

POLICY REVIEW AND COMPLIANCE MEMORANDUM



Honesty - Integrity - Character

To: Christie E. Kelley, Executive Director
From: Gina A. Levesque, Intake and Compliance Manager
A23-014 – City of Pahokee (Employees and Elected Officials)
Re: Ethics Policy Review and Training Compliance

- **Background**

The Palm Beach County 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 Palm Beach County Commission on Ethics (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 directed to officials and employees that they can determine clear parameters, including the initial training timeline with deadlines and grace periods defined, and the 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 proof of training for the city of Pahokee (City) full-time employees and elected officials for the 2023 training cycle. The delivery method of the ethics training and internal tracking method of compliance was not part of the scope.

- **Approach and Methodology**

On July 13, 2023, I initiated a compliance review of City employees and elected officials for ethics training compliance. According to the City Policy, ethics training records are kept by the Human Resources department. Therefore, I emailed City Manager Rodney Lucas and City Clerk Tijauna Warner to request a list of all City employees and elected officials including their dates of hire/election date, and proof of training for the 2023 training cycle. During the first week in August, 2023, Ms. Warner submitted the requested information.

- **Findings**

The City's most recent Training Policy was effective February 26, 2013. The policy states all City employees must take the initial Code of Ethics training within ninety (90) days of employment, and elected officials must take their initial training within ninety (90) days of taking office. As part of the training, all City employees and elected officials must also read the Palm Beach County Code of Ethics. Additionally, mandatory follow-up training is required of all employees and elected officials as needed, but no less than every three (3) years. All employees and officials must complete a training acknowledgement form and submit it to Human Resource or other designated department for inclusion in their personnel file.

Although the policy requires retraining “no less that every three (3) years”, there is no mention of a grace period or training deadline date. Additionally, state law requires that elected officials undergo four (4) hours of ethics training each year; however, that ethics training does not necessarily contain training provided by the Palm Beach County Commission on Ethics on the Palm Beach County Code of Ethics.

At the time of the review, the City consisted of 5 elected officials and 33 employees. Of the elected officials, 1 took the County Code of Ethics training, 2 submitted training forms from the Florida League of Cities, which does not satisfy the County Code of Ethics training requirement, and 2 did not take the County Code of Ethics training. Of the 33 employees, only 19 took the County Code of Ethics training.

- **Recommendations**

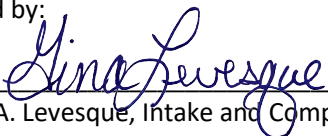
After reviewing the policy and completing the compliance review, implementing the following three (3) recommendations will provide clarification regarding the training cycle and deadlines. It will also make the tracking process much easier.

1. Because the majority of elected officials did not take the County Code of Ethics training, we recommend the policy concerning training for officials be changed to include the following language: **“Officials (elected and appointed) must participate in the Palm Beach County Code of Ethics training within sixty (60) days of taking office upon election, reelection, appointment, or reappointment.”** Further, we recommend the mandatory follow-up training language for employees be changed to read as follows: **“After initial training, periodic mandatory follow-up training is required for all officials (elected and appointed) every two (2) years.”**
2. Additionally, the policy should include language specifying an effective date and grace period. For example, the language of the training policy could be changed to read as follows: **“The policy is effective on October 1, 2023 with a thirty (30) day grace period. All employees and officials who take ethics training and read the Code of Ethics from September 1 – October 31 will be considered trained and in compliance with this policy.”** Then, employees and officials will understand that if they read the Code of Ethics and participate in training anytime from September 1 – October 31, which is 30 days before the deadline and 30 days after the deadline, during the cycle year, they will be in compliance with the training policy.
3. We request the City remove the language in Items 6 and 7 of the City Policy. City Policy is a document to give guidance to City employees and officials only. Item 6 concerns the grace period of up to 45 days that was allowed by the COE during its initial compliance reviews in 2012 so municipalities could cure any deficiencies in required ethics training. The allowances were given because the ordinance was new. However, since this process is now in its 13th year, the 45-day grace period is no longer applicable and training deficiencies will be noted in the compliance review reports after COE staff have conducted the ethics training compliance review.

- **Conclusions**

The City of Pahokee is not in full compliance with their ethics training policy. Only 57.6% of the employees and 20% of the elected officials have taken the County Code of Ethics training. Further, the review noted three (3) suggested policy changes so that the requirements are clear.

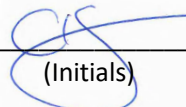
Submitted by:



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

09/15/2023
Date

Reviewed by:



(Initials)

09/15/2023
Date