

POLICY

TITLE: Whistleblower PolicyPOLICY NO. P-4DATE SUBMITTED: 2017

POLICY: Kern Regional Center encourages individuals to report suspected or actual illegal or improper activity, financial or otherwise. Kern Regional Center will not condone any activity that is illegal or improper, whether done by an employee, board member, vendor or contractor.

Definition of Regional Center or Vendor/Contractor Whistleblower Complaints: Regional Center or Vendor/Contractor Whistleblower complaints 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 a state or federal law or regulation; violation of contract provision of a state or federal law or regulation; violation of contract provisions, fraud or fiscal 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 DDS-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.

Confidentiality

Kern Regional Center will do everything possible to maintain the confidentiality of a complainant making a whistleblower complaint if the complainant requests confidentiality. However, in the circumstance where Kern Regional Center is unable to maintain confidentiality due to its statutory responsibilities (including ensuring the health and safety of consumers and Regional Center contract compliance), Kern Regional Center 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.

Filing a complaint

This Whistleblower Policy shall not be used to resolve disputes concerning the nature, scope or amount of services and supports that should be included in an individual program plan, for which there is an appeal procedure established in the Lanterman Act, or disputes regarding rates or audit appeals for which there is an appeal procedure established in regulations. Those disputes shall be resolved through the appeals procedure established by the Lanterman Act or in regulations.

Kern Regional Center will need a clear and concise written statement of the improper activity and any evidence the complainant has to support the allegation.

If a complainant does not provide their name or other information (witnesses or documents) that clearly identifies the person he/she is alleging has acted improperly, and the Regional Center or Vendor/Contractor where that person works, Kern Regional Center 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, if insufficient information is provided and Kern Regional Center has no means to contact the complainant, Kern Regional Center may not be able to investigate the allegations.

Written complaints will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

It is Kern Regional Center's intent to adhere to all laws and regulations that apply to the Agency. The underlying purpose of this policy is to support the Agency's goal of legal compliance.

Kern Regional Center will not retaliate against any individual who, in good faith, has made a protest or raised a complaint against some practice of Kern Regional Center, or of another individual or entity with who Kern Regional Center has a business relationship, on the basis of a reasonable belief that the practice is in violation of law or a clear mandate of public policy. Kern Regional Center will not retaliate against an individual who discloses or threatens to disclose to a supervisor or a public body any activity, policy or practice of Kern Regional Center that the individual reasonably believes is in violation of a law, policy or regulation, or is in violation of a clear mandate or public policy.

An individual is protected from retaliation if he/she brings the alleged unlawful activity, policy or practice to the attention of Kern Regional Center and provides Kern Regional Center with a reasonable opportunity to investigate and correct the alleged unlawful activity. Any employee of the Kern Regional Center who knowingly makes a false report will be subject to disciplinary action, up to and including immediate termination of employment.

Kern Regional Center will investigate and take appropriate action on any complaints of retaliation. In addition, action taken must include a conclusion and/or follow-up with the complainant for complete closure of the concern. Follow up will not be possible for anonymously submitted concerns.

Responsibility and Obligation to Comply with Policy

It is the responsibility of all employees and Board of Director members to comply with this policy and to report perceived improper activity to the Board of Directors or Department of Developmental Services.

Notification of Whistleblower Policy

Kern Regional Center will post the Whistleblower Policy on its website and notify employees, board members, clients, families, and vendor community of both the Kern Regional Center and the DDS Whistleblower Policy within 30 days of this policy's effective date and annually thereafter by the following manner:

1. Employees will receive the policies within 30 days of the policy's effective date and annually thereafter. New employees will be provided with the Kern Regional Center and DDS Whistleblower policies at the time of hire.
2. Board of Directors Members will receive copies of the policies in their Board packets.
3. Clients and families will receive information in their Annual Service Cost Statement notification of how they can access the policies.
4. The vendor community will receive notification upon vendorization and annually thereafter regarding how they can access the policy.

How to File a Whistleblower Complaint

A complaint may be filed by contacting any of the following:

- Board of Directors
 - Voicemail - 661-852-3213 (secure phone)
 - Agency website: <https://kernrc.org/your-rights/krcs-whistleblower-policy>
- Department of Developmental Services
 - Community Services Division
1600 9th Street, Room 340 (MS 3-9)
Sacramento, CA 95814
 - Voice 916-651-6309
 - Fax 916-654-3641
 - <https://www.dds.ca.gov/general/appeals-complaints-comments/regional-center-or-vendor-contractor-whistleblower-complaints>

Approved by KRC Board of Directors: 10/24/2017

Approved by DDS: 1/19/2018