



John A. Carey
Inspector General

OFFICE OF INSPECTOR GENERAL
PALM BEACH COUNTY



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“Enhancing Public Trust in Government”

Investigative Report

2018-0008

Riviera Beach Summer Youth Employment Program

September 24, 2019



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INVESTIGATIVE REPORT 2018-0008

DATE ISSUED: SEPTEMBER 24, 2019



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RIVIERA BEACH SUMMER YOUTH EMPLOYMENT PROGRAM

SUMMARY

WHAT WE DID

On May 29, 2018, the Palm Beach County Office of Inspector General (OIG) received an anonymous complaint regarding the City of Riviera Beach (City), which alleged that then-City Council Member Lynne Hubbard (Ms. Hubbard) participated in the hiring process for the City's 2018 Summer Youth Employment Program (SYEP), in violation of the City's hiring policies and procedures.

The complainant stated that the City created four summer positions for the 2018 SYEP. The complainant asserted that Ms. Hubbard told a City employee not to interview applicants for the positions because Ms. Hubbard had already "found" four individuals to hire.

Our office initiated an investigation to determine if Ms. Hubbard participated in the hiring process in violation of any applicable City ordinances, regulations, policies, or procedures. ¹ We reviewed and analyzed City of Riviera Beach records including Advice of Personnel (AOP) Action Forms, criminal background checks and time records for 2018 SYEP

employees; 2018 SYEP Job Descriptions; City Resolution 33-18; City Policy Number PD 73-2 dated February 16, 1973, entitled "Processing of New Applicants/Employees"; and Riviera Beach City Code, Sections 2-131 through 2-136. We also interviewed current and former City personnel, as well as Ms. Hubbard.

WHAT WE FOUND

The Allegation is not supported. Although Ms. Hubbard supported and promoted the SYEP program; participated in the hiring process, to include interviewing four applicants hired for positions; and was involved in recruiting business partners to serve as Worksite Partners², we found that the allegation that Ms. Hubbard participated in the hiring process for the SYEP in violation of the City's hiring policies and procedures was not supported. However, we did find that the City staff did not comply with City Policy Number PD 73-2 because the four candidates subject to the complaint were allowed to commence working for SYEP before the City Manager gave final appointment approval or signed the AOP form.

¹ The OIG conducted several interviews with the assistance of an investigator from the Palm Beach County Commission on Ethics (COE). We defer to the COE for any analysis and review of any potential violations of the Palm Beach County Ethics Code.

² <http://www.rivierabch.com/rbsyep>

Although we did not find a specific City policy violation by Ms. Hubbard, we defer to our partners at the Palm Beach County Commission on Ethics for a determination as to whether any portion of the Palm Beach County Ethics Code was implicated.

WHAT WE RECOMMEND

The OIG recommends the City:

1. Update the City's written policies related to hiring to include guidance on the following:

- a. Methodology for selecting/shortlisting applicants for interviews,
- b. Define the level of background check necessary for employment,
- c. Standardize the process for conducting interviews, to include specifying the composition of interview panels and requiring uniform interview questions and evaluation tools, and

d. Outlining the procedure for documenting the hiring process.

2. Update the City's written policies related to the City's hiring to require management to document that all applicable background checks have been completed prior to candidates commencing employment with the City.

The City of Riviera Beach provided a written response which concurs with these recommendations. It is included in this report as Attachment 1.

Ms. Hubbard was provided the opportunity to submit a written explanation or rebuttal to the findings as stated in this Investigative Report. Ms. Hubbard did not submit a response.

BACKGROUND

The City was incorporated in 1922. The City operates under a Council-Mayor-Manager form of government. Five City Council Members are elected to three-year staggered terms and are responsible for the legislative and policymaking functions of the City, and the Council appoints a City Manager who manages the day-to-day functions of the City. The Mayor is a non-voting Council Member.



The City began their Summer Youth Employment Program in 2017. That program was designed to place and train students in meaningful employment opportunities.³ The City's 2018 Summer Youth Employment Program was envisioned and proposed by then – City Council Member Lynne Hubbard. The program was intended to place students in meaningful employment, and in doing so create and sharpen their marketable skills.

On April 4, 2018, the City Council approved four job descriptions for the Summer Youth Manager, Summer Youth Staff Advocate, Summer Youth Developer, and Summer Youth Coordinator and voted to transfer \$174,000 from the City Manager's Salary and Wages expenditure account to the General Fund Youth Empowerment Account for the SYEP to fund those positions. The City eventually hired a SYEP Manager, one SYEP Youth Advocate, a SYEP Coordinator, and an SYEP Job Developer.

ALLEGATIONS AND FINDINGS

Allegation:

Then-Riviera Beach City Council Member Lynne Hubbard participated in the hiring process for the City's 2018 Summer Youth Employment Program (SYEP) in violation of the City's hiring processes and procedures.

Governing Directives:

City of Riviera Beach Policy Number PD 73-2 (Processing of New Applicants/Employees).

Finding:

The information obtained **does not support** the allegation.

The City's Policy and Procedure Number PD 73-2 entitled "Processing of New Applicants/Employees," became effective on February 16, 1973. It states:

1.0 PURPOSE

- 1.1 To establish standardized method of processing new employees.

³ The OIG's investigation contained no allegation relevant to the 2017 SYEP.

2.0 GENERAL

.....

2.2No person shall be employed by any department or divisional head within the City unless such employment has been processed in accordance with above references and received final appointment approval by the City Manager or his designated representative, the Director of Personnel.....

3.0 PROCEDURE

3.1No applicant will be approved for employment without the concurrence of the Department Head. No applicant will be approved for employment without approval of references (if applicable), medical history and appropriate Civil Service Board Policy.

3.2 To insure these procedures are followed and no applicant is employed who could cause claims against the City or claims against a Department Head, applicants will be provided an Advice of Personnel Action (Department copy) over printed with processing check list of interested departments.....Under no circumstances will any applicant/employee begin work until all processing divisions have initialed this A.O.P. and cleared by Personnel office. No applicant/employee will be employed/ transferred or actually placed on-the-job until approval is received by the Department Head or his representative.

3.3 In unusual circumstances, and where administrative delays may be encountered, verbal approval may be requested by Department Heads. However, such approval will only be granted under emergency situations and after the applicant/employee has completed as a minimum, interviews (Dept, and Personnel), medical and insurance processing.

Our office reviewed documents and conducted interviews relating to the City's processing of four new applicants/employees identified in an anonymous complaint and Ms. Hubbard's role in that process.

Interviews were as follows:

Interviews with Former City of Riviera Beach SYEP Staff:

- Gregory Richardson (Mr. Richardson), former SYEP Manager

Mr. Richardson told the OIG that he applied online for the SYEP Program Manager position and received a call from Ms. Hubbard for interview. He was interviewed by a panel that included Ms. Hubbard, former Riviera Beach Police Chief Clarence

Williams, and Youth Empowerment Program⁴ Director Valerie Grimsley (Ms. Grimsley). Around late April or early May 2018, about a week after his interview, Ms. Hubbard called Mr. Richardson to tell him to show up for work.

- Carmen Banner, former City of Riviera Beach SYEP Job Developer

Ms. Banner told the OIG that she saw the SYEP job on the City website. She called her friend, Ms. Hubbard, whom she has known for about 28 years. Ms. Banner applied for the job. Around late April or early May 2018, Ms. Grimsley called her to schedule an interview. The interview panel consisted of Ms. Grimsley, Ms. Hubbard, and Mr. Williams.

- Beverley Poole, former City of Riviera Beach SYEP Job Developer

Ms. Poole told the OIG that she was told about the job by her former boss in a State government position, Maryanne Garrett. Ms. Garrett told Ms. Poole that it was Ms. Hubbard's program, and that she had given Ms. Poole's phone number to Ms. Hubbard. Prior to applying for the job, Ms. Poole received a call from Ms. Hubbard. Ms. Poole later went online and applied. She was called for an interview by Ms. Hubbard, and her interview panel in May 2018 consisted of Mr. Williams, Ms. Hubbard, and Ms. Grimsley. Either Ms. Hubbard or Ms. Grimsley subsequently contacted her to offer her the job.

- Shirley Madison Brooks, former City of Riviera Beach SYEP Coordinator

Ms. Brooks told the OIG that she learned about the SYEP job opening from the City's website. She applied for the job online, and then received a call from Frank Zuniga (Mr. Zuniga) in the City's Human Resources Department (HR). She was interviewed in May 2018 by Ms. Grimsley, Mr. Williams, and Ms. Hubbard. Mr. Zuniga contacted her again after her interview and informed her that she had been hired.

Interviews with City of Riviera Beach Employees:

- Frank Zuniga, City of Riviera Beach Human Resources Personnel Generalist

Mr. Zuniga told the OIG that HR advertises positions at the request of City department directors. Typically, when the decision is made to hire staff, Mr. Zuniga is given an AOP form signed by the City Manager and requesting department director. Once a hiring decision is made, Mr. Zuniga gives applicants any required federal forms, conducts any required background checks, and sends applicants for their medical exam.

⁴ The SYEP was placed under the direction of Ms. Grimsley, who was the Director of the City Youth Empowerment Program.

Mr. Zuniga stated that the SYEP is under the Executive Department, which is headed by the City Manager. Mr. Zuniga advertised four positions for the SYEP. Mr. Zuniga saw the applications for those positions, but did not review them when they came in. Mr. Zuniga stated that these were temporary positions which were non-civil service, and he told the OIG that he does not review non-civil service job applications. After the job postings for a non-civil service position close, Mr. Zuniga stated that the process would be for the department director to review the applications and select the individuals they want to hire. HR does not send the applications to department heads. Rather, they are given access to the applications on the Applicant Pro system. After candidates were selected for SYEP jobs, the applications of the selected individuals were sent to HR by Ms. Grimsley's division within the City Manager's department. Mr. Zuniga stated that he is the person who runs background checks, and that he is fairly confident that all four of the SYEP staff had background checks run and that he would have been the one to cause them to have been run by a private company.

Normally, Mr. Zuniga said that someone in HR has some involvement in reviewing and approving the questions that will be asked in interviews. Mr. Zuniga did not see that occur with the SYEP. He had no involvement with writing questions for the SYEP interviews. Usually, someone from HR is part of the interview panel. Mr. Zuniga does not know who was on the interview panel for the SYEP applicants, nor when the interviews took place. He stated it is not normal that he did not know these things, though it has happened before. According to Mr. Zuniga, Ms. Grimsley told Marie Sullin in Risk Management that Ms. Grimsley and Ms. Hubbard were conducting the interviews. Mr. Zuniga has never seen a Council Member sit on a hiring panel.

Other than the 1973 policy and the portion of the City's ordinance concerning hiring processes, Mr. Zuniga is not aware of any other written or official City policy or procedure that guides hiring or onboarding process. Mr. Zuniga stated background checks are conducted on all City hires. Although there is no written policy that states this is a requirement, it is the normal practice.

Mr. Zuniga stated that although Ms. Hubbard tried to contact him several times during the SYEP process, Mr. Zuniga does not recall ever actually speaking with her.

- Eureka Irvin, City of Riviera Beach Interim Human Resources Director

Ms. Irvin told the OIG that there is no HR policy for setting up a hiring board; departments submit requests to advertise job openings, and HR advertises them. Before the 2018 SYEP, no Council Member had been a member of a hiring board. It is not typical for a Council Member to tell HR to hire specific persons or for HR to print out and forward applications to a Council Member. The City's hiring policies have been unchanged since 1973.

Ms. Irvin stated that HR printed the applications it received for 2018 SYEP jobs and forwarded them to Ms. Hubbard's office because she was the person who contacted HR about the positions. After that, HR had no involvement in the SYEP process until they were told the names of the people who would be hired. According to Ms. Irvin, Ms. Hubbard called HR and said she was sending the SYEP hires for processing.

Ms. Irvin said that Ms. Hubbard also called her just prior to the program starting and told her that she (Ms. Hubbard) had given Mr. Zuniga the applications for the SYEP hires two weeks prior to that time, that they had yet to be processed, and that people were scheduled to start work that coming Monday. Ms. Irvin told Ms. Hubbard that those individuals would be hired pending the results of background checks. Ms. Irvin told the OIG that at that time, HR had not yet received any of the applications to which Ms. Hubbard was referring. That was the only time Ms. Irvin felt pressured by Ms. Hubbard regarding this program.

When applicants come in to HR for processing, HR does a criminal background check through its contractor, Priority Research. As far as Ms. Irvin knows, all of these applicants passed the background check. The person who does the processing is Mr. Zuniga.

- Valerie Grimsley, City of Riviera Beach Youth Empowerment Program Director⁵

Ms. Grimsley stated that she had worked for the City for 12 years as the Youth Empowerment Director. Ms. Grimsley said that she was only the head of the 2018 SYEP on paper; Ms. Hubbard actually ran the program. She does not know who wrote the job descriptions for the SYEP staff, and she did not contact HR to advertise the positions- she said Ms. Hubbard was in charge of that.

Roughly one hundred applications were submitted; however, Ms. Grimsley was not involved in the shortlisting process to identify the original four candidates for interviews. Ms. Grimsley stated that Ms. Hubbard called her and said she had set up four interviews for the SYEP staff positions, but did not tell her the names of the individuals. She is not sure what Ms. Hubbard's intent was on the day of the interviews, but while she sat on the interview panel she got the feeling that the intent was to hire those four people. Ms. Grimsley did not feel like she had a say in who was hired for the four positions. Former City Police Chief Clarence Williams was the third member of the panel for these four interviews. Ms. Grimsley stated that the interview panel did not have scoring sheets. There was a second set of interviews with six other candidates selected by Ms. Grimsley, but Former Chief Williams did not participate. Ms. Grimsley stated she did not do the paperwork processing through HR for the 2018 SYEP.

⁵ Ms. Grimsley was interviewed by partner agencies. An audio recording of her interview was provided to the OIG.

Ms. Grimsley said the interview process was in stark contrast to other interview processes she had been involved with in that department representatives and representatives from HR usually participate in the process. Scoring sheets and questions for the applicants are developed and used during the interviews.

- Karen Hoskins, then City of Riviera Beach City Manager

Ms. Hoskins told the OIG that the process for the 2018 SYEP started at a City Council meeting when Ms. Hubbard proposed it. Ms. Hoskins then met with Ms. Hubbard and Ms. Grimsley to go over the program details and Ms. Hubbard's vision for the program. They plotted out the budget numbers and put together an agenda item to be presented to the City Council. They also discussed job descriptions and came up with the general requirements and duties for those positions. However, Ms. Hoskins does not recall whether Human Resources ultimately incorporated the requirements from Ms. Grimsley and her into the job descriptions.

Ms. Hoskins said Ms. Hubbard initially approached her about the 2018 program. It is not abnormal for Council Members to take the lead on their ideas and request that Ms. Hoskins bring the matter before the entire Council. Ms. Hoskins thinks Ms. Hubbard also took the lead on the 2017 SYEP, which ended up being run by Ms. Grimsley. Ms. Hoskins believes that Ms. Grimsley's involvement in the 2017 SYEP is why she had Ms. Grimsley attend the 2018 meeting.

Ms. Hoskins stated that structurally, the SYEP was underneath Ms. Grimsley. Ms. Grimsley told Ms. Hoskins that there were certain candidates that Ms. Hubbard was trying to hire, and expressed concern with the manner in which Ms. Hubbard was conducting the interviews for the SYEP staff. Ms. Hoskins called Ms. Hubbard and told her she should not be involved with the hiring process, but rather should let the staff do their jobs. However, Ms. Hoskins believes that by that point Ms. Hubbard had already sent paperwork to HR and told them who to hire.

Ms. Hoskins believes the SYEP staff starting working before they had been cleared by HR. She recalls Ms. Hubbard stating that she had the staff start a week or two early because she had things she needed them to do. Ms. Hoskins told the OIG that they should not have been working before being cleared by HR.

Ms. Hoskins said employees are not supposed to start working until their AOP form has been signed, and they have an assigned start date. On the AOP forms, there are spaces for signatures from HR, the department head, and the City Manager. In the case of the 2018 SYEP program, which was under the City Manager's Department, Ms. Grimsley would have initialed the form and it would have been subsequently signed by the City Manager as the Department Head. Normally, the AOP is signed by the department head, then HR, then the City Manager, and then back to HR, and a start date would be assigned. When it goes from the department head to HR, HR confirms that the background check has been passed.

Interview of Former City of Riviera Beach Council Member Lynne Hubbard:

- Ms. Hubbard told the OIG that the SYEP was her idea and initiative for the City. She said she put together a committee to design the program, and presented the program to the City Council. Before putting the program in front of the Council, Ms. Hubbard spoke with Ms. Grimsley, who said she understood Ms. Hubbard's vision. They made an organizational chart which put the SYEP under Ms. Grimsley.

Ms. Hubbard stated that Ms. Grimsley set up SYEP job interviews and helped to formulate the interview questionnaires for some of the positions. Ms. Hubbard was on the panel for interviews and hiring selections. Everyone was sent through appropriate HR processes. Ms. Hubbard believes that allegations of impropriety in the program were political retribution against her.

Records regarding the City's processing of four new applicants/employees were as follows:

Former-City Manager Hoskins signed AOP forms for Mr. Richardson, Ms. Banner, Ms. Poole, and Ms. Brooks on May 31, 2018 as both Department Head and City Manager. City Records show all four individuals were designated as "employed" effective May 14, 2018, and were working before City Manager Hoskins signed the forms.

Records obtained from Riviera Beach's Risk Manager and reviewed by the OIG show that criminal background screenings for Mr. Richardson and Ms. Poole were ordered by Mr. Zuniga on May 14, 2018 and completed on May 15, 2018, and that the criminal background screening was ordered and completed for Ms. Banner on May 15, 2018. The records for Ms. Brooks show the criminal background screening was ordered on May 31, 2018 and completed on June 1, 2018.

Thus, we found that the City did not comply with City Policy Number PD 73-2.

OIG Conclusion

Our investigation revealed that the HR department advertised the positions approved by the City Council, as is customary in the City; the four individuals who were hired for the SYEP were interviewed by a panel that included the twelve year Program Director for the Youth Empowerment Program who was charged with running SYEP, Ms. Hubbard, and former Chief of Police Williams; and criminal background checks were performed for the four individuals. **Although Ms. Hubbard supported and promoted the SYEP program; participated in the hiring process, to include identifying individuals for interviews and interviewing applicants; and was involved in recruiting business partners to serve as Worksite Partners, we found that the allegation that Ms. Hubbard participated in the hiring process for the SYEP in violation of the City's hiring policies and procedures was not supported. At the time of these events, the City's**

ordinances, regulations, policies, or procedures did not specifically prohibit Ms. Hubbard's alleged actions.⁶

Nevertheless, several individuals advised that the process used to hire the four individuals subject to the complaint was not consistent with the City's standard practice and that Ms. Hubbard encouraged City staff to hire individuals she selected. Although we did not find a specific City policy violation by Ms. Hubbard, we defer to our partners at the Palm Beach County Commission on Ethics for a determination as to whether any portion of the Palm Beach County Ethics Code was implicated.

We did find that the City did not comply with City Policy Number PD 73-2 because the four candidates who were hired for the SYEP were allowed to commence working for SYEP before the City Manager gave final appointment approval or signed the AOP form.

As such, the allegation is not supported.

ACKNOWLEDGEMENT

The Inspector General's Investigations Division would like to thank the City of Riviera Beach staff for their cooperation throughout this investigation.

RECOMMENDED CORRECTIVE ACTIONS

The OIG recommends the City:

1. Update the City's written policies related to hiring to include guidance on the following:
 - a. Methodology for selecting/shortlisting applicants for interviews,
 - b. Define the level of background check necessary for employment,
 - c. Standardize the process for conducting interviews, to include specifying the composition of interview panels and requiring uniform interview questions and evaluation tools, and
 - d. Outlining the procedure for documenting the hiring process.
2. Update the City's written policies related to the City's hiring to require management to document that all applicable background checks have been completed prior to candidates commencing employment with the City.

RESPONSE FROM THE CITY OF RIVIERA BEACH

Pursuant to Article XII, Section 2-427 of the Palm Beach County Code, the City of Riviera Beach was provided the opportunity to submit a written explanation or rebuttal to the findings as stated in this Investigative Report within ten (10) calendar days. The City's written response is included in this report as Attachment 1.

⁶ In March 2019, City voters approved amending the City charter to prohibit individual Council Members from giving orders to the City Manager or employees under the City Manager's supervision.

RESPONSE FROM MS. HUBBARD

Pursuant to Article XII, Section 2-427 of the Palm Beach County Code, Ms. Hubbard was provided the opportunity to submit a written explanation or rebuttal to the findings as stated in this Investigative Report within ten (10) calendar days. Ms. Hubbard did not submit a response within ten (10) calendar days.

This Investigation has been conducted in accordance with the ASSOCIATION OF INSPECTORS GENERAL Principles & Quality Standards for Investigations.

ATTACHMENT 1



CITY OF RIVIERA BEACH

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September 18, 2019

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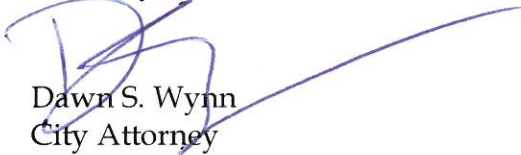
Dear Mr. Robinson:

Staff concurs with the Office of Inspector General's recommendation.

As noted by the Office of Inspector General, the City of Riviera Beach has not updated its hiring policies since 1973. The City has four (4) employee unions as well as a Civil Service Board and must also amend its 1973 Human Resources Code.

The City of Riviera Beach plans to update/revamp all of its hiring policies. The Office of Inspector General's recommendations will be implemented as soon as practicable.

Sincerely,



Dawn S. Wynn
City Attorney

CC: Jonathan Evans, City Manager
Eureka Young, Interim HR Director

DW:sc

