Reporting Fraud or Abuse

Definition

"Improper governmental action" means any action by a Uintah Special Service District 1 ("USSD1") 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 their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the Chief Administrative Officer or such other person as may be designated by the Chief Administrative Officer to receive reports of improper governmental action.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate department with responsibility for investigating the improper action.

The Chief Administrative Officer (or designee) shall take prompt action to assist USSD1 properly investigating the report of improper governmental action. USSD1 officers 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.

USSD1 employees may report information about improper governmental action directly to the Chief Administrative Officer if the employee reasonably believes that an adequate investigation was not undertaken to determine whether an improper

governmental action occurred, or that insufficient action has been taken to address the improper governmental action or that for other reasons the improper governmental action is likely to recur.

USSD1 employees who fail to make a good-faith attempt to follow procedures in reporting improper governmental action shall not receive the protections provided by USSD1 in these procedures.

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 Chief Administrative Officer who shall provide a copy to the person charged with a violation. The complainant shall provide the Chief Administrative Officer 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 USSD1 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. USSD1 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 Reporting Fraud or Abuse policy. A thorough investigation of complaints is USSD1's goal. It may not be possible to conduct a thorough investigation when a complainant remains anonymous. Therefore, USSD1 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 Internal Auditor (Human Resources/Finance) for a recommendation on the processing of the complaint. Upon review of the complaint, the Internal Auditor will recommend to the Audit Committee 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 Internal Auditor's recommendation the Audit Committee 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. Within thirty (30) days after receipt of a complaint, the Internal Auditor or another person appointed by the Audit Committee shall conduct a preliminary investigation. If the Internal Auditor or a member of the Audit Committee or the governing board are implicated in the complaint, the Audit Committee will determine an independent person who will conduct the investigation. Criminal allegations will be referred to the proper law enforcement agency.

E. If the Internal Auditor determines, after preliminary investigation, that there are no reasonable grounds to believe that a violation has occurred, the Internal Auditor shall advise the Audit Committee to dismiss the complaint. If the Audit Committee 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, to the person charged with the violation and to the governing board.

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.