

CLIENT ALERT

**STATE ETHICS STATUTE
TRAINING AND DISCLOSURE REQUIREMENTS**

Employees and board members of state entities¹ are required, under Massachusetts General Laws Chapter 268A (the “Ethics Statute”) and State Ethics Commission procedures, to complete on-line ethics training every two years, and state entities must provide an Ethics Statute summary to their employees every year. State entities may wish to review their existing policies to ensure compliance with the Ethics Statute. The following is a basic summary of the requirements for state entities and their board members and employees.

Biennial Training for State Employees

WHAT: State employees and board members are required to complete an on-line quiz:
http://db.state.ma.us/ethics/quiz_MEthics/index.asp

WHEN: Within 30 days of a new state employee or board member starting his or her position and every two years thereafter (90 days before or after the anniversary of the prior training).

RECORDS: (1) State entities should keep a record of all state employees and board members and whether or not each such employee or board member delivered a “completion certificate” as described below, and

(2) State employees and board members are required to deliver to the state entity a copy of the completion certificate, which is generated electronically after completion of the training. State entities are required to keep copies of all completion certificates.

These records must be maintained for 6 years.

Annual Disclosure of Ethics Statute Summary

WHAT: State entities are required to distribute the following summary of the Ethics Statute to all state employees and board members:
<http://www.mass.gov/ethics/education-and-training-resources/implementation-procedures/state-employees-summary.html>

Summaries may be distributed in paper or electronic format.

¹ Please note that this alert does not address the requirements for county, municipal and *elected* state employees, but they are subject to similar requirements.

WHEN: Within 30 days of a new state employee or board member starting his or her position and prior to December 31st of every calendar year thereafter.

RECORDS: (1) State entities should keep an annual list of all state employees and board members to whom summaries were distributed, which list should include whether or not each such employee or board member provided the acknowledgement of receipt described below, and

(2) State entities should keep the acknowledgements of receipt (described below) received from state employees and board members.

These records should be retained for 6 years.

FORM OF RECEIPT: The summary has a form of acknowledgment of receipt at the end, which may be signed by the employee or board member and kept by the state entity electronically or in paper form. Alternatively, the state entity may request “read receipts” for its emails to state employees and board members with the summary, and the read receipt will satisfy the requirement for an acknowledgement of receipt, except for state employees and board members whose email is opened by someone else.

For additional information, see the implementation procedures at the following link:

<http://www.mass.gov/ethics/education-and-training-resources/implementation-procedures/revised-implementation-procedures.html>

Please contact Elka Sachs (esachs@kb-law.com) or Sheryl Howard (showard@kb-law.com) with any questions.

FA\0001\307282.1