

POLICY REVIEW AND COMPLIANCE MEMORANDUM



To: Mark E. Bannon, Executive Director
From: Gina A. Levesque, Intake and Compliance Manager
A17-007 – Village of Royal Palm Beach
Re: 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 county or municipality has a training policy.
- To provide assurance that the training policy includes enough specific information for officials and employees to determine clear parameters including initial training and retraining deadlines and grace period definitions.
- To provide reasonable assurance the county or 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 employees within the Village of Royal Palm Beach (Village). The delivery method of the ethics training and internal tracking method of compliance were not part of the scope.

- **Approach and Methodology**

The approach included a request to review a list of all officials and employees including election/appointment date or hire date as well as proof of ethics training by said officials and employees. On September 1, 2017, Human Resources Director Monika Bowles sent an email containing links for the Ethics Training Acknowledgement forms for board members and employees. There was also a list of council and board members attached along with a separate excel spreadsheet containing employee information including name, date of hire, position and training date.

In 2014, when I formally contacted each municipality to determine what, if any, grace period would be used regarding their specific training/retraining schedule, and Ms. Bowles specifically stated there would be no grace period for the Village. However, in an e-mail dated November 3, 2017 she said, "Typically, we have given up to 30 days in some cases from the date they return to work."

- **Findings**

The training policy for the Village has no effective date, but is part of the current Employee Manual as revised in December 2014. Specifically, Chapter 12: Employee Code of Ethics and Conduct. Section 12-1. C. addresses training and says in relevant part, "All Village employees, elected or appointed officials, and contract employees...All affected personnel must be trained, read the code, and sign the acknowledgement form within

30 days of their start date. In the event the Code of Ethics is edited, all aforementioned personnel will be informed, trained, and acknowledge such changes. Formal re-training will be conducted every five years from the prior formal group training.”

While the policy addresses signing an acknowledgement form, it does not provide any direction as to the person and/or department where the form will be submitted and where the forms will be kept.

The policy requires that “all affected personnel” undergo initial training and read the Code within 30 days of their start date. The training policy also states that in the event the Code is edited, all aforementioned personnel will be informed, trained, and acknowledge such changes. Lastly, the policy states formal re-training will be conducted every five years from the date of the prior formal group training.

Ms. Bowles indicated in a recent email that the last formal group training was in September 2013 and that the Village was not required to complete re-training until September 2018. Furthermore, as the Village completed a group training in May 2017, they are actually a year ahead of schedule. However, the Code was amended/changed on September 22, 2015. There was no documentation presented at that time that Village employees and officials were noticed, trained, or acknowledged the changes as the policy requires.

Training acknowledgement forms were submitted for all of the employees. Although, there were some employees who did not participate in the formal training, most took training within sixty-days. Therefore, the Village is in compliance with the training policy regarding employees.

The Village has 20 appointed officials within its three (3) advisory boards. Members of two of the boards are appointed for two-year terms, and members of the third board are appointed for three-year terms. Although all of the advisory board members have been trained, twelve (12) members did not take the training within the 30-days of their appointment. There were another five (5) members whose compliance within 30-days of appointment was unable to be determined.

The Village has five (5) elected officials, who are elected for two-year terms on a staggered basis. Therefore, three (3) seats will be up for election in March of 2018, and two (2) seats will be up for election in March of 2019. 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.

- **Recommendations**

After reviewing the policy and completing the compliance review, implementing the following three (3) recommendations should provide clarification regarding the training cycle and deadlines. The tracking process would also be easier to maintain.

1. The follow-up training for employees should be more specific so that everyone will have a better understanding of what is expected. For example, the follow-up language for employees could be as follows: **“After initial training, periodic mandatory follow-up training is required for all employees every five (5) years during the training cycle. The five-year training cycle is effective May 1, 2017, and there will be a 60-day grace period. Therefore, all employees who take ethics training and read the Code of Ethics between March 1 and June 30 during the cycle year will be considered trained and in compliance with this policy.”**
2. It is recommended that the language in the policy regarding mandatory follow-up training for officials be separated from the follow-up language for employees and instead be included in the language regarding initial training. For example, the initial training for officials could be changed to include the

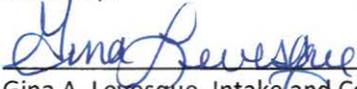
mandatory follow-up language to read: **“Officials (elected and appointed) must participate in training within thirty (30) days of taking office upon election, reelection, appointment or reappointment.”**

3. Although 12-1. C. specifically states all employees, elected and appointed officials shall complete an approved acknowledgement form, language should be inserted as to the person and/or department where the forms are to be submitted and where they will be kept.

- **Conclusions**

The Village is in full compliance with the ethics training requirement for its employees. However, the results of the review found that the Village of Royal Palm Beach did not comply with its re-training policy by not providing training after the Code was changed on September 22, 2015. Moreover, although acknowledgement forms have been provided for all officials, several participated in training outside the 30-day appointment timeframe. Further, the review identified three (3) areas of the policy that should be updated.

Submitted by:



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

11/16/2017
Date

Reviewed by:



(Initials)

11/16/2017
Date