

POLICY REVIEW AND COMPLIANCE MEMORANDUM



Honesty - Integrity - Character

To: Mark E. Bannon, Executive Director
From: Gina A. Levesque, Intake and Compliance Manager
Re: A17-005 – Town of Manalapan 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/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 proof of ethics training for officials and full-time employees within the Town of Manalapan (Town). The delivery method of the ethics training and internal tracking method of compliance was not part of the scope.

- **Approach and Methodology**

The approach included a request to meet with the Town Clerk to review a list of the officials and employees as well as their proof of training. I met with Lisa Petersen, Town Clerk, on August 21, 2017 to perform the review.

- **Findings**

The training policy for the Town became effective on December 8, 2012. The policy requires the completion and submission of a training acknowledgement form to Human Resources or other designated department subsequent to completion of training.

The policy requires that officials and employees undergo initial training and read the Code within 60 days of appointment, employment, or taking office for elected officials. The training policy also requires rereading the Code and mandatory follow-up training every two years for all officials and employees. There is no differentiation between employees and elected officials for the 2-year mandatory follow-up training.

The policy states the COE will coordinate with the designated administrator in all municipalities, taxing authorities under contract and the County to provide timely and effective follow-up training. It also states that all municipalities, taxing authorities under contract with the COE, and the County will designate an administrator to coordinate training and reviews with the COE.

The policy does not include a training deadline date for the 2-year cycle nor does it include a grace period. However, the Town Clerk provided a copy of a spreadsheet containing the names of all employees and officials, and a column for years 2011-2017. There was an "X" by every name under the year training was completed. Ms. Petersen also had signed acknowledgement forms for the last training everyone had taken.

At the time of the review, the Town consisted of seven (7) elected officials, forty-one (41) full-time employees, and eighteen (18) appointed officials, all of whom participated in retraining when they were required to do so.

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, Town policy requires participation in county ethics training every two (2) years. However, because Town officials are elected every two years on a rotating basis, there is a potential for new council members every year.

- **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. The follow-up training for employees should 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 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 October 1, 2017, and there will be a 30-day grace period. Therefore, all employees who take ethics training and read the Code of Ethics between September 1 and October 31 during the cycle year will be considered trained and in compliance with this policy."**
2. It is recommended that the language in the policy regarding mandatory follow-up training for officials be separated from the follow-up language for employees and instead be included in the language regarding initial training. For example, the initial training for officials could be changed to include the mandatory follow-up language to read: **"Officials (elected and appointed) must participate in training within sixty (60) days of taking office upon election, reelection, appointment or reappointment."**
3. We request that the Town remove the language in Item 5 of the Town Policy giving direction to the COE with respect to all municipalities, taxing authorities under contract and the county. Town Policy is a document to give guidance to Town employees and officials only.
4. Finally, we request that the Town remove Item 6 of the Town Policy. During the COE's initial compliance reviews in 2012, a grace period of up to 45 days was allowed to cure any deficiencies in required ethics training. The allowances were given because the ordinance was new. However, since this process is now in its seventh year, the 45-day grace period is no longer applicable and training deficiencies will be noted in the compliance review reports after COE staff have conducted the ethics training compliance review.

- **Conclusions**

The results of the review found that the Town of Manalapan is in full compliance with the ethics-training requirement for all of its employees and officials. Further, the review identified four (4) areas of the policy that should be updated for practicality and so that the requirements are clear.

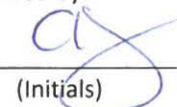
Submitted by:



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

8/25/2017
Date

Reviewed by:



(Initials)

8-25-17
Date