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### SUMMARY OF ETHICS LAW REQUIREMENTS REGARDING MANDATORY EDUCATION AND TRAINING November 2012

#### I. Municipal Employers' Responsibilities:

##### 1. **Distribute Summaries of the Conflict of Interest Law**

- a. **Before December 31, 2012 and annually thereafter before the end of December** – distribute to **all current** municipal employees/officials a copy of the State Ethics Commission's Summary of the Conflict of Interest Law for Municipal Employees (available on the Commission's website at <http://www.mass.gov/ethics/education-and-training-resources/implementation-procedures/municipal-employee-summary.html>.) Copies also are available in Spanish (<http://www.mass.gov/ethics/education-and-training-resources/implementation-procedures/municipales-empleados-resumen.html>) and in Portuguese (<http://www.mass.gov/ethics/education-and-training-resources/implementation-procedures/municipal-funcionarios-resumo.html>).

Summaries may be distributed in paper (e.g., often done with paychecks) or electronically.

- b. **Within 30 days** of hiring a new employee/official - distribute a copy of the Summary of the Conflict Law to the new employee and distribute the Summary annually thereafter by the end of December.

##### 2. **Notify Employees About the Mandatory Online Training Requirement**

- a. **December 10, 2012** - State Ethics Commission will release new online training program on conflict of interest law for **all municipal employees and officials**. The Program will be available on the Commission's website ([www.mass.gov/ethics](http://www.mass.gov/ethics)), and the Commission also will send a link to access the new program to municipalities' designated liaisons to the Ethics Commission.

- b. **January 2013 and April 5, 2013** – Notify all municipal employees and officials in **early January 2013** that those who did not complete the online training program in 2012 must do so by **April 5, 2013**. Employees who completed the online training in 2012 will *not* be required to complete the program again until April 2015. It is advisable for the employer to remind employees about this requirement as the April 5 deadline approaches. The online training requirement is *in addition to* the requirement for the employer to distribute a Summary of the Conflict Law to employees/officials **annually**.
  - c. **Every 2 Years After April 15, 2013** - Notify all municipal employees/officials of their obligation to complete the mandatory online training program available on the Commission's website every 2 years after April 5, 2013 (e.g., employees/officials must complete the training again by April 5, 2013).
3. **Create and Retain Records for 6 years**
- a. **Create an Annual List** of all employees/officials to whom the employer distributes Summaries of the Conflict Law during each calendar year with **notations** about whether each employee provided a signed Acknowledgement of Receipt of Summary or email Acknowledgement (see Municipal Employees'/Officials' Responsibilities, #1 below).
  - b. **Retain Actual Acknowledgement of Receipt of Summary** available at the end of each Summary and signed by each employee or retain email Acknowledgement.
  - c. **Retain Certificates of Completion** of Commission's online training program for each employee (see #2 above and Municipal Employees'/Officials' Responsibilities, #3 below).

4. **Designate a Liaison to the State Ethics Commission**

Person should be a senior level employee.

The employer must notify the Commission in writing of the designation by emailing the liaison's name, title, telephone number and e-mail address to the Commission's Public Education Division Chief, David Giannotti, at [dgiannotti@eth.state.ma.us](mailto:dgiannotti@eth.state.ma.us).

## II. Municipal Employees'/Officials' Responsibilities:

### 1. **Return to Employer Signed Acknowledgement of Receipt of Summary of Conflict Law**

**Within 10 business days** of receiving Summary of the Conflict Law, complete and sign **Acknowledgement of Receipt** at the end of the Summary distributed by the employer or send an e-mail acknowledging receipt of the Summary to the person who provided him/her with the document.

### 2. **Take Mandatory Online Training Program on Commission's Website**

a. **By April 5, 2013** – Take the mandatory new municipal online training program (which will be available on the Commission's website ([www.mass.gov/ethics](http://www.mass.gov/ethics)) after December 10, 2012) by **April 5, 2013**. Employees who completed the online training in 2012 will *not* be required to complete the program again until April 2015. The online training requirement is *in addition to* the requirement to acknowledge receipt of a Summary of the Conflict Law **every year**.

c. **Every 2 Years After April 15, 2013** - All municipal employees/officials must complete the mandatory online training program available on the Commission's website every 2 years after April 5, 2013 (e.g., they must complete the training again by April 5, 2015).

### 3. **Provide Employer with Certificate of Completion of Online Training Program**

The Certificate can be printed online upon completion of the Commission's program and then provided to the employer. Employees/officials should retain a copy for their own records.

Questions? Contact attorney Judy Levenson at [jlevenson@bhpklaw.com](mailto:jlevenson@bhpklaw.com) or 617/880-7100, or contact your Municipal/School Counsel. Specific facts and circumstances require individualized legal analysis. Feel free to call us about particular issues.

**NOTICE:** This Summary of Ethics Law Requirements has been prepared by Brody, Hardoon, Perkins & Kesten, LLP to provide information about developments in the law. It is not intended to provide legal advice for any particular matter or situation and shall not be considered to create an attorney-client relationship.