

POLICY REVIEW AND COMPLIANCE MEMORANDUM



To: Christie Kelley, Executive Director
From: Abigail Irizarry, Investigator
Re: A22-015 – City of West Palm Beach (Employees and Elected Officials) – Ethics Policy Review and Training Compliance

- **Background**

The Palm Beach County Code of Ethics states in part, under Section 2-446(a), that Palm Beach County and each municipality within Palm Beach County 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 West Palm Beach (City) employees and elected officials on October 25, 2019.

- **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 officials required to submit an Ethics Training Acknowledgement Form.

- **Approach and Methodology**

On Friday, November 18, 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 emailed City Talent Development Officer Mike Russell to request the ethics training records. The records are stored and tracked in the Human Resource Department via an online Learning Management System (LMS) software platform. New and existing employees are not only provided with COE ethics training, but are required to complete an online training module and electronically acknowledge the County's Code of Ethics Ordinance.

On Friday, December 2, 2022, I received the ethics training records for the City employees and elected officials.

The City's last Administrative Policy and Procedure, which was effective October 9, 2020, stated all employees must take the initial Code of Ethics training within 30 days of City employment or appointment. All elected officials must take the initial Code of Ethics training within 90 days of taking office.

Additionally, mandatory follow-up training is required of all employees every two (2) years by September 30 thereafter. Elected officials are required to complete four (4) hour follow-up training provided by the City Attorney's

Office or the Florida League of Cities annually by September 30. All City employees and elected officials must read the Palm Beach County Code of Ethics.

- **Findings**

At the time of this report, the City had 1,644 active employees (three (3) of which are newly hired) and six (6) elected officials. Upon review of the records, 1,637 City employees¹ (minus the newly hired) and elected officials have been successfully trained.

- **Recommendations**

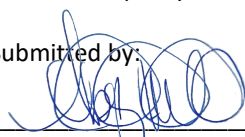
After reviewing the City's policy, the following recommendation should be implemented to provide clarification regarding the training cycle and deadlines.

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 two (2) years during the training cycle. The two-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."**
2. Although the City's policy 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. Therefore, it is recommended that the language in the policy regarding mandatory follow-up training for officials be amended to specifically include Palm Beach County ethics training.

- **Conclusion**

The City of West Palm Beach is not full compliance with the ethics training requirement for its employees; however, is in compliance with the ethics training requirement for its elected officials. Additionally, the review identified two areas of the policy that may be updated for practicality, so the requirements are clear.


Submitted by:



Abigail Irizarry, Investigator
PB County Commission on Ethics

12/23/2022
Date

Reviewed by:



(Initials)

12/23/2023
Date

¹ Seven (7) City employees had completed their most recent training over two years prior to the current audit (before November 18, 2020).