

# POLICY REVIEW AND COMPLIANCE MEMORANDUM



To: Mark E. Bannon, Executive Director

From: Gina A. Levesque, Intake and Compliance Manager

Re: A17-002 – Town of Highland Beach Ethics Policy Review and Training Compliance *Honesty - Integrity - Character*

- **Background**

The Code of Ethics (Code) states in part under Section 2-446(a) that the county or municipal administrator shall establish by policy a mandatory training schedule for all employees and elected/appointed officials, which shall include mandatory periodic follow-up sessions. Section 2-446(b) states in part that the COE shall develop and deliver training programs and ensure that the training is delivered in a timely manner.

- **Objectives and Scope**

The objectives are:

- To provide assurance that the agency has a training policy.
- To provide assurance that the training policy includes enough specific information to officials and employees that they can determine clear parameters, including initial training with deadline and grace period defined, and retraining cycle timeline with deadlines and grace periods defined.
- To provide reasonable assurance the municipality is requiring its officials and employees to comply with the training policy.

The scope of this review focused on the policy and proof of training for officials and full-time employees within the Town of Highland Beach (Town). The delivery method of the ethics training and internal tracking method of compliance was not part of the scope.

- **Approach and Methodology**

The approach included a request to meet with the Town Clerk to review a list of the officials and employees as well as proof of training. I met with Lanelda Gaskins, Town Clerk, on August 8 and performed the review.

- **Findings**

The training policy for the Town was issued and became effective on June 13, 2012. The policy requires the completion and submission of a training acknowledgement form to the Ethics Coordinator or other designated department subsequent to completion of training.

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

The policy does not include a training deadline date for the 2-year cycle nor does it include a grace period. The Town Clerk said the training information is kept on a spreadsheet, and everyone has to take the training every two-years after the initial training. She went on to say that one of her personnel keeps track of who needs training when and sends reminder emails to have everyone complete the training. I was provided a copy of a spreadsheet containing three sections of names/information. The first section listed the elected officials. The second section contained a list of appointed officials, and the third section contained the list of employees.

Each section was divided into five columns containing the name, the date taken, the renewal date, the date signed, and the next renewal date.

Considering there was no deadline date, cycle year, or grace period provided, I needed the hire/appointment date as well as the date elected officials took office. I was provided two additional spreadsheets; one contained the information for the current employees, and the other contained a list of all town officials who have been elected or appointed since the 1980's.

At the time of the review, the Town consisted of five (5) elected officials, forty-five (45) full-time employees, and nineteen (19) appointed officials. The majority of the sixty-nine individuals listed within the spreadsheet have taken training. However, sixty-nine (69) individuals under the jurisdiction of the Commission on Ethics and the Code, only twelve (12) took the training as outlined in the Town policy.

Although state law requires that elected officials undergo four (4) hours of ethics training each year, that ethics training does not necessarily contain training provided by the Commission on Ethics for the Palm Beach County Code. Furthermore, Town policy requires participation in county ethics training every two (2) years. However, because Town officials are elected every three years on a rotating basis, every third year there is only one (1) town council position on the ballot for election.

For this purpose, the Town has a significant number of individuals to track for training purposes. While the internal tracking method of compliance is not being reviewed, the Town is currently basing the two-year retraining requirement on the last date the individual participated in training. However, provided my understanding of the tracking method is correct, it appears that the method is too arduous because very few officials or employees took the training following the timeline of the policy.

- **Recommendations**

After reviewing the policy and completing the compliance review, implementing the following three (3) recommendations should provide clarification regarding the training cycle and deadlines. The tracking process would also be easier to maintain.

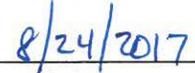
1. The follow-up training for employees should be more specific so that everyone will have a better understanding of what is expected. For example, the follow-up language for employees could be as follows: **"After initial training, periodic mandatory follow-up training is required for all employees every two (2) years during the training cycle. The two-year training cycle is effective October 1, 2017, and there will be a 60-day grace period. Therefore, all employees who take ethics training and read the Code of Ethics between August 1 and November 30 during the cycle year will be considered trained and in compliance with this policy."**
2. It is recommended that the language in the policy regarding mandatory follow-up training for officials be separated from the follow-up language for employees and instead be included in the language regarding initial training. For example, the initial training for officials could be changed to include the mandatory follow-up language to read: **"Officials (elected and appointed) must participate in training within sixty (60) days of taking office upon election, reelection, appointment or reappointment."**
3. Finally, we request that the Town remove Item 6 of the Town Policy. During the COE's initial compliance reviews in 2012, a grace period of up to 45 days was allowed to cure any deficiencies in required ethics training. The allowances were given because the ordinance was new. However, since this process is now in its seventh year, the 45-day grace period is no longer applicable and training deficiencies will be noted in the compliance review reports after the ethics training compliance review has been conducted by COE staff.

- Conclusions

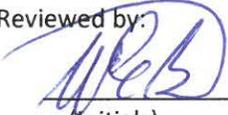
The results of the review found that the Town of Highland Beach is not in compliance with the ethics training requirement for all of its employees and officials. Further, the review identified three (3) areas of the policy that should be updated for practicality and so that the requirements are clear.

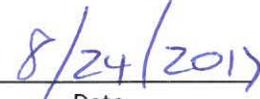
Submitted by:

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

  
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Date

Reviewed by:

  
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Date