

## CITY OF PALM COAST

SUBJECT: Fraud, Waste, Abuse and Whistleblower Protection Policy

EFFECTIVE DATE: November 2015

APPROVED:   
Jim Landon, City Manager 11/19/15



### POLICY STATEMENT

The City of Palm Coast (City), is committed to enforcement of and adherence to all applicable Federal, State, and City laws, rules, regulations, and policies, as well as the detection and elimination of acts or violations of law on the part of the City or an independent contractor of the City that creates a substantial and specific danger to the public's health, safety or welfare, as well as the improper use of governmental office, gross waste of funds, or any other abuse or gross neglect of duty on the part of the City, its officers and its employees.

The intent of this Policy is to provide a mechanism for Reporting Individuals to provide information or complaints, even when the information or complaint may not rise to the level of an illegal activity. It is further the intent of this Policy to prevent retaliatory action against Reporting Individuals who appropriately report a violation or suspected violation of any federal, state, or local law, rule or regulation committed by an employee or agent of the City or independent contractor.

This Policy is guided by and consistent with the *Code of Ethics for Public Officers and Employees* as outlined in *Florida Statutes, Chapter 112, Part III*.

### DEFINITIONS

*ABUSE* refers to violations and evasion of departmental regulations which weakens the effectiveness and efficiency of operations.

*FRAUD* refers to deliberate deception to secure unfair or unlawful gain.

*REPORTING INDIVIDUALS* refers to City employees, its officers and volunteers.

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

*WHISTLEBLOWER*, as defined by this Policy, is a Reporting Individual who, in good faith, reports an activity that he/she considers to be in violation of a City of Palm Coast policy or is unethical, illegal, or a violation of the Code of Ethics for Public Officers and Employees.

## **REPORTING RESPONSIBILITIES**

Reporting Individuals are responsible for the detection and prevention of fraud, waste, abuse, and other violations of the *Code of Ethics for Public Officers and Employees*. Reporting individuals must report any suspected violations immediately and cooperate fully in any investigation.

Violations that must be reported include, but are not limited to:

- Any dishonest or fraudulent act;
- Theft of money or property;
- Forgery;
- Misappropriation of funds, securities, supplies or other assets;
- Impropriety in the handling or reporting of money or financial transactions;
- Profiteering as a result of insider knowledge of City activities;
- Accepting or seeking anything of material value from contractors, vendors or persons providing services to the City;
- Misrepresentation or falsification of information concerning an injury/incident on the job;
- Destruction, removal or inappropriate use of records, furniture, fixtures and equipment; and
- Any other prohibited action or conduct covered in the Code of Ethics for Public Officers.

## **WHISTLEBLOWER PROTECTION**

**Anonymity Protection** – The City investigates all complaints and will maintain Whistleblower anonymity whenever possible. However, the identity of a Whistleblower may be disclosed in order to conduct a thorough investigation and to comply with all applicable laws, rules, regulations, and policies. The City Manager or his/her designee may determine that the disclosure of a Whistleblower's identity is necessary to prevent a substantial and specific danger to the public's health, safety, or welfare or the disclosure is unavoidable and absolutely necessary during the course of the investigation. If disclosure of the Whistleblower's identity is warranted, the Whistleblower will be advised and details of the disclosure will be communicated directly to the Whistleblower.

**Retaliation Protection** – The City pledges to protect any Reporting Individual that engages in whistleblowing activities from retaliation to the greatest extent possible. The City will not retaliate against any employee who engages in whistleblower activities in good faith and consistent with this Policy. The protections from retaliation include, but are not limited to the following adverse employment actions: termination, decrease in compensation, modification of job duties, transfers to new locations or units, and negative evaluations or adverse comments in their employee record. Any employee who believes they are being retaliated against must contact the Human Resource Manager.

**Exception to Protections** – The Whistleblower protections described above do not extend to Reporting Individuals who knowingly make false accusations regarding violations of this Policy or who knowingly provide false information in the course of an investigation of a violation of this Policy. In addition, the Whistleblower protections described above do not extend to Reporting Individuals who, through the course of an investigation, is determined to be involved in a violation of this Policy. Employees who knowingly make false accusations, provide false information, or are determined to be involved in a violation of this Policy may be subject to disciplinary action, up to and including termination of employment.

## **REPORTING AND INVESTIGATION PROCEDURES**

1. A Reporting Individual who suspects fraud, waste, abuse, or other violation of this Policy may report the violation by one of the following methods:
  - a. If anonymity is NOT desired, report the violation by submitting a detailed, written, signed statement, outlining the suspected fraud, waste, abuse or other violation to the Internal Controls Investigative Team at the address below and include your contact information:

City of Palm Coast  
Attention: **Internal Controls Investigative Team**  
160 Lake Avenue  
Palm Coast, FL 32164
  - b. If anonymity is desired, report the violation by using the City of Palm Coast Fraud & Waste hotline or through the City’s website.
  - c. In addition, current City employees may report the violation to the City Manager or his/her designee, the Finance Director, the Human Resource Manager or member of the City Council, a member of the Internal Controls Team, or any other member of management. The City will maintain anonymity consistent with this Policy to the greatest extent possible.
2. The City is responsible for conducting investigations of all suspected inappropriate activity. The Reporting Individual has neither the authority, nor the responsibility for investigating activity, or for determining fault or corrective measures. All information received will be treated with confidentiality to the extent possible. The reported fraud, waste or abuse will be fully investigated and evaluated. If an investigation results in a recommendation to discipline an individual employee, the recommendation and disciplinary action will be handled in accordance with the City’s *Personnel Policies and Procedures*. Decisions to prosecute or refer the investigative results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made by the City Manager, as will final decisions of disposition of the investigation.

## **POLICY COMPLIANCE**

All Reporting Individuals shall acknowledge receipt of the *Fraud, Waste, Abuse and Whistleblower Protection Policy* and agree to abide by the Policy.