

County Of San Diego
Health and Human Services Agency

Chapter: Compliance
Topic: Non-Retaliation

Key Words: Complaint, employee, investigation, retaliation, non-retaliation

SUBJECT: Non-Retaliation

NO: HHSA-M-3.3

PAGE: 1 of 3

DATE: September 1, 2004 (Revised)

REFERENCE: 63 FR 8987 (February 23, 1998)
63 FR 70138 (December 18, 1998)
65 FR 59434 (October 5, 2000)

SUPERSEDES: N/A

PURPOSE:

To establish a non-retaliation policy to protect employees who, in good faith, report known or suspected instances of inappropriate conduct or activities.

BACKGROUND:

The County of San Diego Health and Human Services Agency ("HHSA") is committed to the establishment of a culture that promotes the prevention, detection and resolution of instances of conduct that do not conform to law, regulation, HHSA or County policy, procedure, or the Code of Conduct and Statement of Incompatible Activities. To encourage the development and maintenance of this culture, HHSA has established a strict non-retaliation policy to protect individuals who in good faith report known or suspected inappropriate conduct or non-compliant activities.

DEFINITIONS:

In good faith: The individual reasonably believes or perceives the information reported to be true.

POLICY:

1. HHSA employees have the responsibility to report, in good faith, concerns regarding actual, potential or perceived wrongdoing.
2. HHSA understands that employees may not report compliance concerns if they feel they will be subject to retaliation or retribution for reporting the concern.
3. HHSA is committed to a policy that encourages timely disclosure of compliance concerns and prohibits any action directed against an employee, manager or staff member for making a good faith report of a concern.
4. Retaliation for good faith reporting of perceived or suspected violations of law, regulation, HHSA or County policy or procedure, the HHSA Code of Conduct and Statement of Incompatible Activities, or for participation in an investigation of an alleged violation is strictly prohibited. Any employee, supervisor, manager or executive who commits or condones any form of retaliation, retribution or harassment against a reporting employee shall be subject to appropriate disciplinary action, up to and including termination, in accordance with applicable civil service rules.

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5. Individuals cannot exempt themselves from the consequences of their own misconduct by self-reporting, although self-reporting may be taken into account in determining the appropriate course of action.
6. Any person who intentionally provides false information relative to a compliance investigation may be subject to disciplinary action, up to and including termination, in accordance with applicable civil service rules.

PROCEDURE:

1. Managers (includes Executives, Managers and Supervisors) shall:
 - A. Take appropriate measures to safeguard employees against retaliation. At a minimum, the following actions should be taken and become an on-going aspect of the management process:
 1. Maintain an "open door" policy to support and encourage the employee's reporting of work-related issues or concerns;
 2. Ensure that employees understand that they may, without fear of retaliation, report violations and concerns directly to the Compliance Office;
 3. Meet regularly with subordinates and discuss the main points of this policy and other applicable compliance program policies;
 - B. Ensure that reports of actual or potential violations are handled as confidentially as possible;
 - C. Focus on the issue raised and not the individual(s) involved;
 - D. Report immediately to the Compliance Office or Compliance Hotline any known or suspected instances of retaliation;
2. The Compliance Office shall:
 - A. Develop and maintain a system to document and track reported instances of retaliation;
 - B. Be responsible for the prompt investigation and follow-up of any reported retaliation.

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QUESTIONS/INFORMATION:

Contact the Compliance Office at (619) 515-4244.

ATTACHMENTS:

None

SUNSET DATE:

This policy will be reviewed for continuance by September 1, 2006.

Approved:

Jean M. Shepard
Director