

# POLICY REVIEW AND COMPLIANCE MEMORANDUM



*Honesty - Integrity - Character*

To: Mark E. Bannon, Executive Director  
From: Gina A. Levesque, Intake and Compliance Manager  
A19-001 – City of Boynton Beach  
Re: Ethics Policy Review and Training Compliance

- **Background**

The Code of Ethics (Code) states in part under Section 2-446(a) that the county or municipal administrator shall establish by policy a mandatory training schedule for all employees and elected or 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 agency is requiring its officials and employees to comply with the training policy.

The scope of this review focused on the policy and acknowledgement forms for officials and full-time employees within the City of Boynton Beach (City). The delivery method of the ethics training and internal tracking method of compliance were not part of the scope.

- **Approach and Methodology**

I requested a meeting with the City Clerk and the Human Resources Director to review a list of the officials and employees as well as their training acknowledgement forms. I met with Deputy City Clerk Queenester Nieves and Minute Specialist Catherine Cherry-Guberman on February 26, 2019 and performed the review regarding elected and appointed officials. I also met with Human Resources Administrator Danielle Goodrich on February 26, 2019 and performed a review regarding the employees.

- **Findings**

The training policy for the City was issued and became effective on May 15, 2013 and revised on March 19, 2014. The policy requires the completion and submission of a training acknowledgement form, but the policy does not name whom the form is to be submitted subsequent to completion of training.

The policy requires that newly hired employees undergo initial training and read the Code within the first 60 days of employment. However, the policy does not address elected or appointed officials. The training policy also requires that employees reread the Code and participate in mandatory follow-up training at least every two years or when amendments or modifications are made to the Code. There is no mention of elected or appointed officials regarding follow-up training.

The policy does not include a training deadline date for the 2-year cycle nor does it include a grace period. However, Ms. Nieves informed me that the City Council just approved having all of their advisory boards appointed every two years with no staggering terms, and all appointed officials will be required to take training

upon appointment or reappointment. Ms. Goodrich told me that although there is nothing in their current policy, all employees are required to take follow-up training during the even numbered years (making the next training in 2020), and all training must be completed between October 31 and December 31 of the training cycle year.

At the time of the review, the City consisted of 5 elected officials, 770 full-time employees, and 14 advisory boards with 92 appointed officials. All of the employees and elected officials were in compliance with the policy. However, there were 31 appointed officials who were not in compliance with the training 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 Palm Beach County Commission on Ethics for the Palm Beach County Code. Furthermore, City policy requires participation in county ethics training every two (2) years. Therefore, Council Members could theoretically be required to take the county ethics training every year.

- **Recommendations**

After reviewing the policy and completing the compliance review, implementing the following two (2) recommendations should provide clarification regarding the training cycle and deadlines. The tracking process would also be easier to maintain.

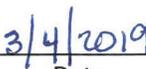
1. The follow-up training for employees should be more specific so that everyone will have a better understanding of what is expected. For example, the follow-up language for employees could be changed to read as follows: **“After initial training, periodic mandatory follow-up training is required for all employees every two (2) years during the training cycle. The two-year training cycle is effective November 1, 2020, and all employees who take ethics training and read the Code of Ethics between November 1–December 31 during the cycle year will be considered trained and in compliance with this policy.”**
2. It is recommended that the language in the policy regarding mandatory follow-up training for officials be removed 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.”**

- **Conclusions**

The results of the review found that the employees and elected officials for the City of Boynton Beach are in full compliance with the ethics training requirement. However, the appointed officials are not in compliance with the ethics training requirement. Further, the review identified two (2) 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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(Initials)

  
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Date