

Whistleblower Hotline Policy

SUBJECT:	NUMBER:
Whistleblower Hotline Policy (Policy)	W1.1
DEPARTMENTS & DISTRICTS AFFECTED:	EFFECTIVE DATE: JUNE 2018
ALL AGENCIES, DEPARTMENTS, AND DISTRICTS GOVERNED BY THE BOARD OF SUPERVISORS	Approved by the Board of Supervisors

1. Policy

This Policy establishes the County's Whistleblower Hotline to enhance the current *Fraud, Theft and Loss Policy*, and enable individuals to promptly and confidentially report incidents of suspected fraud, waste and abuse without fear of retaliation.

1.1 Purpose

The purpose of the Policy is to encourage employees and citizens of the County to report any suspected cases of fraud, waste, or abuse, of which they become aware. The Hotline is provided as an alternative reporting mechanism to ensure concerns are properly addressed and as a means for anonymous, confidential, reporting. The County is committed to the highest standard of transparency, honesty, and accountability in carrying out its duties.

1.2 Authority

- **County Board Resolution 11-432**
On December 13, 2011, the Board of Supervisors adopted the Resolution 11-432 titled *Fraud, Theft, and Loss Policy* which affirmed the Boards commitment to maintaining a tone of integrity through the County, increase management's focus on anti-fraud controls, decrease County losses, and increase the efficiency and results of investigations of fraud, theft and loss.
- **California Government Code 53087.6 (subsections (2) b,c,e)**
Authorizes local governments to create whistleblower hotlines; provides for the confidentiality of all information received through the Hotline, referral of complaints to the appropriate government authority for review and possible investigation; the identity of the person providing the information will not be disclosed without the written permission of that person, unless the investigation is criminal in nature and conducted by a law enforcement agency.

1.3 Definitions

- **Fraud:** A dishonest, unethical, irregular or illegal act or practice. It can be any intentional act or omission designed to deceive others that results in the County suffering a loss of money, property, or other disadvantage to the County's resources or rights and /or the perpetrator achieves a gain of money, property or an advantage to which the employee would not normally be entitled.
- **Waste:** The intentional or unintentional thoughtless, reckless or careless expenditure, consumption, mismanagement, use, or squandering of County resources. Waste also includes incurring unnecessary costs because of inefficient or ineffective practices, systems, or controls.
- **Abuse:** Intentional destruction, diversion, manipulation, misapplication, maltreatment, or misuse of County resources. Extravagant or excessive use as to abuse one's position or authority. Abuse can occur in a financial or non-financial setting.

1.4 General Provisions

For purposes of this Policy, fraud is deemed to include waste and abuse, as well as any activity involving deception, deceit, dishonesty, or artifice to divert or obtain assets, money or property of the County or held in trust by the County or to induce another to part with some valuable possession, or surrender a legal right, or knowingly report inaccurate amounts.

This Policy applies to any fraud, waste or abuse committed against the County government by elected officials, department heads, county managers, employees, as well as volunteers, committee members, consultants, vendors, contractors, outside agencies, and/or any other parties with a business relationship with the County.

The *Fraud, Theft, and Loss Policy* is a way to maintain a tone of integrity throughout the County, increase management's focus on anti-fraud controls, decrease County losses, and increase the efficiency and results of investigations of fraud, theft, and loss. The Hotline is a means for anyone to confidentially report actual or suspected instances of fraud, waste, or abuse committed against the County government.

- The Department Head is responsible for the prevention of fraud, waste, or abuse and for establishing controls and procedures to detect suspected wrongdoing.
- Perpetrators of fraud, waste, or abuse may be prosecuted civilly for recovery of missing County assets, and disciplined for misconduct.
- All County employees shall cooperate fully with law enforcement, investigators, and auditors during the investigation of fraud, waste, or abuse.

Investigations related to allegations of potential fraud, waste and abuse reported through the Hotline will be performed by Internal Audit division staff, however, complaints received through the Hotline reporting mechanism that allege certain labor-management issues, (e.g. discrimination, sexual harassment, substance abuse, and workplace violence/threats) are not included in the definition of fraud, waste, or abuse and are not within the scope of this Policy. Consequently, allegations of this type will be forwarded to the appropriate management function for review and action.

Purposeful misrepresentation of reporting allegations may be construed as a malicious act. Allegations made frivolously, in bad faith or without factual basis may constitute defamation and may be legally actionable. Malicious reporting by County employees may result in disciplinary action in accordance with County policies.

The Auditor-Controller and CEO may issue updates to the Whistleblower Hotline Policy as deemed necessary to address the County's changing needs.

1.5 Whistleblower rights:

Whistleblowers are protected by California Labor Code Section 1102.5, 1106, California Government Code 8547.1, and County policy, from retaliation. An employee or contractor who observes or becomes aware of instances of retaliation against an individual who has been involved with a whistleblower case should contact Internal Audit, applicable Department Head, the HR Director, or the County Executive Officer (CEO).

All information received, related to a case, including the identity of the reporter if known, shall remain confidential to the extent allowed by the law. All documents related to a case will be maintained in a secure location. Department Heads and any other personnel involved in the investigation of a case shall not share the substance of a case with anyone except those individuals who are directly involved in and are essential to conducting the investigation. The reporter's identity may not be disclosed to anyone outside of the investigating personnel without the express consent of the reporter, unless it is necessary to take appropriate action as a result of the findings of the investigation.

All Public Record requests for information will be coordinated with County Counsel.

2. ATTACHMENTS

2.1 Policy

2.1.1 Whistleblower Hotline Policy Board Letter (June 5, 2018)