

POLICY REVIEW AND COMPLIANCE MEMORANDUM



Honesty - Integrity - Character

To: Mark E. Bannon, Executive Director
From: Gina A. Levesque, Intake and Compliance Manager
A18-008 – City of Riviera Beach
Re: Ethics Training Policy and Compliance Review

- **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 officials and full-time employees within the City of Riviera Beach (City). The delivery method of the ethics training and internal tracking method of compliance were not part of the scope.

- **Approach and Methodology**

I requested a meeting with Human Resources Director Eureka Irvin for the City to review a list of the officials and employees as well as their training acknowledgement forms. On November 19, 2018, I met with Human Resources Director Eureka Irvin and Human Resources Administrator Shavona Booker to perform the review.

Until I contacted Ms. Irvin on September 28, 2018 to arrange the review, she was unaware that City advisory boards were under COE jurisdiction. Ms. Irvin told me that when she contacted the City Clerk, she was given the list of boards with the pertinent information, but that there had never been a requirement of the board members to receive training about the Code. At that time, each board member was contacted and subsequently the majority took training.

- **Findings**

The training policy for the City was issued and became effective on March 20, 2013. The policy requires the completion and submission of a training acknowledgement form to the Human Resources Director subsequent to completion of training.

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

The policy does not include a training deadline date for the 2-year cycle nor does it include a grace period. However, since the City underwent an agency-wide training in 2017, Ms. Irvin stated the City would continue its 2-year training cycle and perform another agency-wide training in 2019. Ms. Irvin could not specify a deadline date for the training until she spoke with the City Manager. Therefore, since the majority of training during the 2017 cycle occurred between April and June 2017, I used May 1 for the training deadline date with a 90-day grace period, specifically listing February 1–July 31 as the training compliance timeframe for the training cycle period.

At the time of the review, the City consisted of six elected officials, 464 full-time employees (including the City Attorney), and 53 appointed positions available with 50 appointed officials. Of the 6 elected officials, Mayor Masters is the only one who took the training during the citywide training period; the others provided training acknowledgement forms dated in November 2018. Of the 464 employees, 49 employees, including the City Attorney, provided training acknowledgements dated in November 2018.

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, City policy requires participation in county ethics training every two (2) years. However, because City officials are elected every three years on a rotating basis, there is no election every third year, which creates an arduous task for tracking purposes.

As for the 50 appointed officials, although none of them were trained within the grace period used, there were only 4 who did not submit a training acknowledgement form once they were notified of the requirement to take the training.

- **Recommendations**

After reviewing the policy and completing the compliance review, implementing the following four (4) 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 changed to read as follows: **"After initial training, periodic mandatory follow-up training is required for all employees every two (2) years during the training cycle. The two-year training cycle is effective May 1, 2019, and there will be a 90-day grace period. Therefore, all employees who take ethics training and read the Code of Ethics between February 1 and July 31 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 removed 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 ninety (90) days of taking office upon election, reelection, appointment or reappointment."**
3. Lastly, neither the Clerk nor the Human Resources Director knew whose responsibility it was to ensure all of the appointed officials were in compliance with their training policy. It should be stated somewhere in the policy who is responsible for ensuring appointed officials get trained, when they will be trained, how often they will be trained, and who is responsible for tracking their training forms.

4. 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 eighth 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**

The results of the review found that the City of Riviera Beach is not in full compliance with the ethics training requirement for all of its employees and officials. Further, the review identified four (4) areas of the policy that should be updated for practicality and so that the requirements are clear.

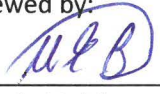
Submitted by:



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

12/5/2018
Date

Reviewed by:



(Initials)

12/5/2018
Date