



# Commonwealth of Massachusetts STATE ETHICS COMMISSION

John W. McCormack Office Building - One Ashburton Place - Room 619  
Boston, Massachusetts 02108-1501

## *Commissioners*

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*Executive Director*

September 22, 2009

Dear City or Town Clerk:

As you may know, on July 1, 2009, Governor Patrick signed into law Chapter 28 of the Acts of 2009 (the "Bill"), which made important changes to G.L. c. 268A and c. 268B, the state's conflict of interest law and the State Ethics Commission's enabling act. Among those changes are new mandatory education and training requirements for public employees at every level of government, including the municipal level. The purpose of this letter is to provide you with more information about those education and training requirements and to assist you in complying with them. Please note that the portions of the Bill that relate to the conflict of interest law go into effect on September 29, 2009. You will find a complete copy of the Bill on the Commission's website at [www.mass.gov/ethics](http://www.mass.gov/ethics).

## **Summaries of the Conflict of Interest Law**

Section 84 of the Bill adds a new Section 27 to the conflict of interest law, which requires that the Ethics Commission publish on its website a summary of the conflict of interest law, G.L. c. 268A, for municipal employees. The Ethics Commission is currently preparing this summary, and it will be posted on or before September 29, 2009, on the Commission's website, [www.mass.gov/ethics](http://www.mass.gov/ethics), under the heading "Education and Training Resources." The Bill further requires that the city or town clerk of each municipality provide the summary of the law, as posted on the Commission website, to every municipal employee "within 30 days of becoming such an employee, and on an annual basis thereafter ..." Each municipal employee is required to sign a written acknowledgment that he has been provided with such a summary, and such written acknowledgment must be filed with the city or town clerk.

In accordance with Section 101 of the Bill, these summaries should be provided to all municipal employees on or before December 28, 2009, and on an annual basis thereafter. Municipal employees hired after December 28, 2009, should be provided with these summaries within 30 days of the date on which they commence employment, and on an annual basis thereafter.



### **Online Training Programs**

Section 84 of the Bill also adds a new Section 28 to the conflict of interest law, which requires the Commission to prepare and publish on its website two online training programs, one which provides a general introduction to the requirements of G.L. c. 268A, the conflict of interest law, and a second which provides information on the requirements of the conflict of interest law applicable to former public employees, including former municipal employees. The Bill provides that every “municipal employee shall, within 30 days after becoming such an employee, and every 2 years thereafter, complete the online training program. Upon completion of the online training program, the employee shall provide notice of such completion to be retained for 6 years” by the city or town clerk.

The Commission currently has on its website an online training program, which, until such time as it is revised, should be the program used by municipal employees to comply with this training requirement. Although the program currently on our website is designed primarily for state employees, municipal employees should use this program until such time as it is revised or replaced with one tailored to them. Upon completion of the program, employees should print out the completion certificate, keep a copy for themselves and provide a copy to the city or town clerk. The online program on the website includes several questions involving the law for former employees; at this time, however, there is no separate online program on the provisions of the conflict law that are applicable to former municipal employees. Therefore, completion of the single program will be considered by the Commission as meeting the Bill’s requirements until such time as a second program is added. The Commission is currently working to develop new online training programs which would replace the program currently on the website. (We are aware of some minor problems with the current online program, such as hyperlinks that are not working properly, and we are working to address those problems.)

Please note that municipal employees may use their home or office computers to access the online training program via the Commission’s website, and they do not need to, and should not, travel to the Commission’s offices to do so. The current online training program should not take more than an hour to complete. Once we have revised and updated the program (and added more questions or a separate program on former municipal employees), the process should take a little longer.

Municipal employees should complete the online training program provided on the Commission’s website on or before December 28, 2009, and every 2 years thereafter. Municipal employees hired after December 28, 2009, should complete the online training program within 30 days of the date on which they commence employment, and every 2 years thereafter.

### **Designation of Municipal Liaisons**

Finally, Section 84 of the Bill adds a new Section 29 to the conflict of interest law, which requires each municipality to designate a “senior level employee of the municipality” who will serve as its liaison to the Ethics Commission. The Bill requires each municipality to make this designation “acting through its city council, board of selectmen, or board of aldermen” and to notify the Commission in writing of such designation and of any changes to such designation. As set forth in the Bill, the Commission will disseminate information to and conduct educational seminars for the designated liaisons. In consultation with the liaisons, the Commission will develop procedures to enable municipalities to comply with the requirements to provide a summary of the law to all new and current employees every year, and to have all new and current employees take the online training every 2 years. We believe that having designated liaisons in place will greatly facilitate our ability to assist municipal employees in understanding the requirements of the conflict of interest law.

In accordance with Section 102 of the Bill, we request that each municipality designate its liaison and notify the Commission of such designation on or before January 27, 2010, by sending an e-mail to David Giannotti, the Commission’s Chief of the Public Education and Communications Division, at [dgiannotti@eth.state.ma.us](mailto:dgiannotti@eth.state.ma.us). Please include the name, title, telephone number and e-mail address of the designated liaison.

Thank you for your attention to these important matters. You may wish to check our website periodically, as we will post on the website any updates or new information that relate to the implementation of the Bill. Please contact David Giannotti at 617-371-9505 if you have any questions or concerns.

Very truly yours,



Karen L. Nober  
Executive Director