

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY**



Office of Government Ethics

IN RE: Gerren Price,

Respondent

CASE No.: 1426-001



NOTICE OF VIOLATION

Pursuant to the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 ("Ethics Act"), effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 (2014 Supp.)), the Director of Government Ethics completed a preliminary investigation and presented evidence to the Board of Ethics and Government Accountability (the "Ethics Board") that there is reason to believe the Respondent named above violated the District Code of Conduct.

The Ethics Board has reason to believe you violated two sections of the District Code of Conduct based on the following facts and evidence uncovered during the preliminary investigation and presented to the Ethics Board:

1. Respondent is the Deputy Director for Business Engagement for the District Department of Employment Services ("DOES").

2. Prior to holding that position, until December 2015, Respondent was the Deputy Director of the Youth Workforce Development Department, Office of Youth Programs ("OYP") for DOES.
3. The Office of Youth Programs runs the Summer Youth Employment Program ("SYEP") and the Marion Barry Youth Leadership Initiative each year.
4. In early 2015, the SYEP was expanded to include 22-24 year olds. Because this new age group was brought into the program, DOES had to hire fifteen temporary staff to serve as Case Managers for the 22-24 year old program participants. Ten of the Case Managers were employed by DOES, and five were contract employees.
5. On Monday June 22, 2015, Respondent approved the use of two Position Numbers for the Case Manager positions.
6. Later that same day, Respondent sent an email to all OYP staff, with the subject line "URGENT – Job Opportunity." The email described the ten Case Manager positions for which DOES was hiring and the requirements for applicants. Respondent also stated in the email that resumes for the position should be submitted to him by no later than 5:00 p.m. the next day.
7. Rather than resumes being sent directly to DOES Human Resources, Respondent was the point of contact for resumes for the Case Manager positions.
8. Three hours after Respondent sent the "Job Opportunity" email on June 22, 2015, [REDACTED] sent an email to Respondent, with the subject "[REDACTED] Resume." The text of the email read, "[p]lease see resume attached." [REDACTED] resume was attached.
9. [REDACTED] is Respondent's sister-in-law ([REDACTED] is the sister of Respondent's spouse).

10. Less than a half hour after receiving [REDACTED] email, at 10:27 p.m., Respondent replied to [REDACTED] email. His email stated: "Thank you, [REDACTED] I will forward your resume to our HR Department for consideration. You will hear from us soon."
11. On Tuesday June 23, 2015, [REDACTED] the Human Resources Manager for DOES, emailed Respondent and carbon copied Associate Director of OYP, [REDACTED] who is subordinate to Respondent, asking Respondent to "[p]lease send me your employees ASAP." [REDACTED] indicated she needed to submit all finalized packets to DCHR by 5:00 p.m. the next day.
12. The next day, Wednesday June 24, 2015, at 8:43 a.m., Respondent responded to [REDACTED] email stating "I will have these to you by noon. Do you need anything besides their resume?"
13. Respondent printed all of the resumes he received for the Case Manager position, including [REDACTED] and gave them to his team, [REDACTED] and [REDACTED] [REDACTED] another of Respondent's subordinates who manages the 14 to 21 year old SYEP program.
14. Respondent did not tell anyone on his team that [REDACTED] was his relative.
15. Respondent's team reviewed the resumes based on the requirements for the position, and handed approximately 10-15 resumes from the original total to DOES Office of Human Resources. [REDACTED] resume was included in this group.
16. DOES Human Resources began the onboarding process with each of the resumes given to them.
17. On Wednesday June 24, 2015 at 5:07 p.m. [REDACTED] the head of DOES Human Resources, sent an email to [REDACTED] from the DOES HR email account,

entitled "Notice of Tentative Selection for Workforce Development Specialist (Case Manager)." This email asked [REDACTED] to complete an application package and noted that a final job offer was contingent upon the completion of the package. The application package included a DC Government Employment Application, also known as a DC 2000.

18. [REDACTED] submitted her application package on Friday June 26, 2015. On her DC 2000 [REDACTED] listed Respondent as her "Brother-in-Law."

19. On June 29, 2015, [REDACTED] forwarded an update on the onboarding of the Case Managers to Respondent and [REDACTED]. The forwarded email contained a chart listing twelve names, including [REDACTED] and the status of each person's application package. Above the chart the Management Liaison assigned to onboard the Case Managers, [REDACTED] stated: "Below is the status of each resume submitted." [REDACTED] pointed out in her email that they were "down to nine" applicants for the Case Manager positions, due to two applicants failing to respond.

20. [REDACTED] had responded and provided a complete application package.

21. Respondent responded to [REDACTED] by asking if he could send her another resume in place of the two who had not responded, noted that he could not give references for any of the applicants, and offered to get in touch with the two non-responsive individuals.

22. On July 1, 2015, [REDACTED] informed Respondent via email that all offer letters had been sent for the Case Manager positions.

23. On July 2, 2015, [REDACTED] sent [REDACTED] an email alerting her that her "offer letter of employment" had been sent to her via email on July 1st, and asked her to review the offer and accept or decline the position.

24. Also on July 2, 2015, Respondent sent an email to one of his two subordinates who would be directly supervising the Case Managers, with resumes of all the successful applicants attached. [REDACTED] resume was attached.
25. [REDACTED] offer letter indicated that she was selected for the Career Service Temporary position of Case Management Specialist, CS-301-09/0, a position in the Office of Youth Programs. The effective date of her appointment was July 6, 2015. The position was a temporary appointment not to exceed 120 days that would expire on Friday November 6, 2015.
26. [REDACTED] accepted the offer and began working as a Case Management Specialist on July 6, 2016.
27. The classification of the Case Management Specialist positions had expired on June 27, 2012.
28. In order to reclassify the position, Respondent signed off on two different versions of D.C. Optional Form 8 (OF-8) pertaining to the Case Management Specialist position. The first OF-8 was a reclassification for the position at the CS-301-08 grade level. After DOES Human Resources determined they needed to assign a different pay grade, Respondent signed another OF-8 reclassifying the Case Management Specialist position at the CS-301-09 level.
29. Both of these forms approving reclassification of the Case Management Specialist position were signed by Respondent on July 10, 2015, over a week after Respondent's sister-in-law had accepted her offer of the Case Management Specialist position and over a week after Respondent had been informed of that fact.
30. In Job Science, the software program used by human resources departments throughout the District, Respondent is listed as the Hiring Manager on [REDACTED]

██████ application paperwork. On the requisition paperwork for the Case Management Specialist position in Job Science, Respondent is also listed as the Hiring Manager.

31. On July 14, 2016, Respondent emailed one of his subordinates who was supervising the Case Managers and asked her to check with a specific person, ██████ on the PeopleSoft status of the Case Managers. He stated "I want to make sure they all have time entered and can get paid for this next pay day."
32. The employee responded: "Only ██████ had issues since she was out. I am sending an email to ██████ now."
33. Respondent then forwarded the employee's response to another DOES employee, who is his wife and ██████ sister, stating, "[s]he should have an email with log in info."
34. On November 7, 2015, a DC Standard Form 52- Request for Personnel Action was filed. This form requested an eight month extension of ██████ term of service. Form 52s requesting extensions for five other Case Management Specialists like ██████ were also filed.
35. Respondent's name appears on each of the forms under "Requested By," but the form is signed by ██████ whose name appears below Respondent's name in that section.
36. An additional Form 52 requesting recruitment for a temporary "Workforce Development Specialist" position not to exceed September 30, 2016, with ██████ ██████ name written in the top right hand corner, was signed by Respondent.

37. At no point during the process of hiring [REDACTED] as a Case Management Specialist did Respondent recuse himself or file a written recusal from the hiring process.
38. Respondent learned his relative had applied for the position on June 22, 2015, when she sent her resume to him and he responded, and he did not inform anyone involved in the hiring process she was his relative.
39. Respondent also did not recuse himself or file a written recusal from the process by which six of the Case Management Specialists, including his sister-in-law, were given extensions to their temporary service terms in November 2016.
40. Respondent's sister-in-law, [REDACTED] resigned from the District government effective February 26, 2016.
41. With respect to his conduct in submitting his sister-in-law's resume to DOES Human Resources for a position for which he approved the position numbers, he received the resumes, and he participated in the hiring process to the point where he offered to send another resume to HR to replace two non-responsive applicants and to contact those non-responsive applicants, and his signing of the D.C. Optional Form 8 (OF-8) for Case Management Specialists, CS-0301-09, reclassifying the position after he knew his relative had accepted the position and begun work, Respondent violated the following provisions of Chapter 18 of Title 6B of the District of Columbia Municipal Regulations, hereinafter referred to as the District Personnel Manual ("DPM"):

- a. Count 1: Directly or Indirectly Making a Hiring Decision¹ Regarding a Position within his Own Agency with Respect to a Relative.

¹ DPM § 1806.2(b) states that a "hiring decision" means "selecting, appointing, employing, promoting, reassigning, advancing, or advocating a personnel action."

DPM § 1806.3² in that Respondent, a public official³, advanced his relative's resume through the hiring process for Case Management Specialists, a position within the Office of Youth Programs at DOES, an office in which Respondent was the Deputy Director, by printing off her resume and giving it to his team, who then gave it to DOES Human Resources for onboarding.

b. Count 2: Directly or Indirectly Making a Hiring Decision Regarding a Position within his Own Agency with Respect to a Relative.

DPM § 1806.3 in that Respondent, as the Deputy Director of the Office of Youth Programs, requested an extension to the temporary term for six of the Case Management Specialists, and signed off on recruitment for the six Case Management Specialists to become Workforce Development Specialists.

42. With respect to Respondent's conduct in failing to file a written recusal as soon as he learned his agency was contemplating making a hiring decision concerning a relative, Respondent violated one provision of the DPM :

a. Count 3: Failing to File a Written Recusal.

DPM § 1806.6⁴ in that Respondent, who became aware of his relative applying for a position within his own office at his own agency when she

² DPM § 1806.3: "A public official may not directly or indirectly make a hiring decision regarding a position within his or her own agency with respect to a relative. Specifically, a public official may not appoint, employ, promote, evaluate, interview, or advance (or advocate for such actions) any individual who is a relative in an agency in which the public official serves or exercises jurisdiction or control. A violation of this subsection shall constitute disciplinary cause and subject the public official to disciplinary action, up to, and including removal."

³DPM § 1806.2(a) states that for purposes of Section 1806 of the DPM a "Public official" is "an officer, employee, or any other individual in whom authority by law, rule, or regulation is vested, or to whom the authority has been delegated to select, appoint, employ, promote, reassign, demote, separate, or recommend individuals for any of these actions."

⁴ DPM § 1806.6 states "[w]hen the agency contemplates making a hiring decision concerning a relative of a public official within the same agency, the public official must file a written recusal, which shall be included in the relative's official personnel file along with the subject personnel action."

submitted her resume to him on June 22, 2015, failed to file a written recusal, otherwise recuse himself, or inform anyone of his relationship to [REDACTED] for the entirety of her employment with the District.


Respondent shall file with the Ethics Board, and serve a copy upon the Director of Government Ethics, a written response that states in short and plain terms his defenses to each violation alleged and shall admit or deny the averments, set forth in each numbered paragraph above, upon which the notice of violation relies. Respondent shall serve his response within (15) days after the service of the Notice of Violation upon him. Accordingly, Respondent shall submit his response, either electronically or in hard copy, no later than the close of business on Friday June 24, 2016. If submitted in hard copy via U.S. mail, Respondent must allow sufficient time for mailing delays in that the written response must be received by the Ethics Board and the Director of Government Ethics no later than close of business on Friday June 24, 2016. Responses submitted via U.S. mail or in person shall be addressed to Robert J. Spagnoletti, Chairman, Ethics Board, and Darrin P. Sobin, Director of Government Ethics, at the address indicated below. If submitted electronically, Respondent may email his response to Robert.Spagnoletti@dc.gov and Darrin.Sobin@dc.gov.

Once Respondent has submitted his response or failed to submit a response by the due date provided, the Board shall send a Notice of Hearing to Respondent. The Notice of Hearing will provide the time, date, and location of the hearing; reference applicable statutes, rules, or regulations; state the purpose of the hearing; advise Respondent that he may be represented by counsel or other representative of his choosing; and advise Respondent that he may bring witnesses. Evidence at the hearing shall be taken in conformity with D.C. Official Code § 2-509(b) (2011 Repl.).

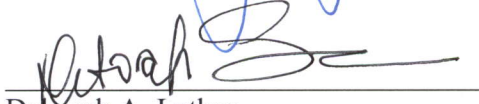
A copy of the Ethics Board rules, 3 DCMR Section 5500 *et. seq.*, which provide a description of Respondent's right to a hearing, all procedural rights available to Respondent at the hearing, and a description of the applicable law and regulations that govern the disposition of the Notice of Violation should Respondent choose not to file a response or fail to appear at a scheduled hearing, is attached to this Notice of Violation and herein incorporated by reference.

This Notice of Violation is effective upon approval of the Board of Ethics and Government Accountability, as demonstrated by the signatures of the Board below, as of the date indicated below.


APPROVED:


Robert J. Spagnoletti
Chair, Board of Ethics and Government Accountability

6/9/16
Date


Deborah A. Lathen
Board Member, Board of Ethics and Government Accountability

6/9/16
Date


Carol Schwartz
Board Member, Board of Ethics and Government Accountability

6/9/16
Date

Enclosure: 3 DCMR 5500 *et. seq.*

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