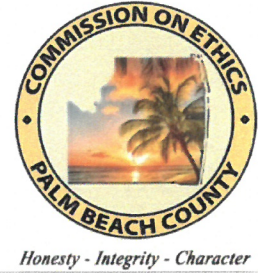


POLICY REVIEW AND COMPLIANCE MEMORANDUM



To: Mark E. Bannon, Executive Director
From: Gina Levesque, Intake and Compliance Manager
Re: A18-009 – Village of North Palm Beach
Ethics Training Compliance and Policy Review

- **Background**

As of June 1, 2011, all municipalities within Palm Beach County are under the jurisdiction of the Palm Beach County Commission on Ethics and subject to the Palm Beach County Code of Ethics (the Code). Pursuant to Section 2-446(a) of the Code, each municipal administrator is required to establish, by policy, a mandatory training schedule for all employees and elected or appointed officials to participate in refresher training on their ethical responsibilities as prescribed by the code.

The Commission on Ethics is required to develop and deliver training programs and to coordinate and cooperate with the municipalities to ensure effective and meaningful training of elected/appointed officials and employees. For verification, each municipality should maintain a training acknowledgment form for each full-time employee and elected or appointed official.

- **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 for officials and employees to determine clear parameters, including initial training and retraining deadlines and grace period definitions.
- To provide reasonable assurance the agency is requiring its officials and employees to comply with the training policy.

The scope of this review focused on the policy and proof of ethics training for the Village of North Palm Beach (Village) employees and officials. The delivery method of the training and internal tracking method of compliance were not part of the scope.

- **Approach and Methodology**

Renee Govig, Director of Human Resources, is responsible for tracking and maintaining all training information for employees and elected officials. Melissa Teal, Village Clerk, is responsible for tracking and maintaining all training information for appointed officials. On October 10, 2018, Ms. Govig provided a list of all employees and elected officials that included their hire and election dates. Ms. Govig also provided a copy of the training acknowledgements for employees. Tammy Held, Administrative Assistant for the Village Clerk provided a list of appointed officials that included their board name, appointment date and expiration date. Ms. Held also provided a copy of the training acknowledgements for elected and appointed officials.

I reviewed the Village's ethics training policy and the training acknowledgements provided. It became very apparent by the acknowledgements that very few employees have taken training either since the initial training provided when they were hired or when the Code went into effect in 2011. When I asked Ms. Govig about the fact that few employees have been retrained, she said she had the understanding that initial training was all that was required. It should be noted that Ms. Govig is the third Director of Human Resources since the Code went into effect. It should also be noted that since 2011, there were two periods that the Village had no Director of Human Resources. Once I directed her attention to the follow-up training aspect to the policy, Ms. Govig said she would begin the process of ensuring all employees and officials would receive the proper retraining yearly in December.

- **Findings**

The ethics-training paragraph is listed as section 13.4.5 of the employee policy manual that was added in 2012. The section requires that employees and officials undergo training at the beginning of employment and throughout the course of employment. The section also states that the Village provides follow-up training approximately every 12-18 months.

The training section does not require anyone read the Code, nor does it provide for any deadlines, grace periods, or reporting requirements. Although elected officials are considered the same as employees of the Village under the employee policy manual, the training section of the manual does not include appointed officials other than indicating training is mandatory for “all Covered Persons”, and all officials are “Covered” or under the jurisdiction of the Commission on Ethics regarding the Code.

Moreover, 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 Palm Beach County Commission on Ethics for the Code. As the election cycle for council members is yearly on a rotating basis, biennial training for elected officials is difficult to track.

At the time of the review, the Village had 217 employees, 13 boards or committees with 77 appointed officials, and 5 elected officials. Of the 217 employees, only 55 were trained or retrained and only 19 of the 77 appointed officials were trained or retrained. It should be noted that two of the boards, Business Advisory Board and Construction Board of Adjustment, have not met in several years but have not been dissolved. Those two boards have 13 members combined.

Though all of the 5 elected officials have taken the County Code of Ethics training initially, either as elected or former appointed officials, none is within the 12-18 month timeframe listed in Village policy. In addition, while the policy only specifies employees, the policy, as indicated earlier, does state that it applies to “all covered persons.” The Code of Ethics covers both elected and appointed persons. It should be noted that since different aspects of the Code apply differently to elected and appointed officials, taking initial training as an appointed official without retaking it once elected might lead to misunderstanding of the Code’s requirements.

- **Recommendations**

According to the Palm Beach County Code of Ethics §2-446(a), *Officials and employees shall be informed of their ethical responsibilities at the start of their public service, and shall receive updates and training materials on ethics issues throughout the span of their public service... The county administrator or municipal administrator as applicable shall establish by policy a mandatory training schedule for all officials and employees, which shall include mandatory periodic follow-up sessions.* In accordance with these mandates, the COE recommends incorporating the following language into a separate Ethics Training Policy and Procedure.

1. All employees must receive initial Code of Ethics training within 60 days of employment. This training requirement may consist of live training by COE staff, on-line training through use of the training video available on the COE website, or DVD presentation upon request.
2. All elected and appointed officials must receive training within 60 days of taking office upon election, reelection, appointment, or reappointment. This training requirement may consist of live training by COE staff, on-line training through use of the training video available on the COE website, or DVD presentation upon request.
3. As part of the required training, all employees, elected officials, and appointed officials must read the Palm Beach County Code of Ethics. The code is available on the COE website as well as in the guide, published by the Palm Beach County Commission on Ethics.
4. After completing training and having read the Code of Ethics, all officials and employees shall complete an approved acknowledgment form, available on the commission on ethics website, <http://www.palmbeachcountyethics.com/forms.htm>, indicating that they attended a live COE training or

viewed the appropriate web-video or approved DVD provided by the COE. The training acknowledgment form must be signed by the employee or official and submitted to Human Resources or the Village Clerk as indicated in paragraph 6 below. A copy of all training acknowledgements shall be kept alphabetically by last name in a separate binder.

5. 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 March 1, 2019, and there will be a 60-day grace period. Therefore, all employees who take ethics training and read the Code of Ethics between January 1 and April 30 during the cycle year will be considered trained and in compliance with this policy.
6. The Director of Human Resources shall be responsible for ensuring all employees are in compliance with this policy and maintaining their acknowledgement forms. The Village Clerk shall be responsible for ensuring all elected and appointed officials are in compliance with this policy and maintaining their acknowledgement forms.
7. The Director of Human Resources shall be responsible for scheduling training and compliance reviews with the Commission on Ethics regarding employees. The Village Clerk shall be responsible for scheduling training and compliance reviews with the Commission on Ethics regarding elected and appointed officials.
8. Employees who do not comply with this policy within 30 days of being notified by Human Resources that they are not in compliance shall be subject to disciplinary action. Appointed officials who do not comply with this policy within 30 days of being notified by the Village Clerk that they are not in compliance shall be subject to removal from their respective board.

- **Conclusions**

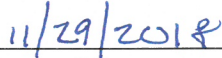
The results of the review found that the Village of North Palm Beach is not in full compliance with the Palm Beach County Code of Ethics training policy requirement for all of its employees and officials because few employees and officials have taken training after the initial training.

Additionally, the Village policy does not apply to appointed or elected officials, and §2-446(a) of the Code requires the policy to apply to those individuals as well. Therefore, the policy itself does not fulfill the requirement of the Code of Ethics.

Submitted by:

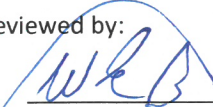


Gina Levesque, Intake and Compliance Manager
Palm Beach County Commission on Ethics

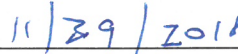


Date

Reviewed by:



(Initials)



Date