laws, or failure of the agency head to maintain a copy of the acknowledgement, shall have no effect on the duty of the City officer or employee to comply with the ethics laws.

SUBPART C. ANNUAL AND ROUTINE TRAINING.

7.7 Annual training. The following City officers and employees shall attend training at least once in each calendar year:

- a. Elected City officers;
- b. Cabinet members;
- c. Agency heads;
- d. Members of all City boards and commissions; and
- e. Any other City officer or employee that the Mayor may designate.

An agency head may, at the agency head's discretion, require additional personnel to attend annual ethics training.

7.8 Routine training. ~~A~~In addition to the initial training detailed in Paragraph 7.3, a City officer or employee not required to receive annual training as provided in Paragraph 7.7 shall attend routine ethics training as follows:

- a. **Supervisors and managers.** A City officer or employee with supervisory or managerial responsibilities, as determined by the relevant agency head, shall attend routine training every three (3) years. Supervisors and managers shall be divided into three groups for training compliance based on the year in which they started their uninterrupted employment or term of service with the City. Current City employees or officers who are promoted to supervisors and managers after January 1, 2024 shall be assigned to group A, B, or C based on the year in which the promotion occurs.

1. Supervisors and managers whose uninterrupted employment or term of service started before January 1, 2024 shall attend their ~~first~~ routine training as follows:

| <u>Group</u> | <u>Start years</u> | <u>First routine training by Routine training due</u> |
|--------------|------------------------|--|
| <u>A</u> | <u>2000 or earlier</u> | <u>December 31, 2024 and every three years thereafter</u> |
| <u>B</u> | <u>2001-2012</u> | <u>December 31, 2025 and every three years thereafter</u> |
| <u>C</u> | <u>2013-2023</u> | <u>December 31, 2026 and every three years thereafter</u> |

2. Supervisors and managers whose promotion or uninterrupted employment or term of service starts on or after January 1, 2024 shall attend routine training as follows:

| <u>Group</u> | <u>Start years</u> | <u>Routine training due</u> |
|--------------|--|---|
| <u>A</u> | <u>2024</u> <u>2027</u> <u>2030</u> <u>2033</u> | <u>Every three years starting in 2027</u> |
| <u>B</u> | <u>2025</u> <u>2028</u> <u>2031</u> <u>2034</u> | <u>Every three years starting in 2028</u> |
| <u>C</u> | <u>2026</u> <u>2029</u> <u>2032</u> <u>2035</u> | <u>Every three years starting in 2029</u> |

Examples for Paragraph 7.8(a)

- 1) A supervisor hired in 2011 must attend their first routine training no later than December 31, 2025. Their next routine training will be due by December 31, 2028.
- 2) A manager promoted in 2027 must complete their first routine training by December 31, 2030. Their next routine training will be due by December 31, 2033.

b. Other City officers and employees. A City officer or employee not covered by Paragraphs ~~7.7 or 7.8~~ 7.7 or 7.8(a) shall attend routine training every five (5) years. These City officers and employees shall be divided into five groups for training compliance based on the year in which they started their uninterrupted employment or term of service with the City as follows:

| <u>Group</u> | <u>Start years</u> | <u>Routine training due</u> |
|--------------|--------------------------------|---|
| <u>D</u> | <u>Years ending in 0 and 5</u> | <u>December 31, 2025 and every year thereafter Years ending in 0 and 5</u> |
| <u>E</u> | <u>Years ending in 1 and 6</u> | <u>December 31, 2026 and every year thereafter Years ending in 1 and 6</u> |
| <u>F</u> | <u>Years ending in 2 and 7</u> | <u>December 31, 2027 and every year thereafter Years ending in 2 and 7</u> |
| <u>G</u> | <u>Years ending in 3 and 8</u> | <u>December 31, 2028 and every year thereafter Years ending in 3 and 8</u> |
| <u>H</u> | <u>Years ending in 4 and 9</u> | <u>December 31, 2029 and every year thereafter Years ending in 4 and 9</u> |

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Examples for Paragraph 7.8(b):

- 1) An employee starting in 2023 must attend their first routine training by December 31, 2028. Their next routine training must be completed no later than December 31, 2033.

2) Employees who started in 2004 must attend their first routine training by December 31, 2029. Their next routine training must be completed no later than December 31, 2034.

7.9 Additional training. The Board may from time-to-time determine that additional training is required for some or all City officers and employees. In assessing whether additional training is necessary, factors the Board may consider include:

- a. Amendments or additions to the ethics laws, including the degree of substantive change represented by such amendments or additions;
- b. Issuance of significant Board opinions interpreting the ethics laws;
- c. Other significant events or legal developments that may indicate that additional training is appropriate;
- d. The availability, feasibility, and cost of methods of delivering training, such as online training platforms;
- e. Trends in advice, compliance, or enforcement matters that may indicate additional training is needed; and
- f. The departmental assignment or responsibilities of City officers or employees.

SUBPART D. COMPLIANCE ~~AND RECORDKEEPING.~~

7.10 Compliance. Each agency head shall cooperate with the Board to ensure compliance with the training requirements for City officers and employees, including through the provision of information necessary to determine who is required to receive training pursuant to the requirements of ~~Subsections~~Paragraphs 7.7, 7.8 and 7.9 above.

SUBPART E. REMEDIES

~~7.1 — An officer or employee of the City shall be subject to a civil penalty of up to \$250 for failure to attend a training.~~

~~7.2 — An agency head shall be subject to a civil penalty of up to \$250 for failure to provide a copy of the ethics laws to a City officer or employee.~~

7.11 Failure to comply with the requirements set forth in Subparts B-D of this regulation may result in penalties as further provided for in Philadelphia Code Section 20-1301.

Approved for public comment by Board: August 16, 2023

Posted for public comment by Records: August 18, 2023

Hearing held: September 27, 2023

Adopted by Board:

Effective:

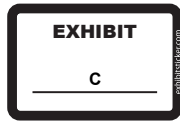
Approved for public comment by Board: October 21, 2009 ~~Posted for~~

~~public comment by Records:~~

Posted for public comment by Records:

Effective: November 25, 2009

Testimony of Sarah E. Stevenson, Chief Integrity Officer, City of Philadelphia



**Board of Ethics Public Hearing for Proposed Regulation 7
Wednesday, September 27, 2023**

Good afternoon, Chair Reed, Board of Ethics members, and staff. I am Sarah Stevenson, Chief Integrity Officer for the City of Philadelphia. I am here today to testify on behalf of the Kenney Administration on proposed Regulation 7. Kudos to the Board for focusing on workforce training. We all know that public sector employment comes with several restrictions that do not exist in other sectors. Education is the first step to compliance, which instills public trust in our municipal operations. With that said, I'd like to offer several comments on the proposed regulation, including, respectfully, some proposed changes.

First, simplify the training cycles. The City currently does not have an adequate tool to track compliance for this type of enterprise-wide training, particularly with 3 different training cycles. Given experience with other citywide training programs, and for administrative efficiency, we propose either a 1 and 3 year training cycle, or 1 and 5 year training cycle.

Second, revise the penalty and acknowledgement provisions. I understand these provisions also live in Philadelphia Code sections 20-606 and 20-1300. However, they should be amended or eliminated. Workforce training should be viewed as enriching and beneficial to our employees, not attended under threat of fine. Failure to attend can be addressed through existing evaluation and discipline processes. The fines should be eliminated, or at the very least narrowed to address defiant or chronic absentees. Signed acknowledgements are also an impractical method for compliance. I recommend that section also be stricken as unnecessary under the law.

Third, no matter which training cycle you ultimately choose for workforce refreshers, the cycles should be made clear to employees, management, and HR professionals who will be responsible for meeting those compliance dates. To offer the smoothest and most robust training and compliance operation possible, with the tools currently at hand, it's prudent for the City and Board staff to work together on an implementation plan, and that will take time. The proposed roll-out schedule allows about one year to plan and deliver this ongoing, Citywide programming, which I believe should be sufficient.

Thank you for the opportunity to appear here today. Again, thank you for addressing this important issue.