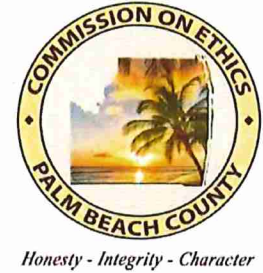


POLICY REVIEW AND COMPLIANCE MEMORANDUM



To: Christie Kelley, Executive Director
From: Abigail Irizarry, Investigator
Re: A22-005 – City of Boca Raton - Ethics Policy Review and Training Compliance

- **Background**

The Code of Ethics (Code) states in part, under Section 2-446(a), that Palm Beach County and each municipality within Commission on Ethics (COE) jurisdiction is required to maintain, by policy, a mandatory training schedule for all employees and elected/appointed officials. Additionally, each municipality also has the responsibility of overseeing participation of their own employees and elected/appointed official's Ethics Training Acknowledgment Form and ethics refresher training.

The COE is required to develop and deliver training programs. Furthermore, the COE coordinates and cooperates with the municipalities to ensure training of employees and elected/appointed officials.

The COE last audited the City of Boca Raton (City) employees on January 17, 2017.

- **Objectives and Scope**

Objectives include:

- Ensuring the agency has an ethics training policy.
- Ensuring the ethics training policy appropriately conveys information to officials and employees so clear parameters are determined, including initial training (with a defined deadline and grace period) and retraining cycle timeline (with a defined deadline and grace period).
- Ensuring the agency is requiring its officials and employees to comply with the training policy.

The scope for this memorandum included a review of all City employees and elected/appointed officials required to submit an Ethics Training Acknowledgement Form. Internal tracking and delivery method of ethics training compliance were not part of the scope.

- **Approach and Methodology**

On Thursday, February 10, 2022, on behalf of the COE, I initiated a compliance review of the City for ethics training compliance. In order to complete this task, I called City Clerk Mary Siddons to request the ethics training files. Siddons advised the City maintains all ethics training records for employees in the City Human Resource's Office. I emailed a written follow-up request for the records.

On Tuesday, February 15, 2022, I received City employee ethics training records from City Director of Human Resources Danielle Olson. I also received additional audit records on March 2, 2022.

Based on their Administrative Policy and Procedure dated February 13, 2013, all employees and City officials must take the initial Code of Ethics training within sixty (60) days of City employment,

appointment, or start of their term of office. Additionally, mandatory follow-up training is required of all employees and elected/appointed officials every three (3) years thereafter.

- **Findings**

At the time of this report, the City had 1770 active full-time employees. Upon review of the records, 181 employees (or 10.2%) have not been trained.

According to a statement provided by Olson on February 15, 2022, "...We have about 10% of our employees who are outstanding and need to complete the training. These employees were unable to take the training prior to due staffing shortages, absences (mostly due to COVID), and limited access to computers. Due to the uprise in COVID cases between October thru January, we were not conducting in-person training as not to risk exposure and impair services by bringing groups of employees together into a training room to watch the required training. However, with the recent decline in cases, we have begun to schedule such in person sessions to ensure we have all those outstanding completed within the next 60 days." [sic]

- **Recommendations**

After reviewing the City's policy, the following recommendation should be implemented to provide clarification regarding the training cycle and deadlines.

1. The follow-up training for employees and elected/appointed officials should have a specific timeframe to complete ethics refresher training. For example, the suggested follow-up language for employees and elected/appointed officials could be changed to read as follows: **"After initial training, periodic mandatory follow-up ethics refresher training is required for all employees and elected/appointed officials every three (3) years during the training cycle. The three-year ethics refresher training cycle is effective January 1, 2023, and all employees who take ethics refresher training and read the Code of Ethics between January 1 – March 1, 2023 will be considered trained and in compliance with this policy."**

Additionally, one recommendation for remote employees is as follows:

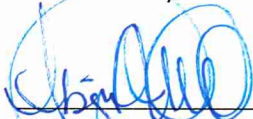
2. COVID is a completely unprecedented virus, and understandably, in-person training was not a reasonable nor responsible way to train employees (and officials) especially during heightened peaks of community spread. With this said, COE training is available online at <http://www.palmbeachcountyethics.com/training.htm>. Moving forward, this option is always available to staff/officials who prefer this platform versus in-person training. The Acknowledgement Form is also available online through the above listed website.

- **Conclusion**

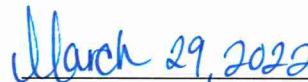
The City of Boca Raton is not in compliance with the ethics training requirement for its employees, as 181 out of 1770 (or ~10%) are not compliant with the training. The City explained that due to COVID's spread, the employees were unable to complete the ethics training; however, they anticipate having all outstanding forms completed within the next 60 days.

The review has identified one remote use recommendation and one area of the policy that may be updated for practicality, so the requirements are clear.

Submitted by:



Abigail Lizarry, Investigator
PB County Commission on Ethics



Date

Reviewed by:



(Initials)



Date