

MADISON COUNTY POLICY AND PROCEDURES

Subject: **Compliance Policy:**
Reporting of Compliance Concerns, Non-Intimidation and Non-Retaliation

Issued: September 24, 2012

Approved: December 27, 2012

Revised: November 15, 2016
February 23, 2021

Purpose:

Madison County (sometimes referred to as “County” or “the County”) recognizes that a critical aspect of its compliance program is the establishment of a culture that promotes prevention, detection, and resolution of instances of conduct that do not conform to Federal and State requirements, as well as the County’s ethical and business policies.

To promote this culture, Madison County established a compliance reporting process and a strict non-retaliation policy to protect employees and others who report problems and concerns in good faith from retaliation. Any form of retaliation or retribution can undermine the compliance resolution process and result in a failure of communication channels in the County.

This Policy applies to all employees, board members, or contractors who have an affirmative duty to report and assist in the investigation, resolution and reporting to governmental agencies of any known or suspected misconduct related to laws, regulations, policies, procedures, Madison County’s Compliance Plan and Code of Conduct

Policy:

1. All employees have an affirmative duty and responsibility for promptly reporting any known or suspected misconduct, including actual or potential violations of laws, regulations, policies, procedures, the County’s Compliance Plan, or the County’s Code of Conduct.
2. The “open-door policy” will be maintained at all levels of management to encourage employees to report problems and concerns.
3. Madison County will maintain a Compliance Hotline. The Compliance Hotline number is 1-855-833-7283. Employees may report their compliance concerns anonymously and confidentially to the Compliance Officer through use of the Compliance Hotline.
4. Any form of intimidation or retaliation against any employee who in good faith reports or participates in the investigation or resolution of an actual or perceived problem, is strictly prohibited.
5. Any employee who commits or condones any form of intimidation or retaliation will be subject to discipline up to, and including, termination.
6. Employees cannot exempt themselves from the consequences of their own misconduct by reporting the issue, although self-reporting may be taken into account in determining the appropriate course of action.

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Procedures:

A. Procedures that apply to all employees:

1. Knowledge of misconduct, including actual or potential violations of laws, regulations, policies, procedures, or the County's Code of Conduct, must be immediately reported to management, the Personnel Officer, the Compliance Officer, or the Compliance Hotline.
2. Employees have the same reporting obligations for actual or suspected violations committed by the County's vendors or subcontractors.
3. Confidentiality will be maintained to the extent that is practical and allowable by law. Employees should be aware that Madison County is legally required to report certain types of crimes or potential crimes and infractions to external governmental agencies.
4. Employees may report their compliance concerns confidentially to the Compliance Hotline and provide his or her identity. Callers should be aware, however, that it may not be possible to preserve anonymity if they identify themselves, provide other information that identifies them, the investigation reveals their identity, or if they inform others that they have called the Compliance Hotline.
5. If the caller wishes to make the report anonymously to the Compliance Hotline, no attempt will be made to trace the source of the call or identify of the person making the call.
6. The Compliance Hotline number will be published and visibly posted in a manner consistent with employee notification in locations frequented by County employees.
7. Employees either reporting the compliance concern or who are otherwise involved in the compliance concern will fully cooperate and assist with the resolution of the compliance issue. This obligation includes, but is not limited, to:
 - a. Participating in good faith and being truthful during an interview or investigation;
 - b. Providing records and gathering any other relevant documentation requested during an investigation;
 - c. Preserving any documentation or records relevant to any ongoing investigations; and,
 - d. Assisting with the implementation of proper corrective actions and internal controls.
8. Madison County will not intimidate or impose any disciplinary or other action in retaliation against individuals who make a report or complaint in good faith regarding a practice that the individual believes may violate the County's Compliance Plan, Code of Conduct, its Compliance Policies and Procedures, or any of the laws, rules, or regulations by which the County is governed. "Good faith" means that the individual believes that the potential violation actually occurred as he or she is actually reporting.

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9. Madison County strictly prohibits its employees from engaging in any act, conduct, or behavior which results in, or is intended to result in, intimidation or retaliation against any employee for (i) reporting his or her concerns relating to a possible violation of the County's Compliance Plan, Code of Conduct, its Compliance Policies and Procedures, or any of the laws, rules, or regulations by which the County is governed, or (ii) participating in the investigation and resolution of an actual or perceived problem.
 10. If an employee believes in good faith that he or she has been intimidated or retaliated against for reporting a compliance complaint or concern or for participating in any investigation of such a report or complaint, the employee should immediately report the retaliation to the Compliance Officer, Personnel Officer, or the Compliance Hotline. The report should include a thorough account of the incident(s) and should include the names, dates, specific events, the names of any witnesses, and the location or name of any document that supports the alleged intimidation or retaliation.
 11. Knowledge of an actual or potential violation of this policy must be reported directly to the Compliance Officer or the Compliance Hotline.
- B. Procedures that apply to management (which includes executives, directors, managers, and supervisors):
1. Any member of management who receives a report of a violation or suspected violation will immediately notify the Compliance Officer and complete a Compliance Issue Report Form (attached to this policy). The completed form will be forwarded to the Compliance Officer.
 2. Management must take appropriate measures to ensure that all levels of management support this policy and encourage the reporting of problems and concerns. At a minimum, the following actions should be taken and become an ongoing aspect of the management process:
 - a. Meet with department staff and discuss the main points within this policy; and,
 - b. Provide all department staff with a copy of this policy.
- C. Procedures that apply to the Compliance Officer:
1. The Compliance Officer will ensure that any reports of actual or suspected violations are responded to and promptly addressed.
 2. The Compliance Officer will ensure that all reports of actual or suspected violations are recorded on the Compliance Issue Report Form.
 3. The Compliance Officer will determine the scope of the reported issue and make a determination regarding the course of action, including the investigation process and notifications to be made (Refer to Policy on Investigation of Compliance Issues).
 4. The Compliance Officer will be responsible for coordinating the investigation and follow-up of any reported intimidation or retaliation against an employee for reporting a compliance concern or participating in the investigation of a compliance concern.

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5. The Compliance Officer will report the results of an investigation into suspected retaliation to the governing entity deemed appropriate, such as the Compliance Committee or the Board of Supervisors.

MADISON COUNTY
Compliance Issue Report Form

Today's Date (date of report filed): ____/____/____

Your Name: _____

Title/Position: _____

Department/Program Contacted: _____

Mode of Contact:

☐ Report to Supervisor

☐ Hotline

☐ E-mail

☐ Compliance Officer

☐ Walk-In

☐ Phone

☐ Letter or Note

☐ Staff Meeting

☐ Compliance Training

☐ Letter to Board/County Executive

☐ Other: _____

Source of Report:

☐ Employee, Independent Contractor

☐ Vendor/Subcontractor

☐ Board Member

☐ Service Recipient/Family Member

☐ Other Provider

☐ Other: _____

Confidentiality Status:

☐ Anonymous

☐ Confidential

☐ Name: _____

Phone: _____

Type of Report:

☐ Suspected Violation/Misconduct

☐ Regulatory Inquiry

☒ County P&P

☐ Ethical Business Practice

☐ Other Provider

☐ Other: _____

Is this question about the Compliance Program? Yes _____ No _____ *If yes, indicate question here:*

Is this a suspected violation of the Compliance Program? Yes _____ No _____ *If yes, answer the questions below and attach additional sheets if necessary:*

Please describe in much detail as possible, the violation: *(Please be specific where the violation may have occurred)*

When did this occur? ____/____/____ Were you directly involved? Yes _____ No _____ *If yes, describe what you did:*

Who else was directly involved? *(Names and positions, if known):*

1. _____

2. _____

3. _____

MADISON COUNTY
Compliance Issue Report Form

Is there any documentation or other evidence of the alleged violation? *Please describe/list or attach:*

Has the reporter discussed this issue with anyone else within the County? *Please list by name and position:*

1. _____

2. _____

3. _____

Has the reporter discussed this with others outside of the County? *Please identify by name and relationship:*

1. _____

2. _____

3. _____

Completed by: _____

Date: _____

Title: _____

Forward completed form to Compliance Officer

For Use by the Compliance Officer

Follow Up:

Reported to Compliance Officer: _____ By: _____ Date: _____ Time: _____

Reported to County Administrator: _____ Date: _____

Reported to Compliance Committee: _____ Date: _____

Reported to Board: _____ Date: _____

Actions Taken:

☐ Immediate response provided ☐ Internal Investigation initiated; assigned to _____

☐ Research regulations ☐ External Investigation, entity _____ Date: _____

☐ Research County P&P ☐ Referred to legal counsel _____ Date: _____

☐ Responded to reporter; date _____

Summary of Action Taken:

Final Disposition by Compliance Officer:

Classification: _____

Compliance Report Log Number: _____

Completed by:

Name, Compliance Officer

Signature

Date