

Palm Beach County Commission on Ethics
Policy & Procedure
Manual

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1. INTRODUCTION/GENERAL

This section defines the purpose of the COE Office Policies and Procedures Manual and the maintenance of same.

1.1 Purpose of the Policies and Procedures Manual

This Policies and Procedures Manual (hereinafter “manual” or “PPM”) is designed to provide a working knowledge of organizational structure, internal policy, and procedures in the Palm Beach County Commission on Ethics (COE) Office. This manual is not a contract of employment.

If you should find yourself faced with a matter not covered in this manual, do not hesitate to ask the COE Executive Director or your supervisor for direction.

1.2 Maintenance of and Revisions to Manual

Staff will be provided with a link to this document, and a printed version will be available in the COE Office. Employees are encouraged to view the document online and not to print additional copies, thus assuring the most recent version at one’s fingertips and saving paper in the process.

Specific information contained in this PPM is the most recent information available and may change from time-to-time. Requests for modification shall be submitted to the COE Executive Director, who must approve all changes to the manual.

1.3 Palm Beach County Government

Palm Beach County (hereinafter “County”) is a charter county. The County is run by a Board of County Commissioners (hereinafter “BCC”) which is composed of seven members elected by the public in their respective districts. The County Administrator, the Internal Auditor, and County Attorney are contractual employees appointed by and directly responsible to the BCC. The COE Executive Director is county employee appointed by and directly responsible to the Palm Beach County COE. There are a number of other departments and divisions that report directly to the County Administrator. The County’s Organizational Chart can be viewed [here](#).

1.4 Department/Division Contact Information

See the online [Novell eGuide](#) for a directory of the various County departments, divisions and key personnel.

1.5 Countywide Policies & Procedures

All Countywide PPMs are incorporated herein by reference to ensure consistent application of countywide interests such as safety, ADA accommodations, and [merit rules](#). See the [County Policies and Procedures Manual](#). The Commission on Ethics is established by ordinance as a body independent of the BCC and County Administration. As such, policies and procedures adopted by the Office of the Commission on Ethics shall govern to the extent of any conflict.

2. OFFICE OVERVIEW

This section describes the function and purpose of the COE Office and defines the organizational structure of the office.

2.1 Function and Purpose of the Office

In accordance with Article V, Division 8, Section 2-258 of the County's Charter, the COE Office is an independent entity within Palm Beach County Government empowered to review, interpret, render advisory opinions and enforce the Countywide Code of Ethics, County Post-employment Ordinance, and County Lobbyist Registration Ordinance. The jurisdiction of the COE extends to public officials and employees as well as lobbyists, vendors and other entities doing business with county or municipal government. In addition, the COE is empowered to review ordinances and state and federal laws relating to ethics in government and report and make recommendations to the BCC and municipal elected officials as it deems appropriate. In order to accomplish its mission of fostering integrity in public services, promoting the public's trust and confidence in that service, and preventing conflicts between private interests and public duties, the COE is responsible for conducting ongoing educational programs and community outreach.

2.2 Location

Set forth below is the official address of the COE Office.

Official Address:	Commission on Ethics 2633 Vista Parkway West Palm Beach, FL 33411
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2.3 Office Organization

There are three sections in the COE Office: Legal, Investigative and Administrative. The COE Executive Director (ED) supervises and is responsible for and in charge of all aspects of the COE Office. Investigative operations are supervised by the Chief Investigator (CI), Legal Department is supervised by Staff Counsel and Administrative personnel are

supervised by the Executive Assistant (EA). Supervising personnel are responsible for implementing and administering certain day-to-day operations of the office in the absence of or at the direction of the ED. The organizational chart for the COE Office is available [here](#).

2.4 Assignments

Each COE employee is assigned to specific specialized areas, departments, divisions, and projects within his/her section. An "Intake Manager" (IM) position has been created to monitor assignments. From time to time, assignments may change and temporary assignments may take place. In addition to paid staff, and in the interest of saving taxpayer dollars, the ED may establish a Pro Bono Advocate Program, through the Palm Beach County Legal Aid Society, utilizing private attorneys as Pro Bono Advocates. Additionally, as part of the broader public outreach program, a college and law school intern program will be instituted and supervised by Staff Counsel. In order to better serve the public, the ED or Staff Counsel at the request of the ED may establish teams that will provide a cross-section perspective to specific ethics issues.

3. *GENERAL POLICIES*

This section addresses various general office policies. All covered topics are arranged in alphabetical order for easy reference.

3.1 Absences and Tardiness

Punctuality is important to the operation of our office. Excessive tardiness will result in discipline and ultimately discharge. In the event any employee is aware that he/she will be arriving after their start time, he/she must inform the office in advance by notifying the EA. Further, any non-exempt employee leaving the office and not returning before the end of the workday must inform the EA. All employees are to inform the EA who will in turn make sure their supervisor and the ED are aware of their absence. The EA will be responsible for updating the calendar and letting an employee's supervisor know if they or an employee they work with has been called away from the office unexpectedly and will not be returning that day so that the day's attendance record will be up-to-date.

Use of sick or vacation leave must be in accordance with the Merit Rules. Vacation leave must be scheduled and approved in advance. Sick leave must be reported before the start of each workday except in cases of a genuine emergency, and must then be reported as soon as possible under the circumstances.

All employees are responsible and accountable for maintaining their own attendance records in HRIS (submittal of forms, etc.). Employees are responsible for their scheduled work and should alleviate any scheduling issues to the extent possible.

3.2 Break Periods

The COE Office recognizes that a break or rest period promotes the efficiency of the employees and thus is of value to the office. Employees shall be entitled to breaks or rest periods. Due to the professional nature of the work performed in the COE Office, and the fact that it may be impossible for an employee to take a set break time each day, it is the preference of this office that such rest periods are taken informally. For example, employees may leave their workstations periodically throughout the day to get coffee or snacks, which may be consumed discreetly at the employee's workstation or office. The frequency and duration of all such breaks shall be kept to a minimum, and should not exceed ten minutes.

3.3 Compensatory Time/Overtime/Flex Time

The following definitions apply:

Compensatory ("comp") Time: Time off with pay for hours worked in excess of the normal workweek.

Exempt Employees: Any employee excluded from the overtime provisions of the Fair Labor Standards Act; i.e., attorneys, investigators and executive secretaries.

Flex Time: Flexible schedule provided that eighty (80) hours are worked within a pay period and schedule is approved in advance by the ED or supervisory designee.

Non-Exempt Employees: Any employee covered by the Fair Labor Standards Act for minimum wage and overtime payments; i.e., clerical staff, receptionists, secretaries and legal assistants.

Overtime: Any time worked in excess of forty (40) hours.

3.3.1 Compensatory Time: General

It shall be the general policy of the COE Office not to require employees to work in excess of forty (40) hours per week; however, it is recognized that exempt employees, in particular, may not be able to limit their work week to forty hours. When it is necessary to meet emergency deadlines or for the operating needs of the County, an employee may be authorized, directed and/or required to work in excess of their normal work week based on the terms and conditions set forth herein.

3.3.2 Compensatory Time: Earned

Exempt employees will be granted comp time at a rate of one hour for each hour worked in excess of 40 hours in a work week. Exempt employees may not exceed a maximum balance of 120 hours. Exempt employees will not receive payment for comp time balances upon termination.

Non exempt employees will be granted comp time at a rate of one and one half hours for each hour worked in excess of 40 hours in a work week. Non exempt employees may not exceed a maximum balance of 120 hours. Non exempt employees will receive payment for comp time balances upon termination.

Employees in the executive pay plan will be granted comp time at a rate of one hour for each hour worked in excess of 40 hours in a work week. Executive pay plan employees should not exceed a maximum balance of 40 hours. Executive pay plan employees will not receive payment for comp time balances upon termination.

Comp time will only be credited for increments of overtime greater than or equal to one-quarter hour.

No comp time will be given for travel time.

Comp time is not an entitlement and any pattern of abuse will cause comp time to be eliminated.

Holiday, previously approved and scheduled vacation leave, and compassionate leave shall be considered time worked for the purposes of computing compensation. Benefits paid under workers' compensation, any leave without pay, absent time such as sick and unscheduled vacation, jury duty, military service, and attendance at seminars, except those relating to the employee's current position, shall not be considered time worked for purposes of computing compensation.

The EA is responsible for day-to-day administration of this policy and periodic review of records to assure equity, compliance, and sound fiscal management. Payroll sheets will be reviewed closely by the EA to ensure that no time is reported that is not consistent with our office policy.

The EA is responsible for the generation and maintenance of appropriate records and reports as required by law, County policy, and the ED.

The ED is responsible for providing interpretation(s) of this policy and periodically reviewing and amending, if necessary, its provisions.

3.3.3 Compensatory Time: Used

- A. Employees should complete an Employee Leave Request form to document comp time used.
- B. The use of comp time may be restricted to times when existing workloads can accommodate the leave and must be scheduled and approved in advance in the same manner as annual leave.
- C. Comp time cannot be used if, in the judgment of the ED or the employee's supervisor, it will affect the staffing of departmental operations.

3.3.4 Overtime (Applicable to Non-Exempt Employees Only)

Merit Rule pertaining to overtime states "all overtime must be scheduled and authorized in advance by the department head." Job classes designated as exempt (EX) are not eligible for additional pay for overtime, but may earn compensatory time on an hour for hour basis.

General employees designated as non-exempt (NE) are eligible for overtime pay and may be paid at time and one half of their regular rate of pay for all hours over 40 in a work week OR an equivalent amount of compensatory time.

Overtime payments are computed on a weekly basis (Saturday through Friday) using the employee's regular rate of pay.

Overtime may be required of any non-exempt COE employee as deemed necessary by the ED or the employee's Supervisor in order to meet established schedules, project deadlines, or the needs of an emergency situation.

Advance notice of required overtime will be given to employees whenever possible; however, employees should be aware that situations occasionally arise that do not permit advance notification. In such situations, the ED or his or her designee will make every effort to notify the affected employee(s) as soon as possible.

Overtime Procedures:

- A. All overtime work must be scheduled and authorized in advance by the employee's supervisor.

- B. It shall be the responsibility of all supervisory employees to limit the authorization and approval of overtime as set forth herein.
- C. Overtime will be authorized only when it is in the interest of the COE and is the most practicable and economical way of meeting unusual workloads or deadlines.
- D. In determining the need for overtime, any individual with approval authority must ensure that all other options have been exhausted. These avenues may include options such as schedule rotation (planning and scheduling 40-hour work weeks to meet the needs of regular and known special events or functions so as not to incur overtime).
- E. Employees who have been assigned to work overtime, whether voluntary or mandatory, are expected to report to work as scheduled.
- F. An employee who fails to report to work shall be subject to disciplinary procedures as specified in the Employee Handbook issued by the County.
- G. Employees should be released from mandatory overtime, without fear of discipline, when they can provide a reasonable excuse such as a personal family emergency or personal long-range commitments.
- H. Absences covered by sick leave, even though paid for, are not considered as time worked for purposes of computing overtime compensation.
- I. Holiday, previously approved and scheduled vacation leave, and compassionate leave shall be considered time worked for the purposes of computing compensation. Benefits paid under workers' compensation, any leave without pay, absent time such as sick and unscheduled vacation, jury duty, military service, and attendance at seminars, except that relating to the employee's current position, shall not be considered time worked for purposes of computing compensation.

3.4 Classification and Pay Administration

The COE Office adopts Palm Beach County's Merit Rule 6 with the following revisions, intended to maintain the independence of the commission and maintain consistency with the organizational provisions of Article V, Division 8, §2-257(d) of the Commission on Ethics Ordinance. In all cases, classification and pay administrative authority within the COE office rests with the ED, subject to documentation and justification, with the exception of the Executive Director's salary which is determined by the Commission on Ethics subject to ultimate budget approval by the BCC.

3.4.1 Special Salary Increases

Salary increases in addition to those already specified in the Merit Rules shall require the approval of the ED. This type of adjustment shall be fully documented and justified.

3.4.2 Reclassification

The ED shall have authority to approve reclassification or upgrade as recommended by COE Office supervisors or the ED. Reclassification or upgrade shall be fully documented and justified.

3.5 Conference Room

The COE Office has a conference room located on the east side of the office at 2633 Vista Parkway. Scheduling of the conference room is through the EA and is to be entered into Microsoft Outlook so that the information will be recorded on the conference room schedule.

It is the responsibility of the individual(s) using the conference room to straighten up the room when they are finished.

If the conference room is needed for a larger group of people, the EA will arrange to reserve the FDO training facilities at 2633 Vista Parkway.

3.6 Dress Code

All employees of the COE Office must dress in a professional manner in keeping with the business atmosphere of a legal office which is frequented by County officials, members of the public, and individuals doing business with the County.

Graphic T-shirts, jeans, sweatshirts or sweatpants, stretch pants, bicycle pants, shorts, culottes, tank tops, tube tops, cropped tops, halters; off-the-shoulder or strapless tops, spaghetti straps, and beach sandals are not permitted to be worn during regular working hours of the office. Employees must wear clothing which is neat and clean and fits properly. Midriiffs must be covered. Necklines and hemlines must be professional in appearance.

On days designated as "Dress Down Days" (Fridays unless otherwise designated), a more relaxed dress code will be in effect. Although more casual attire is permitted, all employees must still maintain neatness and professionalism in their dress on these days. On "Dress Down Days" employees may wear jeans, collared-shirts, sneakers, and other non-business type attire as long as they are "dress casual" in appearance. The other styles and items of clothing referenced in the paragraph above may not be worn. Attorneys and investigators must bear in mind that at any given time they may be called

upon to attend meetings, appear before governmental or association entities or to meet with members of the public, officials, complainants, respondents or their representatives and as such must be appropriately dressed.

In the event the ED determines that it is no longer in the best interest of the office to continue "Dress Down Days," employees will be directed to resume dressing in accordance with the regular office dress policy.

Any employee who reports to work in a manner contrary to this dress code or inconsistent with the professionalism required by this office may be asked to leave the office and return appropriately dressed. The employee may be charged with an absence (vacation time) for the time and may be charged with a violation of the disciplinary rules by the ED or his/her designee.

3.7 Dues and Memberships

The philosophy of the COE Office is that employees of this office are engaged in professional occupations and, as such, are treated as professionals. This office encourages continued education and professional growth through membership in professional organizations. Within budgetary constraints, this office will process payment of Florida Bar dues. Section dues of The Florida Bar and any other bar dues and memberships shall be the personal responsibility of the employee.

Investigators, secretaries and administrative personnel are also encouraged to participate in professional associations. Dues and memberships will be paid subject to approval of the ED and available budget.

In any event, dues will only be paid if statements for same are timely submitted for processing. Any late fees shall be the responsibility of the individual.

3.8 Duplication/Printing

There are multiple copiers and printers available for office use. It is important to keep these machines clean and to remove staples, paper clips, or any type of fasteners from documents before attempting to operate this equipment. In the event of malfunction, the EA or designee shall be advised, to arrange for repair of same.

For inordinately voluminous copy or print work the project will be forwarded to the Palm Beach County Graphics Division unless it involves processes unavailable to the Graphics Division. If the Graphics division is unable to complete a requested task outside alternatives may be explored. Before any alternative is engaged, employees must check with the EA or designee to determine availability to assist and obtain

approval from the ED. In the event that Graphics will outsource the work, the charges related to the work will be incurred by Graphics; not the COE Office.

3.9 Emergency Procedures

Countywide [PPM#CW-0-022](#) shall control in all emergency situations. Specific duties and responsibilities of the members of the COE Office are set forth below.

3.9.1 Emergency Evacuation Procedure

Alarm system warnings and/or emergency evacuation orders may be given for fire/smoke alarms, bomb threats, natural disaster warnings, or any other emergency situation. All individuals within the Office of the COE must evacuate when alarm system warnings sound.

3.9.2 Emergency Hurricane Disaster Procedure

- A. Before the storm (Condition One): A warning condition analogous to when the National Weather Service issues a “Watch” in which 50 knot winds are possible within 48 hours, the ED in consultation with the EA will:
 1. Insure that all staff is informed of the warning.
 2. Prepare for possibility of Condition Two (defined below) requirements.
 3. Prepare communications alternative for personnel for post-hurricane conditions. The Department of Communications has assigned phone numbers to call for post-hurricane announcements. The office of the COE has been assigned a designated phone number of 233-0342. Employees calling this number will hear an announcement recorded by our department’s representative. The system will disconnect at the end of the announcement. This is not a voice mail system; thus, the system will not record any messages.

- B. Before the Storm (Condition Two): A warning condition analogous to the National Weather Service “Warning” in which 50 knot winds are possible within 24 hours, the ED in consultation with the EA will:
 1. Have overall responsibility for pre-hurricane and post-hurricane activity.
 2. Coordinate completion of securing the COE Office.
 3. Designate an employee to report to the County’s Emergency Operations Center during the storm to attend to any legal matters which may arise.

4. Determine when to dismiss employees to secure their personal possessions and to leave the office to secure their homes.
5. According to the direction of the ED or his/her designee, all employees will work together to:
 - a. Move all important papers and vital records to internal offices.
 - b. Unplug all electrical equipment
 - c. Secure the copy and fax machines.
 - d. Secure the computer equipment, including moving the equipment to an interior office away from windows and taping connecting cables and cords to the equipment.
 - e. Perform any other computer related duties as outlined in ISS's policy on Departmental responsibilities relating to emergencies.

C. Post-Hurricane Responsibilities

The ED will:

1. In coordination with Facilities Management identify potential dangerous conditions within the COE Office.
2. Identify the COE employees who can report to work, where they need to report, and what specific responsibilities will be assigned.
3. Schedule daily work meetings, as needed.
4. In conjunction with the BCC, County Administrator, County Engineer and Emergency Operations, coordinate recovery within the County, and attend appropriate meetings.
5. According to the direction of the ED or his/her designee, all employees will work together to:
 - a. Identify and correct potentially dangerous conditions within the COE Office.
 - b. Provide a damage assessment of all office equipment and property.

- c. Inspect and provide a damage assessment as to all important papers and vital records.
- d. Photograph/videotape damage to prove loss for insurance and historical purposes before commencing clean-up and recovery.
- e. Coordinate office clean-up with Facilities Management, Communications and ISS.

D. Additional Pre- and Post-Hurricane Responsible Parties

In the event of the disability or unavailability of the ED, the EA shall perform all pre/post hurricane duties of the ED.

3.10 Faxes

All staff members are responsible for delivering received faxes to the EA. If all pages have not been received, the EA will call the sending party and request the missing page(s). The EA will notify the appropriate staff of the receipt of the fax.

3.10.1 FAX Procedures

Operating procedures for the FAX are posted at the machine. FAX number is (561) 233-0735

3.10.2 Filing

After sending FAX material, the cover sheet and its attachments should be filed in the office file folder to which they pertain.

3.11 Hours

The COE Office hours are from 8:00 a.m. to 5:00 p.m. Monday through Friday, except holidays approved by the BCC and other hours determined by the ED under special circumstances.

Absent special workload requirements, secretarial and administrative staff must work an eight-hour day between the hours of 8:00 a.m. and 5:00 p.m. five days per week, respectively, (flex hours) unless otherwise approved by the ED. Employees must identify the specific hours within the flex hour parameters that they will be scheduled to work. Such schedules must be maintained unless the requirements of the office require adjustments in the employee's hours. All hours are subject to the discretion of the ED.

Notwithstanding the normal working hours of the office and the individual flex hours of an employee, all members of staff will be expected to work additional hours in the case

of special workloads or work emergencies as more fully set forth in Section 3.3 herein addressing overtime and compensatory time.

To assure that proper staffing will be provided, all personnel are advised to notify the EA of any schedule changes.

3.12 Injuries

All work-related injuries, no matter how minor, must be immediately reported by the employee to the EA or other ED designee. An Incident Report must be completed and the employee must go to the Occupational Health Clinic as soon as possible.

3.13 Keys

All office keys/badges are the property of the COE Office. The ED's designee will provide keys to the employees whose offices have locks. When any employee with a key no longer is employed in the COE Office, keys are to be returned immediately.

COE Office staff is required to adhere to the Office Building procedures for FDO staff.

3.14 Leave Benefits

Information concerning leave benefits can be found in [Rule 9](#) of the Merit System Rules and Regulations.

3.14.1 Annual Leave/Vacation Leave

Full-time employees and permanent part-time employees shall be eligible for annual leave. Annual leave credit begins to accrue immediately upon employment. Employees may use annual leave for vacation, personal and emergency reasons. It is earned as provided in the current [Merit Rule 9.03](#).

The maximum unused annual leave which can be carried over from one calendar year to the next shall not exceed 400 hours. The date for computation of excess leave for each year is December 31. It is the County's intent to have employees take their annual leave yearly during the period in which it was earned.

Requests for leave are submitted and approved online via the Human Resource Information System (HRIS).

To avoid being short-staffed during the Christmas break, preference will be given to staff members who did not take off the previous year during the

holiday season. The next preference will be given to staff members who took off during this time on prior approved leave. Additional requests will be evaluated as received.

3.14.2 Compassionate Leave (Bereavement)

In the event of a death in the employee's immediate family, compassionate leave may be granted in accordance with [Rule 9.05](#) of the Merit System Rules and Regulations. Any additional time needed may be charged against sick leave, annual/vacation or available compensatory time.

"Immediate family" for compassionate leave purposes includes mother, father, sister, brother, children, stepchildren, stepparents, grandparents, grandchildren, spouse, mother-in-law, father-in-law, domestic partners, and eligible dependents of a domestic partner.

3.14.3 Educational Leave

A permanent full-time employee may, after one year of employment, request educational leave of up to six months without pay for the purpose of taking occupationally related courses or training subject to the terms and conditions of the Merit Rules and subject to approval of the ED. The employee must exhaust all vacation and compensatory time before being placed on unpaid leave.

3.14.4 Family Illness Leave

Sick leave may be used for illness in an employee's immediate family requiring the employee to render assistance. "Immediate family" is defined as spouse, parent, child, domestic partner, and eligible dependents of a domestic partner. Such leave is first charged against sick leave, then annual/vacation leave or available compensatory time.

3.14.5 Family and Medical Leave

Employees eligible for such leave must comply with the terms and conditions set forth in the Family and Medical Leave Act of 1993 (the "Act") and in [Rule 9.07](#) of the Merit Rules.

3.14.6 Holidays

The COE Office shall follow the holiday schedule set annually by the BCC and the County Administrator.

3.14.7 Leave without Pay

A. Absence without Approved Leave (AWAL)

AWAL is defined as the absence of an employee from duty that is not authorized by the appropriate supervisor. AWAL shall be without pay and subject to disciplinary action, compulsory resignation, or dismissal.

B. Approved Leave of Absence

Such leave may be granted to employees for valid reasons, but at the discretion of the ED in view of the necessity for maintaining work production and operations. The employee must exhaust all vacation and compensatory time before being in an unpaid leave status.

3.14.8 Military Leave

Military Leave shall be granted as set forth in Section 9 of the County Merit Rules.

3.14.9 Sick Leave

All eligible employees begin to accrue sick leave immediately upon employment subject to the terms and conditions set forth in Rule 9 of the Merit Rules.

Sick leave is defined as approved absence from work due to personal illness, medical, dental, or optical appointments necessarily arranged during work hours; pregnancy, injury, disability, or if required to be absent because of exposure to a contagious disease which would endanger others (as determined by the County's physician at Occupational Health). Sick leave may also be utilized for illnesses of immediate family members as defined in the Family and Medical Leave Act when the employee's assistance is required. Sick leave may not be utilized for any other purpose. Use of sick leave for vacation or other personal matters is a violation of Section A of the Rules of Conduct and punishable as set forth in the Disciplinary Guidelines of the Merit Rules ([Rule 7](#)).

Employees are required to call the office no later than 9:00 a.m. each day they are out ill.

Employees absent for an illness of five or more consecutive work days must report to the Occupational Health Clinic for written clearance before returning to work and produce a note from their physician stating ability to return to regular duty, or indicating any limitations.

Failure to call in sick for three consecutive days could result in an automatic discharge. A leave request through HRIS is to be completed upon the return of the employee and approved by the appropriate supervisor.

3.15 Lunch Hours

Staff must take a lunchtime break. Staff employees are allotted either a one-half or one hour period between noon and 2:00 p.m. each day as designated lunchtime. Such staff shall identify their specific lunchtime schedule, to be chosen in conjunction with the schedules of other staff members so as to afford sufficient coverage during lunchtime hours. Employees choosing a half hour break who overextend their break time may be required to adjust their work schedule to take a full hour lunch.

Lunchtime hours are subject to work requirements of the office and may be adjusted at the request of the employee's supervisor in the case of work needs.

Lunch schedules may not be changed without the prior approval of the employee's supervisor. Employees may adjust or skip their lunch period on a particular day only with prior approval by their supervisor and providing the change does not impact the operation of the office.

3.16 Mail

The EA or designee is responsible for sorting and distributing mail received into the appropriate mailboxes located in the reception area and is responsible for opening and date stamping mail directed to the ED, Attorneys or investigators.

3.16.1 U.S. Postal Mail

Outgoing U.S. Mail will be processed through the FDO Building front desk reception area located at 2633 Vista Parkway. Mail requiring postage is sent by interoffice mail to the Governmental Center for processing. Personal mail may be deposited in the public mail bin located at the FDO reception area.

3.16.2 Express/Overnight Shipping Service

Each fiscal year the Purchasing Department issues a blanket contract for express shipping service. Express mail labels and shipping materials will be stored with other office supplies. At the present time, FedEx is the County's express/overnight delivery vendor. FedEx will pick up a package from the Receptionist's desk (before 5:00 p.m.). Inform the Receptionist if you have called for a FedEx courier to pick up a package before your package is delivered to the Receptionist's desk. A copy of the shipping label is to be provided to the COE Office as required back-up for the subsequent monthly bill.

3.16.3 Inter-office Mail

Outgoing inter-office mail is to be placed in the appropriate box in the reception area for delivery to PBC government buildings.

3.16.4 Hand Deliveries

The EA will date stamp all hand deliveries and immediately notify the appropriate person of the delivery.

3.17 Parking

It is necessary for COE employees to attend meetings at the downtown Governmental Center. The Parking Facilities Manager implements and monitors the Governmental Center parking plan in accordance with policy and guidance promulgated by the Director of the Facilities Management Division. Parking passes will be issued to COE employees determined by the ED to be eligible for parking in the “public parking” lot accessible from 4th Street, depending on availability of space within the specified parking lot.

3.18 Personnel Records

Personnel records are maintained by Human Resources. Personnel files include items, if applicable, such as the employee’s Application for Employment, resume, writing samples, Reference Check form, Post-Offer Physical Information Sheet, New Employee Requisition form, Employee Driver Authorization form, current address and telephone number (and any changes to such), emergency contact, Personnel Action forms, courses taken in or outside of office, letters or memorandums of commendation, letters or memorandums of reprimand, and resignation or discharge papers. An internal Personnel file will be maintained by the COE Office at the direction of the ED. This file may or may not contain information maintained within the central HR file

The ED and the ED’s designee(s) have access to the personnel files. An employee may see his or her personnel file by requesting it from the ED, the EA, or other designee. Such files are matters of public record subject to any applicable exemptions.

Following an employee’s separation from the COE Office, that employee’s internal personnel file will be forwarded to the County’s Personnel Department and will remain in such department in accordance with the applicable records retention policy.

3.19 Telephone Decorum

The manner of handling telephone calls is very important in projecting the professional image of the COE Office. All employees must be courteous and professional in answering and conducting business on the telephone. In addition, those who transfer a call must transfer the caller to the correct party in an expeditious manner. If the party is

not in, the employee must ask if someone else can help them. All phones should be answered whenever possible even if you are not responsible for that phone.

If the call is for an attorney or investigator, take all necessary steps to locate him/her. If he/she is unavailable, ask if another staff member can help. Only as a last resort, or if the caller asks, should you ask to take a message or transfer the caller to Voice Mail.

Upon taking messages, employees must make sure to get the correct spelling and pronunciation of the caller's name, an accurate telephone number, as well as the reason for the call so the party will be prepared when he/she returns the call.

Personal telephone calls should be kept to a minimum, both in number and duration. Personal long distance calls are not to be charged to business phones; however, if an emergency arises where a long distance call must be made, the employee must reimburse the County.

A current list of phone numbers and names of staff members will be provided in-house, for office use only.

For detailed information on programming and use of the office telephone system, please refer to the equipment manual.

3.19.1 Hot Line

All hot line calls should be kept in the telephone log provided to each applicable COE staff member. Accurate notes should be taken as to the name of the caller, date and time of call and the telephone number the call is made from. Notes should reflect the subject matter of the call and whether or not the caller was referred to another agency or how their call was resolved. All telephone logs are to be submitted to the EA for record keeping purposes.

3.20 Travel

The COE Office follows the travel procedures outlined in Countywide [PPM#CW-F-009](#), which is in accordance with Florida Statutes, Sections 112.061 and 125.0104. Requests for reimbursement of travel and/or mileage expenses should be submitted first to the employee's supervisor and/or the EA, and then to the ED, before being submitted to Travel/Finance Department for processing.

3.20.1 Travel-related Budget Codes:

Travel:	1484-290-2100-4001
Registration:	1484-290-2100-4941
Mileage:	1484-290-2100-4007

3.20.2 Certificate of Exemption

During the course of business travel, travelers are required to present to the place of lodging at time of check-in a copy of the County's "Consumer Certificate of Exemption" exempting the payment of sales tax.

3.20.3 Mileage Reimbursement

In order to receive mileage reimbursement from Finance, an employee must be an authorized driver in accordance with County policies. Additionally, employees who request mileage reimbursement must maintain at least minimum limits of automobile liability insurance coverage in accordance with the limits set forth in Section 324.021(7), Florida Statutes.

3.21 Security

In accordance with [PPM#CW-L-007](#), OFF-HOURS ACCESS TO COURTHOUSES AND ADMINISTRATIVE COMPLEXES, the COE Office will provide an up-to-date list of COE employees who are authorized off-hour entrance to the COE Office.

Although access to the COE Office is limited, from time to time, the public is permitted entry by COE employees. Staff is therefore advised not to leave personal belongings in any unattended office. The County assumes no responsibility for stolen employee property. Property and liability claims and accident/incident reporting forms provide procedures for reporting incidents of loss and damage, including theft, to County property or other breaches of security or public safety. Call Security at 681-3880 to report suspicious persons in or around the FDO complex.

The COE Office recognizes that staff may need access to the COE Office at times other than normal working hours. This office also recognizes the necessity to limit access to the COE Office to those persons with legitimate reasons for entry. Therefore, the interior doors are to remain locked at all times. Prior to and after hours, staff will gain access to the office through the locked doors.

3.22 Supplies

The ordering of office supplies is the responsibility of the EA. The EA is expected to insure the ordering and maintenance of a sufficient level of standard office supplies. Any non-standard request must be approved by the ED. Employees should advise the EA when they become aware that an office supply is "running low" or depleted.

The bulk of our office supplies are stored in the supply cabinet. Supplies are exclusively for office business and may not be used for personal business.

The EA will also prepare the necessary forms for placing orders for those items involving Graphics, Facilities Management, and Purchasing pursuant to the County purchasing procedures.

Procurement of goods and services (other than legal services) for this office will be in accordance with the County's Purchasing Ordinance as amended.

3.23 Time Reporting

All staff must report to work by their start time. Investigators and Attorneys are expected to report to the office in accordance with their work schedule or to be present where and as required by work assignments in a timely manner.

3.24 Work and Common Areas

Each employee is responsible for the neatness and good order of his/her work area and all employees should cooperate in maintaining the appearance of the office in the best possible manner.

As stated in Section 3.2, the conference room is to be kept in order at all times.

Each individual is responsible for cleaning up after use of the office copy machines and immediate areas. Paper clips and used staples are to be kept away from the copy machine, as they may cause damage to the machine.

If a jam occurs while you are using the copy machine, either clear it or find someone who can. Do not leave the machine in a jammed condition. Advise the EA when a jam or problem occurs with the copy machine which must be resolved by a qualified repairman.

Common areas, including hallways and empty offices, should be kept clear and clean. Avoid placing boxes, books, or any other obstructions in the walkway areas.

The FDO common kitchen area is available for use by all staff for breaks and lunches and should be kept neat and clean by all staff. At no time should dishes, used or otherwise, be left in the sink areas, on the countertops, or tabletops.

4. INTAKE POLICIES

This section addresses policies related to complaints, advisory opinions, investigations and inquiries, including intake, processing, reporting and disposition.

4.1 Advisory Opinions

4.1.1 Intake

All requests for advisory opinions are processed through the IM who reviews and identifies the request, assigns an RQO number (request for advisory opinion), opens a file containing all correspondence and documents provided with the request, and assigns the opinion to the appropriate staff personnel. All files will contain an RQO file journal for staff notes. All requests for advisory opinions will be assigned to staff personnel who are licensed attorneys, and members in good standing of The Florida Bar. The IM will respond with a written acknowledgement of receipt of a request for advisory opinion to the requesting party by U.S. Mail, fax or email response. All requests for advisory opinions must be in writing.

Upon completion of the draft opinion by staff, the IM will review and format the letter and submit the formatted opinion to the ED for approval. Upon approval, the IM will send the opinion to the commission chair for approval (processed advisory opinions) or will hold the letter for discussion on the regular agenda at the next monthly meeting. Upon staff approval, the submitting party is notified via email that the proposed opinion will be heard by the commission, either as a consent item or proposed opinion.

If the commission approves a proposed opinion, the IM will prepare a final draft, send the final draft to the submitting party via US Mail, post the approved opinion to the COE website and file a copy with other closed RQO files. If the commission does not approve the proposed opinion, the IM will return the file to the assigned staff member for revision and reprocessing.

4.1.2 Processing

Upon assignment of an RQO, the assigned staff member will make an initial determination of jurisdiction, then process and create the advisory opinion in a timely manner. If jurisdiction is lacking, the requesting party will be sent written notification of a declination due to lack of jurisdiction.

An RQO submitted a minimum of 10 days prior to a COE meeting shall be processed for submission at that meeting unless continued by the ED. Unless time sensitive, opinions are processed on a first in, first out basis.

Upon review of the request, staff may contact the requesting party for additional information as needed. The best practice is to obtain any additional information in writing (email, fax, letter, etc.); however, staff may obtain

information orally, provided such information is logged contemporaneously into the RQO file journal.

In processing an opinion, the assigned staff member is to analyze and review facts and circumstances and where appropriate utilize previous opinions to support findings and summaries. Questions or concerns during the processing of an RQO are referred to the ED.

At least five days prior to the COE monthly meeting, a copy of the proposed/processed opinion shall be forwarded to the requester via email, inviting them to the COE meeting to participate in the discussion regarding their issue and to inform them that the letter is not official until approved by the commission members.

4.1.3 Form

Advisory opinions will contain a brief recitation of the facts and circumstances as contained in the initial request, the applicable code sections, an opinion as to whether the code(s) apply to the requesting party, an opinion as to whether the requesting party is/would be in compliance with the applicable sections of the code, additional comment regarding ethics, appearance of impropriety or similar advice to the requesting party, based upon the factual scenario as presented.

All approved advisory opinions are to be signed by the ED or designated Staff Counsel.

4.1.4 Presentation and Approval

All advisory opinions are presented to the COE for approval.

Advisory opinions may be processed and approved by the Chair or Vice Chair of the COE when the facts of the request involve issues substantially similar to previously reviewed advisory opinions, or the plain language of the appropriate code provision directly answers the request without ambiguity.

Processed advisory opinions (opinions answered directly and unambiguously by the code provisions or previous opinions of the COE) will be issued and reviewed by the COE on a consent agenda at the next regularly scheduled meeting.

All opinions not processed as consent agenda items will be reviewed by the COE as individual agenda items at a regularly scheduled meeting of the commission.

All opinions approved by the COE shall be published on the COE website.

4.2 Anonymous information and unsworn complaints

4.2.1 Intake

All anonymous information and unsworn complaints are processed through the IM who initially reviews the submitted material and confers with the Senior Investigator regarding assignment and follow-up. The IM shall confer with the ED, Staff Attorney, or Senior Investigator to determine whether the information involves a potential violation of an ordinance within the jurisdiction of the COE, and if there is sufficient information given to identify additional witnesses or documentary evidence sufficient to allow for additional inquiry into the matter.

If approved by the ED, Staff Counsel or Senior Investigator for further action, the IM shall designate an Inquiry case number for the file, and shall assign the case to an investigator for follow-up.

Information received by mail is date stamped.

Upon initial review, if a determination has been made that no inquiry will be commenced by COE staff, the information will be referred to an appropriate agency with jurisdiction in the matter, or the matter will be closed and placed in a general public correspondence file.

4.2.2 Inquiry

If an inquiry is authorized by the ED, Staff Attorney, or Senior Investigator, the IM will open an inquiry file (AN) and assign the file to an investigator for follow-up. The Staff Investigator may review documents and conduct interviews prior to a finding of legal sufficiency. Upon completion of the inquiry, the staff investigator assigned to the file will prepare a Memorandum of Inquiry stating the facts and circumstances supporting his or her investigative findings as to legal sufficiency.

The Senior Investigator will review each memorandum of inquiry for completeness, proper investigation, and to ensure that the recommendation as to legal sufficiency is properly supported by the evidence, and documented within the memorandum. The ED, or his designated Staff Counsel, will make the final determination as to the legal sufficiency of an inquiry.

After a finding of no legal sufficiency the Inquiry (AN) case will be closed by the IM and the inquiry is thereafter subject to public records disclosure. If, through the inquiry process, sufficient evidence is obtained to support a finding of legal sufficiency, the investigator will complete a Memo of Inquiry and Memo of Legal Sufficiency and, after review by the ED, shall close the AN case.

After review of the initial Inquiry, if the ED concurs with a legal sufficiency finding by the Investigator, a Complaint (C) case will be opened by the IM and a self-initiated Complaint will be filed by the ED based on the sworn statements of material witnesses contained within the Inquiry.

4.2.3 Investigation upon a Finding of Legal Sufficiency Based on Inquiry

Upon the determination of filing a self initiated complaint by the ED, based upon evidence obtained through Inquiry, the IM will then open a C file, designate a Complaint number, and assign the file to an investigator.

All other actions subsequent to the finding of legal sufficiency will be taken in like manner with sworn Complaints below.

4.3 Sworn Complaints

4.3.1 Intake and Legal Sufficiency Determinations

All signed, sworn complaints received on a COE approved complaint form are processed through the IM who date stamps the complaint, opens a file, assigns a Complaint (C) number, and forwards the complaint and supporting materials to the ED or his designee.

Upon initial review a determination is made by the ED or his designee as to whether the complaint and supporting material is legally sufficient, that is, alleges a violation of an ordinance within the jurisdiction of the COE, by a Respondent who is within the jurisdiction of the COE, is sworn to by the Complainant and is based primarily upon the personal knowledge of the Complainant. The ED may assign an Investigator to conduct a brief Inquiry into the facts alleged by the Complainant prior to a legal sufficiency finding.

If the Complaint is deemed to be legally insufficient, the matter is closed, both the Complainant and Respondent are notified within twenty (20) days of the finding, and the matter becomes a public record. If the Complaint is deemed to be legally sufficient, a C file is opened by the IM and a formal preliminary investigation is commenced. Upon a finding of legal sufficiency, the ED will assign an Advocate to represent the COE in the matter.

4.3.2 Referral

When appropriate, the Executive Director or designee shall refer criminal matters to the appropriate prosecutorial authority.

Matters not within the jurisdiction of the COE, or matters having concurrent jurisdiction with another agency, may be referred to any agency with jurisdiction over the matter including, but not limited to, the Office of Inspector General, the Florida State Ethics Commission, the HR department of a public employer or an appropriate association or licensure authority.

A legally sufficient complaint, if dismissed by the COE, shall be referred by the Executive Director to those enforcement agencies listed pursuant to §2-260.3.

4.3.3 Preliminary Investigation

At the start of a preliminary investigation, the assigned Staff Investigator shall review the sworn complaint and all additional documents submitted by the Complainant for relevant information.

Interviews may be conducted with any persons able to provide investigative background information, and with persons who have relevant information regarding the focus of the preliminary investigation. When an interview is conducted with any person who is the focus of the preliminary investigation, they shall be advised that such interview is on a voluntary basis. Interviews of any person having relevant information regarding the preliminary investigation shall be conducted under oath and recorded, unless the assigned investigator determines that the information sought is of such nature that sworn and recorded testimony is unnecessary under the circumstances. If a person refuses to be interviewed at the request of the COE investigator, the ED shall be consulted to determine whether the issuance of a subpoena is appropriate.

The Staff Investigator will attempt to obtain any additional documents that he or she believes may contain relevant information, by oral or written request, or by filing a written public records request, or by subpoena, if deemed appropriate after consultation with the ED.

Subpoenas are issued by the Chairperson or Commissioner designee.

At the conclusion of the preliminary investigation, the staff investigator shall prepare a Memorandum of Investigation detailing the facts and circumstances obtained during the investigation; listing all persons interviewed and containing a synopsis of the information provided, and listing all relevant documents obtained during the investigation and located within the investigative file. The Memorandum of Investigation shall include a recommendation as to probable

cause, and shall set out specific facts and circumstances supporting the recommendation. The Senior Investigator shall review and approve all investigative reports prior to review by the ED. The ED shall maintain final authority over all staff recommendations made to the Commission on Ethics concerning probable cause.

The Staff Investigator will work with the Advocate to complete any additional investigation requested prior to presentation to the Commission on Ethics for a probable cause determination. The Investigator shall assist the Advocate in presenting the investigative findings to the Commission on Ethics as needed.

Pursuant to §2-260(d) and (e) the COE investigation is ongoing and the COE has an ongoing duty to disclose to the Respondent any and all additional documents, statements of witnesses and other evidence, not subject by statute to nondisclosure, obtained during the investigation of a Complaint.

4.3.4 Probable Cause Determination

At the conclusion of the preliminary investigation, a recommendation of probable cause will be made by the assigned Investigator.

The investigative recommendation will be reviewed by the ED and if confirmed, a probable cause recommendation will be prepared and submitted to the COE.

The Advocate shall review and file the memorandum of probable cause/no probable cause. The matter will then be set for a probable cause hearing before the COE which will be held in executive session. If probable cause is not found, the case will be dismissed. If probable cause is found, the case will be set for a final hearing within 120 days.

Upon conclusion of the probable cause hearing, all records not subject by statute to nondisclosure become public record pursuant to Chapter 119, Florida Statutes. (see, COE Rules of Procedure for detailed protocols) The IM will process all public records requests in accordance with Chapter 119, Florida Statutes.

4.3.5 Discovery

Within twenty (20) days of a finding of legal sufficiency, notice shall be sent to the Respondent and all materials contained in the COE file, not subject by statute to nondisclosure, shall be sent to the Respondent along with the Complaint.

Discovery is ongoing and the Investigator will send to the Respondent on a timely basis any additional information, not subject by statute to nondisclosure, obtained during the ongoing investigation.

Upon a finding of probable cause a Respondent is entitled to due process requirements as set forth in the Palm Beach County Commission on Ethics Ordinance §§2-260 and 2-260.1 and the COE Rules of Procedure.

All discovery matters including depositions, motions, subpoenas and motion hearings will be handled by the COE Advocate with assistance from the ED and/or Staff Counsel.

The EA will act as witness coordinator and support staff for the Advocate throughout the discovery process.

The Staff Investigator assigned to the case shall assist the Advocate where requested in providing any additional discovery materials, or completing additional investigation.

Pursuant to §§2-260(h), (i) and (j), the Advocate, after consultation with the ED, may make application to the Chairperson or commission designee for a subpoena or subpoena duces tecum for documents or other items that he or she wishes to have the witness bring before the commission, or designated commissioner handling pre-hearing discovery matters. Seventy two (72) hours prior to serving a subpoena, the ED shall provide written notice to the Palm Beach County State Attorney and the U.S. Attorney for the Southern District of Florida.

4.3.6 Final Hearing

The Advocate, in conjunction with the ED or designee will oversee all aspects of discovery, plea negotiations and final hearing. Negotiated settlement offers must be initially approved by the ED and ultimately the COE in a public session. The Advocate will present settlement offers to the COE.

At the final hearing, the Advocate will present the matter to the commission, including submission of evidence, interrogation of witnesses, opening statement and closing argument.

The EA will act as witness coordinator and support staff for the Advocate during the final hearing.

4.3.7 Final Hearing: Findings

The EA will prepare all necessary documents including the Public Report and Final Order, Letter of Reprimand, Letter of Instruction, or any other document as directed by the ED or designee regarding the findings, conclusions and sentencing decisions of the COE.

The EA will timely publish all documents to the COE website as appropriate.

4.3.8 Case Disposition and Public Records

Upon disposition and conclusion of a complaint, the IM/EA will close the COE file and post the case file and all documents related to the case to the COE website. Physical files will be maintained at the COE offices. All documents associated with the file will be maintained as required by law.

Upon a written public records request, the EA will copy the requested documents as required by law, and redact information not subject to Public Records disclosure. The ED or designee will review all records requests before documents are released.

5. APPELLATE PROCEDURES

Any final order of the commission on ethics may be appealed by filing a petition for writ of certiorari in the Fifteenth Judicial Circuit Court in and for Palm Beach County. The COE shall provide the index and record on appeal when required by, and in accordance with, the Florida Rules of Appellate Procedure. A fee shall be charged by the COE for the preparation and transmission of the record on appeal to the court of appropriate jurisdiction. Such fee may be waived by the ED if the party requesting the record is indigent. Costs or fees may not be assessed against the COE in any appeal from a final order or advisory opinion issued by the COE pursuant to this division. Unless specifically ordered by the COE or by a court of competent jurisdiction, the commencement of an appeal does not suspend or stay a final order or advisory opinion of the COE.

5.1 Appellate Counsel

Appeals matters will generally be handled by COE Staff Counsel. Staff Counsel will consult with the ED in all aspects of an appeal. The ED may retain outside appellate counsel, subject to budgetary constraints.

5.2 Transmittal of Record

The IM/EA, in consultation with the ED and Staff Attorney, will be responsible for the preparation and transmittal of the index and record on appeal in accordance with the Florida Rules of Appellate Procedure, including the processing of costs and fees for the preparation and transmittal of the record on appeal to the Court of appropriate jurisdiction. The EA will track costs and prepare a fee schedule for the preparation and transmission of the record to be paid by the Respondent. The EA will act as liaison with the County Billing Department to ensure fee payment by Respondent as required. The ED may waive the fee if the party requesting the record is indigent.

5.3 Notice of Appeal

Upon receipt of a notice of appeal of a final order of the COE, the IM will open an appellate file and consult with the ED and SA regarding assignment and processing. The IM or designee will be responsible for all support functions related to the matter on appeal. The COE Office will follow Countywide PPMs dealing with various aspects of appellate litigation, where applicable.

5.4 Engagement of Experts

The ED, in consultation with the SA will arrange for the services of persons or firms with expertise in a given field. Those engaged to provide such services must be acceptable to assigned counsel who, based upon good judgment and experience, may have a preference. In any event, this does not preclude collateral use of experts as a matter progresses.

Agreements for professional services negotiated through the COE Office must be reduced to writing. The expert should be required and prepared to submit a prospectus specifically detailing the services proposed inclusive of all costs, date of completion, etc. Assignments not reduced to writing and approved by the ED (pursuant to authority granted in The Administrative Code) are not permitted and any such agreement is void.

5.5 Outside Counsel

Outside firms, by virtue of savant knowledge in a particular field of law, may sometimes be engaged as co-counsel for the COE based upon the recommendation of the ED and budget availability. In all instances, the ED will attempt to obtain specialized outside counsel through the Legal Aid Society Pro Bono system, in a manner similar to the COE Advocate Pro Bono program.

Upon being assigned an appeal as co-counsel for the COE, or as soon thereafter as possible, assigned outside counsel should provide a formal appraisal of the case in writing with a copy to the Staff Attorney assigned to the matter.

In all cases, when the SA is assigned responsibility in cooperation with outside attorneys, the SA is expected to keep the ED and IM advised as to the status of the case and bear full responsibility for the handling of said case. Such responsibility is particularly significant in cases where outside counsel is being employed. It is important that various divisions and departments served by the COE be fully informed of litigation which affects their operations.

5.5.1 Selection of Outside Counsel

When specialized outside counsel is needed and the ED is not able to obtain such counsel through the Legal Aid Pro Bono program, the ED may employ outside counsel for specific matters subject to budgetary availability provided that an RFP process is utilized (except in the case of an emergency which is addressed in Section 5.5.3 below). Contracts exceeding budgetary availability must be presented to the BCC in accordance with County policy and procedure for special appropriations.

Outside counsel may be employed by written agreement in those situations where specialized legal expertise is not generally or readily available on the staff of the COE Office (in-house), where a conflict of interest exists, or where workloads require same. Whenever outside counsel is used in-house, staff attorneys shall attempt to expand their own legal expertise and knowledge in such specialized area of the law by serving as co-counsel to outside counsel.

It shall be the policy of the COE Office to follow an RFP Procedure relative to the selection and hiring of outside appellate counsel. The attorney recommending outside counsel shall provide a draft of the RFP to the ED, who shall review same and either approve (if within the available COE budget) or submit it to the BCC for approval of special appropriation. The RFP shall set forth the purpose for hiring outside counsel, the qualifications and experience being sought, the proposed contract, and the rating criteria to be used in evaluating the responses to the RFP. A proposed selection committee shall also be submitted for review and consideration, which selection committee shall include, at a minimum, the Staff Attorney, IM and the ED. The ED shall issue final approval both as to the RFP and the selection committee. The selection committee shall review all responses to the RFP, evaluate them and make recommendations to the ED as to the highest rated proposer. The ultimate selection decision shall be made by the ED. Any and all meetings of the selection committee shall be open to the public and duly noticed and advertised.

In accordance with the provisions of the Palm Beach County's SBE Ordinance, whenever the COE Office utilizes the normal RFP process for the acquisition of appellate legal services, the evaluation process shall provide for credit for SBE participation of up to fifteen percent (15%) of the total points available.

The standard outside counsel contract (as utilized by the County Attorney) shall be used unless special circumstances exist. All outside appellate attorneys are required to submit a strategy budget.

A copy of the current professional liability insurance certificate as required by the contract documents must be in each respective contract file for outside counsel contracts.

Copies of signed invoices for payment requests by outside counsel shall be maintained in each contract file.

5.5.2 Monitoring

All outside services shall be monitored in accordance with Countywide [PPM#CW-O-052](#), Outside Counsel Conflicts of Interest.

The Staff Attorney primarily responsible for monitoring or overseeing the services of outside appellate counsel shall be primarily responsible for ensuring that outside counsel is not used for any matters other than those set forth in the contract. Similarly, it shall be the responsibility of the Staff Counsel to ensure that the statements for services are submitted on a monthly basis and that no unnecessary work or time has been performed at County expense.

To the extent possible, the Staff Attorney shall be present at all appellate hearings with outside counsel, and shall attempt to handle such matters on his/her own when outside counsel's presence is not absolutely necessary.

The Staff Counsel to whom primary responsibility for monitoring or oversight of outside appellate counsel has been assigned shall ensure that the EA has all appropriate information for purposes of billings.

The ED shall prepare and forward an initial engagement letter to outside appellate counsel containing a notice that outside counsel will not be compensated for services performed in excess of the designated maximum dollar amount, and any such services so performed shall be at the sole risk of outside counsel.

The ED shall be charged with overall oversight of the use of outside appellate counsel.

The EA in his/her function as COE Intake Manager will be considered the “Outside Counsel Monitor” or “Monitor” and will be responsible for monitoring all outside appellate counsel contracts, and will maintain a list of all outside counsel, indicating firm name, resolution number and date of adoption, description of services, itemized fees, and expiration date.

Upon adoption of the contract, the ED will forward a copy of the executed contract to the Outside Counsel Monitor and the law firm. The ED will include a cover letter to the law firm detailing the process for submitting invoices for payment.

The Monitor will maintain an individual file folder for each firm which contains the following:

- A. A copy of the contract and certificate of professional liability insurance.
- B. A detailed ledger sheet indicating:
 - 1. Name of the firm
 - 2. Resolution number
 - 3. Accounting information
 - 4. Responsible Department
 - 5. A breakdown of expenses for fees, costs and experts.
- C. Copies of all invoices.
- D. Correspondence.
- E. The latest copy of the Outside Counsel’s Application and Certificate for Payment form.

As invoices are received, they will be reviewed and approved by the ED and forwarded to the Outside Counsel Monitor for processing.

5.5.3 Sole or Restricted Source and Emergency Acquisition of Legal Services

There may be extraordinary circumstances that do not lend themselves to adherence with the foregoing bidding and selection procedures. Accordingly, in the event that the ED determines that there is only one firm or a restricted number of firms available or capable of providing necessary outside appellate legal services, or in the event that the ED determines that an emergency situation exists requiring the immediate hiring of outside counsel, the ED shall

recommend a particular firm, together with the qualifications supporting his/her selection.

The engagement of the recommended firm shall be pursuant to the County's standard legal services contract (adapted for use by the COE). At the ED's discretion, pursuant to the Administrative Code Section 305.04, the ED may enter into legal services contracts with a value up to \$25,000, subject to budgetary constraints.

In no event are outside appellate counsel to be used as general advisors to department personnel or to otherwise perform any of the standard services of the COE Office. The ED shall monitor outside counsel and is responsible for controlling the COE Office's access to outside counsel.

5.5.4 SBE Acquisition of Legal Services

Consistent with the County's policy to support small business enterprise (SBE), the COE Office shall attempt, where possible, to engage the services of an SBE legal firm. When the ED determines that a particular appellate legal service is necessary and cannot be effectively and efficiently handled "in-house," and further determines that an SBE firm is equally qualified to perform such required services as a non-SBE firm, then the ED shall note the identification of such need, the qualifications of a particular SBE firm, and his/her decision to contract with that firm in lieu of following the aforementioned standard bidding and selection procedures.

5.5.5 Conflicts of Interest

Outside counsel conflicts of interest are covered by Countywide [PPM#CW-O-052](#).

6. COMMUNICATION

It is important to maintain open communication with the public, the media, government officials and employees, and other outside parties. This section details the COE office communication policy.

6.1 Media Relations

Maintaining a good relationship with the media is an important goal of our office. Therefore, certain guidelines must be adhered to in order to assure accuracy and avoid misinterpretation. An individual making a statement to the media should avoid commenting on political or administrative matters not within the purview of this office.

At no time may an employee divulge investigative or related materials not subject to public records disclosure pursuant to chapter 119, Florida Statutes.

Any inquiry for information not readily available is to be responded to in a timely manner. In any event, some kind of response or update as to the delay should be given no longer than one week from receipt of the request unless otherwise agreed. COE staff shall respond to media questions concerning their particular area in a timely manner. Investigators may only speak with media after obtaining permission from the ED. Reporters have tight deadlines; therefore, all phone calls are to be returned as soon as possible and the reporter is to be told of this policy.

COE staff may not comment on any matter that is not a public record. There is a difference between “no comment” and an explanation of our policy. If in doubt, refer the call to the ED.

6.2 Press Releases

All press releases should be coordinated with the EA and ED and will be disseminated through the Palm Beach County Department of Public Affairs.

6.3 Phone Calls from Outside Parties

All phone calls from outside parties are to be returned on the same day. If a staff member is unable to return a call on the same day, the EA is to return the call to explain that the staff member is out of the office and to ask whether he or she can be of any assistance.

6.4 Voice Mail

Voice mail shall be checked on a regular basis and all messages will be returned within 24 hours.

6.4.1 Greetings

Since greetings can be lengthy, it is helpful to include a statement early in the greeting that the caller can “press the pound key to bypass this greeting.” A helpful statement near the end of the greeting would be that the caller can “press zero to be transferred to the Receptionist for immediate assistance.”

6.4.2 Internal Greeting

The internal greeting is for individuals calling from within the Palm Beach County Telephone system and should indicate your name and general work schedule.

6.4.3 External Greeting

The external greeting is for individuals calling from outside the Palm Beach County Telephone system and should indicate your name, your general work schedule and, followed by an invitation to leave a message and a commitment to return the call as soon as possible.

6.4.4 Out of Office Greeting

The Out of the Office Greeting is a temporary greeting that should be turned on during times of absence such as vacation or if you are aware you will be out of the office for an extended period of time. This greeting should indicate your name, general work schedule, and an indication you are out of the office with an expected time of return. If you will be out of the office for a long period of time, please indicate you will not be checking messages and provide the name of another person to contact with their extension.

7. PROFESSIONAL DEVELOPMENT

The policy of this office is to enhance the professional capabilities of the staff by encouraging attendance at seminars, conferences and workshops, within certain budgetary constraints.

7.1 Training and Education

All expenditures by the COE office must be for a public purpose. Therefore, employees desiring to attend training programs should be able to demonstrate that the topics covered are related to their work or that the COE or County government will benefit from their attendance. Training on County time or any training requiring reimbursement from COE funds must have the prior approval of the ED. Travel and reimbursement of such training will be in accordance with the established travel policies of the County.

7.2 Continuing Legal Education

All members of The Florida Bar are required to meet certain requirements for Continuing Legal Education (CLE). Each attorney must meet those requirements by attending seminars during the period of time designated by The Florida Bar and by accumulating the required number of CLE credit hours during that time period. It is the responsibility of each attorney to maintain his/her CLE records.

Each attorney may attend one in-county and one out-of-county seminar per year, subject to budget availability.

Permission to attend a CLE seminar must be directed through the ED and processed by the EA. If travel is involved, a travel request must be submitted for approval in accordance with Section 3.

The use of video/audio presentations instead of live attendance is encouraged so that an attorney can benefit at a lower cost. In addition, as another cost-saving measure, the COE Office may sponsor organized in-house Continuing Legal Education programs.

7.3 Computer Training

Training for the COE office computer programs is available online, through the office, or through the Information Systems Services (ISS) Department. Information regarding the ISS Training Program can be found [here](#). New employees will be introduced to the office's computer directory navigation system by a supervisor or designee, and arrangements will be made for training to ensure optimum proficiency.

7.4 Palm Beach County Learning Programs

The Palm Beach County Human Resources department offers several learning programs that are available free of charge to any county employee. Subject to approval by their supervisor, anyone may take courses offered by the county. Training information can be found [here](#).

7.5 Employee Tuition Refund Program

The Employee Tuition Refund Program has been established to encourage employees to improve their effectiveness through education and training, to increase their efficiency and ability to carry out their job duties, and to fulfill the public purpose of the COE and the County organization. For more information about the Employee Tuition Refund Program, refer to Countywide [PPM#CW-P-008](#).

8. STAFF

This section addresses various staff-related topics including evaluations, hiring and incentives.

8.1 Equal Employment Opportunities Policies

The COE Office is an equal opportunity employer and abides by all federal, state and local laws governing employment discrimination. It is the policy of this office, from recruitment through employment and promotion, to ensure equal opportunities at all times without regard to race, color, religion, sex, sexual orientation, age, disability, marital status, or national origin.

It is also the policy of this office to encourage small business enterprises to participate in outside counsel contracts and/or partner with other attorneys and law firms on outside counsel contracts.

8.2 Employee Evaluations

All non-attorney employees are evaluated annually. The Staff Attorney, EA and Supervising Investigator are evaluated by the ED. The Clerical Specialist is evaluated by the EA. Level I and II Investigators are evaluated by the Supervising Investigator. Self-evaluations are encouraged. All evaluations are reviewed by the ED, to ensure that appropriate factors are rated, that ratings are fair and consistent, and that any comments are justified. Each evaluation is to be reviewed and discussed with the employee by the evaluator. The written evaluation shall be signed by the employee, their evaluator and the ED. The employee's signature signifies acknowledgment of the receipt and review of the contents of the evaluation. The employee's signature does not signify agreement or disagreement with the evaluation. An employee is free to include comments so long as they relate to the evaluation.

The form of the evaluation shall be at the sole discretion of the ED. From time-to-time the form may be reviewed and modified if determined that a more appropriate form to the duties and responsibilities of the various positions within the office exists.

The performance evaluations are intended to optimize employee productivity by:

- A. Providing supervisors and employees with an opportunity to discuss work and related matters and to set future objectives when necessary;
- B. Informing employees on their performance and the achievement of any work goals;
- C. Offering suggestions, assistance and support to help employees perform their jobs more efficiently; and
- D. Planning for individual improvements and professional development.

Non-exempt employees with performance deficiencies will receive Special Reviews or "Needs Improvement Reviews," as set forth in Rule 12.03(d) of the Merit Rules.

The performance evaluation process starts when an employee is hired or begins a different job. Upon hire, the employee is informed of his/her job duties and responsibilities and of the rules, regulations, and procedures of the office in order for the employee to understand what is expected.

All employees of the office shall be "at-will" employees and serve at the pleasure of the ED.

8.3 New Hire Orientation

The ED or designee shall conduct an employee orientation for each new hire. The orientation shall include, but is not limited to, the provision and explanation of the Office history, its role and purpose, and its organization and hierarchy; Office policies and procedures; Written personnel policies; Payroll procedures; Work hours; Leave policy; Phone/e-mail lists, organizational charts, and office maps; Departments/areas the employee will need to know for work purposes; Key equipment and how to use it; Location of supplies; Lock-up procedures; Job responsibilities; and Time and billing.

A tour of the office shall also take place as well as introductions of key personnel and a description of their roles.

8.4 Outside Employment

Outside business and employment, including self-employment, by any employee is governed by Article XIII, §§2-443(d) & (e) of the Palm Beach County Code of Ethics. Notwithstanding, COE employees must obtain permission and approval by the ED for any outside employment as follows:

Employees must submit written notification to the ED of his/her intent to accept outside employment. The notification must contain, if applicable: i) name and address of the employer; ii) start date; iii) specific position and nature of work; and iv) specific hours and days to be worked.

The ED will review the notification to determine whether any apparent conflict of time or interest exists with COE or County employment. If such is determined, the employee will be notified promptly that such employment may not be undertaken.

Employees must terminate employment in the event the outside employment does, at any time, conflict with County employment both in the nature of the work performed or with the time requirements of the position (including availability for overtime).

Outside employment may not be performed on County time, on County premises, and/or using County equipment, supplies, and facilities.

No employee is permitted to work in two different County positions which are funded by the BCC or paid for by the Payroll Section of the Finance Department.

Attorneys may handle personal, family or other short-term legal projects, or teach law-related courses, so long as all work is performed outside the office, on non-County time, and does not interfere in any way with their legal duties for the COE Office. All such work must be consistent with the Florida Bar Rules/Code of Professional Conduct and with the Palm Beach County Code of Ethics.

8.5 Political Involvement and Contributions

The Office of the COE is an apolitical office. No employee may endorse any political candidate or ballot issue on behalf of the Office or as an employee of the Office. Any such endorsement shall only be as a private citizen. The only exception may be an endorsement of a candidate for The Florida Bar.

Nothing stated in this section shall be construed to restrict the right of an employee of this office to take an active part in political management or in political campaigns, so long as they do so on personal time, to hold membership in and to support a political party, to vote as he or she chooses, to express privately his or her opinion on all political subjects and candidates, to maintain political neutrality, and to attend political meetings after working hours.

8.6 Resignations

All attorneys are required to submit a letter of resignation giving four weeks' notice. All other COE staff is required to submit a letter of resignation giving two weeks' notice. This will allow ample time to resolve pending matters and to start the hiring process. In those instances where the ED provides severance in exchange for a resignation, the employee must execute a full release.

When an employee no longer works in the office, the ED's designee shall implement a procedure for handling of computer documents, voice mail and e-mail messages, and other personalized items.

8.7 Suspension/Demotion/Discharge

Employees may be suspended without pay, demoted, or discharged by the ED with or without cause. All COE employees are at will. Discharged employees may, at the direction of the ED, be requested to immediately vacate the premises after a reasonable time is given to pack and remove personal belongings. A COE Investigator will be assigned to assist in this process.

Should an employee be discharged, the ED's designee shall implement a procedure for handling of computer documents, voice mail and e-mail messages, and other personalized items.

8.8 Internship Program

The Palm Beach COE Office seeks qualified college and law school students to participate in its Internship Program. Internships may take place during the summer break or during the academic year. The duration of the internship may vary. However, the office asks for a minimum 6-week commitment to ensure a meaningful learning

experience. This Program strives to provide students with a comprehensive and diverse educational experience.

Potential interns are interviewed by the ED or designee and upon approval, are assigned to work with the Staff Attorney. All students must complete and submit a "Learning Agreement" detailing the goals and requirements of the internship. The "Learning Agreement" is co-signed by the sponsoring professor from the college, university or law school as applicable. Substantive areas in which an intern might work include ethics laws and program research, new media technology and public outreach programs.

8.9 Fellowship Program

The COE Office has partnered with the University of Miami as a participant the Legal Fellowship Program offered by the University. Qualified graduates of the Law School are offered 6-month fellowships to work for various government and civic organizations as volunteers.

After interviews and consultations, Fellows are selected and assigned to work with the COE Staff Attorney. As Licensed Florida attorneys, fellows may be assigned legal research and writing projects based upon the needs of the office under the supervision of a staff attorney.

8.10 Employee Incentive

The ED may, at his/her discretion, approve leave with pay of up to 20 hours per year for an employee who has contributed significantly to the achievement of the COE goals, public outreach, cost-saving initiatives, or a project of importance to the COE. Other forms of incentives may be offered and are encouraged.

Staff is encouraged to suggest ideas that may be helpful in order to keep the rewards and acknowledgments fair and equitable, with the recognition that all members of staff can contribute in a positive way. These suggestions will then be submitted to the ED for review.

Incentive leave shall not exceed 8 hours per award, with the total amount of leave per individual not to exceed 20 hours annually (January 1 through December 31).

Occasional office parties may be held in order to acknowledge employees who have received special recognition throughout the year, to acknowledge everyone for doing a spectacular job as a whole and/or to otherwise celebrate special events and significant accomplishments. Participation in these social activities is not mandatory but rather at the employee's sole option.

Costs for all incentive activities will be paid from the COE Office budget line item, subject to availability.

8.11 Anti Harassment Policy

To assure County compliance with Federal, State and local laws prohibiting discrimination on the basis of race, color, religion, national origin, gender, age, marital status, veteran status and disability, the COE Office follows procedures outlined in Countywide [PPM#CW-P-029](#).

9. MONTHLY COE MEETINGS

The COE has a regularly scheduled meeting on the first Thursday of each month in the BCC Chambers. From time to time, the BCC Chambers may be unavailable at the regularly scheduled time. If an alternative date is necessary the EA will determine available dates and submit these dates to the COE. It is preferable that an alternative date be within 7 days of the regularly scheduled meeting.

All meetings of the COE are public meetings except Executive Session probable cause hearings which are exempt from public records under §112.324, Florida Statutes.

9.1 Emergency/Special Meetings

Upon the request of the ED, the COE may schedule a special meeting in addition to the regularly scheduled monthly meeting. Special meetings may be convened by the ED provided a quorum is available. A special meeting is public and must conform to the agenda and attachment requirements of Section 9.2. Emergency or special meetings may be convened under the following conditions:

- A. When circumstances do not permit the hearing of a matter in the normal course.
- B. When a matter is of such significance that a special public meeting is deemed appropriate.
- C. When an expedited decision on a significant matter is required.
- D. A final hearing on Complaints.
- E. Upon request of a commissioner.

9.2 Agenda

The monthly agenda and attachments are among the most important documents this office prepares, as the COE makes decisions based upon items that appear on its meeting agendas. A familiarity with the provisions regarding Agenda Item preparation is critical.

Agenda Items which require COE approval are submitted by the ED or designee to the EA for placement on an agenda. It is the responsibility of each staff member to submit items such as advisory opinions, staff reports and related documents to the ED or designee for review and approval prior to placement on an agenda for approval or discussion by the COE.

9.2.1 Agenda Items

Items frequently placed on an agenda by the COE Office for approval are ordinance workshops, matters related to complaints, executive sessions, advisory opinions, procedural rules and matters relating to the ED.

9.2.2 Preparation

The EA is responsible for preparing and maintaining the upcoming meeting agenda as follows:

- A. Prepare template
- B. Consult with the ED as to agenda item scheduling for the upcoming COE meeting
- C. Receive recommended additions to the upcoming agenda
- D. Edit and revise agenda as per direction of the ED
- E. Gather supporting documents and attachments
- F. Publish agenda and attachments on the COE website; and
- G. Ensure that all Commissioners receive an agenda packet with all relevant information.

9.2.3 Timeline and Procedure:

Advisory opinions must be submitted a minimum of two weeks prior to the next regularly scheduled meeting in order to be placed on that meeting agenda.

All original agenda items, including reports, analysis, advisory opinions, and supporting documentation are to be submitted to the EA no later than 9 days prior to the scheduled meeting.

Agenda and attachments will be converted to a pdf file and published on the COE website 7 days prior to the scheduled meeting. A copy is transmitted to all COE Commissioners.

If necessary, the timeline and procedure may be modified at the discretion of the ED.

10. COMPUTER SYSTEM

The County has made a significant investment in its computer system, including the system in place within the COE Office. It is important to maximize the system's use through training and maintenance. This section addresses these matters.

10.1 Computer System

The computer network installed in the COE Office represents a large investment in resources and time. Its sole purpose is to increase the productivity of the professional and support staff and to provide management with better control over the administration of the office. No outside programs, screen savers, or programs downloadable from the Internet are to be installed on the office computers, other than programs to enhance the efficiency of the office and properly permitted with knowledge and consent of County ISS.

10.2 Local Area Network Administrator

The COE Office has established a Local Area Network Administrator (LANA) position. The basic function of a LANA is liaison between the departmental staff and the ISS Help Desk. The COE EA is the COE LANA.

If you have a problem with your computer, you MUST contact the EA/LANA before contacting the ISS Help Desk. The EA/LANA will assist with any problems and may ask that you contact the Help Desk directly at 3-4857 if necessary.

10.3 Training

Training will be scheduled on an "as-needed" basis through the County's Training and Employee Development (TED) program.

10.4 Electronic Mail

The County uses Out Look as its primary message center. This office is to adhere to Countywide Policy [PPM#CW-R-006](#).

All e-mail messages are considered public records unless otherwise exempt from disclosure by law. Examples of exemptions include, but are not limited to, the Social security numbers of all current or former County employees; Certain medical information pertaining to a County employee; and Personal information relating to Law Enforcement Officers or their families.

10.5 Use of Laptop Computers

The office has three laptop computers that staff can use for work-related purposes. The laptop may be taken home, to trainings, presentations, or to meetings. The laptop is not to be used outdoors. It is the responsibility of any staff member to replace or pay the County the cost of the replacement or repair of any laptop that is damaged or lost due to use contrary to this policy or loss during home use.

10.6 COE Time Program

The COE Time Program, Time Entry Application (The TEA) is a computerized system that is used to track project time so that an accurate statistical and workload analysis may be maintained by office management. Paragraph 10.7 below details how time is to be entered.

10.7 Entering Time

The IM will open files in The TEA and assign accordingly. Once a file has been opened and assigned, each person assigned to the file will be responsible for entering time spent each day on a particular file. If an employee is not working on something that is "file specific", the time shall be entered as "administrative time". Time entered into The TEA must equal at least 8 hours a day for full-time employees and 4 hours a day for part-time employees. When an employee has completed work on a file, the IM shall be notified via email.

10.8 Use of Westlaw

The COE Office recognizes the need for on-line legal resources in providing the COE with the most current rules, regulations and case law, from a wide array of State and Federal sources.

Westlaw is to be utilized only by the Attorneys or their research designees in the following manner:

- A. Staff who are authorized to use Westlaw shall either complete a basic training session conducted by a representative of Westlaw, have sufficient knowledge or experience in using Westlaw, or be assisted by a legal assistant. Staff wishing to schedule training should contact the EA.
- B. Designated Staff will be assigned a private terminal password to access Westlaw as designated by the ED. Use of Westlaw is to conform to the current contract agreement in place with the COE Office and contract terms and conditions will be maintained by the EA for review by the ED and office staff. Passwords are distributed by the ED through the EA and are to be kept confidential.
- C. Staff is encouraged to contact West Reference Attorneys for assistance in formulating a search query.
- D. Staff should report Westlaw malfunctions to the EA immediately so that West Technical Support or ISS can be contacted and the problem can be resolved.
- E. Staff may utilize Legal Assistants, when available, for assistance on Westlaw and are encouraged to do so.

If you require first-time training or a refresher course in the use of Westlaw, please contact the EA to arrange for a representative of Westlaw to visit the COE office. As a client of the Westlaw services, the COE Office is entitled to as much free training as needed throughout the year. Small group training rather than one-on-one training is preferred.

10.9 Electronic Media

If you are requesting electronic documents (word processing, pictures, files, etc.) from an outside agency, you should request that the electronic media be sent in a format that is consistent with the software in our network whenever possible.

In order to prevent the spreading of computer viruses on our computer system, there is a virus scan program on the network and each desktop computer. If you are given a document or electronic media from another department or from someone outside this office, you must manually scan the electronic media for viruses before you access the document. To scan the media, please follow the protocol as follows:

- A. Place the electronic media in the appropriate drive.
- B. Right click on the Windows button in the lower left side of the screen and left click on "Open Windows Explorer";

- C. On the left side of the new window that opens under “Computer”, right click on the media you just put in the drive;
- D. Select “scan computer for threats.”
- E. A window will appear giving two options. Select “clean.” The scan will run automatically and will take several minutes—be patient.
- F. If the electronic media is found to have a virus, contact the data provider to advise them of the virus.

10.10 Use of Internet

The COE Office recognizes the need for online resources in providing the COE with the most current information available. The Internet is one such source. Guidelines are to be followed when using the Internet, in accordance with Countywide [PPM#CW-R-008](#).

Internet privileges may be revoked, disciplinary action may be taken, or dismissal may occur at the discretion of the ED should such privileges be abused.

11. Documents

The COE Office produces a large volume of documents on an ongoing basis. Therefore, it is important that certain policies and procedures be in place to facilitate location of documents, to address duplication issues, and to maintain standards of professionalism.

11.1 Document Location

All documents shall be maintained on the shared COE drive (G drive) under the specific file to which they pertain. Documents on a personal drive (F or H drive) are not accessible to the office staff and therefore are not an appropriate location for official COE Office documents. A copy of all documents published on the COE website shall be kept in PDF format on the COE Webdrive (W drive).

11.2 Document Production

It is everyone’s responsibility to proofread each document when prepared in final form to ensure that it is as error-free as possible. The COE Office word processing software includes a spell-check and grammar-check feature and is to be utilized on all documents.

11.3 Document Duplication in Response to Records Requests

With the general exception of the press and governmental agencies, the public will be charged for document duplication in accordance with Countywide [PPM#CW-F-002](#).

Staff members are advised to issue a receipt each time there is a charge for copies. Receipts should be written for both cash and checks received. The receipt book is maintained by the EA. Checks are to be made payable to the "Board of County Commissioners." The EA is responsible for processing monies received for public records request compliance in accordance with county policies and procedures. The full procedure for the processing of public records can be found in paragraph 13.5 below.

12. OFFICE ADMINISTRATION

12.1 Annual Budget Preparation

Procedures for preparing and submitting the annual budget are contained in the Annual Budget Instruction Manual distributed each year by the Office of Financial Management & Budget. The EA shall have primary responsibility for gathering the necessary information and preparing the forms for budget submittal, with the assistance of the Budget Analyst assigned to the COE Office. Other members of staff shall assist as requested.

12.2 Fixed Assets

The ED shall designate one or more individuals to serve as the office custodians. Custodians are responsible for all items on the inventory records. No items (movable, tangible, personal property) should be disposed of without notifying the office custodian. For more details, please refer to Countywide [PPM#CW-O-025](#) and [CW-O-026](#).

12.3 Revenue Accounts

The COE Office shall prepare monthly statements for COE services for those contracting entities which are classified as revenue producing. All staff shall complete their accounting of hours worked for that entity prior to the preparation and submittal of the statement. Time entries shall be consistent with the procedures as outlined in 10.7 above.

12.4 Equipment/Computer Repair

The EA will be responsible for calling in repairs for air conditioning, electrical and/or facility related problems. In addition the EA will be responsible for calling in repairs to the computers, printers, copiers, telephones, and other office machines. Depending on the circumstances, the EA will notify the proper agency or vendor for appropriate action.

12.5 Payroll Records

County payroll is prepared every two weeks by the EA and must be approved by the ED and forwarded to the COE payroll representative with the Palm Beach County Clerk of Courts for processing.

13. FILE AND RECORD MANAGEMENT

The COE Office's large volume of work necessitates a file and record management policy. This section addresses the office filing system and operation, public record requests, and other related filing issues.

13.1 Filing System

The COE Office's filing system is categorized by Departments or Subject Areas, and is numerical, with a classification distinction between complaints, advisory opinions and inquiries. All files shall be assigned a file number in their appropriate category. The files shall be as follows:

- A. Advisory Opinions are indicated by the abbreviation "RQO" followed by the year and number and kept in manila file folders.
- B. Complaints are indicated by the abbreviation "C" followed by the year and number and kept in green file folders.
- C. Inquiries are indicated by the abbreviation "AN" followed by the year and number and kept in blue file folders.
- D. File numbers are maintained on the computer network system currently under construction by ISS. The EA or designee shall scan the Master file and save it as a PDF file to the G drive.

13.2 System Operation

Files that are open and being used on a daily basis should be kept in the assigned staff member's work area.

The IM is responsible for creating new files upon receipt of an appropriate complaint or advisory opinion request. Anonymous, unsworn and self-initiated complaint information received shall be opened as Inquiry files by the IM only upon consultation and approval of the ED or designee.

Additional material should be filed as soon as possible upon receipt so that it may be easily located if requested and the file is up-to-date. Responsibility for the maintenance of the filing system is shared by all members of the COE Office Staff.

13.3 Closing and Purging of Files

When a file is closed out, all duplicates of documents contained in the file shall be removed, leaving only original documents. Public records will be stored or disposed of in accordance with County and State records retention and disposition procedures.

13.4 Transfer of Files to Storage

From time to time it may be necessary to send closed files to a storage facility. The EA or Clerical Specialist is responsible for preparing files for storage in accordance with the guidelines set forth below.

- A. Files are to be packed in standard 1.2 cubic foot cartons provided by the storage facility. Due to the cost of each box and storage space, all space should be utilized within each box. The files should be purged of all unnecessary paper prior to storage.
- B. Records with differing retention periods should not be placed in the same storage box.
- C. Cartons must be appropriately numbered and marked.
- D. The EA or Clerical Specialist will arrange for the pickup of the files.
- E. All files that have been transferred to storage shall be indicated with an "S" followed by the date of storage (mm/yy) and the storage box number shall be maintained on a master file list.

13.5 Public Records

The COE Staff attorney, in consultation with the ED, shall be designated to address matters related to the Public Records Law (Chapter 119, Florida Statutes). The EA will process the request and oversee the preparation of documents for view or copy.

Whenever a request is made to this office pursuant to the Public Records Law, the EA shall attempt to arrange a time convenient to all parties for inspection and copying of the requested document(s). A time for such inspection and copying shall be arranged as quickly as possible and the goal of the office is that in no event shall the time be more than thirty-six (36) hours, excluding weekends and holidays, after the request. Based upon the size and scope of a request, accommodating some requests will require more than thirty-six (36) hours.

All public records in the COE Office shall be made available for inspection in this office unless authorized for inspection at some other location by the ED or the Staff Attorney. In most instances, the requesting person shall be allowed to inspect the record(s) in the office conference room.

Before any document(s) is permitted to be inspected or copied, an attempt shall be made to ascertain whether or not the document is exempt from the requirements of the Public Records Law. If the EA cannot determine whether the document is exempt, he/she shall consult the Staff member most familiar with the document or subject of the document. Such staff member may wish to discuss the document with the ED or Staff Attorney or consult the digest of Public Records requests and responses. If it is determined that the record or a part of the record is exempt from the Public Records Law, such record or part thereof shall be withheld from inspection as required by Florida law. If a single document contains a mixture of exempt and non-exempt records, the exempt portion of the record shall be withheld, but not destroyed, before the document is made available for inspection or copying, and the reason for withholding exempt records shall be put in writing.

Once it has been determined that the document(s) should be permitted to be inspected or copied, a time for such inspection shall be arranged with the person making the request. Generally, persons who are employees of the County may be left alone to inspect documents. Persons who are not County employees generally shall not be left alone with documents. Some exceptions as to who may be left alone may be made by the ED.

A notation as to copies of documents provided pursuant to the Public Records Law shall be made by the EA or designee and kept in the file from which the copies were taken. If the identity of the requesting person is known, such identity shall be included in the notation. Although a person is not required to reveal his/her identity when making a Public Records Law request, an attempt shall be made to determine who is making such request. Due to the contingent nature of some public records' exempt status, no person

shall be permitted to access the records of this office by remote electronic medium, other than public documents published on the COE website in the normal course.

In matters relating to reproduction of public records and collection of appropriate fees, this Office will follow [PPM#CW-F-002](#) as it may from time to time be amended or replaced.

14. WEBSITE

The COE by design is a transparent department and shall maintain a website that provides access to information that should be readily available to the general public. This section addresses our website, its function and maintenance.

14.1 Access

Access to the administrative portion of the COE website shall be limited to the COE webmaster and designated County Public Affairs Web Design personnel.

14.2 Maintenance

The COE webmaster shall use Dream Weaver and Webdrive to maintain the website. The website shall be maintained and updated on a regular basis. If any errors are brought to the webmaster's attention, the error shall be corrected immediately.

14.3 Databases

The COE Website contains three separate databases that contain gift reporting forms, voting conflict forms and outside employment waivers. The databases were designed by County ISS. Any corrections or concerns with the databases shall be directed to ISS personnel. All Website databases contained on the COE Website are available for public access.

14.4 Information

The COE Website shall contain publicly accessible documents including but not limited to relevant codes and ordinances, advisory opinions, complaints, public orders, training modules, agendas and attachments and videotape of all COE public meetings.

14.5 Website Links

The COE Website shall contain links to relevant county databases, including Palm Beach County Active Vendors, Registered Lobbyists and Lobbyist Expenditure Reports

To better serve the public, the COE Website shall contain links to relevant state and federal agencies including the State Commission on Ethics, the Palm Beach County Office of Inspector General, the Palm Beach County State Attorney's Office, the Attorney General's Office and the Palm Beach County League of Cities.



Palm Beach County Commission on Ethics