

# POLICY REVIEW AND COMPLIANCE MEMORANDUM



*Honesty - Integrity - Character*

To: Mark E. Bannon, Executive Director  
From: Gina A. Levesque, Intake and Compliance Manager  
Re: A17-004 – Town of Jupiter Ethics Policy Review and Training Compliance

- **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 (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 proof of training for officials and full-time employees within the Town of Jupiter (Town). The delivery method of the ethics training and internal tracking method of compliance was not part of the scope.

- **Approach and Methodology**

The approach included a request to meet with Dawn Loren, Director of Human Resources and Sally Boylan, Town Clerk to review a list of all officials and employees as well as proof of ethics training by said officials and employees. I met with Ms. Loren and Ms. Boylan on August 1, 2017 and performed the review.

- **Findings**

The training policy for the Town was issued and became effective on October 1, 2012. The policy requires all employees complete and submit a training acknowledgement form to the human resources department subsequent to reading the Code and completion of training.

The policy requires that employees undergo initial training and read the Code within 60 days of employment. The training policy also requires rereading the Code and mandatory follow-up training every two years for all employees. It should be noted that the policy makes no mention of an ethics training requirement (initial or follow-up) for appointed or elected officials.

The policy does not include a training deadline date for the 2-year cycle nor does it include a grace period. However, Ms. Loren stated the Town will undergo its training every 2 years beginning in 2015. She also specified a deadline date of July 1 and a 30-day grace period, specifically listing June 1– July 31 as the training compliance timeframe for each training cycle period.

Ms. Loren provided a notebook containing a list of all employees contained within a training program used by the Town to track various trainings taken by each employee. The program indicates when the employee actually logs

into the system and the date/time of each training. At the time of the review, the Town consisted of three hundred thirty-five (335) full-time employees and seven (7) part-time employees. All of the part-time employees and three hundred twenty-three (323) full-time employees took training within the required training cycle period. However, there were eight (8) police officers and four (4) utility employees who did not take the training as required.

Although the Town policy does not provide for a training requirement for officials, Ms. Sally Boylan, Town Clerk, said she is responsible for maintaining and tracking the officials for the Town. She also said that all officials have been following the 2-year training requirement. She went on to say that all officials are given notice prior to applying for a position on one of the eight boards within the Town that ethics training is mandatory and must be completed every two years for current members or prior to participation for new members.

Included in the binder provided by Ms. Loren was a list for each board containing their name, date of training, and if the training was taken on-line or in person. Ms. Boylan also provided two additional binders containing the specific term limits for each board as well as the dates of election/appointment.

The section of the binder containing the town council consisted of five (5) elected officials and the town attorney. There are seven (7) other boards tracked and maintained by the clerk consisting of sixty (60) positions, two (2) of which are vacant. The eight boards vary in term length from one (1) to three (3) years, and the boards that have positions for more than one year have staggered appointment years. However, all of the appointed boards are done so during the month of April within the term year. It should also be noted that Town officials are elected for 3-year terms on a rotating basis. Therefore, there is no election every third year. Of the sixty-four (64) positions tracked and maintained by the clerk, all have taken training within the timeframe indicated by the clerk of every two (2) years or when newly appointed.

- **Recommendations**

1. Although there is no language in the Town policy regarding elected or appointed officials, the Clerk has been maintaining and tracking ethics training for them and they are 100% in compliance. It is recommended that language be added to the policy regarding initial and mandatory follow-up training for all officials.

Additionally, state law requires that elected officials undergo four (4) hours of ethics training each year. However, that ethics training does not necessarily contain training provided by the Commission on Ethics for the Palm Beach County Code. Further, Town officials are elected every three years, and some of the appointed board positions are filled every two (2) or three (3) years on a rotating basis, requiring training every two (2) years or when newly appointed creates an arduous task for tracking purposes. Therefore, it is recommended that language be added to the policy specifically geared toward officials.

An example of language specifically geared toward officials could be added to read: **“Officials (elected and appointed) must participate in training within thirty (30) days of taking office upon election, reelection, appointment or reappointment.”**

2. Although the policy indicates that after initial training there is mandatory follow-up training every two (2) years for employees, there is no deadline or grace period, which creates ambiguity and uncertainty. Employees cannot be held accountable for something, which is ambiguous and without clarity.

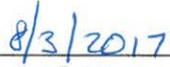
An example of language that will create clarity for employees could be changed to read as follows: **“After initial training, periodic mandatory follow-up training is required for all employees every two (2) years effective July 1, 2016 with a 30-day grace period.”** Further, the policy should specifically list the dates of June 1 – July 31 as the grace period compliance timeframe so that everyone affected by the policy will understand that if they read the Code of Ethics and participate in training anytime from June 1 – July 31 during the cycle year, they will be in compliance with the training policy.

- **Conclusions**

The results of the review found that the Town of Jupiter is not in full compliance with the ethics training requirement for its employees. However, all elected and appointed officials for the Town of Jupiter are in compliance with the training policy even though they were not required by written policy to take training. Further, the review identified two (2) areas of the policy that should be updated.

Submitted by:

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

  
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Date

Reviewed by:

  
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(Initials)

  
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Date