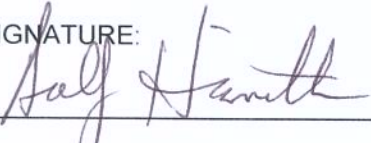


Chief Administrative Office	Date of Issue	Expiration Date	No.
POLICY MEMORANDUM	March 26, 2013	N/A	43
TO: ALL Divisions and Departments		Subject:	
SIGNATURE: 		LFUCG Ethics Tip Line Policy & Procedures	
COMMENTS:			

Section 1. OVERVIEW

Background

- 1.1 In December 2011, the Urban County Council passed Resolution 550-2011 authorizing the development of an LFUCG Ethics Tip Line.
- 1.2 The LFUCG Ethics Tip Line Policies & Procedures were approved by the Internal Audit Board in March 2013. Any changes to these Policies & Procedures must be approved by the Internal Audit Board.

Intended Use of Ethics Tip Line

- 1.3 The purpose of the LFUCG Ethics Tip Line is to offer LFUCG employees a resource to report privately their concerns of alleged unethical or illegal actions and/or behavior by another employee or official serving LFUCG. The tipline is intended to provide a mechanism for employees to anonymously report concerns without fear of retaliation. Items that are appropriate to report on the Tip Line include facts or information relative to an actual or suspected violation of any law, statute, executive order, administrative regulation, mandate, rule, or ordinance of the United States, the Commonwealth of Kentucky, or the LFUCG, or any facts or information relative to actual or suspected mismanagement, waste, fraud, abuse of authority, or a substantial and specific danger to public health or safety.
- 1.4 The LFUCG Ethics Tip Line is not intended to replace existing communication channels, such as LexCall (general government services and information) or the Lexington Division of Police (criminal activity).
- 1.5 The LFUCG Ethics Tip Line is not intended to replace the LFUCG's grievance procedures and should not be used to file a grievance against LFUCG management or employees. The LFUCG Grievance Process as defined by Ordinance should be followed in such circumstances.

- 1.6 The Resolution authorized the use of third party provider Global Compliance (now NAVEX Global) to provide the Ethics Tip Line service.
- 1.7 The purpose of these policies and procedures is to assist LFUCG personnel in understanding their responsibilities in addressing LFUCG Ethics Tip Line complaints. These are intended to provide consistency among all parties involved in the LFUCG Ethics Tip Line activity.
- 1.8 These policies and procedures are not intended to be a desktop (i.e., step-by-step) procedure guide or to replace other Standard Operating Procedures for investigations.

Section 2. PROCESSING OF INCIDENT REPORTS

- 2.1 The third-party provider NAVEX Global receives LFUCG Ethics Tip Line calls through a designated toll free number, or via a website maintained by NAVEX Global. The information is recorded in NAVEX Global's case management system called IntegriLink.
- 2.2 NAVEX Global sends an Incident Report to LFUCG's pre-designated recipients.
- 2.3 The primary recipients are the LFUCG Department of Law, Division of Human Resources, Division of Police, Office of Internal Audit, and Division of Risk Management. The recipients are determined by the incident type as defined in the Allegations Distribution List. In addition, the Office of Internal Audit receives all Incident Reports. This is to ensure that all Incident Reports are seen by at least "two sets of eyes". Depending on the nature of the incident, the Office of Internal Audit may investigate, or may assist in investigating, the allegations.
- 2.4 The LFUCG Department or Division that receives the Incident Report will determine if it is actionable. In order to be actionable, the alleged unethical or illegal conduct must involve an LFUCG employee, a contractor, a vendor of goods or services doing business with LFUCG, a Component Unit or Outside Agency of the LFUCG, or a partner agency or special event that receives funding from the LFUCG. In addition, the following information is required.
 - Who was involved in the alleged misconduct.
 - What the alleged misconduct was.
 - How the alleged misconduct occurred.
 - When the alleged misconduct occurred.
 - Where the alleged misconduct occurred.

- 2.5 The pre-designated LFUCG Department or Divisions will review actionable Incident Reports following their internal Standard Operating Procedures. The scope of the review will be determined if the allegations in the Incident Reports can be substantiated.
- 2.6 Department and Division Case Managers will assign Incident Reports to Case Investigators for review using IntegriLink. Case Investigators may include other LFUCG Departments and Divisions, including the Office of Internal Audit. Case Managers will ensure that assignments are made so that subjects of alleged ethical misconduct are not involved in the investigation process.
- 2.7 Incident Reports shall only be provided to individuals with an investigatory need, such as Case Managers and Case Investigators.
- 2.8 Case Investigators will enter results of reviews into IntegriLink.
- 2.9 It may be necessary for Case Investigators to communicate with the complainant. The reasons may include a request for additional information or advising of additional actions that are necessary in order to make an Incident Report actionable. These callback communications shall be initiated through IntegriLink.
- 2.10 Case Managers will be responsible for ensuring that Case Investigators complete the assigned reviews in a timely and thorough manner.
- 2.11 After review and approval by the Case Manager, the Incident Report will be closed in IntegriLink. The closed Incident Report will be available to the public under Kentucky's Open Records Laws.
- 2.12 The Office of Internal Audit will monitor activity via IntegriLink to help ensure responses to Incident Reports are timely.

Escalation of Incidents

- 2.13 Some pre-determined incident types may result in escalation of the Incident Report. These generally involve threats of harm to employees, citizens, or vendors. In cases requiring escalation, NAVEX Global shall call the appropriate designated LFUCG representatives immediately.

Custodians of Documentation

- 2.14 Incident Report information will be maintained in IntegriLink. In order to comply with LFUCG's document retention requirements, the Office of Internal Audit may retain a hard copy of closed Incident Reports.
- 2.15 All other pertinent information regarding investigations shall be maintained by the applicable Department or Division that performed the investigation

in accordance with their internal record retention policies. It will be the option of the applicable Department or Division to electronically file all other pertinent information regarding the investigations in IntegriLink, or to use other file retention processes they already have in place.

Requests for Information

- 2.16 All requests for information concerning any LFUCG Ethics Tip Line Incident Report shall be addressed in accordance with Kentucky Open Records Laws.
- 2.17 LFUCG Departments and Divisions should not comment on or provide details of open Incident Reports. This is in order to protect the integrity of the investigation.

Section 3. ACTIVITY REPORTS

Monthly Reports

- 3.1 Monthly activity reports will be prepared by the Office of Internal Audit. These reports will provide high level summary information of LFUCG Ethics Tip Line activity. These reports will respect confidentiality and the integrity of ongoing reviews.
- 3.2 The monthly activity reports will be provided to the following:
- Internal Audit Board
 - Mayor
 - Urban County Council Members
 - Ethics Commission Members
 - Commissioner of Law
 - Director of Internal Audit
 - Deputy Director of Internal Audit
 - Director of Human Resources
 - Chief of Police
 - Director of Risk Management
- 3.3 Internal Audit Board members and LFUCG officials and personnel should not comment on or provide details of any open Incident Reports noted on the monthly activity reports.

Custom Reports

- 3.4 Custom reports may be generated as part of NAVEX Global services to aid LFUCG Ethics Tip Line Case Managers.

Section 4. CONFIDENTIALITY

- 4.1 All participants in an LFUCG Ethics Tip Line investigation shall keep the details and results of the investigation confidential in accordance with their Department or Division's Policies & Procedures.
- 4.2 The Office of Internal Audit shall conduct its portion of LFUCG Ethics Tip Line investigations in compliance with relevant sections of the LFUCG Internal Audit Board Bylaws, the Standards of the Institute of Internal Auditors, and the Standards of the Association of Certified Fraud Examiners.
- 4.3 Case Investigators and any other personnel involved in the review of Incident Reports shall not share the substance of a complaint with anyone except those individuals who are involved in the review. Such personnel provided with this information shall hold all information obtained as confidential. Breaches of confidentiality may result in disciplinary action.
- 4.4 To the extent possible, the identity of the employee alleging the illegal or unethical conduct and the employee alleged to have committed the illegal or unethical conduct will be protected.
- 4.5 Pursuant to KRS 61.878 (3), LFUCG employees who are the subject of an investigation arising from an allegation reported to the LFUCG Ethics Tip Line shall have the right to inspect and copy any record, including preliminary records, that relates to him/her once the investigation is completed.

Section 5. WHISTLEBLOWER PROTECTION

- 5.1 Employees making good faith reports of alleged ethical misconduct will be protected from reprisal under Kentucky Revised Statute 61.102 and Section 25-29 of the LFUCG Code of Ordinances.
- 5.2 Whistleblower protection applies to employees who participate in an investigation of illegal or unethical conduct.

Section 6. BAD FAITH REPORTS

- 6.1 The LFUCG Ethics Tip Line is intended for reporting illegal or unethical conduct in good faith, with no malicious intent. There may be cases in which it is determined that incidents were reported in bad faith.

- 6.2 Pursuant to KRS 61.102 and Section 25-29 of the LFUCG Code of Ordinances, use of the LFUCG Ethics Tip Line shall not be construed as prohibiting disciplinary or punitive action if an officer or employee discloses information which he/she knows to be false or which he/she discloses with reckless disregard for its truth or falsity.