
POLICY: WHISTLEBLOWER POLICY

DEPARTMENT: HUMAN RESOURCES

DATE DEVELOPED: 10/01/2000

DATE REVISED: 01/01/2015 - 01/01/2023 – 01/29/2024

POLICY #: ADM HR - 14

PRIOR POLICY #: NA

PROGRAM: HUMAN RESOURCES

PURPOSE:

To ensure compliance with potential ethics or law violations, the Area Agency on Aging of Pasco-Pinellas, also known as AAAPP, is a nonprofit that encourages its employees to report improper activities in the workplace and will protect employees from retaliation for making any such report in good faith.

PROCEDURE:

- Establishes expectations for business and personal ethics and compliance with laws
- Describes the process to report suspected violations of ethics and laws
- Specifies compliance based on type of ethical or law violation

The AAAPP's Board of Directors shall require directors, officers, and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities and ensure compliance with all applicable laws. Employees and representatives of the agency shall practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations.

EMPLOYEE RIGHTS:

Employees have the right to report, without suffering retaliation, any activity by AAAPP or any of our employees that the employee reasonably believes:

- 1) violate any state or federal law.
- 2) violate or amount to noncompliance with a state or federal rule or regulation.
- 3) violate fiduciary responsibilities by a nonprofit corporation. In addition, employees can refuse to participate in an activity that would result in a violation of state or federal statutes or a violation or noncompliance with a state or federal rule or regulation.

Employees are also protected from retaliation for having exercised any of these rights in any former employment.

The whistleblower protection laws do not entitle employees to violate a confidential privilege of AAAPP (such as the attorney-client privilege) or improperly disclose trade-secret information.

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REPORTING RESPONSIBILITY:

It shall be the responsibility of all directors, officers and employees to report ethics violations or suspected violations of ethics or laws in accordance with this Whistleblower Policy. Ethics violations may include but not be limited to:

- Harassing, intimidating or other inappropriate behavior
- Discrimination because of race, gender, disability or any characteristic which is entitled to protected class status under federal, state or local law
- Stealing or embezzling funds or other agency assets
- Soliciting or accepting any form of remuneration in consideration for the performance of official duties or the taking or refraining from taking any official action
- Evidence of gross mismanagement of a contract or grant
- Evidence of gross mismanagement of funds

REPORTING VIOLATIONS:

Employees must comply with all applicable laws and assist nonprofits in ensuring legal compliance. AAAPP shall maintain an open-door policy that allows employees or board members to share their questions, concerns, suggestions, or complaints with someone who can address them properly. For employees, the employee's supervisor is in the best position to address an area of concern; however, employees may also speak with the executive director if they are not comfortable speaking with their supervisor or are not satisfied with their supervisor's response.

Supervisors and managers are required to report suspected ethics violations to the executive director, who has the responsibility to investigate all reported violations.

Employees may also report information regarding possible unlawful activity to an appropriate government or law enforcement agency.

CONFIDENTIALITY:

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

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PROTECTION FROM RETALIATION:

This policy intends to encourage employees to report fraudulent or illegal activities and there shall be no retaliation for any reports made pursuant to this policy. Any employee who believes they have been retaliated against for whistle-blowing may file a complaint with either the Executive Director or the Chair of the Board of Directors. Any complaint of retaliation will be promptly investigated and remedial action taken when warranted. This protection from retaliation is not intended to prohibit managers or supervisors from taking action, including disciplinary action, in the ordinary course of business based on valid performance-related factors.

CHIEF COMPLIANCE OFFICER:

The executive director shall serve as the Chief Compliance Officer for the AAAPP to investigate and resolve all reported complaints and allegations concerning suspected violations by subordinate employees and, at his/her discretion, shall advise the board of directors of such matters. The Executive Director may work with other members of the AAAPP leadership team to conduct a thorough investigation.

The Executive Committee of the AAAPP's Board of Directors shall serve as Co-Compliance Officers for cases in which complaints and/or allegations of suspected violation involve the executive director.

ACCOUNTING AND AUDITING MATTERS:

The AAAP's Board of Directors Executive Committee and the Executive Director shall jointly address all reported concerns or complaints regarding accounting practices, internal controls, or auditing. The Executive Director shall immediately notify the board of any such complaint and work with board members until the matter is resolved.

ACTING IN GOOD FAITH:

Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense or termination of employment and will not be entitled to the protections of this Policy.

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HANDLING OF REPORTED VIOLATIONS:

The Chief Compliance Officer shall notify the sender and acknowledge receipt of the reported violation or suspected violation within five business days. All reports shall be promptly investigated, and appropriate corrective action shall be taken if warranted by the investigation.

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EMPLOYEE ACKNOWLEDGMENT:

I acknowledge that I have received, read, understand, and will comply with all sections of the Whistleblower Policy with the Area Agency on Aging of Pasco-Pinellas. I understand that failure to comply with the policy could result in disciplinary action up to and including termination of employment

Employee Signature

Date

Employee Name (please print)

DRAFT