


AGENDA ITEM 1 D
Consent Item

MEMORANDUM

DATE: February 4, 2010
TO: El Dorado County Transit Authority
FROM: Mindy Jackson, Executive Director 
SUBJECT: Whistleblower Policy

REQUESTED ACTION:
BY MOTION, Adopt Draft Personnel Policy Article 5.3 Whistleblower Policy

BACKGROUND

The results of the recently completed annual fiscal audit for the period ending June 30, 2009 included a recommendation to establish a Whistleblower Policy.

DISCUSSION

The El Dorado County Transit Authority (El Dorado Transit) maintains a board adopted El Dorado County Transit Authority Personnel Policies and Procedures Manual. Upon review of this manual, the independent auditors' recommended the establishment of a Whistleblower Policy. The attached DRAFT Whistleblower Policy was developed by agency staff and reviewed by legal counsel.

Adoption of this DRAFT Whistleblower Policy will comply with the audit recommendation and allow the policy to be added to the El Dorado County Transit Authority Personnel Policies and Procedures Manual.

FISCAL IMPACT

None

ARTICLE 5
CONFLICT OF INTEREST, BUSINESS ETHICS, AND
WHISTLEBLOWER POLICY

5.3 Whistleblower Policy

It is the intent of El Dorado County Transit Authority (El Dorado Transit) to adhere to all laws and regulations that apply to the agency.

- A. Reporting Responsibility - It is the responsibility of the Executive Director, management, supervisors and all employees to report ethics violations or suspected violations in accordance with this Whistleblower Policy.
- B. No Retaliation - Employees who in good faith report an ethics violation shall not suffer harassment, retaliation or adverse employment consequence. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within El Dorado Transit prior to seeking resolution outside of the agency.
- C. Reporting Violations - El Dorado Transit has an open door policy and suggests that employees share their questions, concerns, suggestions or complaints with someone who can address them properly. In most cases, an employee's supervisor is in the best position to address an area of concern. However, if you are not comfortable speaking with your supervisor or you are not satisfied with your supervisor's response, you are encouraged to speak with someone in the Human Resources Department or anyone in management whom you are comfortable in approaching. Supervisors and managers are required to report suspected ethics violations to the Executive Director, who has specific and exclusive responsibility to investigate all reported violations. For suspected fraud, or when you are not satisfied or uncomfortable with following El Dorado Transit open door policy, individuals should contact the Executive Director directly.
- D. Executive Director - The Executive Director is responsible for investigating and resolving all reported complaints and allegations concerning violations. If a complaint is directly against the Executive Director, it should be filed with Human Resources who will then contact the agency's legal counsel.
- E. Acting in Good Faith - Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

- F. Confidentiality - Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

- G. Handling of Reported Violations - The Executive Director will notify the sender and acknowledge receipt of the reported violation or suspected violation within five business days. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.