

POLICY REVIEW AND COMPLIANCE MEMORANDUM



To: Mark E. Bannon, Executive Director
From: Gina A. Levesque, Intake and Compliance Manager
Re: A16-002 – Town of Lake Park Ethics Policy Review and Training Compliance Employees and Elected Officials

- **Background**

The Code of Ethics (Code) states in part under Section 2-446(a) that the county or municipal administrator shall establish by policy a mandatory training schedule for all employees and elected/appointed officials, which shall include mandatory periodic follow-up sessions. Section 2-446(b) states in part that the COE shall develop and deliver training programs and ensure that the training is delivered in a timely manner.

- **Objectives and Scope**

The objectives are:

- To provide assurance that the agency has a training policy.
- To provide assurance that the training policy includes enough specific information to officials and employees that they can determine clear parameters, including initial training with deadline and grace period defined, and retraining cycle timeline with deadlines and grace periods defined.
- To provide reasonable assurance the municipality is requiring its officials and employees to comply with the training policy.

The scope of this review focused on the policy and acknowledgement forms for elected officials and full-time employees within the Town of Lake Park (Town). The delivery method of the ethics training and internal tracking method of compliance was not part of the scope. It should be noted that a separate review will be completed regarding appointed officials.

- **Approach and Methodology**

The approach included an on-site review of a proof of training and a request for a list of the elected officials and employees. A review of the training policy, a review of the list of elected officials and employees, and a review of a sign-in sheet for attendance at live trainings were performed.

- **Findings**

The training policy for the Town was issued and became effective on February 1, 2013. The policy requires the completion and submission of a training acknowledgement form to the Human Resources Department subsequent to completion of training.

The policy requires that officials and employees undergo initial training and read the Code within sixty (60) days of employment or taking office for elected officials. The training policy also requires rereading the Code and mandatory follow-up training every two (2) years. There is no differentiation between elected officials and employees for the two (2) year mandatory follow-up training.

The policy does not include a training deadline date for the two (2) year follow-up cycle nor does it include a grace period. However, when I met with the Human Resources Director, Bambi McKibbon-Turner, she provided a training deadline date for this review of August 20, 2015 with a 30-day grace period. During that discussion, she agreed with my understanding of the deadline date and grace period to mean that anyone trained between July 20 and September 20 as the training compliance timeframe for the training cycle period.

At the time of the training cycle, the Town consisted of fifty-five (55) full-time employees and five (5) elected officials, including the Mayor and four (4) commissioners. Although in contradiction with the Town policy, fifty-one (51) employees acknowledged training participation by signing a roster at a live training session. Four (4) employees acknowledged training by submitting a training acknowledgement form; Two (2) commissioners acknowledged training by submitting a training acknowledgement form; One (1) commissioner took the retraining a month before the training cycle began; One (1) commissioner did not take retraining; and the Mayor did not take retraining.

It should be noted that the four (4) Town commissioners are elected for three (3) year terms at one election, and the mayor is elected for a three (3) year term the year preceding the commission election.

It should also be noted that although it is acceptable for "training acknowledgement" be in the form of a sign-in sheet from a live-training presentation, the Town's policy states that all employees and officials submit a training acknowledgement form to Human Resources. However, the Town submitted a copy of "sign-in" sheets for this review.

The Town policy states in item 5 that the Town Manager is the designee as the administrator responsible for the coordination of all mandated training and compliance audits with the COE. However, when I contacted the Town to arrange the review, all arrangements regarding the employees and elected officials were made with Human Resources Director, Bambi McKibbon-Turner.

Item 6 of the Town policy states that the Results of training compliance reviews will be submitted to the Town for necessary action prior to the issuance of a compliance report. The policy further states that the Town shall have an opportunity to cure any deficiency within a reasonable time not to exceed 45 days and that reviews will be performed on an as needed or biennial basis.

- **Recommendations**

After reviewing the policy and completing the compliance review, implementing the following six (6) recommendations should provide clarification regarding the training cycle and deadlines. It should also make the tracking process much easier.

1. Although state law requires that elected officials undergo four (4) hours of ethics training each year, that ethics training does not necessarily contain training provided by the Commission on Ethics for the Palm Beach County Code. Furthermore, Town policy requires participation in county ethics retraining every two (2) years. However, Town officials are elected every three (3) years, and the mayoral election is a different year than Town commissioners. Currently, the policy dates render tracking for compliance too arduous for both elected officials and employees. Therefore, it is recommended that the language in the policy regarding mandatory follow-up training for officials be removed from the follow-up language for employees and instead be included in the language regarding initial training.
2. For clarity, we recommend the policy concerning initial training for officials be changed to include the following language: **"Officials (elected and appointed) must participate in training within sixty (60) days of taking office upon election, reelection, appointment or reappointment."** Further, we recommend the mandatory follow-up language for employees be changed to read as follows: **"After initial training, periodic mandatory follow-up training is required for all employees every two (2) years."**
3. Additionally, the policy should include language providing the effective August 20, 2015 with a thirty (30) day grace period. Specifically, the dates of July 20 – September 20 as the grace period compliance timeframe for employees should be listed so that employees will understand that if they read the Code of Ethics and participate in training anytime from July 20 – September 20 during the cycle year, they will be in compliance with the training policy.

4. Regarding the tracking of policy compliance, we recommend that if the Town is going to permit the use of "sign-in" sheets, the policy be changed to reflect their use. We also recommend that the policy be changed to reflect the requirement of signing in at a live training or submitting an acknowledgement form in the event the individual didn't attend a live training. Further, we recommend that the policy indicate that initial ethics training for employees and officials must use a training acknowledgement form for recording attendance. Any retraining once a signed ethics training acknowledgement form has been submitted may be verified by a sign-in sheet.
5. As this review was coordinated by the Human Resources Director, and the Human Resources Department is responsible for coordinating all training for the Town, we recommend the policy be changed so that the Human Resources Director is the designated contact person for training coordination and compliance reviews.
6. Finally, we request that the Town remove Item 6 of the Town Policy. During the COE's initial compliance reviews in 2012, a grace period of up to 45 days was allowed to cure any deficiencies in required ethics training. The allowances were given because the ordinance was new. However, since this process is now in its fifth year, the 45 day grace period is no longer applicable and training deficiencies will be noted in the compliance review reports after the ethics training compliance review has been conducted by COE staff.

- **Conclusions**

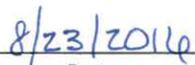
All of the employees from the Town of Lake Park are in compliance with their training policy, but two (2) of the elected officials did not take retraining. Therefore, the Town of Lake Park is not in compliance with the ethics training requirement.

Further, six (6) policy change recommendations are being submitted to the Town for review. The recommendations are being made for practicality purposes and so that the requirements are clear.

Submitted by:

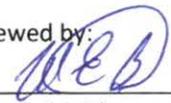


Gina A. Levesque, Intake and Compliance Manager
Palm Beach County Commission on Ethics

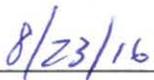


Date

Reviewed by:



(Initials)



Date