

MADISON COUNTY POLICY AND PROCEDURES

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

Issued: September 24, 2012

Approved: December 27, 2012

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.

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 (1-855-833-7283). Employees may report their compliance concerns confidentially to the Compliance Officer through use of the Compliance Hotline.
4. Any form of retaliation against any employee who reports a perceived problem or concern in good faith is strictly prohibited.
5. Any employee who commits or condones any form of 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.

Procedures:

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, Personnel Officer, the Compliance Officer, or the Compliance Hotline.

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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. **Madison County** will not 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.
8. **Madison County** strictly prohibits its employees from engaging in any act, conduct, or behavior which results in, or is intended to result in, retaliation against any employee for 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.
9. If an employee believes in good faith that he has been 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 retaliation.
10. Knowledge of a violation or potential violation of this policy must be reported directly to the Compliance Officer or the Compliance Hotline.

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.

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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:
 - Meet with department staff and discuss the main points within this policy; and
 - Provide all department staff with a copy of this policy.

Procedures that apply to the Compliance Officer

1. The Compliance Officer will ensure that all reports of violations or suspected violations are recorded on the Compliance Issue Report Form.
2. 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 Investigation of Compliance Issues Policy.)
3. The Compliance Officer will be responsible for coordinating the investigation and follow-up of any reported retaliation against an employee for reporting a compliance concern or participating in the investigation of a compliance concern.
4. 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 report filed): _____ / _____ / _____

Your name: _____ Title/Position: _____

Department/Program Contacted _____

Mode of Contact:

- | | | |
|--|--|--|
| <input type="checkbox"/> Report to Supervisor | <input type="checkbox"/> Hotline | <input type="checkbox"/> Email |
| <input type="checkbox"/> Compliance Officer | <input type="checkbox"/> Walk-In | <input type="checkbox"/> Phone |
| <input type="checkbox"/> Letter or Note | <input type="checkbox"/> Staff Meeting | <input type="checkbox"/> Compliance Training |
| <input type="checkbox"/> Letter to Board or County Executive | <input type="checkbox"/> Other _____ | |

Source of Report:

- | | | |
|---|---|---------------------------------------|
| <input type="checkbox"/> Employee, Independent Contractor | <input type="checkbox"/> Vendor/Subcontractor | <input type="checkbox"/> Board Member |
| <input type="checkbox"/> Service Recipient/Family Member | <input type="checkbox"/> Other Provider | <input type="checkbox"/> Other _____ |

Contact Confidentiality Status:

- Anonymous Confidential Name _____
Phone _____

Type of Report:

- Suspected Violation/Misconduct Regulatory Inquiry County P&P Inquiry Ethical Business Practice

Is this a 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: ***(Attach additional sheets if necessary.)***

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

When did this occur? _____ / _____ / _____ Were you directly involved? _____

If yes, describe what you did: _____

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

1. _____
2. _____
3. _____

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 County? *Please list by name and position:*

1. _____
2. _____
3. _____

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

Completed by: _____

Date: _____ Title: _____

Forward completed form to Compliance Officer

For Use by Compliance Officer:

Follow Up:

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

Reported to Chairman of the Board of Supervisors: _____ Date: _____

Reported to Compliance Committee: _____ Date: _____

Reported to Board: _____ Date: _____

Actions Taken:

- Immediate Response Provided
- Researched regulations
- Researched County P&P
- Responded to reporter; date _____
- Internal investigation initiated; assigned to: _____
- External investigation; Entity _____ Date _____
- Referred to legal counsel _____ Date: _____

Summary of Action Taken:

Final Disposition by Compliance Officer: _____

Classification: _____

Compliance Report Log Number: _____

Completed by:

Compliance Officer Name

Signature

Date