

 <b>NORTH LOS ANGELES COUNTY</b> REGIONAL CENTER	<b>POLICY AND PROCEDURE</b>
Effective Date: August 28, 2009	<b>Whistleblower Policy For NLACRC Employees and Board Members</b>
Revision: 2 Revision Date: October 26, 2011	Author: Human Resources

## REGIONAL CENTER WHISTLEBLOWER POLICY FOR NLACRC EMPLOYEES AND BOARD MEMBERS

**This policy is adopted to comply with the Department of Developmental Services (DDS) Regional Center/Employee and Board Member Complaint Process Filing and Contact Information Guidelines. Accordingly, NLACRC has adopted this policy for complaints by Employees and Board Members.**

### 1. General

This policy is to provide a guide and structure to assist any NLACRC employee or board member who wishes to report any perceived improper regional center activity and/or improper vendor/contractor activity and be protected from retaliation when doing so. As set forth herein, a whistleblower is an employee or a member of the Board of Trustees of the Center (hereinafter referred to as the “trustee”), who in good faith<sup>1</sup> reports any “improper regional center activity” and/or “improper vendor/contractor activity” committed by an employee, a trustee, or a vendor/contractor.

Whistleblower complaints, for purposes of this policy, are defined as the reporting of an “improper regional center or vendor/contractor activity.”

An “improper regional center activity” means an activity by a regional center, or an employee, officer or board member of a regional center, in the conduct of regional center business, that is a violation of state or federal law or regulation; violation of contract provisions; fraud or fiscal malfeasance; misuse of governmental property or constitutes gross misconduct, incompetency, or inefficiency.

An “improper vendor/contractor activity” means an activity by a vendor/contractor, or an employee, officer, or board member of a vendor/contractor, in the provision of State funded services, that is a violation of a state or federal law or regulation; violation of contract provisions; fraud or

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<sup>1</sup> Here, the term “good faith” shall be deemed to contain the same meaning as California Labor Code §1102.5, which protects employees who disclose reasonably based suspicions of illegal activity.

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fiscal malfeasance; misuse of government property; or constitutes gross misconduct, incompetency, or inefficiency.

NLACRC’s Whistleblower policy protects employees and the trustees from any form of retaliation for the good faith reporting of perceived improper activity committed by employees, the trustees or any other person. In short no adverse action will be taken against the person filing the complaint simply because a complaint has been filed. Employees and the trustees are expected to adhere to the highest standards of business and personal ethics in discharging their duties and responsibilities. As employees and representatives of NLACRC, we are obligated to comply with all applicable laws and regulations with honesty and integrity.

**2. Persons Permitted to File Complaints**

This policy applies reports of improper activity by all NLACRC trustees and NLACRC employees, including employees in the San Fernando Valley, Antelope Valley, and Santa Clarita Valley offices.

**3. Responsibility and Obligation to Comply with Policy**

It is the responsibility of all employees and all trustees to comply with this policy and to report perceived improper activity to the Center’s Compliance Officer.

**4. Procedure For Filing A Complaint**

**4.1** To make a complaint, contact the Compliance Officer. The Compliance Officer is either the Director of Human Resources, or, if the complaint involves that Director of Human Resources, then the Executive Director. Also, as a separate option, a complaint may be made directly to DDS, the Board of Trustees or the Board’s Executive Committee. The Compliance Officer or the Board of Trustees will notify the sender and acknowledge receipt of the complaint within five (5) business days. All reports will be promptly investigated and appropriate corrective action will be taken by NLACRC if warranted by the investigation.

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a. North Los Angeles County Regional Center

An individual who wishes to file a complaint with Human Resources may contact:

Director of Human Resources  
 (818) 756-6125  
 (818) 756-6440 Fax

15400 Sherman Way, Ste 170  
 Van Nuys, CA 91406

b. Board of Trustees, Executive Committee or Specific Officer of the Board

To make a complaint to the Board of Trustees, the Board's Executive Committee, or to a specific officer of the board (President, Immediate Past President, 1<sup>st</sup> Vice-President, 2<sup>nd</sup> Vice President, Treasurer, or Secretary), the contact information is as follows:

Board of Trustees or Board of Trustees Executive Committee  
 (Please specify what officer of the Board of Trustees you wish to send your complaint to, if applicable.)

(818) 756-6118  
 (818) 756-6140 Fax

15400 Sherman Way, Ste 170  
 Van Nuys, CA 91406

c. Department of Developmental Services (DDS)

A complaint may be filed with DDS by contacting:

Community Operations Division  
 (916) 654-1956  
 (916) 654-1987 Fax

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1600 9<sup>th</sup> Street, Room 340, MS 3-24  
 Sacramento, CA 95814

**4.2** NLACRC requires a clear and concise statement of the alleged improper activity and any evidence you have to support the allegation. NLACRC encourages employees and board members to notify the Compliance Officer in good faith when they have reason to believe that any “improper regional center activity” and/or “improper regional center activity,” as those terms are defined in part 1 of this policy, has occurred.

If you do not provide a name or other information (witnesses or documents) that clearly identifies the person you are alleging has engaged in improper activity, and the regional center where that person works or is a board member, we may not have sufficient information to investigate. Copies of documents, rather than originals, should be submitted as they cannot be returned.

Although complaints may be filed anonymously, it is extremely difficult and often impossible to investigate if insufficient information is provided and we have no means to contact you to gather basic facts. In such cases, NLACRC may not be able to effectively investigate the allegations.

**4.3** The Compliance Officer shall immediately notify the Executive Committee of any such complaint and work with the committee until the matter is resolved. The Executive Committee shall address all reported complaints of improper activity or suspected improper activity as outlined in the above policy.

**4.4** The Executive Committee has the authority to seek an appropriate impartial party (such action should be coordinated with the center’s corporate counsel), to investigate any suspected improper activity and to make recommendations to the Executive Committee relative to appropriate corrective action. For the purpose of this policy, an impartial party is defined to include an arbitrator, organizational ombudsman, investigator, or mediator.

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**5. Policy When Complaints Are Filed**

- 5.1 For this policy, the Compliance Officer is the Director of Human Resources. The Executive Director will serve as the Compliance Officer in the event the alleged or suspected improper activity involves the Director of Human Resources. Also, as a separate option, a complaint may be made directly to the Board of Trustees or the Board’s Executive Committee.
  
- 5.2 The center encourages employees and trustees to notify the Compliance Officer in good faith when they have reason to believe that any “improper vendor/contractor activity” or “improper regional center activity,” as those terms are defined in part 1 of this Policy, has occurred.
  
- 5.3 No employee or trustee who in good faith reports improper activity shall suffer harassment, retaliation, or adverse employment consequence. In short no adverse action will be taken against a person filing a complaint, simply because a complaint has been filed. This Whistleblower Policy is intended to encourage and enable employees and trustees to raise serious concerns with the NLACRC, to permit NLACRC to address the concerns prior to seeking resolution outside the center.
  
- 5.4 Improper activity violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. In accordance with Section 7 below, reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation, or to comply with other laws and obligations.
  
- 5.5 The Compliance Officer responsible for investigating and resolving all reported whistleblower complaints, shall advise the Executive Director and the Board of Trustees’s Executive Committee of each complaint that is filed, and the ongoing progress of the investigation. The Compliance Officer is required to report to the Executive Committee at least annually on compliance activity. In addition, the Compliance Officer or the Board of Trustees will notify the sender and acknowledge

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receipt of the complaint within five (5) business days. All reports will be promptly investigated and appropriate corrective action will be taken by NLACRC if warranted by the investigation. The Compliance Officer responsible for investigating and resolving all reported whistleblower complaints shall advise the Executive Director and Board of Trustee's Executive Committee of each complaint that is filed, and ongoing progress of the investigation. The Compliance Officer is required to report to the Executive Committee at least annually on compliance activity.

6. This Policy is Consistent with the State's Directive Entitled "Department of Developmental Services Whistleblower Complaint Process," dated July 28, 2010.

To comply with the DDS Directive dated July 28, 2010, this policy will:

- 6.1 Allow for multiple employees within the regional center to be available to accept complaints. More specifically, the Compliance Officer is the Director of Human Resources, except that if the complaint involves the Director of Human Resource, the Compliance Officer is the Executive Director. Also, complaints may be made directly to the Board of Trustees President, or to DDS.
- 6.2 As noted in 6.1 above, allow direct access to the Board of Trustees President for the purpose of filing complaints.
- 6.3 Protect any person making a complaint from retaliation. More specifically, the regional center will not retaliate against any complainant.
- 6.4 Follow the Regional Center procedure set forth in part 5 above to investigate and take appropriate action on complaints, including complaints of retaliation.
- 6.5 Ensure complainant confidentiality as provided in Section 7 of this Policy, consistent with the State's Whistleblower Policy, including consumer health and safety.

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6.6 Provide for the notification of employees, board members, consumers/families, and vendors community of the existence of both the regional center and the State’s Whistleblower policy within thirty (30) days of the effective date of the regional center’s policy and annually thereafter.

In addition, NLACRC will ensure that this Whistleblower Policy will be posted on the regional center’s website within thirty (30) days after being adopted.

**7. Confidentiality**

NLACRC will do everything possible to maintain the confidentiality of a complainant making a whistleblower complaint. However, in the rare circumstances where NLACRC is unable to maintain confidentiality due to its statutory responsibilities (including ensuring the health and safety of consumers and regional center contract compliance), or due to its need to address the improper activity, NLACRC will attempt to inform the complainant of its need to disclose information prior to releasing identifying information. Additionally, the identity of the complainant may be revealed to appropriate law enforcement agencies conducting a criminal investigation.

**8. Notification and Dissemination of Policy**

NLACRC will provide for the notification of employees and board members, of the existence of this policy within 30 days of the effective date of the policy, and annually thereafter.

In addition, NLACRC will ensure that the regional center’s Whistleblower Policies are posted on the regional center’s website within 30 days after being adopted.

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**WHISTLEBLOWER POLICY**

**ACKNOWLEDGEMENT AND AGREEMENT TO COMPLY**

By signing below, I acknowledge that I have read and understand the rules regarding the Regional Center Whistleblower Policy For NLACRC Employees and Board Members. I understand that compliance with the foregoing policy and procedure is a condition of employment and Board Membership at NLACRC.

Employee or  
Board Member  
Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Location: \_\_\_\_\_

**Please sign and return to Human Resources  
Keep a copy of the Whistleblower Policy for your future reference.**