

	WHISTLEBLOWER – NLACRC EMPLOYEES AND BOARD MEMBERS		
	POLICY & PROCEDURE		
Category: ORG-MISC	Effective Date: August 29, 2009	Version No.: 7	Revision Date: November 21, 2024

NLACRC WHISTLEBLOWER POLICY FOR REPORTS BY EMPLOYEES AND BOARD MEMBERS

1. General Policy

This Whistleblower Policy (“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 for Whistleblower Complaints.

For purposes of this Policy, a whistleblower is a regional center employee or a member of the Board of Trustees (which also may be referred to as the trustee(s) or Board member(s)), who in good faith¹ reports, raises a concern, asks questions, or makes a complaint about any “improper regional center activity” and/or “improper vendor/contractor activity,” as defined in this Policy below, committed by a regional center, an employee, a trustee, or a vendor/contractor.

Our continued success relies on maintaining a work environment that promotes integrity and trust. We seek to earn and maintain the trust of our community, employees, consumers, family members, vendors and regulators. To that end, we strive to maintain the highest standards of ethical and legally compliant behavior in all of our activities, avoiding actions that could lead to even the appearance of violations of the law or improper regional center activity or improper vendor/contractor activity as defined in this Policy below.

Whistleblower complaints, for purposes of this Policy, are defined as the reporting in good faith (defined below at section 5.1) of an “improper regional center activity” or “improper 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

¹ For purposes of this policy, reporting in “good faith” means making a genuine attempt to provide honest and accurate information about violations of the law, improper regional center activity or vendor/contract activity, as defined by this Policy, even if the information proves to be unsubstantiated or mistaken.

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

This Policy protects employees and Board trustees from any form of retaliation for the good faith reporting of an improper activity as defined above. In short, no adverse action will be taken against the person filing the complaint simply because a complaint has been filed in good faith.

2. Individual Responsibility

Legal compliance and ethical conduct are everyone’s responsibility. All employees of NLACRC (*i.e.*, NLACRC employees based in the San Fernando Valley, Antelope Valley, and Santa Clarita Valley offices) as well as NLACRC board trustees, no matter where they may be working from, have an obligation to comply with this policy and to report any suspected or actual violation of the law and any improper conduct as defined above – by any employee, board member or vendor/contractor of a regional center.

3. Additional Responsibilities of Leaders

Leadership, managers and others who supervise employees have additional responsibilities, listed below. One of the most important responsibilities of Leaders is taking action if they receive a report or observe or experience conduct that violates this Policy.

It is especially important for leaders, managers and those who supervise employees to understand that while employees may make a report under this policy in writing, a written complaint or otherwise specific format is not required. Employees making reports pursuant to this Policy may do so informally and the following should be considered as making a report upon which the leader must act: raising concern(s), asking question(s), or complaining about violations of the law, Company policy, or improper regional center activity or improper vendor/contractor activity as defined in this Policy. Leaders may also observe, or experience, conduct that may be in violation of this Policy. In such instances, leaders must act by reporting it to the appropriate Compliance Officer or Human Resources Director listed in 4a below.

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Not only are leadership, managers and others who supervise employees expected to comply with this Policy, but they are also expected to:

- **Lead by example.** Exemplify high standards of ethical business conduct in both spoken words and actions. Your team members will follow your lead.
- **Be a resource for others.** Discuss this Policy with employees and others as appropriate to reinforce the importance of ethical behavior and compliance.
- **Promote respect and compliance.** Create an environment in which employees are comfortable asking questions or raising issues.
- **Respond quickly and effectively.** When a concern is brought to your attention, make sure that it is treated seriously and with due respect for everyone involved.
- **Support those who raise a concern.** Never take or allow retaliatory action against someone for reporting a concern or suspected violation in good faith.

4. Procedures For Making a Report

All employees and Board Members have a responsibility to report, in good faith, any violations or suspected improper activity as defined in this Policy as well as any suspected retaliation, any of NLACRC's internal policies or procedures, or any laws or regulations.

We encourage employees to speak up with concerns without fear of retaliation.

- 4.1 You may raise any questions or report any suspected or actual violations of law, improper activity as defined in this Policy, or other internal policies or procedures, including doing so anonymously, via:

(1) The Compliance Officer (who is the Human Resources Director), or Human Resources as listed below;

(2) Executive Director

(3) DDS;

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(4) Board of Trustees or Executive Committee

a. **North Los Angeles County Regional Center**

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

- Human Resources Director
Phone: (818) 756-6125
Fax: (818) 756-6440
Email: whistleblower@nlacrc.org

9200 Oakdale Avenue, Suite 100
Chatsworth, CA 91311

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 (e.g., President, Immediate Past President, 1st Vice-President, 2nd 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.)
Phone: (818) 756-6118
Fax: (818) 756-6140
Email: boardsupport@nlacrc.org

9200 Oakdale Ave, Suite 100
Chatsworth, CA 91311

c. **Department of Developmental Services (DDS)**

A Whistleblower complaint may be filed with DDS by contacting:

- Office of Community Appeals and Resolutions
Phone: (833) 538-3723
Fax: (916) 654- 3641
Email: Appeals@dds.ca.gov

1215 O Street, MS 8-20

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Sacramento, CA 95814

This process is only for the Regional Center or Vendor/Contractor Whistleblower complaints as described in this document. DDS has a variety of complaint and appeal processes available to vendors/contractors, agencies, facilities, parents, and consumers. These include Consumer Rights Complaints; Early Start Complaints, Due Process Requests, and Mediation Conference Requests; Lanterman Act Fair Hearing Requests; Title 17 Complaints; Citizen Complaints and Comments.

See <https://www.dds.ca.gov/general/appeals-complaints-comments/> for list.

Each of these complaint and appeal processes has separate and distinct procedures for resolution.

- 4.2 The Compliance Officer or the Board of Trustees will notify the sender to acknowledge receipt of the complaint and provide an assigned investigation case number within five (5) business days.
- 4.3 **We will need a clear and concise statement of the alleged improper activity and any evidence you have to support the allegation.** Complaints under this Policy may be written or oral, but in either form should provide as much detail as possible about the conduct being reported. While NLACRC prefers for complaints to be made in writing for administrative reasons, there is no required complaint form. If the Compliance Officer, supervisor and/or manager receives or has only verbal information regarding the reported concern under this Policy, all details of the report must be reported to NLACRC's whistleblower hotline contact information, discussed above in section 4a..

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 or vendor/contractor 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 (see section 4.1), if insufficient information is provided and we have no means to contact you, we may not be able to investigate your allegation.

It is extremely difficult and often impossible to investigate if insufficient information is provided and we have no means to contact you to gather facts. In such cases, NLACRC

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may not be able to effectively evaluate or investigate the allegations absent sufficient detail.

- 4.4 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 vendor/contractor activity,” as those terms are defined in part 1 of this policy, has occurred.

NLACRC requires managers and supervisors to report information they have that provides reason to believe activity in violation of this Policy has occurred to the Compliance Officer or appropriate alternate reporting option.

- 4.5 The Center may seek an appropriate impartial party, such as arbitrator, organizational ombudsman, investigator, mediator or the Center’s outside legal counsel, to investigate suspected improper activity and to make recommendations to the Center. The Center will inform the Board’s Executive Committee of recommendations by the appropriate impartial party, including appropriate corrective action, during scheduled Executive Committee meetings, no less than annually and when stipulated, on a monthly basis.

5. No Retaliation

- 5.1 NLACRC strictly prohibits retaliation against any person who reports, in good faith, a suspected or actual violation of law, this policy or other regional center policies and procedures. Reporting “in good faith” means making a genuine attempt to provide honest and accurate information, even if the information proves to be unsubstantiated or mistaken.

NLACRC also prohibits retaliation because of an individual’s participation in an Agency investigation. Anyone who engages in retaliatory conduct will be subject to disciplinary action, including termination of employment or engagement.

Bottom Line: There is no room in our culture for retribution against anyone who acts in good faith when they ask questions, raise concerns, make a complaint, or participate in an investigation.

NLACRC takes reports of violations of law, this Policy, or Agency policy very seriously. Employees who falsify such reports or who provide false information in an Agency

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investigation will be subject to corrective action, up to and including termination of employment or engagement.

There is an expectation and entitlement to an environment free of retaliation for bringing forward good faith complaints under this Policy, as well as for protected complaints protected under applicable federal, state and local law.

If you believe you have experienced retaliation for making a good faith complaint under this Policy, you should report the matter immediately, and any such report will be addressed as a separate incident of “improper regional center activity” to be investigated under the report and investigation process previously discussed above.

- 5.2 **The Regional Center will provide to DDS every 30 days, a report of whistleblower complaints received under this Policy. This report shall contain, at a minimum, the following information for each complaint submitted: (1) Date complaint received; (2) Complainant type, if known, for whistleblower complaints (e.g., regional center staff, service provider, community member, etc.); (3) Date acknowledgement of receipt was sent to complainant; (4) Nature of complaint; (5) Details of investigation; (6) Results of investigation; and (7) Corrective action taken, if applicable.**

6. Confidentiality

NLACRC will do everything possible to maintain the confidentiality of a complainant making a whistleblower complaint *if the complainant requests confidentiality* without impeding the investigation. However, in the rare circumstances, determined on a case by case basis, where NLACRC is unable to maintain confidentiality due to its statutory responsibilities (for example, including ensuring the health and safety of consumers and regional center contract compliance; need to conduct a good faith and thorough investigation; or to comply with other laws and obligations to investigate, address and correct alleged improper activity), NLACRC will attempt to inform the complainant of its need to disclose certain information prior to releasing identifying information. Additionally, the identity of the complainant may be revealed to appropriate law enforcement agencies conducting a criminal investigation.

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Notwithstanding the required language of the DDS in this Policy, nothing in this Policy should be interpreted as, and the NLRCRC will not apply or enforce the Policy to interfere with, restrain or coerce employees in the exercise of their rights under Section 7 of the National Labor Relations Act, which guarantees covered individuals the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, as well as the right to refrain from any or all such activities.

7. State Directive

This Policy is Consistent with the State’s Directive Entitled “Department of Developmental Services Whistleblower Complaint Process,” dated July 28, 2010, and does all of the following:

- **Allows for multiple employees within the Regional Center to be available to accept complaints.**
- **Includes the required process to access the Board of Directors for the purpose of filing complaints.**
- **Ensures that the Policy clearly indicates that the regional center will not retaliate against any complainant.**
- **Ensures that a process is in place to investigate and take appropriate action on complaints, including complaints of retaliation.**
- **Addresses complainant confidentiality, consistent with the State’s Whistleblower Policy, including consumer health and safety.**

8. Notification and Dissemination of Policy

NLACRC will provide for the notification of employees and board members by either hard copy or electronic/digital distribution, of the existence of both NLACRC’s and DDS’s Whistleblower policies and requirement for posting and maintaining this Policy prominently on NLACRC’s website within thirty (30) days of the effective date of the Policy, and annually thereafter. In addition, NLACRC will ensure that the regional center’s and DDS’s Whistleblower Policies are

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posted prominently on the regional center’s website within thirty (30) days after being adopted.

NLACRC also will:

- Inform, as part of eligibility determination and vendorization processes, all new clients/families and new vendors of the regional center’s and the DDS’s Whistleblower policies.
- Review this Policy and provide, at minimum, annual training to all board members regarding the regional center’s governing board’s approved Whistleblower Policy to include, but not be limited to the board’s role in implementing the policy.
- Submit to DDS by December 15 of each year, a proposed comprehensive board training plan for the next calendar year with training topics to include, at a minimum a review of board governance (e.g., board members’ role and responsibilities), conflict of interest and whistleblower policies, and linguistic and cultural competency.
- Utilize other communication mechanisms in use at NLACRC to provide notification to employees, board members, consumers/families, and vendor community of the existence of both NALCRC’s and DDS’s Whistleblower complaint process and the right to make reports of improper activity to the DDS.

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ACKNOWLEDGMENT AND AGREEMENT TO COMPLY

I acknowledge that I have read and understand this Policy. I understand that compliance with this Policy is a condition of employment and also a condition of Board Membership at NLACRC.