



Solano County Auditor-Controller Internal Audit Services

POLICIES AND PROCEDURES MANUAL

Subject : **WHISTLEBLOWER PROGRAM**

Objective : To establish a policy that provides guidelines for the operation of a Countywide Whistleblower Program.

1. PURPOSE:

1.1 The Solano County Auditor-Controller Internal Audit Division Whistleblower program is established to provide a method for reporting fraud, waste and abuse within County government. Policy and procedures are established to facilitate the development of internal controls that will provide for the detection, prevention, and reporting of fraud, waste and abuse directed against County government. It is the intent of this policy to promote awareness of the potential for fraud, waste and abuse throughout the County, and to provide guidelines and assign responsibility for the development of adequate internal controls and systems of the Whistleblower Program.

1.2 The Solano County Auditor-Controller's Whistleblower Program is established to promote the Whistleblower Hotline as a method of communication regarding fraud, waste and abuse directed against County government. The establishment of the Whistleblower Program is not intended to modify existing methods of communication or resolution regarding reports of fraud, waste or abuse, but is to formalize a process already in place within the County.

1.3 The Solano County Auditor-Controller will work cooperatively with elected and appointed Department Heads to effectively resolve complaints determined to have merit. The Auditor-Controller will follow-up regarding the status on any corrective action to ensure issues have been addressed and to prevent recurrence.

1.4 The law in California protects employees from retaliatory or adverse personnel action for disclosing certain information including, but not limited to, violations of laws and suspected acts of gross mismanagement or gross waste of public funds. These protections are detailed in Sections 1102.5 and 98.6 of the California Labor Code.

2. DEFINITIONS:

2.1 The following definitions apply in the interpretation and implementation of these policies. While fraud, waste and abuse as defined below include acts which may constitute criminal conduct they are not intended to explain, replace, or supplement any existing legal definitions of criminal conduct.

2.2 The term **fraud** refers to, but is not limited to, any dishonest or fraudulent act to include forgery or alteration of any document; misappropriation of funds, supplies, etc.;



Solano County Auditor-Controller Internal Audit Services

POLICIES AND PROCEDURES MANUAL

improper handling or reporting of money or financial transactions; profiting by self or others as a result of inside knowledge; destruction or intentional disappearance of records, furniture, fixtures or equipment; accepting or seeking anything of material value from vendors or persons providing services or materials to the County for personal benefit; and/or any similar or related irregularity.

2.3 **Waste** refers to the unnecessary incurring of costs as a result of inefficient practices, systems or controls.

2.4 **Abuse** refers to violations and circumventions of departmental or agency regulations which impair the effective and efficient execution of operations.

3. AUTHORITY:

3.1 The California Government Code section 53087.6 allows elected County Auditor-Controllers to maintain a whistleblower hotline to receive calls from persons who have information regarding possible violations by local government employees of state, federal, or local statutes, rules or regulations. The Auditor-Controller may refer whistleblower complaints to the appropriate government authority for review and possible investigation. Upon receiving specific information that an employee or local government has engaged in an improper activity, the Auditor-Controller may conduct an investigative audit of the matter.

3.2 The Solano County Auditor-Controller, Internal Audit Division (Internal Audit) has the primary responsibility for audits of all suspected inappropriate activity as defined in this policy. If the audit substantiates that a fraudulent act has occurred, Internal Audit will notify the Auditor-Controller, County Administrator, County Counsel, District Attorney, and other County officials, as appropriate. Investigations conducted by the Internal Audit Division where there is sufficient evidence of a crime will be referred to the appropriate law enforcement agency for criminal investigation. In determining what constitutes sufficient evidence the Internal Audit Division may consult County Counsel or the District Attorney.

3.3 Internal Audit, through authorization of the Board of Supervisors resolution 96-34 dated February 6, 1996 in approval of the official charter of the Internal Audit Division, is authorized to make investigative audits into County affairs, to ensure (1) financial results of County activities are fairly stated and (2) County activities are executed in accordance with prescribed policies, procedures, laws and regulations. In this process the Internal Audit Division shall have authority to examine all documents as deemed necessary.



**Solano County Auditor-Controller
Internal Audit Services**

POLICIES AND PROCEDURES MANUAL

4. CONFIDENTIALITY:

4.1 Internal Audit treats all information received confidentially, to the extent allowed by law. Any employee, citizen, contractor, vendor, or other interested party who has observed or suspects dishonest or fraudulent activity should notify the Whistleblower Hotline immediately. Persons observing or suspecting dishonest or fraudulent activity should not attempt to personally conduct an investigation related to such activity.

4.2 All documents and/or information obtained in the investigation of complaints received shall be considered in draft form until the official completion of the investigation. At that time the supporting information will be used to prepare the final report on the "Whistleblower Complaint Resolution Form". Upon completion of the form, the draft documents will be returned to the department or agency from which they came, or distributed to the appropriate law enforcement officials for use in further investigation or legal matters. All documents with the exception of the "Whistleblower Complaint Resolution Form" are considered confidential and shall not be disclosed, except as required by law. All Public Record requests for information should be coordinated with County Counsel.

4.3 Employees or individuals assisting in the investigation of a whistleblower complaint shall not discuss the investigation without specific authorization. Discussing the investigation without specific authorization will constitute a breach of confidentiality and may compromise an investigation.

4.4 Retaliation or reprisal against any individual who files a complaint or who participates as a witness in an investigation of such a complaint is prohibited by California law.

4.5 Individuals who become aware of retaliation against an individual who has been involved in a whistleblower complaint investigation should contact the Department of Human Resources, EEO Compliance Officer.



**Solano County Auditor-Controller
Internal Audit Services**

POLICIES AND PROCEDURES MANUAL

5. PROCEDURES FOR RECEIVING COMPLAINTS:

5.1 A current or former County employee or other party who suspects fraud, waste, or abuse, and does not desire anonymity, should:

a. Contact the Whistleblower Hotline by calling 1-866-384-TIPS or completing the Online Report Form on the County website and provide as much detailed information as possible regarding the suspected conduct.

b. If requested by Internal Audit Staff, furnish a detailed written statement, outlining the suspected conduct.

c. Cooperate with the investigative audit process by providing written statements, interviews, etc.

5.2 A current or former County employee who suspects fraud, waste, or abuse, and wishes to remain anonymous, should:

a. Contact the Whistleblower Hotline and provide as much detailed information as possible regarding the suspected conduct.

b. The caller, though anonymous, must be willing to share specific information regarding the suspected conduct.

5.3 A member of the public suspecting fraud, waste, or abuse, is encouraged to contact the Whistleblower Hotline with specific and detailed information regarding the suspected conduct.

5.4 Individuals are not required to leave personal information, but they are encouraged to leave a means of contact in order for the WHISTLEBLOWER PROGRAM to gather additional information about the matter, if necessary.

5.5 Internal Audits will:

a. Maintain a Whistleblower Hotline, and attempt to secure as much information as possible from the reporting individual.

b. Complete an independent review of all claims received, in accordance with section 8 of the Whistleblower policy herein.

c. Contact law enforcement, as appropriate under the circumstances, for consideration as to their involvement in the case. County Counsel may assist in determining the appropriateness of law enforcement involvement as deemed necessary by the Internal Audit Manager.



Solano County Auditor-Controller Internal Audit Services

POLICIES AND PROCEDURES MANUAL

d. Evaluate reported conduct pertaining to any and all departments of the County, and such other activities/entities engaged in the expenditure of County funds. See Section 6. Complaint Acceptance for further guidance.

e. Report findings in accordance with Section 9 of the Whistleblower policy herein.

f. Work with law enforcement authorities as necessary during the course of the investigative review, and refer applicable findings to appropriate authorities upon completion.

5.6 An individual who reports suspected fraud, waste or abuse who becomes material to a criminal investigation may not be able to remain anonymous. In the event anonymity cannot be maintained an individual reporting fraud, waste, or abuse in good faith will be protected from retaliation.

6. COMPLAINT ACCEPTANCE:

6.1 All allegations of fraud, waste, abuse, or noncompliance with policies received through the program's hotline, voice mail, regular mail, and on-line submission form will be reviewed, with the exception of complaints excluded in paragraph 6.2 herein.

6.2 The Whistleblower hotline maintained by Internal Audit Services accepts and responds to complaints received regarding County organizations and departments under the control of the Board of Supervisors. All complaints received for outside organizations should be directed to the respective organizations hotlines or governing body. If an attempt is made to file a complaint regarding these organizations, Internal Audit Staff should clearly communicate that the County Whistleblower program does not accept and will not provide further follow-up regarding these complaints. Example organizations not under the jurisdiction of the Internal Audit Whistleblower Hotline include, but are not limited to, the following:

- a. Federal or State Organizations
- b. Cities within / or outside of Solano County
- c. Special Districts with independent Boards or Directors/Trustees
- d. County Office of Education / School Districts
- e. Other Public Agencies within / or outside of Solano County

7. COMPLAINTS REGARDING SPECIFIC PARTIES:

7.1 Internal Audit will contact the Solano County District Attorney's Office for legal assistance and guidance regarding complaints involving the Solano County Counsel's Office, if the investigation/review of the complaint requires the assistance of an Attorney.



Solano County Auditor-Controller Internal Audit Services

POLICIES AND PROCEDURES MANUAL

In the event the District Attorney's Office is unable to assist in the matter, Internal Audit will consider the need to contract with outside counsel.

7.2 Complaints regarding the Auditor-Controller, the Assistant Auditor-Controller, or the Internal Audit Manager, should go directly to County Counsel and not to the Whistleblower program. If such a complaint is received through the Whistleblower program, it will be referred to County Counsel immediately.

7.3 If the County Administrator is the subject of the investigation, the complaint will be discussed with County Counsel to determine the appropriate investigation process or if referral to an outside agency for review is needed.

7.4 The County Administrator and County Counsel shall be notified if an appointed Department Head is the subject of a complaint to determine appropriate investigation processes. County Counsel will be notified of complaints involving elected Department Heads to determine the appropriate investigation process.

8. INVESTIGATION PROCEDURES

8.1 All complaints received by Internal Audit Division will be assigned a case number corresponding to the 2 digit fiscal year in which the complaint was received and the complaint number received. For example 05-001. The example signifies the complaint was received in the fiscal year 2004/05 and is the first complaint received.

8.2 All complaints will be logged in the "Whistleblower Tracking Form." Information is gathered in the log along with corresponding case numbers for tracking investigations in process.

8.3 The "Whistleblower Guide Questionnaire" may be used to aid in gathering information over the telephone. The information received regarding the complaint will be compiled with any additional documentation provided.

8.4 The complaint will be evaluated for the appropriate course of action by the Internal Audit Manager. All complaints received must be evaluated and action commenced within 30 days. Final resolution and completion of the "Whistleblower Complaint Resolution Forms" should be completed no later than 90 days after receipt of the complaint. Reasonable extensions will be allowed at the Internal Audit Manager's discretion for cases that require extended timelines.

8.5 Complaints received with insufficient information which prohibit the further investigation of the matter will be documented.



Solano County Auditor-Controller Internal Audit Services

POLICIES AND PROCEDURES MANUAL

8.6 Complaints received may vary significantly. As such, appropriate actions in investigation and resolution of the complaint will be determined on a case-by-case basis by the Internal Audit Manager..

8.7 Investigations conducted by the Internal Audit Division where complaints received involve a criminal investigation by a local law enforcement agency will be coordinated to the extent possible, to ensure the Internal Audit Investigation does not interfere with the criminal investigation.

8.8 Complaints determined to have merit will be discussed with the appropriate Department Head and County Counsel. Standard audit communication procedures regarding findings will be adhered to during the investigation process. Exceptions to the above will be allowed in instances where the Department Head is the subject of the investigation.

9. COMPLAINT RESOLUTION REPORTING:

9.1 All complaint resolutions will be documented and maintained by Internal Audits as part of the complaint record file.

9.2 A complaint is considered resolved when it is determined whether the complaint has merit. If it is determined to not have merit, no other action is required. If the complaint has merit, Internal Audits will request a formal resolution of the issue from the applicable Department Head or designee. The written response will be maintained as part of the official complaint record file.

9.3 At the Auditor-Controller's request, the Department Head or designee will provide verification the issue was addressed to prevent recurrence.

9.4 If a Department Head is the subject of the complaint the Auditor-Controller will provide a resolution to County Counsel and the County Administrator.

9.5 At the discretion of the Auditor-Controller, specific complaint resolutions may be presented to the Solano County Board of Supervisors. The Board of Supervisors will receive periodic (at least annually) summary reports on the Whistleblower Program.

9.6 If the complainant requests to be informed of the status and resolution to their complaint, Internal Audit will notify the complainant whether the complaint was found to have merit. If the complaint had merit, a brief summary of the resolution may be provided.



**Solano County Auditor-Controller
Internal Audit Services**

POLICIES AND PROCEDURES MANUAL

EXAMPLE: Your Whistleblower complaint case #13-005 has been investigated and found to have merit. The Department Head has taken appropriate immediate action to address the issue.

This concludes the case. We thank you for your participation in the Solano County Whistleblower Program.

10. RECORD RETENTION:

10.1 The record retention period for all final whistleblower complaints will be in accordance with Internal Audit policies and procedures regarding audit workpaper retention periods.