

POLICY & PROCEDURE MANUAL

Section: Miscellaneous
Policy: Whistleblower Protection
BOD Approval: 10/28/09
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Revised:

Whistleblower Protection

In keeping with the policy of maintaining the highest standards of conduct and ethics, Community Action, Inc. "Community Action" will investigate any suspected fraudulent or dishonest use or misuse of Community Action resources or property by staff, board members, consultants or volunteers.

Staff, board members, consultants, and volunteers are encouraged to report suspected fraudulent or dishonest conduct (i.e., to act as "whistleblower"), pursuant to the procedures set forth below.

Reporting

A person's concerns about possible fraudulent or dishonest use or misuse of resources or property should be reported to his or her supervisor or, if suspected by a volunteer, to the supervisor supporting the volunteer's work. If, for any reason, a person finds it difficult to report his or her concerns to a supervisor or staff member supporting the volunteer's work, the person may report the concerns directly to the Deputy Director or the Executive Director.

Concerns should be submitted in writing, utilizing Community Action's "Whistleblower Report Form" along with documentation as to the nature of the complaint. The reporter has the option on this form to be identified or be anonymous. Once completed, this form should be placed in a sealed envelope marked "confidential" and placed in the Deputy Director or Executive Director's mailbox.

Alternately, to facilitate reporting of suspected violations in regards to executive level management, the reporter should also utilize the "Whistleblower Report Form" and submit it to the Community Action's Board President. This form should be mailed to the Board President (address listed on the "Whistleblower Report Form") and marked "confidential" to ensure that it is not opened by an unauthorized person.

Definitions

Baseless Allegations

Allegations made with reckless disregard for their truth or falsity or knowingly false allegations. Individuals making such allegations may be subject to disciplinary action by Community Action, and/or legal claims by individuals accused of such conduct.

Fraudulent or Dishonest Conduct

A deliberate act or failure to act with the intention of obtaining an unauthorized benefit.

Examples of such conduct include:

- Forgery or alteration of documents
- Unauthorized alteration or manipulation of computer files
- Fraudulent financial reporting
- Pursuit of a benefit or advantage in violation of the Conflict of Interest Policy
- Misappropriation or misuse of resources, such as funds, supplies, or other assets

- Authorizing or receiving compensation for goods not received or services not performed
- Authorizing or receiving compensation for hours not worked

Whistleblower

An employee, consultant, or volunteer who informs a supervisor, Deputy Director or the Executive Director about an activity relating to “XYZ” which that person believes to be fraudulent or dishonest.

Rights and Responsibilities

Supervisors

Supervisors are required to report suspected fraudulent or dishonest conduct to the Deputy Director or the Executive Director. Reasonable care should be taken in dealing with suspected misconduct to avoid:

- Baseless allegations
- Premature notice to persons suspected of misconduct and/or disclosure of suspected misconduct to others not involved with the investigation
- Violations of a person’s rights under law
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Due to the important yet sensitive nature of the suspected violations, effective professional follow-up is critical. Supervisors, while appropriately concerned about “getting to the bottom” of such issues, should not in any circumstances perform any investigative or other follow-up steps on their own. Accordingly, a supervisor who becomes aware of suspected misconduct:

- Should not contact the person suspected to further investigate the matter or demand restitution
- Should not discuss the case with attorneys, the media, or anyone other than the Deputy Director or the Executive Director
- Should not report the case to an authorized law enforcement officer without first discussing the case with the Deputy Director or the Executive Director

Investigation

All relevant matters, including suspected but unproved matters, will be reviewed and analyzed, with documentation of the receipt, retention, investigation, and treatment of the complaint. Appropriate corrective action will be taken, if necessary, and findings will be communicated to the reporting person and his or her supervisor. Investigations may warrant investigation by independent persons such as auditors and/or attorneys.

Whistleblower Protection

Community Action, Inc. will protect whistleblowers as defined below:

- Community Action will use its best efforts to protect whistleblowers against retaliation. Whistleblowing complaints will be handled with sensitivity, discretion, and confidentiality to the extent allowed by the circumstances and the law. Generally, this means that whistleblower complaints will only be shared with those who have a need to know so that the agency can conduct an effective investigation. If necessary, Community Action will determine what actions need to be taken to law enforcement personnel and follow the proper protocol. (Should disciplinary or legal action be taken against a person or persons as a result of a whistleblower complaint, such persons may also have the right to know the identity of the whistleblower).

- Employees, consultants, and volunteers of Community Action may not retaliate against a whistleblower for informing management about an activity which that person believes to be fraudulent or dishonest with the intent or effect of adversely affecting the terms or conditions of the whistleblower's employment, including but not limited to, threats of physical harm, loss of job, punitive work assignments, or impact on salary or fees. Whistleblowers who believe that they have been retaliated against may file a written complaint with the Deputy Director, the Executive Director or Board President. Any complaint of retaliation will be promptly investigated and appropriate corrective measures taken if allegations of retaliation are substantiated. This protection from retaliation is not intended to prohibit supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors.
- Whistleblowers must be cautious to avoid baseless allegations (as described earlier in the definitions section of this policy).

American Recovery and Reinvestment Act (ARRA)

The American Recovery and Reinvestment Act of 2009 provides protection from retaliation for employees who make specified disclosures relating to possible fraud, waste and/or abuse of Recovery Act funds.

The disclosure must be made to the Recovery Accountability and Transparency Board, an Inspector General, the Comptroller General, a member of congress, a state or federal regulatory or law enforcement agency, a person with supervisory authority over the employee, a court or grand jury or the head of a federal agency or his/her representatives. The disclosure must involve information that the employee believes is evidence of:

- gross mismanagement of an agency contract or grant relating to recovery funds;
- a gross waste of recovery funds;
- a substantial and specific danger to public health or safety related to the implementation or use of recovery funds;
- an abuse of authority related to the implementation or use of recovery funds; or
- violation of law, rule or regulation related to an agency contract or grant awarded or issued related to recovery funds.

Whistleblower Report

Instructions

Submit this form to the appropriate supervisor below.

Deputy Director: Karen Betenz

Executive Director: Lisa Furseth

Board President: Joe Stadleman

After completing the form, please place it in a supervisor/executive director's mailbox marked "CONFIDENTIAL." Your concern will be reviewed in a timely manner. All concerns will be reviewed and investigated in a manner deemed appropriate by COMMUNITY ACTION management or Executive Committee of the COMMUNITY ACTION Board of Directors.

Person reporting the actual or suspected wrongful conduct: *(do not complete this section if you wish this to be an anonymous report)*

Name: _____

Title: _____

Telephone Number: _____

Person against whom the report of actual or suspect wrongful conduct is being made:

Name: _____ Title: _____

Nature of Misconduct:

*Use the back of this form or additional sheets to describe the alleged wrongful conduct. Include **specific** facts and any documentation you have. This report should be factual rather than speculative, and contain as much **specific** information as possible for proper assessment of the nature; extent and urgency of preliminary investigate procedures.*

Date Report was submitted: _____