

POLICY REVIEW AND COMPLIANCE REVIEW MEMORANDUM

To: Mark E. Bannon, Executive Director
From: Gina A. Levesque, Intake and Compliance Manager
Re: A19-008 – City of South Bay 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 or 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 directed to officials and employees that they can determine clear parameters, including the initial training timeline with deadlines and grace periods defined, and the 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 acknowledgement forms for officials and employees within the City of South Bay (City). The delivery method of the ethics training and internal tracking method of compliance were not part of the scope.

- **Approach and Methodology**

I sent an email to City Manager Leondrae Camel and City Clerk Vicky Del Bosquez, requesting a list of the officials and employees as well as their training acknowledgement forms. As the City is not a large municipality, all of the requested information was sent by email, which alleviated an on-site review.

- **Findings**

The training policy for the City was issued and became effective on March 19, 2013. The policy requires the completion and submission of a training acknowledgement form to human resources subsequent to completion of training. The policy also requires that all employees and officials undergo initial training within the first 90 days of employment or appointment. Although the policy requires retraining every two years, there is no mention of reading the Code, a grace period, or a training deadline date. However, in an email dated September 2, 2014, Ms. Del Bosquez indicated the 2-year cycle would begin on October 1.

As stated, no grace period is defined in the policy, and Ms. De. Bosquez' email stated the cycle would begin on October 1. However, because the last formal training date arranged by the City was April 12, 2018, I used that date and year as the deadline date and cycle year with a 90-day grace period. Therefore, anyone trained from February 12, 2018 through June 12, 2018 has complied with City policy.

At the time of the review, the City consisted of five elected officials, 23 employees, and no advisory boards with appointed officials. It should be noted that while all of the employees and officials have taken training, there were four employees who participated in training outside the window of time designated by the city policy.

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. Furthermore, City policy requires participation in county ethics training every two (2) years. However, City elected officials are elected for three-year terms on a staggering basis.

- **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.

After reviewing the policy and completing the compliance review, implementing the following five (5) recommendations should provide clarification regarding the training cycle and deadlines. The tracking process would also be easier to maintain.

1. It is recommended that the resolution and the section of the employee handbook that relates to the Code match one another so that misinformation is not published and everyone will understand the requirements.
2. It is recommended that part of the initial paragraph of Section C. Employee Code of Ethics and Conduct be placed in the requirement portion as separate delineated requirements as follows:
 - a. **“All employees must receive initial Code of Ethics training within thirty (30) days of employment”;** and
 - b. **“Officials (elected and appointed) must participate in training within thirty (30) days of taking office upon election, reelection, appointment or reappointment.”**
3. Paragraphs A., B., and C. under the Employee Code of Ethics and Conduct section are not being addressed at this time as they are not within the objectives or scope of this review. However, it is recommended that Paragraph C. be moved to the initial introductory paragraph of the section.
4. It is recommended that the language in the policy regarding mandatory follow-up training for employees 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 November 1, 2020, and all employees who take ethics training and read the Code of Ethics between November 1–December 31 during the cycle year will be considered trained and in compliance with this policy.”**
5. Finally, we request that the City remove the requirement that violations of the Code be reported to human resources or the city manager, as it may result in a “chilling effect”. Employees should be allowed to contact the Commission on Ethics without contacting Human Resources or the City Manager without fear of punishment.

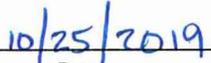
- **Conclusions**

Although all of the employees and elected officials have participate in training, the results of the review found that the employees and officials for the City of South Bay are technically not in compliance with their policy because some of them took ethics training outside of the window of time listed in the policy. Therefore, City of South Bay is not in full compliance with the ethics-training requirement. Further, the review noted five (5) suggested policy changes so that the requirements are clear.

Submitted by:



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

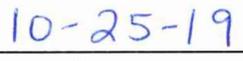


Date

Reviewed by:



(Initials)



Date