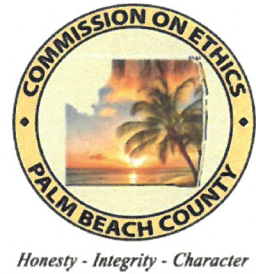


POLICY REVIEW AND COMPLIANCE MEMORANDUM



To: Mark E. Bannon, Executive Director
From: Gina A. Levesque, Intake and Compliance Manager
A18-011 – Village of Tequesta
Re: Ethics Training Compliance and Policy Review

- **Background**

The Palm Beach County 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 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 officials and full-time employees within the Village of Tequesta (Village). The delivery method of the training and internal tracking method of compliance were not part of the scope.

- **Approach and Methodology**

On September 28, 2018, I left a voicemail for the Village Clerk requesting to review a list of the officials and employees with their hire, election, or appointment date as well as proof of training. After an additional voicemail, the clerk had Human Resources & Risk Management Specialist Kathy Hannon contact me to arrange sending the information. Ms. Hannon emailed the requested information on October 23, 2018.

- **Findings**

The training policy for the Village was issued and became effective on January 10, 2013 and revised on March 12, 2015. The purpose as specified in the policy is to set the Village's policy and procedures for providing guidelines to all Village employees regarding mandatory ethics training. The policy requires that employees undergo initial training and receive a copy of the Code on the first day of employment; and after initial training, the policy requires follow-up training every four (4) years. Additionally, the policy requires the completion and submission of a training acknowledgement form to Human Resources.

Section I. POLICY STATEMENT: says in part "...§2-446(a), requires employees to be informed of their ethical responsibilities at the start of their employment, and to receive updates and training materials throughout the span of their service." However, a significant part of §2-446(a) *Ethics training* has been left out of the statement, to wit: "...**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."

It should be noted that the policy does not include a training requirement for elected or appointed officials, nor does it include a grace period for the initial training or the 4-year cycle. Although the policy does not include elected or appointed officials, Ms. Hannon provided a list of boards and elected officials with their term start and end dates. She also provided a copy of the training forms for each of the officials.

At the time of the review, the Village consisted of 5 elected officials, 108 full-time employees, and 17 appointed officials. All of the employees, elected officials, and appointed officials have taken training, but not in strict compliance with the policy.

It should also be noted that 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 Palm Beach County Commission on Ethics for the Palm Beach County Code.

The Village has a significant number of individuals to track for training purposes, and the Village's current policy requires the initial training to occur on the first day of employment with follow-up training every 4 years. Based on the narrowly worded language of the policy, to be in compliance with their policy, no employee can miss their training or retraining date for any reason, i.e. sick, vacation, day off, or a disaster. Additionally, Village officials are elected every two years on a rotating basis. If the current Village policy were applied to officials, tracking for the County Code of Ethics training would become an arduous task. Moreover, Council Members elected within the four-year period who are not re-elected after the expiration of their initial two-year term, would not have to undergo even initial ethics training under the current policy. This would violate the requirement for all covered persons under the Code of Ethics as listed below.

- **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 the policy and procedure so that elected and appointed officials are included as well as providing deadlines and grace periods for everyone.

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 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.

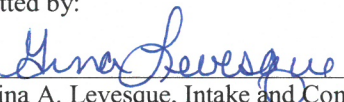
7. The Director of Human Resources shall be responsible for scheduling training and compliance reviews with the Commission on Ethics regarding employees. The Village Clerk shall be responsible for scheduling training and compliance reviews with the Commission on Ethics regarding elected and appointed 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 Tequesta is not in compliance with its own policy because the Village policy is narrowly worded and requires that all employees receive initial training on the first day of employment and follow-up training every 4 years. Although everyone in the Village received training and read the Code of Ethics, some employees did not receive training on their first day of employment.

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.

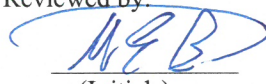
Submitted by:



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

11/29/2018
Date

Reviewed by:



(Initials)

11/29/2018
Date