

# Utah County Human Resources Policy 4-1600: Reporting of Governmental Waste or Violations of the Law

## Purpose

To safeguard County property, eliminate waste, and protect County employees at the workplace, reporting wrongdoing is the responsibility of each employee. This policy gives direction regarding what should be done whenever a County employee 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 any other Utah County Human Resource Rules and Regulations regarding Sexual Harassment, Discrimination, or Reprisal.

## I. Policy

County Employee Responsibility to Report Wrongdoing.

- A. 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, up to and including termination from County employment.
- B. 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.
- C. Disclosing the observation or suspicion of wrongful conduct to persons or parties outside of the steps in this policy is not considered adequate until a report has been made as set forth in this policy.

## I. Procedures

- A. 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 this policy.

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- B. Any employee having knowledge or reasonable suspicion of the theft, wrongful loss or misuse of County property, funds or services or that County employees are engaged in conduct that is wrongful, illegal or violates County policy shall take the following steps as quickly as possible.
  - 1. Report the incident through their chain of command.
  - 2. If the supervisor or another supervisor in the employee's chain of command 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:
    - a. County Human Resources Director or designee
    - b. County Attorney or designee
    - c. County Commission or their designees
  - 3. When an employee's or another's personal property, not County property, is stolen or damaged, it shall be reported to local law enforcement and employees are encouraged to report such conduct to their supervisor, or another supervisor in the employee's chain of command.
  - 4. Any employee desiring to make a report under this policy may do so with the assistance of a personal representative of their choice.
- C. Management of Responsibility for Reporting Wrongdoing.
  - 1. County 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. After the completion of an investigations deemed appropriate by County management, County management shall notify the following of the actions taken to resolve the complaint:
    - a. County Commission or their designee
    - b. Human Resource Director or designee
    - c. And, as applicable
      - i. County Attorney or designee
      - ii. County Clerk/Auditor
      - iii. County Risk Manager

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- D. If the Director of Human Resource Management, County Attorney, or County Commission are 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.
- E. If the division director/administrator, department director or elected official is accused of any reported wrongdoing, then the Director of Human Resource Management, County Attorney, or County Commission may conduct an investigation either internally or through the use of external resources. If the investigation reveals criminal activity, then they shall report any suspected criminal conduct to local law enforcement.
- F. Protection of Employees Reporting Wrongdoing –
  - 1. Employees reporting misconduct under this policy will be governed by the provisions of Utah Protection of Public Employees Act (Utah Code Annotated § 67-21-1 et al.) and this policy.
  - 2. No protection will be granted to any County employee under State law or this policy in the following instances:
    - a. In the case of a knowingly false or other bad faith report of wrongdoing.
    - b. When an employee fails to follow the procedures set out herein.
  - 3. No protection is afforded from legitimate disciplinary or other personnel actions which are unrelated to the report of wrongdoing.
  - 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 reasonably protected.
  - 5. Malicious or frivolous complaints may subject the accuser to disciplinary action, up to and including termination from County employment.
  - 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.

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### **G. Grievances.**

1. A person filing a complaint under this policy may not pursue the same issues through of the Utah County Office of Human Resource Management Policies and Procedures.
2. This policy shall not serve as an appeal procedure to personnel-related grievances.

### **H. No Vested Right in Outcome.**

An employee 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.