



Whistleblower Policy

I. PURPOSE

It is critical that the City foster and maintain a workplace with a high ethical standard of conduct in all activities and conduct its business in a fair, effective, efficient, and transparent manner. Further, the City must protect its assets and resources from fraudulent, illegal, and dishonest activities by protecting its assets and resources, by maintaining effective internal controls and by identifying and investigating any possibility of fraud or other improper activities. To this end, this Whistleblower Policy ("Policy") establishes procedures for City employees and the American Canyon community to report alleged illegal, fraudulent, and/or improper activity by City employees and to assure that such reports do not result in retaliation by the City.

II. POLICY

Community members and City employees are encouraged to report good faith suspicions of misconduct by City employees and any misuse of City property or resources. Any City employee who makes such a good faith report is protected against adverse employment actions by the City for raising such allegations, and shall not suffer any reprisals or retaliation by the City for making the report, whether or not the allegations are sustained.

III. PROHIBITED ACTIVITIES

Any person should report information related to one of the following prohibited activities which includes, but is not limited to:

- A. Violation of any law, regulation, ordinance.
- B. Conflict of interest.
- C. Fraud, waste, or misuse of City property, resources, or time.
- D. Abuse of authority.
- E. Creation of a specific and substantial danger to public health or safety by failing to perform duties required by the City position held.
- F. Theft, misuse of, or misappropriation of City resources, property, information, assets or funds, or an attempt to do any of the same.
- G. Intentional falsification of records (including failure to disclose material facts or making of false or misleading entries or statements with the intent to deceive on any City document or other official document, report, or form, including but not limited to, City financial records and environmental regulatory reporting), or the willful and unauthorized destruction and/or mutilation of any City document or other official document, report, or form, including City financial records.
- H. Intentionally submitting false claims for payment or reimbursement.
- I. Knowingly submitting and/or signing a timesheet that contains false information.
- J. Forgery or intentional unauthorized alteration of a City document or other official document, application, report, or form, including but not limited to, City financial documents.
- K. Improprieties in the handling or reporting of financial transactions for the City.

- L. Authorizing or receiving payment by the City for goods not received or services not performed.
- M. Computer-related activity involving unauthorized alteration, destruction of data, forgery, or manipulation of data or misappropriation of City-owned software.

IV. PROCEDURES

A. When to report

A complaint filed under this Policy should be filed within 45 days of the date of the act or event which is subject of the complaint.

B. Whom to report to

If a City employee is making the report, all reports should first be made to the employee's supervisor, unless the report involves alleged misconduct of the supervisor. If the complaint is not against the supervisor, and action is within the supervisor's authority, the supervisor should take all actions necessary to curtail the behavior and determine the appropriate consequences and then inform the department head. If the action is not within the supervisor's authority, the supervisor should immediately report the matter to the department head.

If a City employee is making the report that involves alleged misconduct of her/his supervisor, the employee should report the matter directly to the department head, the Finance Director, the city Attorney, or the City Manager.

If someone other than a City employee is making the report, the report should be made to the department head who has authority over the matter, to the Finance Director, the City Attorney, or the City Manager who will then follow up on the matter.

Although every effort will be made to protect the anonymity of the whistleblower, there may be situations where anonymity cannot be guaranteed.

C. How to Report

Use of the "Whistleblower Complaint Form" is desirable (located on the City website on the City Manager's webpage under "Complaint Handling Process"; or in the informational slots in the lobby of the 2nd floor in City Hall). Submit the form to one of the following: Whistleblower@cityofamericancanyon.org; or mail to: City of American Canyon, Attention Whistleblower Program, 4381 Broadway, Suite 201, American Canyon, CA 94503.

IV. PROTECTION FROM RETALIATION

A. Retaliation Prohibited

No City officer or employee shall use or threaten to use any official authority to influence, restrain, or prevent any other person who is acting in good faith and upon a reasonable good faith belief as a whistleblower. No City officer or employee shall use or threaten to use any official authority or influence to cause any adverse employment action (including discharge, demotion, suspension, harassment, or other forms of discrimination) as retaliation against a City officer or employee who acts as a whistleblower in good faith and with reasonable belief that improper conduct has occurred. However, this Policy does not prohibit the City from taking an adverse action for legitimate or non-discriminatory reasons

due to a mere causal connection to the protected Whistleblower activity. Such legitimate or non-discriminatory actions may include discipline for a legal cause or refusing to hire/promote/transfer or to take any other legitimate personnel action based on inadequate qualifications or poor performance reviews.

B. Investigation of Complaints

Depending upon on the nature of the complaint, the City Manager or her/his designee will investigate the complaint to determine if misconduct and/or violation of this Policy has occurred. To the extent permitted by personnel privacy laws, the City Manager or her/his designee will meet with the complainant to discuss the findings of the investigation and will use best efforts to ensure timely resolution of the matter.

C. Penalties

Any City officer or employee who violates this Policy shall be subject to discipline, up to and including dismissal. Under Section 8547.8 of the Government Code, any officer, manager, or supervisor who violates this Policy with malicious intent may be subject to a fine not to exceed \$10,000 and imprisonment in county jail for up to a period of one year. In addition to all penalties provided by law, any local officer, manager, or supervisor who has been found by a court to have violated this Policy and the State law under which it is promulgated may be individually liable for damages in an action brought against him or her by the injured employee.

WHISTLEBLOWER COMPLAINT FORM

City of American Canyon, 4381 Broadway Street, Suite 201, American Canyon, CA 94503

Instructions: Complete this form and return it to either a supervisor, department head, the Finance Director, or the City Manager. This is a confidential format to report any wrongdoing; however, if your report results in criminal prosecution, you may be called upon to testify and confidentiality may not be maintained.

(Optional) Name: _____

(Optional) Address: _____

Are you a City of American Canyon employee? Yes No

If yes, what is your position or relationship to the City? _____

(Optional) Work Phone: _____(Optional) Home/Cell Phone:_____

1. Identify the person or persons against whom your allegations are made.

2. Describe the nature of your complaint, the incident(s) or event(s), date(s), time(s), and place(s). Attach additional pages to this complaint if necessary.

3. Identify others who may have observed or witnessed the incident(s) that you described.

1. Do you have any documents that support your allegation? (Please list and attach copies).

Submit the completed form to one of the following: Whistleblower@cityofamericancanyon.org; or mail to: City of American Canyon, Attention Whistleblower Program, 4381 Broadway, Suite 201, American Canyon, CA 94503.