

**SALT LAKE COUNTY
COUNTYWIDE POLICY
ON
DISCOVERY AND REPORTING OF WRONDOING OR CRIMINAL ACTIVITY**

Purpose

Safeguarding County property, eliminating waste, protecting County employees at the work place, and reporting wrongdoing is the responsibility of each employee. This policy gives direction regarding what should be done whenever one becomes aware of or reasonably suspects the loss of County property through waste, theft or misuse; a substantial and specific danger to public health or safety; the violation of applicable law and procedures; or any other wrongdoing in the County workplace or involving County personnel, resources and assets. Although this policy is not intended to create new rights for County employees, it is intended to encourage and assist employees to report suspected wrongdoing. This Countywide policy does not displace Salt Lake County Human Resources Policy and Procedure #5730, Sexual Harassment, or #5740, Discrimination and Reprisal.

1.0 Employee Responsibility to Report Wrongdoing

- 1.1 The reporting of criminal or other wrongful activity in the County workplace is mandatory for all County employees. A County employee who knowingly fails to report such activity may be subject to appropriate disciplinary action.
- 1.2 A report under this policy may be made either by the person who is directly affected by or is the victim of the complained-of conduct, or by any other County employee who discovers the wrongful conduct in question. Disclosing the observation or suspicion of wrongful conduct is not considered adequate until a report has been made as set forth in this policy.
- 1.3 An initial report by a County employee need not be in writing or in any specific form. However, such a report must be sufficiently formal that the recipient of the report is aware of the serious nature of the wrongful conduct in order to take appropriate corrective action. Any person to whom a report under this policy has been made shall follow the reporting procedures established in Paragraph 2.0 below.
- 1.4 Any employee having knowledge or reasonable suspicion of the theft, wrongful loss or misuse of County property, funds or services or that County personnel are engaged in conduct that is wrongful, illegal or violates County policy shall take the following steps as quickly as possible.
 - 1.4.1 Report the incident through their chain of command.
 - 1.4.2 If the supervisor, division director/administrator, department director, elected official or designee is suspected of the wrongdoing or the employee is otherwise uncomfortable with making the report through the chain of command, the employee shall report the incident to any of the following:

- 1.4.2.1 The County Human Resources Director or designee;
 - 1.4.2.2 The County EEO Manager or designee;
 - 1.4.2.3 The County Mayor or designee;
 - 1.4.2.4 Any member of the County Council or designee.
- 1.5 When an employee's or other's personal property, not County property, is stolen or damaged, it shall be reported to local law enforcement, including Protective Services (at locations that apply), and employees are encouraged to report such conduct to their supervisor, division director/administrator, department director, elected official or designee.
- 1.6 Any employee desiring to make a report under this policy may do so with the assistance of a personal representative of their choice.

2.0 County Management Responsibility for Reporting Wrongdoing

- 2.1 Agency management notified of suspected noncriminal wrongdoing shall report the incident through the employee's chain of command in the most expeditious manner for appropriate administrative action.
- 2.1.1 After completion of its investigation, the agency shall notify the following of the action taken to resolve the complaint:
- 2.1.1.1 Mayor or the Council or their designees; and
 - 2.1.1.2 Human Resources Director or designee and, as applicable,
 - 2.1.1.3 Auditor and/or
 - 2.1.1.4 Risk Management
- 2.2 If the Mayor, County Council, Human Resources Director or EEO Manager is notified directly by the employee of the suspected wrongdoing, they shall report the incident to the division director/administrator, department director or elected official from whose office the alleged misconduct occurred. If the division director/administrator, department director or elected official is accused of any reported wrongdoing, then the Mayor's Office, County Council, or Human Resources shall conduct an investigation, either internally or through the use of external resources. If their investigation reveals criminal activity they shall report any suspected criminal conduct to local law enforcement.

3.0 Investigation Procedures

- 3.1 Any investigation of wrongdoing shall be conducted pursuant to any applicable state statute, County ordinance or County policy and, in the case of suspected criminal wrongdoing, shall be referred to local law enforcement for further investigation and prosecution.
- 3.2 An investigation under this policy shall take care to protect the rights of both the person complaining and the person accused.
- 3.3 Investigators shall prepare a brief written report of their findings and submit it to the County as directed.

4.0 Protection of Employees Reporting Wrongdoing

- 4.1 Employees reporting misconduct under this policy will be governed by the provisions of Salt Lake County Code of Ordinances 1986, Section 2.80.110, known as the "whistle blowing" ordinance and by State statutes protecting "whistleblowers" (Utah Code Annotated § 67-21-1 et al.).
- 4.2 No "whistleblower" protection will be granted to any County employee under State law or County ordinance in the following instances:
 - 4.2.1. In the case of a knowingly false or other bad faith report of wrongdoing; or,
 - 4.2.2. When an employee fails to follow the procedures set out herein.
- 4.3 No protection is afforded from legitimate disciplinary or other personnel actions which are unrelated to the report of wrongdoing.
- 4.4 Any person making a report under this policy may do so without fear of reprisal, intimidation, coercion, or retaliation. Confidentiality will, to the extent practical under the law and the necessities of disciplinary action, be protected.
- 4.5 Malicious or frivolous complaints may subject the accuser to corrective or disciplinary action.
- 4.6 Inquiries which result in lack of positive, corroborative evidence will not be considered as malicious or frivolous unless the complaint was filed with the intent to inflict professional or personal harm or to obtain some personal benefit.

5.0 Grievances

- 5.1 A person filing a complaint under this policy may not pursue the same issues through Human Resources Policy & Procedure #5705 (Grievance Procedure) or under Human Resources Policy & Procedure #5710 (Appeal Procedure).

5.2 This policy shall not serve as an appeal procedure to personnel-related grievances.

6.0 Vested Rights

6.1 A person filing a complaint under this policy has no vested right in its outcome, and this policy does not extend any legal claim for damages or any other claim for any equitable relief in any court or administrative venue.

APPROVED and PASSED this 15 day of December, 2009.

SALT LAKE COUNTY COUNCIL

Joe Hatch, Chair

ATTEST:

Sherrie Swensen, County Clerk

APPROVED AS TO FORM:

District Attorney's Office Date