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July 26, 2023

Lisa Y. Gordon
Chief Operating Officer
55 Trinity Avenue SW, Suite 2500
Atlanta, GA 30303

Dear COO Gordon:

The Compliance Division of the City of Atlanta Office of the Inspector General (OIG) conducted a review of the 2022 Annual City of Atlanta Employee's Giving Campaign (the 2022 Campaign), which was managed by United Way of Greater Atlanta (UWGA), a private nonprofit organization. OIG review revealed issues concerning the implementation and administration of the 2022 Campaign. OIG recommends the City execute future campaigns in a manner that ensures compliance with City laws.

Background

The 2022 Campaign was initiated in January 2022 via a citywide email from Mayor Andre Dickens that provided a link to a UWGA website where employees could donate. The City's official seal accompanied the email. In April 2022, Dickens announced the results of the 2022 Campaign. Dickens reported that the City pledged \$102,431.38 in donations to the 2022 Campaign. Dickens also announced that five City departments: the Department of Law (Law), Department of Aviation (Aviation), Department of Watershed Management (DWM), and Atlanta Fire and Rescue Department (AFRD), led the City in pledge donation totals and department participation rates. The email detailed department participation percentages and department pledge donation totals. Following the City's release of the 2022 Campaign donor statistics, OIG questioned whether UWGA had provided the City with City employee data (and/or that the City had supplied UWGA with City employee information), and how the City obtained department-pledged donation and participation data. OIG initiated an investigation and took a number of investigative actions, including, but not limited to, reviewing City records and laws and public websites, and conducting interviews.

After consulting with Ethics at the beginning and end of the 2022 Campaign, in February 2023, OIG solicited feedback from Ethics regarding OIG's investigative findings. With respect to potential ethical violations, Ethics informed OIG that it did not agree with OIG's conclusions. Accordingly, please note that this referral letter solely reflects the findings and impressions of OIG.

Findings

From the data and records collected—through interviews with the City’s 2022 Campaign Administrator, and the UWGA staff responsible for creating and managing the 2022 Campaign’s website, and a review of email, electronic files, 2022 Campaign documentation provided by the City and UWGA, Atlanta Code, personnel files, and public source information (e.g., the UWGA website, the 2022 Campaign website)—OIG was able to determine the details below about the 2022 Campaign.

The 2022 Campaign was a collaboration between the City and UWGA to support nonprofit service providers that operate in the metropolitan Atlanta area. Records obtained indicate that the City has hosted an annual fundraising campaign, in some capacity, since as early as 1995. The 2022 Campaign was funded by pledged donations from City employees. During the 2022 Campaign, City employees were invited to pledge a tax-deductible donation in the form of a one-time gift payment and/or by establishing a recurring donation deducted from the employees’ earnings.

In January 2022, the Mayor’s Office sent the 2022 Campaign kickoff letter via a citywide email. In the email, Dickens informed City employees that the 2022 Campaign theme was “A Giving Hand, A Giving Heart.” The UWGA logo appeared in the 2022 Campaign header graphic along with the City’s official seal, which also appeared twice in the letter.



Greetings City of Atlanta Employees,

As the Mayor of the City of Atlanta, I am proud of the commitment you all make towards supporting our

Header to January 2022 Campaign kickoff letter

As part of the 2022 Campaign, the City selected “Ambassadors,” employees within each city department, to manage campaign activities. Ambassadors were recommended for the role by members of the Mayor’s cabinet. Of the 17 Ambassadors selected to represent their respective departments, at least six performed supervisory duties or had subordinate employees and at least two held senior management positions.

Prior to the 2022 Campaign kickoff, Ambassadors attended a training where they received instruction on their roles and responsibilities. Ambassadors were instructed to establish and lead their own support team within their department to promote and fundraise for the 2022 Campaign. Some fundraising methods recommended to Ambassadors during the training included: asking

City employees to give to the campaign, holding weekly meetings with their team to discuss the progress of the 2022 Campaign, using media and email to promote the campaign, setting up volunteer activity through UWGA, inviting UWGA speakers to staff meetings, sharing UWGA social media accounts, hosting special events, and asking department leadership to publicly endorse the 2022 Campaign. In one training slide, Ambassadors were instructed to “ask everyone to give.”

The City also appointed a Campaign Administrator to manage the 2022 Campaign. The Campaign Administrator had numerous responsibilities including, but not limited to, operating as a point of contact between UWGA and the City, coordinating with Ambassadors to ensure that the 2022 Campaign was progressing as desired, maintaining campaign documents and information, and obtaining approvals for official statements regarding the campaign from the Mayor and senior executive staff.

Employees pledged donations through an online electronic pledge platform on the UWGA website. Prior to initiating the 2022 Campaign, the City provided UWGA with a demographic file for each current City employee. The demographic file included the employees’ first and last names, employee identification numbers, department/divisions, pay period, and email addresses. While most email addresses provided to UWGA used the domain name “atlantaga.gov” or “atl.com,” several others used domain names such as “gmail.com” or “yahoo.com” and appeared to be the employees’ personal, non-city issued, email addresses. The City also provided UWGA a list of City of Atlanta employees (along with the employee’s department and division) who previously pledged donations through prior annual employee giving campaigns.

The 2022 Campaign kickoff email and subsequent campaign emails contained a link that directed the employee to an individualized webpage hosted on the UWGA site. The employee was not prompted to log in or enter any identifying information after clicking on the link. On the webpage, the employee was given the option to pledge donations to City-endorsed programs or to search for and select a program or organization from a list of approximately 140 available potential recipients on the UWGA site. After selecting a charity to pledge donations, and choosing a payment method, the employee was then directed to a third-party secure site for payment information. OIG did not observe any link to a City of Atlanta site, or any information indicating that the employee’s payment was processed by the City of Atlanta.

Before the 2022 Campaign, employees were assigned a UWGA account profile. Employees could view their UWGA account profiles on the “My Account” tab located on the 2022 Campaign donation website. In the UWGA account profile, the following fields were prepopulated: first and last name, work email address, address, address state, address country, employee identification number, UWGA number, and employer. On the account profile, the employer was identified as “City of Atlanta” without the employees’ department or division information. The profile also included blank tabs for date of birth, home address, work, and home telephone number. The employee could choose to enter this information into the tabs. While the employee’s department and division was not a visible entry on the employee’s account profile, this information had already been entered into the employee’s profile and was visible by UWGA staff, the Campaign Administrator, and the Ambassador of the employee’s department.

If employees chose to pledge a donation, UWGA provided employees an option to decline to release their name to the “agency receiving the donation.” UWGA also provided an option for employees to submit a pledge anonymously. Finally, employees could decline to provide optional demographic information (DOB, ethnicity, and marital status) to UWGA that UWGA solicited for “ID and data quality purposes only.” UWGA provided an option to prevent employees’ personal information from being released to other third parties.

OIG did not observe any notice or communication to employees that, when logging onto the site, employment information such as their division, department, contribution amount, etc. was recorded and viewable by City staff. Nor did OIG observe any option that would permit the employee to shield this information from the City.

Ambassadors were able to view employee pledges and participation detail only for employees within their departments. In addition to that capability, the Campaign Administrator could generate campaign reports. These reports allowed the City to monitor the progress of the campaign on a department, division, and individual level.

Department	Count of Responded	Count of Department	Sum of 2021 Pledge	Participation %
AFR Chief of Fire & Rescue	9	22	\$ 501.00	41%
AFR Field Fire Suppression		1	\$ -	0%
AFR Fire & Rescue Admin	13	37	\$ 1,892.44	35%
AFR Fire & Rescue Communications	2	6	\$ 174.00	33%
AFR Fire Code Inspections	1	27	\$ 78.00	4%
AFR Fire Emergency Medical Services	5	32	\$ 781.82	16%
AFR Fire EMS Training		3	\$ -	0%
AFR Fire Fighting	60	781	\$ 6,099.08	8%
AFR Fire Investigations	2	8	\$ 86.00	25%
AFR Fire Prevention	1	4	\$ 26.00	25%
AFR Fire Stations & Buildings		8	\$ -	0%
AFR Fire Training	5	42	\$ 205.00	12%
AFR Technical Services Property Mgmt	3	3	\$ 207.00	100%
AIM Admin	3	10	\$ 2,099.76	30%
AIM Chief Information Officer	4	6	\$ 2,029.98	67%
AIM IT Applications	1	9	\$ 154.96	11%
AIM IT Database Admin		4	\$ -	0%

A partial sample of a 2022 Campaign summary report

From discussions with the Campaign Administrator, and upon review of internal communications and external communications with UWGA, these reports served to track whether the 2022 Campaign met previously established fundraising goals and expectations. However, this data was also used for scorekeeping purposes. As part of the 2022 Campaign, Ambassadors received progress notes on their respective departments’ and other departments’ fundraising efforts. For example, in one February 2022 email, the Campaign Administrator wrote the following:

Greetings, Ambassadors!

It is time for another brainstorming session! We have 16 more days, and the campaign will end (February 25, 2022). Have you organized a raffle? Have you encouraged senior leaders to participate?

The airport department is over halfway to its employee giving number of employees participating and have exceeded the total giving amount of 12,000. Congratulations to [Employee] and [Employee]!

The UWGA team has shared a workplace poster than can be printed or distributed virtually (see attached)...

In another February email, also sent by the Campaign Administrator, Ambassadors were encouraged to distribute the following message to staff:

Dear Colleague,

You might have heard that we have been busy raising money for the Employee Giving Campaign. “For years, Atlantans have pulled together to build up our great city. We must continue the legacy of bringing help to those in need and showing that we care,” states Mayor Andre Dickens.

As of today, the LAW division has the highest participation rate with 12%. Kudos, LAW!!! We are looking forward to the division with the highest participation winning something special...

UWGA assisted Ambassadors in monitoring department progress. For example, in March 2022, AFRD requested assistance from UWGA in running a report. UWGA informed AFRD that the request would be submitted to UWGA’s data team, and asked AFRD if it needed “to know the names of everyone who has donated or just the number of people?”

As noted, Ambassadors were encouraged to increase donations from department staff. To that end, Ambassadors created department-tailored presentations that encouraged employees to donate. One presentation by 311 mentioned an internal “Giving Wall of Fame.” The presentation suggested that an employee’s name may be placed on a Giving Wall of Fame for donating. The graphic showed employees who had donated with their names placed on the wall (see below image). The employees named on the wall included the department commissioner, program management officer, Department of Human Resources representative, and a supervisor, among others.

Will You join us and be the next name on the Wall?



AFRD created a presentation, called “Five on it,” which suggested employees donate at least five dollars to the 2022 Campaign. One of the slides appeared to feature AFRD staff in official AFRD uniform, with a caption that implied they all had already donated or put “\$5 on it.”



In April 2022, the Mayor’s Office released a citywide email announcing the results of the 2022 Campaign. The email announced that DOA and Law came in “first place” citywide for the pledge donation amount and department participation, respectively. The Mayor indicated that, due to their first-place finishes, he would be meeting with DOA and Law soon thereafter. OIG cannot confirm if the Mayor ever met with the departments.

The City and UWGA did not enter into a memorandum of understanding (MOU) or any other written agreement regarding the 2022 Campaign. Certain details of the 2022 Campaign, such as who would disburse the pledge donations, were not established until the conclusion of the 2022 Campaign. In March 2022, UWGA emailed the Campaign Administrator and City’s payroll manager to confirm that UWGA would disburse the designated funds to the appropriate organizations. The Campaign Administrator confirmed that UWGA would have the responsibility to disburse the pledged donations.

Also in March 2022, UWGA informed the City that several City employees had pledged donations without identifying a recipient agency. UWGA informed the City that in the past, undesignated funds were split between different charity organizations, however, the 2022 Campaign did not use a “Federation Model.” UWGA informed the Campaign Administrator that, in their notes, it was decided that undesignated gifts would go to UWGA. UWGA stated that this arrangement was related to the Ambassadors and reflected in kickoff events held throughout the 2022 Campaign. However, UWGA requested written confirmation from the Campaign Administrator that UWGA could claim all undesignated gifts.

Ultimately, the 2022 Campaign raised \$102,248.18 in pledged and unpledged donations from City employees. Of that total, \$33,824.21 of donations were designated to UWGA programs.

The two top pledge recipients were the United Way Impact Fund and the United Way Fund with \$18,913.35 and \$13,399.86 respectively. Altogether, seven UWGA programs received pledged donations. The remaining \$68,423.97 was divided amongst 131 other programs and organizations.

Issues

I. Atlanta Code

UWGA and Friendship Club

Section 114-37 of the Atlanta Code states that each September, there will be a single combined campaign (combined campaign) for charitable contributions from city employees. Section 114-37 also states that the combined campaign would be managed by the Atlanta City Employees' Friendship Club, Inc. (Friendship Club). The combined campaign is described by Section 114-37 as “a once-a-year drive allowing employees to give charitable contributions conveniently through payroll deduction to the friendship club” by “designating charitable organizations of their choice.” The Friendship Club is a private nonprofit 501(c)(3) corporation established by the City whose board consists of employees from each City department.

The Friendship Club is authorized by Section 114-29 to receive pledge donations from City employees. Specifically, Section 114-29 states that, “the chief financial officer is further authorized to pay such sums so deducted over to the Atlanta City Employees' Friendship Club, Inc.” provided that such authority be expressly conditioned “upon adherence by the Atlanta City Employees' Friendship Club, Inc., with the policies, terms, and conditions outlined.” Section 114-43 of the City code established that the Friendship Club board shall, among other duties, recommend and approve a written campaign budget; manage all campaign finances of cash and check contributions, payroll deductions, and the distribution of undesignated and designated contributions; act as a central point for all campaign pledges; and process all appropriate disbursements of campaign receipts in coordination with the City Department of Finance (Finance). Section 114-44 requires that the costs of combined administrative costs be shared by each participating federation on a pro-rata basis with the Friendship Club.

OIG discovered a February 1, 2007, agreement between the Friendship Club and a United Way affiliate, the United Way of Metropolitan Atlanta, Inc. (UWMA). The agreement stated that UWMA has agreed to assist with the annual charitable campaign of the Friendship Club at no cost. According to the terms of the agreement, UWMA would handle a variety of tasks including, but not limited to, mailing and reviewing applications to nonprofits, developing an organizational approval list for the board, and distributing contributions to participating federations/organizations. Also, UWMA was required to:

Prepare and submit to the Friendship Club . . . a complete financial statement to include a detailed report identifying: (1) the amount of charitable contributions made by City of Atlanta employees; (2) the amount of charitable contributions received by each of the participating organizations and/or federations, and (3) supporting documentation evidencing that all disbursements were accurately calculated and were transferred in a timely fashion.

The contract requested that all expenses and costs incurred by UWMA be paid for from a percentage not exceeding 10% of campaign receipts. The City was required to provide UWMA with a yearly electronic pledge file that included the names of current employees and the amount of their donations, as well as detailed information of donors names.

The agreement expired in 2011. OIG reached out to a representative of the Friendship Club who informed OIG that s/he was unaware of any subsequent agreements with UWMA, UWGA, or any other United Way affiliate to perform Employee Campaign related duties. The agreement itself may have violated Atlanta Code. According to the terms of the agreement, UWMA and the Friendship Club entered into the agreement pursuant to the authority granted by Section 114-45 of the Atlanta Code. The agreement stated:

Section 114-45 of the City of Atlanta’s Municipal Code provides that the “board of the friendship club may retain an independent contractor . . . sufficient to accomplish and comply with all of the policies, terms and conditions set forth in this division, and to perform such other duties as may be required by the board or by the council . . .”

However, this statement omits a condition placed after the word “council.” The complete sentence continues “. . . during the time leading up to and including the March 1995 combined campaign only.” Based on the statute, it appears that after 1995, the City prohibited the Friendship Club from delegating these tasks to other organizations.

Regardless, as there was no agreement in effect for United Way to administer the 2022 Campaign, having UWGA fulfill these functions appears to have violated Atlanta Code Section 114. The tasks assumed by UWGA have been, by Atlanta Code, specifically delegated to the Friendship Club. Also, with regard to UWGA’s execution of the 2022 Campaign, OIG did not find any documents showing UWGA’s budget for the campaign, nor any recording of city time and labor used on the campaign as required by Atlanta Code.

Use of City Resources

Section 2-811 of the Atlanta Code states that “no official or employee shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, labor or service for the private advantage of” a private entity. The Atlanta Code provides that the use of such City property, labor, and services is authorized when conducting official city business. Official city business is undefined, however, in an opinion released by then-City of Atlanta Board of Ethics (Ethics Board), Formal Advisory Opinion (Opinion) 2004-1, the Ethics Board stated that “‘projects for the public good’ are not part of the city’s official business unless the city council enacts an ordinance that establishes a separate account from which the project may be funded.” The board concluded that “a private event, no matter how laudable its purpose, is not transformed into city’s business merely because it benefits the community.” Finally, the Ethics Board held:

For the use of city property or expenditure of city funds to meet the standard of official business, the city must have approved the use in an ordinance, resolution,

administrative order, executive order, or departmental policy, or the use must support a policy contained in an ordinance, resolution, or order.

In Ethics Opinion 2008-7, the Ethics Board wrote that “elected officials and employees are not acting in their official capacity, performing their official duties, or acting on behalf of the City when they raise funds on behalf of a private, non-profit group unrelated to the City.” The Board stated that “because [employees and officials fundraising for a private, non-profit group unrelated to the City] are not conducting official city business, they cannot use official city letterhead, property, or staff as part of their fundraising efforts.” In the same opinion, the Ethics Board specifically identified United Way as an organization that City officials may not use official city letterhead on behalf of, writing:

No city elected official, or employee can use official city letterhead to seek donations on behalf of any private foundation or organization that is not directly related to or affiliated with the City, such as the Atlanta Community Foundation, United Way, American Heart Association, or Habitat for Humanity.

In Ethics Opinion 2005-6, the Ethics Board again referenced United Way as a private nonprofit organization for which the City may not use property to endorse. In the opinion, the Ethics Board addressed whether the Mayor may participate in a fundraising event of the United Negro College Fund; the board concluded that so long as such an event does not involve a city program, use city property, or bestow a gift to the city, the Code of Ethics does not apply. Specifically, the Board stated that “because no city property is used, the Mayor may help solicit funds for charities like the United Negro College Fund, United Way, Red Cross, and similar organizations.”

The Friendship Club, like UWGA, is a private nonprofit organization; however, the City enacted legislation specifically to enable the Friendship Club to manage the City’s fundraising campaign and to receive pledged donations from City staff. OIG found no legislation permitting UWGA to receive employee donations as part of an annual fundraising campaign. OIG discovered no ordinance, executive order, or any other official documents regarding the 2022 Campaign. From communications with UWGA and City staff, OIG was informed that the City did not execute an MOU or any other contractual arrangement for the 2022 Campaign.

While the 2022 Campaign was supported by the donations of City employees, no City or City-affiliated entity exercised control over employee donations. UWGA created and managed the online portal that employees used to donate, and employees were automatically logged into a pre-existing UWGA account to complete their donations. UWGA also controlled all the campaign donor data. At the conclusion of the campaign, all pledge donations raised were distributed by UWGA without any direction from the City.¹ Of the approximately 140 different programs and organizations that received pledged donations, UWGA received by far the largest percentage of pledged donations with over 30% of all pledged donations being distributed to UWGA-affiliated

¹ UWGA informed OIG that the City did not request that UWGA provide an accounting of pledged donations disbursement; as such, none was provided to the City. OIG obtained a record of pledged gift disbursements from UWGA.

programs. In addition, undesignated donations did not transfer to the City, so the funds might be donated to a City cause or function; instead, UWGA received all undesignated donations.

The City's role in the campaign focused on fundraising and support. The City assigned and trained City staff to function as campaign Ambassadors. The primary functions of Ambassadors were to promote the 2022 Campaign and increase department participation and pledged donations. Among the activities suggested to Ambassadors to promote the campaign was to set up volunteer activities through UWGA, have a UWGA speaker at staff meetings, and share UWGA's social media accounts. At the start of the campaign, the City submitted to UWGA City employee census data so that UWGA could create accounts, and enter employment information, on all City employees. Taken together, the City used resources, property, labor, and data to help UWGA manage a charity campaign in which UWGA, a private nonprofit organization, was the primary beneficiary.

As the 2022 Campaign operated without any authorizing legislation, executive order, administrative order, departmental policy, or an MOU, under the guidance provided by Ethics Opinion 2004-1, the fundraising for the campaign should not be considered official city business. Accordingly, the use of the official seal on the January 2022 kickoff letter appears to contravene Ethics guidance that officials and employees not use official city letterhead or other city resources to raise funds on behalf of nonprofit groups that are not affiliated with the City. The use of City email, staff time, or city property to fundraise for UWGA or any other private entities appear to run afoul of Section 2-811 of the Atlanta Code.

II. Administration Concerns

A review of all collected communications and department activities associated with the 2022 Campaign suggests that the City invested significant resources in the 2022 Campaign. Ambassadors and City staff frequently engaged in targeted solicitations of employees during the 2022 Campaign.² Ambassadors were instructed to engage in a host of targeted solicitation activities, such as inviting UWGA speakers to staff meetings and directly soliciting donations from city staff. Ambassadors and/or departments that raised the most pledge donations, or had the highest participation rates, were recognized for their accomplishments.

² While no provisions directly apply to internal fundraising efforts for charitable programs operating under the apparent, or actual, authority of the City, two Ethics Opinions—2011-1 and 2008-6—highlight broader issues concerning the 2022 Campaign's fundraising activities. In Ethics Opinion 2011-1, the Ethics Board discussed the need for a total prohibition of targeted solicitations (e.g., emails, personal letters directed to potential donors, meetings, etc.) of prohibited sources. The Board recommended that City employees, when seeking donations, use broad public appeals such as mass communications and general requests for support without further interaction. In the Board's comments, the Board stated:

While members of the Board understand the need for community involvement and assistance, especially during the time of shrinking public resources, it also believes that some solicitations by their nature are so inherently coercive that they should be prohibited in all instances. The goal is to avoid fundraising activities and donations that create an expectation of special access or preferential treatment or raise a question about the employee's impartiality.

The most successful departments during the 2022 Campaign were highlighted by the Mayor in a citywide email. There were internal discussions of having the Mayor meet directly with the two “first place” departments. In June 2022, while detailing staff accomplishments in a quarterly report to the Atlanta City Council, the City Attorney noted that Law had the highest participation rate of all City Departments in the 2022 Campaign and, in the same presentation, highlighted the department’s Ambassador by name. These facts suggest that, although there was no financial incentive tied to fundraising for the 2022 Campaign, there were ancillary incentives (e.g., recognition from superiors, City executives, etc.) to solicit donations from city staff.

With the prospect of receiving recognition and/or commendations from the highest level of City management, it is possible that a motivated Ambassador might use his/her authority to extract pledges from subordinates. The concern about this possibility is heightened by the fact that, with the data provided by UWGA, Ambassadors could review donations within their department on an individual employee level. With access to such information, an Ambassador who is also a supervisor might be motivated to improperly offer incentives or, conversely, threaten to penalize subordinates who have not participated or pledged. By releasing the department/division participation percentages after the 2022 Campaign, the City let it be known that the City can, and will, track employee participation, at the very least, at the department level.

The City should be vigilant against activities that pressure city employees into donating to any cause, whether public or private, especially if such activities may give the employee the impression that donating to the campaign (or failing to donate) may impact their employment status. As noted earlier, at least six (of the 17) assigned 2022 Campaign Ambassadors had supervisory roles, and at least two held senior department management positions.³ Additionally, city employees received communications depicting department supervisory staff and management staff accompanied with implicit and/or explicit requests that employees donate to the 2022 Campaign (e.g., the Department Commissioner’s name on 311’s Giving Wall of Fame alongside a request that employees “join” the wall by donating; AFRD officials in full dress uniform with the message they had previously donated). Some of these solicitations could suggest to the employee that donating to the campaign was an organizational edict or that donating would provide the employee special access or preferential treatment.

OIG found no evidence that any City employees behaved inappropriately during the 2022 Campaign or used their authority to influence subordinate staff in any manner. OIG does not suggest that any such impropriety occurred during the 2022 Campaign. OIG offers these hypothetical scenarios to illustrate potential vulnerabilities in the administration of the 2022 Campaign so that such vulnerabilities may be addressed in future City fundraising efforts.⁴ The City’s annual charity campaign represents a unique opportunity for City staff to conveniently

³ In Ethics Opinion 2008-6, the Ethics Board indicated that solicitations from supervisors to subordinates for charitable donations potentially violate Ethics Code 2-818, as it can be considered an action “calculated to influence a vote, decision, or the exercise of official authority.” Although Ethics Opinion 2008-6 mostly addressed financial transactions between subordinates, to the extent that the Ethics Board’s recommendation against supervisor solicitation was borne out of concern that such actions invite the possibility of improper behavior, such as an employee donating to the supervisor’s charity in exchange for preferential treatment or that a supervisor may leverage his/her authority over the subordinate to coerce a donation, OIG shares this concern.

⁴ On May 22, 2023, the City announced the conclusion of the 2023 Employee Giving Campaign. As in 2022, the City announced the top three departments for pledge amounts and for participation.

contribute to causes that benefit the public. However, any situation in which a supervisor or management solicits subordinate staff for an item of value, unrelated to the subordinate's official work duties, invites concerns about undue influence.

Other jurisdictions have taken express measures to address these concerns with regard to their annual fundraising campaigns. For example, the City of Minneapolis states that, outside of the "announcement" of a department fundraiser, supervisors are prohibited from soliciting (either in person or via other communication methods) from an employee who reports, directly or indirectly, to the supervisor. Likewise, with respect to its annual campaign, the City of New York bars any form of pressure or coercion being used by any employee to persuade other employees to contribute. Finally, the United States Government's Combined Federal Campaign (CFC) prohibits the following "coercive" activities:

- Solicitations from an employee's supervisor or by any individual within the employee's supervisory chain of command.
- Supervisor inquiries about whether an employee chose to participate or not or the amount of an employee's donation.
- Establishing personal dollar goals and quotas.
- Developing and using lists of non-contributors.
- Providing and using contributor lists for purposes other than the routine collection and forwarding of contributions and allotments.
- Using as a factor in a supervisor's performance appraisal the results of the solicitation in the supervisor's unit or organization.

III. City Employee Information

The preparation and City tracking and sharing of employee personal data raise privacy concerns for City employees. In preparation for the 2022 Campaign, the City emailed UWGA the name and email address of each city employee. The majority of email addresses submitted appeared to be official email addresses, however, there were a few exceptions where the City appeared to have submitted employees' personal email addresses. The City also collected from its Payroll division a list of City employees who had donated in prior iterations of the campaign.

During the 2022 Campaign, the City and UWGA monitored employee participation at the department, division, and individual levels. Employees who participated in the 2022 Campaign were not notified that certain information (e.g., the employee's department/division) was recorded, as that information was invisible in their account profile. Nor was there any apparent disclosure that employee participation and pledge information would be shared with the City. Although UWGA provided opportunities for the employee to donate anonymously, the option to participate anonymously did not extend to the City, as the employee appears to have been given no opportunity to opt out of having his/her donation and/or participation data shared with the City.

Other jurisdictions have taken measures to restrict the use of employee data provided during annual fundraising campaigns. For example, for the CFC, the federal government prohibits the development and use of non-contributor lists and also prohibits the use of contributor lists for reasons other than routine data collection. In addition, supervisors are barred from accessing data

about individual employees and may only be provided summary data for “major” units. Minneapolis requires that any charitable federation participating in its combined campaign agree to limit the use of employee data for the purposes of providing charitable donations. Minneapolis prohibits the use of data for any other purpose, and employee information cannot be used to solicit support for any charitable organization.

In contrast, the City used contributor lists to measure staff participation levels and department/division donation totals, and to calculate each department’s progress toward a specified dollar amount goal, and supervisors (who were also Ambassadors) were provided access to granular level participation details regarding their division/department. The City has no rule or policy to address the use of employee data during its annual campaign. It is concerning that city employee participation data was collected by UWGA and shared with the City without employee consent or knowledge, and that the City monitored private donations made by its employees to a non-City entity.

Conclusion and Recommendations

OIG review indicates that UWGA management of the 2022 Campaign appears to have violated Section 114 of the Atlanta Code and the use of City resources during the 2022 Campaign may not have adhered to Section 2-811 of the Atlanta Code and past guidance from the (former) City Board of Ethics. OIG also identified vulnerabilities in the administration of the 2022 Campaign that may invite improper solicitation tactics and/or may expose City employees to undue pressure or coercion. Finally, OIG identified privacy concerns regarding the City’s access to and use of employee data during the 2022 Campaign.

OIG recommends the Office of the Mayor:

1. Utilize the City’s Friendship Club to manage the City’s annual employee fundraising campaign as required by Atlanta Code.
2. Monitor future City of Atlanta Employee Giving Campaigns to ensure that no City resources are used on private non-city related activities.

Please let me know if you have any questions concerning the investigation or if you wish to discuss this further. Please notify OIG of COA’s response to each of the above recommendations within 30 days. If COA does not accept a recommendation, please provide a written explanation.

Sincerely,



Shannon K. Manigault
Inspector General

cc: Jabu Sengova, Ethics Officer