
Coates' Canons Blog: You've Won Your Election – Time for Ethics Training!

By Norma Houston

Article: <http://canons.sog.unc.edu/?p=7906>

This entry was posted on November 05, 2014 and is filed under Elections, Ethics & Conflicts, Ethics Training

Elections are over, TV ads are back to normal, and mail boxes are no longer full of campaign flyers. Ballots are being counted, results will be certified, and oaths of office taken. Among the other duties and obligations required of newly elected and reelected local government officials is that they participate in mandatory ethics training. If you are a newly elected official, you may not be familiar with this requirement and don't know where, when, or how to get this training. If you are an incumbent, you most likely completed ethics training after your last election or reelection, and are now wondering if you have to take the training again. And, if you are elected to local office *and* serve on a state board or commission covered under the State Government Ethics Act, you may be wondering whether you have to take ethics training twice. The short answer to each of these questions is that *all* individuals elected or reelected during this election cycle to a local governing board covered by the local government ethics act *must* receive the ethics training within 12 months of the date of election. So, if you were on yesterday's ballot and won, you *must* take the local government ethics training.

Who is required to take the ethics training?

North Carolina's local government ethics act, which applies to cities, counties, local boards of education, unified governments, sanitary districts, and consolidated city-counties, requires governing board members to receive a minimum of 2 clock-hours of ethics training within 12 months of each election or re-election to office. This means that *every* member of local governing board covered by the ethics training requirement who is elected or re-elected in 2014 *must* take the mandatory ethics training in 2015 (within 12 months of the date of his or her election). Incumbents must receive the ethics training *each time* they are reelected. This requirement also applies to individuals appointed or reappointed to the governing boards listed above. So incumbent officials who took the training after their last election and members who were appointed to office and then elected to that office on this year's ballot must take the training in 2015.

If I serve on a local government board but my term was not up in this year, do I still have to take the training after this election?

No. If there was an election, but you yourself were not on the ballot, then you do not need to take the training following this election.

Are other local government officials and employees required to take the ethics training?

No. The local government ethics act does not impose the ethics training requirement on other locally elected officials (such as Sheriffs, Registers of Deeds, or Clerks of Court), local government employees, or member of other local government boards, such as local boards of health, social services, elections, planning, etc. However, a local governing board may impose ethics education requirements and other ethical standards on its employees and local board members through its locally adopted code of ethics.

Who can provide the ethics training?

The local government ethics act doesn't stipulate who can provide the training, but it does indicate that the training may be provided by the N.C. League of Municipalities, the N.C. Association of County Commissioners, the UNC School of Government, or other qualified sources of the board's choosing. (**G.S. 160A-87(c)**) For local school board members, the training may be provided by the North Carolina School Boards Association as part of their annual 12 clock-hours of continuing education. (**G.S. 115C-50**)

In collaboration with the NCLM and the NCACC, the School of Government provides ethics training for city and county governing board members. School board members receive their training through the North Carolina School Boards Association. Sanitary District board members may participate in city and county programs conducted by the School of Government.

Where and when can I get the training?

The training opportunities offered by the School of Government during the 2015 training cycle are:

1. January-February 2015: Live sessions offered in conjunction with the upcoming *Essentials of County Government/LeaderShop* program for newly elected and veteran county officials ([click here for specific dates, locations, and registration information](#))
2. May 20, 2015: Ethics training webinar (registration will open in spring 2015; for more information [click here](#))
3. June-October 2015: An on-demand version of the webinar will be available (notification of on-demand availability will follow shortly after the May 20th webinar; for more information [click here](#))

A downloadable copy of the 2015 SOG ethics training schedule is available on our [Ethics Resource Site for Local Elected Officials](#).

The law also authorizes local governing boards to choose another "qualified source" to provide the training. The law does not define a "qualified source," so presumably the board is free to determine for itself whether an individual or entity is qualified to provide the training. Local boards that choose this option should ensure the training meets the legal requirement of covering the laws and principles that govern conflicts of interest and ethical standards of conduct at the local government level. (**G.S. 160A-87(b)**) Although not required by law to do so, if the local government received training from an entity or individual other than the School of Government, NCLM, or NCACC (all of which are specifically identified in the statute), it is advisable for local boards to adopt a resolution approving the source of the training and indicating the basis for determining that the source is "qualified" to provide the training.

How do I verify that I've received the training?

Verification of compliance with the ethics training is done on a self-reporting basis. Under the local government ethics act, clerks to governing boards must maintain a record verifying that each member of the board has completed the ethics training. Clerks are not, however, responsible for ensuring that members receive their training – that obligation rests with the members themselves. Members who participate in a School of Government program will be provided a verification form upon completion of that training. Members should return their verification form to their board clerks. The School of Government does not collect or maintain this information.

What if I serve on a state board and have taken ethics training under the State Ethics Act? Does that satisfy the local ethics training requirement?

No. Local government officials who are also "public servants" under the [State Government Ethics Act](#) ("State Ethics Act") must participate in mandatory ethics education *in addition* to the ethics training required under the local government ethics act. "Public servants" are certain officials and employees in the Executive Branch of state government, including the members of certain state boards and commissions (such as community college boards of trustees), who are subject to the requirements and prohibitions of the State Ethics Act.

The local government ethics training taken by individuals covered by the State Ethics Act *does not* count towards the mandatory state ethics act training requirement. Nor does the training under the State Ethics Act satisfy the local government ethics training requirement. As a result, a local government official who also serves on a covered state board

or in a covered state position must take *both* the local *and* the state ethics training requirements.

What if I serve on a MPO or RPO TAC?

Members of the policy boards ("TAC") of a Metropolitan Planning Organization ("MPO") and a Rural Transportation Planning Organization ("RPO") are not required to take mandatory ethics training as part of their service on those boards. However, MPO and RPO TAC members who are local elected officials are still subject to the local ethics training requirement. New ethics requirements for MPO or RPO members are summarized in a blog post [here](#).

What happens if an elected official does not comply with the law requiring ethics training?

The law does not impose any formal sanctions for elected officials who do not comply with the ethics training requirement. However, officials should remember the informal (and sometimes very real) sanction of citizen and media opinion. The public might assume that someone who doesn't comply with this law will be willing to break others. And of course, disobeying the law is itself unethical and a violation of the oath of office.

Links

- www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=160A-87
- www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=153A-53
- www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=115C-50
- www.ncleg.net/enactedlegislation/statutes/html/bysection/chapter_153a/gs_153a-471.html
- www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_130A/GS_130A-49.5.html
- www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_160B/GS_160B-2.3.html
- www.sog.unc.edu/Node/1195
- www.sog.unc.edu/node/1277
- www.sog.unc.edu/programs/ethics
- www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=138A