

# POLICY REVIEW AND COMPLIANCE MEMORANDUM

To: Mark E. Bannon, Executive Director  
From: Gina A. Levesque, Intake and Compliance Manager  
Re: A16-007 – Boca Raton Ethics Policy Review and Training Compliance  
Employees and Elected Officials



*Honesty - Integrity - Character*

- **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/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 municipality 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 elected officials and full-time employees within the City of Boca Raton (City). The delivery method of the ethics training was not part of the scope. It should be noted that a separate review will be completed regarding appointed officials.

- **Approach and Methodology**

The approach included an on-site review of a proof of training and a request for a list of the elected officials and employees. A review of the training policy, a review of elected officials and employees, and a review of all signed training receipts on file was performed. Additionally, two printed spreadsheets from fire rescue and police services were provided as proof of training for those departments.

- **Procedure**

The contact and review for this training cycle was made through Reynea Davis, Human Resources Office Supervisor. Ms. Davis said that all of the training information was kept in each employee's personnel file. Therefore, to avoid the possibility of my viewing confidential employee information, I submitted a request to review all of the training acknowledgement forms without having to look through personnel files. As the City contains approximately 1500 employees, Mark Buckingham, Director of Human Resources, indicated the review would require some delay as the forms needed to be compiled into binders.

At the time of the initial request, I asked for a list of all list of all employees, elected officials, and advisory board members that were employed, elected, and appointed as of June 1, 2015, as that was the training cycle deadline for the City. When I arrived for the first day of the on-site review, Ms. Davis provided a list of current employees and two spreadsheets containing training information for fire rescue and police sworn personnel. At that time, she said that the individuals listed on the spreadsheets would not have a signed acknowledgement contained within the binders as those two departments maintained their own records. However, the list of current employees also contained all fire rescue and police personnel.

The spreadsheet of Fire Rescue sworn personnel contained first name, last name, employee ID, assignment name, completion date, and completion time, which was in alphabetical order by last name. However, the spreadsheet of Police Services sworn personnel contained username, last name, first name, doc name, title, location, and signed date/time, which was also in alphabetical order by last name.

The training acknowledgement forms were maintained by human resources in binders in alphabetical order by last name. The binders also contained approximately 90 forms for individuals whose names were not on the employee list. Therefore, I maintained a written list for the forms not on the list provided. Additionally, there were several employees with more than one form on file with different dates of training.

This review was difficult to complete as the training information was provided in varied formats. I initially cross referenced each training acknowledgement form maintained by human resources. After reviewing all of the forms kept in the binders, I reviewed each of the printouts to locate the names of individuals that did not have a form within the binders. However, several people listed on the spreadsheets did, in fact, have a training acknowledgement form on file. There was no pattern as to whose forms were in the binders.

- **Findings**

The training policy for the City was issued and became effective on February 12, 2013. The policy requires the completion and submission of a training acknowledgement form to the Human Resources Department within one week of the date of the completion of training.

The policy requires that officials and employees undergo initial training and read the Code within sixty (60) days of employment or taking office for elected officials. The training policy also requires rereading the Code and mandatory follow-up training every three (3) years. There is no differentiation between elected officials and employees for the three (3) year mandatory follow-up training.

The policy states that all employees and officials shall return a signed acknowledgement form to the Human Resources Department within one week of the completion of training. However, although some of the training forms were located in the binders, the fire rescue and police services departments maintained documentation regarding their respective employees. Additionally, training forms for appointed officials were located in the city clerk's office.

The policy does not include a training deadline date for the three (3) year follow-up cycle nor does it include a grace period. However, Mark Buckingham, Director of Human Resources provided a verbal agreement to set a training deadline date for this review of October 1, 2015 with a 90-day grace period. During that conversation, he agreed with my understanding of the deadline date and grace period to mean that anyone trained between June 1 and December 31 would fall within the training compliance timeframe for the training cycle period.

It should be noted that the mayor and the four (4) City commissioners are elected for three (3) year terms with alternating term dates. It should also be noted that all elected officials are under the jurisdiction of the State Commission on Ethics and are required to take four (4) hours of ethics training yearly to be in compliance with State rules.

At the time of the training cycle, the City consisted of 1645 full-time employees and elected officials. Of the 1645, there were 190 people that did not have a signed training form on file, nor were any of the 190 names provided on a list as having taken the required training (whether initial or follow-up).

- **Recommendations**

After reviewing the policy and completing the compliance review, implementing the following four (4) recommendations should provide clarification regarding the training cycle and deadlines. The tracking process would also be easier to maintain.

1. 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 Commission on Ethics for the Palm Beach County Code. Furthermore, City policy requires participation in county ethics retraining every three (3) years. However, City officials are elected every three (3) years with alternative term dates. Currently, the policy dates render tracking for compliance too arduous for both elected officials and employees. Therefore, it is recommended that the language in the policy regarding mandatory follow-up training for officials be removed from the follow-up language for employees and instead be included in the language regarding initial training.
2. For clarity, we recommend the policy concerning initial training for officials be changed to include the following language: "**Officials (elected and appointed) must participate in training within ninety (60) days of taking office upon election, reelection, appointment or reappointment.**" Further, we recommend the mandatory follow-up language for employees be changed to read as follows: "**After initial training, periodic mandatory follow-up training is required for all employees every three (3) years.**"
3. Additionally, pursuant to the verbal commitment of a specific training deadline, the policy should include language providing the deadline date of October 1 with a ninety (90) day grace period (or a sixty (60) day grace period to be consistent with initial training). Specifically, the dates of June 1 – December 31 as the grace period compliance timeframe for employees should be listed so that employees will understand that if they read the Code of Ethics and participate in training anytime from June 1 – December 31 during the cycle year, they will be in compliance with the training policy.
4. Since spreadsheets were provided as a form of tracking employee training, and not all employees were required to submit a signed acknowledgement form as indicated in the policy, the City has not been following its own policy regarding tracking. Further, the comparing and cross checking names from different printouts with employee names not found to have a signed acknowledgement form within the binders was very time consuming. Therefore, we recommend using one universal tracking method regardless of the type used, which should be stated in the policy.

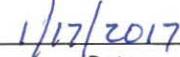
- **Conclusions**

The elected officials reviewed during this training cycle took retraining. However, there were 190 employees out of 1645 (11.5%) that did not take training/retraining or did not have a form on file with human resources or were not listed on one of the spreadsheets of police and fire department employees listed as having completed ethics training/retraining. Therefore, the City of Boca Raton is not in compliance with the ethics training requirement.

Further, four (4) policy change recommendations are being submitted to the City for review. The recommendations are being made for practicality purposes and so that the requirements are clear.

Submitted by:

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

  
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Date