

CACHE MOSQUITO ABATEMENT DISTRICT

REPORTING FRAUD OR ABUSE POLICY

Definition: "Improper governmental action" means any action by a CMAD employee:

- 1) That is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment; and
- 2) That is in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety or is a gross waste of public funds.

Reporting Fraud or Abuse

Employees who become aware of improper governmental actions should raise the issue first with the CMAD Manager. Where the employee reasonably believes the improper governmental action involves the Manager, the employee may raise the issue with the CMAD Board Chair.

The Manager or Board Chair shall take prompt action to assist CMAD in properly investigating the report of improper governmental action. CMAD trustees and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

Complaints, Investigations, Review and Enforcement

- A. Any person may file a complaint alleging a violation of this policy.
- B. The complaint shall be in writing and shall, except as described in section C below, be signed by the complainant. The written complaint should state the nature of the alleged violation(s), the date(s), time and place of each occurrence, and name of the person(s) charged with the violation(s). The complaint shall be filed with the Manager, who shall provide a copy to the person charged with a violation. The complainant shall provide the Manager with all available documentation or other evidence to demonstrate a reason for believing that a violation has occurred.
- C. This policy is intended to protect employees who choose to come forward in good faith with complaints about governmental actions and conduct of CMAD employees. Anonymous complaints have the potential to subject the person who is the subject of the complaint to an investigation that may, at the least, cause stress and embarrassment, and may, at most, result in discipline or termination of employment. CMAD is reluctant to begin an investigation based on an anonymous complaint due to the fact that evidence will be difficult to obtain and verify, and it will be impossible to assess the complainant's credibility. Complainants and whistleblowers have protection

from retaliation under CMAD policy. A thorough investigation of complaints is CMAD's goal. It may not be possible to conduct a thorough investigation when a complainant remains anonymous. Therefore, CMAD reserves the right to decline to investigate any complaint that is provided anonymously.

If a complaint is received anonymously, it shall be directed to the Manager for a recommendation on the processing of the complaint. Upon review of the complaint, the Manager will recommend either that the complaint has no merit or that it should be investigated. Such a recommendation will be made within ten (10) days of receipt of the complaint, if possible. Upon receipt of the Manager's recommendation, the Board of Trustees shall make the final determination on whether or not to continue the investigation, end the investigation, or refer the matter to an outside entity.

- D. Criminal allegations will be referred to the proper law enforcement agency.
- E. If the Manager determines, after preliminary investigation, that there are no reasonable grounds to believe that a violation has occurred, the Manager shall advise the Board of Trustees to dismiss the complaint. If the Board of Trustees does dismiss the complaint, it shall do so in writing, setting forth the facts and provisions of law upon which the dismissal is based, and shall provide a copy of the written dismissal to the complainant and to the person charged with the violation.

Whistleblower Protection

Utah Code § 67-21-3 prohibits public employers from taking adverse action against their employees for reporting in good faith government waste or violations of law to the appropriate authorities. A public entity employee, public body employee, legislative employee, or judicial employee, is presumed to have communicated in good faith if they have given written notice or otherwise formally communicated the conduct to the person in authority over the person alleged to have engaged in the illegal conduct.