



HRPC Meeting - Wednesday, October 4, 2023, 10:00 AM, Zoom Only

Zoom Link: <https://zoom.us/j/94820907375?pwd=ZWdzWk5KTGp5K29vZ1dEd2dLaU9jQT09>

Meeting ID: 948 2090 7375

Passcode: 616429

1. Approval of Minutes from last meeting

Subject	1.1. Motion to amend/adopt minutes
Meeting	October 4, 2023 - HRPC Meeting - Wednesday, October 4, 2023, 10:00 AM, Zoom Only
Category	1. Approval of Minutes from last meeting
Department	
Type	
Recommended Action	

2. Executive Session on personnel matters

3. Public Forum

4. Update from Clerk Treasurer on policy issues identified in REIB Financial Report

Subject	4.1. Memo with WFA and Whistleblower Policies
Meeting	October 4, 2023 - HRPC Meeting - Wednesday, October 4, 2023, 10:00 AM, Zoom Only
Category	4. Update from Clerk Treasurer on policy issues identified in REIB Financial Report
Department	Human Resources
Type	
Recommended Action	

5. Policy Review

Subject	5.1. Cell phone policy
Meeting	October 4, 2023 - HRPC Meeting - Wednesday, October 4, 2023, 10:00 AM, Zoom Only
Category	5. Policy Review

Department Human Resources

Type

Subject 5.2. Remote Work Policy

Meeting October 4, 2023 - HRPC Meeting - Wednesday, October 4, 2023, 10:00 AM, Zoom Only

Category 5. Policy Review

Department Human Resources

Type

Subject 5.3. Resignation Policy

Meeting October 4, 2023 - HRPC Meeting - Wednesday, October 4, 2023, 10:00 AM, Zoom Only

Category 5. Policy Review

Department Human Resources

Type

Subject 5.4. Timekeeping Policy

Meeting October 4, 2023 - HRPC Meeting - Wednesday, October 4, 2023, 10:00 AM, Zoom Only

Category 5. Policy Review

Department Human Resources

Type

Subject 5.5. Whistleblower protection policy

Meeting October 4, 2023 - HRPC Meeting - Wednesday, October 4, 2023, 10:00 AM, Zoom Only

Category 5. Policy Review

Department Human Resources

Type

Subject 5.6. Fraud, Waste, and Abuse policy

Meeting October 4, 2023 - HRPC Meeting - Wednesday, October 4, 2023, 10:00 AM, Zoom Only

Category 5. Policy Review

Department Human Resources

Type

6. Schedule future education session on city's current hiring and retention policies and any need for an independent or consulting review.

7. Other Business

8. Adjournment

Subject	8.1. Motion to adjourn
Meeting	October 4, 2023 - HRPC Meeting - Wednesday, October 4, 2023, 10:00 AM, Zoom Only
Category	8. Adjournment
Department	Council and Board
Type	
Recommended Action	

HUMAN RESOURCES DEPARTMENT

CITY OF BURLINGTON

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MINUTES

Human Resource Policy Committee

Friday, August 11, 2023
Virtual Only
8:30 am to 9:22 am

Present: Councilor Sarah Carpenter (SC), Councilor Zoraya Hightower (ZC), Councilor Hannah King (HK), HR Director, Kerin Durfee (KD), and HR Administrative Coordinator Tim Williams (TW).

Meeting Called to order By SC at 8:38 am.

1) Agenda

- a. SC opened the meeting, at 8:38am HK made a Motion to drop item 4) Potential Executive Session and adopt the agenda, the motion was seconded by ZH.

2) Public Forum

- a. No Member of the public were present for comments.

3) Finalize Policy for PPM

- a. KD gave a summary of section 1.4 of the Personnel Policy Manual, outlining the procedure for change or review.
- b. ZH, HK, and SC would give their comments on the Time Keeping Policy to KD in writing.
- c. ZH, HK, and SC would give their comments on the Resignation Policy to KD in writing.
- d. ZH, HK, and SC would give their comments on the Cellphone Policy to KD in writing.
- e. ZH, HK, and SC would give their comments on the Remote Work Policy to KD in writing.

4) Potential Executive Session

5) Adjournment

- a. Next meeting scheduled for Wednesday the 23rd of August to hear a grievance from AFSME.
- b. No other business
- c. SC adjourned meeting at 9:22 am.



OFFICE OF THE CLERK/TREASURER

City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401

Voice (802) 865-7000

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MEMORANDUM

TO: Human Resources Policy Committee (HRPC)

FROM: Katherine Schad, Chief Administrative Officers

RE: Draft Fraud, Waste & Abuse Policy and Whistleblower Policy for Review

Date: October 2, 2023

The recent financial review of expenditures by the Racial Equity Inclusion and Belonging Office made several recommendations to the City to mitigate its risks and vulnerabilities regarding fraud, waste, and abuse. Specifically, the list of recommendations and the body to review them are:

- Ensure Board of Finance is aware in advance of budgets - BOF
- Hold annual trainings on procurement - BOF
- Strengthen City's existing Conflict of Interest policy - HRPC
- Create robust waste, fraud, and abuse policy - HRPC
- Create policy regarding use of out-of-town vendors - BOF
- Formalize requirements regarding in-state contractors - BOF
- Reinforce policy ensuring contracts executed by a person with sufficient level of authority to do so - HRPC

The CT Office is following up on these recommendations and is pleased to bring to you a draft Waste, Fraud and Abuse (WFA) policy for your review and feedback. While creating the WFA policy, it became clear that the City's existing retaliation policy (page 54 of the [Personnel Policy Manual](#)) also needed to be augmented so we are presenting the Whistleblower Protection policy alongside the WFA policy.

The Waste, Fraud, and Abuse policy was created based on examples from other municipalities and school districts. The policy lays out the purpose, scope, definitions, and responsibilities of all stakeholders. It further sets up a reporting mechanism so that all employees or other individuals associated with the City know where to report suspected fraud, waste, or abuse. Lastly it addresses how the City investigates fraud and disciplinary action.

The Whistleblower Protection policy is largely based on the template provided by the Society of Human Resources Management and has been adapted slightly for City purposes.

We look forward to your feedback and to continue to work with you on developing and strengthening these policies.

Cellular Phone Policy

The City of Burlington issues individual cellular phones to City of Burlington employees who are required to be in close contact with the City of Burlington at all times. While cellular phones are often a necessity in today's world, we require that our employees follow the guidelines listed below for their own safety and that of others:

- All employees are required to be professional and conscientious at all times when using City of Burlington phones.
- It is the City of Burlington's policy that employees of our organization who are issued a cellular phone understand that the phones are issued for business use.
- The City of Burlington has a zero tolerance policy regarding using a cellular phone while driving. For the safety of our employees and others, it is imperative that you pull over and stop at a safe location to dial, receive or converse on the cell phone in any way.

The phones are provided to City employees in order to conduct official City business. Occasional, brief and appropriate personal use that occurs only during an employee's break or lunch periods is acceptable as long as it does not interfere with City business or the employees' duties is permitted consistent with compliance with this policy. Personal numbers will not be ported to City of Burlington cellular phones.

Examples of inappropriate and prohibited personal use include, but are not limited to, the following:

- Gambling
- Inappropriate sites and searches on the Internet (see below for more details)
- Advertising or soliciting commercial business or activities
- Registering for non-work related events
- Personal social media use
- Game playing

The e-mail and text functions shall be used only for the transmission of official City business. The transmission of harassing, embarrassing, indecent, profane, pornographic, obscene or unlawful materials or accessing sites containing such information is expressly prohibited and may result in discipline up to and including termination. An employee mistakenly or accidentally encountering such material shall immediately notify their supervisor.

Employees have no right or expectation of privacy regarding anything created, sent or received on the City provided cellular phone, including e-mail, or sites accessed on the Internet. The City may monitor phone usage in order to evaluate the use of the City's phone and to ensure compliance with this policy.

All pictures, messages, documents, and information created on the City phones are considered City property and are **SUBJECT TO PUBLIC RECORD**.

A department head may establish a more stringent policy on the phone use if he/she determines that employees' personal use of the phone is disruptive to the daily work operations.

Each employee issued a City cellular phone should use their City email address as their backup email and as their Apple ID. Do not use personal email addresses for these purposes, as that causes personal information to merge with City information.

Once an employee is assigned a City cellular phone, they are required to order a phone case and protective screen cover. This expense is covered by the City department of the employee.

If an employee loses or damages the phone beyond repair, the employee may be subject to pay part or all of the replacement cost. Verizon provides the City of Burlington one phone per employee at a discounted rate. If that phone is damaged or lost by the employee, Verizon charges full retail for the second phone which may be billed to the employee's departmental budget or the employee directly.

Employees should not use their personal phone for City business. If an employee does conduct City business on their personal phone, that personal phone, and all of the information on that device may be made public if/when a public records request is made. This includes texts, website histories, emails, etc. that relate to both City and personal business.

Any employee who has a City-issued cellular phone and leaves the City of Burlington needs to return their phone to the Innovation & Technology department to be sure it is wiped clean and reset so that the next employee can use the phone or disposed of properly.

Each employee receiving a City assigned phone is required to read, understand, and agree to this policy. The employee may be asked to sign for the phone when it is assigned and when it is returned.

NOTE: With few exceptions, a City employee who has a cellular phone should not also be provided a desktop phone. In order to have both a cellular and desktop phone assigned to an employee, a Department head must agree to the exception.

Safety

Any employee working in or around a hazardous area should avoid cellphone use unless on break and/or out of harm's way. Cellphone use is prohibited while driving under VS#.

The City of Burlington reserves the right to amend and alter the terms of this policy at any time and will ensure compliance of all relative collective bargaining agreements.

Remote Work Policy

Purpose

The remote work policy identifies which positions within the City's workforce are eligible for remote work; the parameters of remote work; and to establish the basic principles and conditions regarding employees working from an alternate worksite, including an employee's home, on a regularly scheduled basis. Occasional remote work can be authorized but is not covered under this policy.

Eligibility

Remote work is only feasible for those tasks within a job, which are suitable, in whole or in part, to being performed away from the onsite workstation. Much of the City's workforce includes jobs that must be performed in person to provide service to the public and/or require the use of, or maintenance of, City property and materials that cannot be accessed from an alternative workstation. Remote work is a voluntary program and is not a requirement or condition of employment.

In general, positions involving the direct supervision of many employees who perform most or all duties at a work site, positions that require direct in-person customer contact, first responders, and/or positions that provide significant administrative support may not be amenable to remote work. To provide flexibility all other positions are eligible for remote work. For the purposes of this policy, under no circumstances will an employee's home be used to hold meetings or provide direct face-to-face service to customers.

Remote Work Eligibility Rating

Human Resources will determine tiers in consultation with managers and Department Heads.

By December 31, 2022, all job descriptions will include a remote work eligibility rating. Newly created positions after this date will receive a remote work eligibility rating upon creation after the implementation of this policy.

After determining eligibility, all positions will be categorized into the following groups:

- Tier One: 0 days remote: Positions that require an employee to perform all required duties and responsibilities in person 100% of the time.
 - Some examples are first responders, drivers, line workers, front-facing customer service, teachers, instructors, and event staff.
- Tier Two: 20% / up to ~4 days a month remote: Positions that require an employee to perform most duties and responsibilities in-person but have moderate level of work duties that can be performed remotely, while still providing service to the community and lending to the efficiencies of their respective departments.

- Director and manager roles are in this category. At times when direct reports require training or supervision for a task or project and/or the department is understaffed or otherwise need support, department leadership schedules should be modified to reflect that need.
 - Office workers and administrative support may be assigned tier two or three unless they have a specific front-facing customer service role.
- Tier Three: 40% / up to ~8 days a month remote: Positions that require some in-person work but have a high level of duties that can be performed remotely, while still providing service to the public and lending to the efficiencies of their respective departments. Eligibility is determined by the Director or Manager.
 - The HR Director may approve some employees working remotely 100% of the time on a temporary basis due to special circumstances.
 - Directors and managers have discretion over remote work schedules and can determine which days a staff member can work remotely. Directors and manager are explicitly authorized to coordinate remote work days to ensure the department has the ability to have in person meetings and activities.

Remote work is a voluntary program. Any employee eligible for remote work is welcome to work onsite due to personal preference. All decisions to terminate remote work will not be considered disciplinary, however, a Department Head or manager may adjust an employee's remote work schedule for performance related issues.

Wages, Benefits, Job Responsibilities and Performance Expectations

Performing remote work will not affect wages, benefits, or job responsibilities. Employees working remotely will comply with all existing job requirements, including, but not limited to performance expectations/standards; policies; procedures; laws; applicable collective bargaining provisions; security; and confidentiality of information requirements.

Travel

In very limited circumstances, the City may employ a person with a specific skill set who lives in another state/country for a special project for temporary remote work. The City is not responsible for travel expenses or lodging costs for employees who are working remotely.

Employees who are on vacation may not be assigned to work remotely. In certain cases a department head may need to complete project work or check emails while away from the office but this practice should be infrequent and to the extent possible, not take place during a planned absence/ use of accrued vacation time.

Work Hours

An employee working remotely, must, unless otherwise authorized, devote their time, attention, and effort to the duties and responsibilities of their position during scheduled work hours. Employees are required to be accessible via telephone, email, and/or any other department required systems during scheduled work hours. Scheduled hours are to be determined by the supervisor and/or department head and must comply with applicable collective bargaining agreements as well as City policies.

An employee working remotely shall not conduct personal business and/or outside pursuits, except to the limited extent permitted by City policy, during scheduled work hours.

An employee working remotely will work a regular schedule, which will not be modified without prior authorization from a supervisor. All schedules are to be written in accordance with City policies and the corresponding collective bargaining agreement(s). At the discretion of the granting department head or supervisor, an employee may be required to report to the on-site workstation in addition to the agreed upon schedule. Whenever possible, advance notice will be provided to the employee, but the employee is expected to report to work within the time specified, even if advance notice is not possible. The City is not required to furnish a means of transportation to meet this requirement.

Requests for overtime must be authorized in advance in accordance with the provisions of City policy, any local procedures, and applicable collective bargaining agreement.

Holidays/ Leave

Unless regularly scheduled to work on a holiday, or authorized to do so by a supervisor, an employee working remotely will not perform work on a holiday.

An employee engaged in remote work may utilize accrued paid leave in accordance with the provisions of City policy and any applicable collective bargaining agreement.

Equipment and Office Supplies

Employees working in positions that are evaluated at a Tier two and above, will be provided a laptop, monitor and docking station and equipment necessary to complete their work assignments remotely as determined by the department head). Only one laptop and docking station are provided and the employee should keep the docking station at the location where their primary work is completed. Positions that are evaluated to work remotely may be eligible for additional equipment as determined by the department head and approved by the CIO.

Office supplies necessary for remote work shall be obtained from the employee's City work location.

An employee working remotely is not eligible to be paid any office allowance provided for in any collective bargaining agreement or policy and, unless appropriately pre-authorized in accordance with the provisions of this policy, is not entitled to reimbursement for any costs incurred by an employee as a

result of working remotely, including, but not limited to, office furniture, wireless internet service, telephone, utilities, mileage reimbursement or other related expense for travel to the employee's on-site work station, and/or any other inconvenience as a result of working remotely.

All City-owned equipment or supplies remain the property of the City and must be returned to the City upon request. An employee shall use City-owned equipment, software, and supplies for City work related business purposes, in accordance with City policy. City-owned computer software may not be duplicated unless appropriately authorized. Use of such software shall be limited to use by the employee in the performance of his/her official duties and must conform to all City policies, procedures, rules and regulations.

Regular maintenance, repair, or replacement of City-owned equipment is the responsibility of the City. In the event of equipment malfunction, an employee must notify their supervisor immediately to arrange for repair or replacement. Use of private equipment is not permitted unless authorized. Privately owned items used at the alternate work location will not be maintained, replaced, or repaired by the City.

Security and Confidentiality

As with all City employees, an employee engaged in remote work is expected to comply with all City policies and procedures; and all departmental policies, procedures, and applicable work rules, including those regarding security and confidentiality of information and equipment.

An employee working remotely will take reasonable measures to ensure the security of City-owned equipment and the confidentiality of protected information, including computer files, accessed at the remote work location. Restricted-access materials will not be taken from the on-site station or accessed through a remote computer unless authorized in advance by a supervisor or manager. Any work-related materials taken to the remote work location must be appropriately protected in compliance with the same security provisions which apply at the on-site work location.

Health and Safety

Employees must maintain their workspace in a safe and secure condition. If an employee engaged in remote work sustains a work-related injury, the City's workers' compensation laws and rules apply. An employee remains responsible for following the established procedures to report such an injury and complete/process required forms.

The City will not be liable for injuries to members of the employee's family and/or third parties which occur on the employee's premises, nor for injuries to the employee which occur outside of the scheduled workday or outside the scope of employment.

Employees who work remotely are volunteering to perform the City's business from an alternate worksite, including their homes. If an employee claims injury at the alternate worksite, the City or representing insurance agency reserves the right to inspect the premises of the alternate worksite.

Resignation Policy

Objective

Although the City of Burlington hopes that employment with the City will be a mutually rewarding experience, it is understood that varying circumstances do cause employees to voluntarily resign employment. Employees are asked to follow the guidelines below regarding notice and exit procedures when voluntarily resigning.

Procedures

Notice of resignation: Employees are encouraged to provide two weeks' notice to facilitate a smooth transition out of the organization. If an employee provides less notice than requested, the employer may deem the individual to be ineligible for rehire depending on the circumstances.

Form of resignation notice: All resignations must be confirmed in writing. Employees may wish to complete the employee resignation form provided by the City for this purpose or may submit other written notice that must include the reason for leaving and the effective date. Employees who verbally resign will receive a confirmation of resignation notice within 24 hours. Verbal resignations will be documented.

Pay in lieu of notice: Management reserves the right to provide an employee with two weeks' pay in lieu of notice in situations where job or business needs warrant. Such a decision should not be perceived as reflecting negatively on the employee, given that it may be due to a variety of reasons not known to the individual or other employees.

Resignation for failure to report to work: Probationary employees who fail to report to work for five consecutive days without properly communicating to their supervisor, manager or a human resources manager the reasons for their absence will be viewed as voluntarily resigning their employment as of the fifth day.

Rescission of resignation: Employees will not be allowed to rescind a resignation, whether given verbally or in writing, once the resignation has been confirmed by the employer. Employees who wish to discuss concerns about their continued employment before making a final decision to resign are encouraged to do so.

Eligibility for rehire: Employees who resign in good standing under this policy may be eligible for rehire. Former employees will be considered for open positions along with all other candidates. Former employees who apply for reemployment after six months will be treated as new employees for purposes of seniority-related benefits unless otherwise stipulated in a Collective Bargaining Agreement.

Exit Interview: Resigning employees will be scheduled for an exit interview to provide an opportunity to discuss any questions or concerns related to employment with the City of Burlington. An exit interview is encouraged but it is not required.

City Property: Employees who fail to return any company property, including keys, credit cards, tools, uniforms, cellular phones, laptops and other equipment, will be deemed ineligible for rehire and may be subject to legal proceedings on behalf of the City of Burlington.

Forwarding address and final pay: Departing employees will be asked to confirm their forwarding address to ensure that benefits and tax information are received in a timely manner. Final pay will be mailed to this address by the next payday unless state law or other procedures dictate otherwise. Accrued but unused vacation and other benefit time will be paid out in accordance with City policy 6.4d.

DRAFT-Time Keeping Policy

Purpose/Objective

To comply with its legal obligations to maintain accurate time records and to ensure that employees are paid for all hours worked, the City of Burlington requires employees to accurately record their hours worked during each workday.

Please note- this policy does not apply to exempt/ salaried employees.

Procedures

Unless otherwise notified, employees are required to accurately record their work time through the use of the City's electronic time-keeping system, Kronos, by using a computer kiosk, phone application or personal computer. Employees who punch in from their home computer should only do so when remote work has been approved by their supervisor. Hourly employees will punch in and out to record all hours worked. "Hours worked" is defined by law as all time an employee is subject to the supervision of an employer, and includes all time that an employee is permitted to work, whether or not required to do so.

At no time may any employee perform off-the-clock work or otherwise alter, falsify or manipulate any aspect of their time-keeping records to inaccurately reflect or hide hours worked, meal periods taken or time spent working during meal periods.

The obligation to accurately record all hours worked does not relieve employees of their obligations to obtain advance approval from their supervisor prior to working overtime or hours beyond the regular work schedule. Employees who work beyond their regularly scheduled work hours, including overtime or off-schedule hours, without prior authorization by their supervisors may be subject to disciplinary action per the appropriate collective bargaining agreement.

Employees will be informed on their first day on the job whether they are required to record their work time by a time clock and are expected to follow the established procedures in keeping an accurate record of hours worked.

Any changes or corrections to an employee's time records will be made by the supervisor or designee. Notes can be made in the "notes" section of the time keeping system by the employee to explain any irregularities or errors. Under no circumstances may any employee punch or record another employee's time card. Time card approvers whether it be a supervisor or designee are responsible for approving and editing time card records as needed.

Kronos Application for Phones

For employees who wish to clock in from their phones, a Kronos application can be installed for personal use for punching in and out for work. Supervisors who have employees who wish to use the app should contact payroll with the names of these employees. Payroll will provide instructions.

We understand that some employees are working from home and as such, we will not deploy the geofencing feature.

Deleted: June 27, 2023

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Employees with questions about this policy or their time records should contact HR or the Payroll and Compliance Manager.

City of Burlington Fraud, Waste, and Abuse Policy

The City of Burlington (“the City”) is committed to conducting its affairs ethically and in accordance with applicable laws, rules, regulations, policies, and procedures. The City is also committed to strong internal control systems and prevention, deterrence, detection, and elimination of fraud, waste, and abuse. Each member of the City’s workforce and community shares in this responsibility and has a fiduciary duty to conserve, preserve, and to restrict all use of City resources and property to activities and conduct that comply with this policy.

I. Purpose

The purpose of this policy is to:

- Prevent, deter, and detect fraud, waste, and abuse;
- Assign responsibility for implementing internal controls to prevent, deter, and detect violations of this policy;
- Establish reporting mechanisms to be used for notification of known or suspected fraud, waste, or abuse; and
- Educate employees, City Councilors, subcontractors, the community, and other stakeholders about legal and policy requirements.

II. Scope

This policy applies to any fraud or suspected fraud, waste, or abuse, involving City property, resources, employees, customers, vendors, contractors, consultants, or other parties affiliated with the City.

III. Policy

Individuals or entities shall not perpetrate, engage in, or otherwise facilitate any act or attempted act of fraud, waste, or abuse. All employees and affiliates are responsible for reporting suspected or known violations of this policy. The City will investigate allegations of fraud, waste, or abuse in accordance with established policies and procedures.

IV. Definitions:

For purposes of this policy, the following definitions apply:

Fraud is defined as a false representation of a matter of fact that is intended to result in financial or personal gain. Fraud includes false representation of fact by making false statements or by concealment of information. Someone who commits fraud may do so with the intent to personally profit from the act, but this is not always the case. Fraud can be perpetrated with the intent to benefit another party, such as family members, friends, or even a particular area of the City.

Waste is defined as the intentional or unintentional, thoughtless, or careless expenditure, consumption, mismanagement, use, or squandering of resources to the detriment or potential detriment of the City. Waste also includes incurring unnecessary costs because of inefficient or ineffective practices, systems, or controls.

Abuse is defined as excessive or improper use of a thing, or to use something in a manner contrary to the natural or legal rules for its use. Abuse can occur in financial or non-financial settings.

Examples of Fraud, Waste and Abuse include but are not limited to:

- Violations of the City procurement policy
- Excessive or unnecessary purchases
- Inappropriate expenditures
- Conducting personal business on City time
- Charging personal or non-City expenses as business expenses against a City account
- Charging for inflated labor costs or hours, or categories of labor which have not been incurred
- Inaccurate time reporting
- Billing more than one source, unit, department, or public or private partner for the same work or expense
- Misrepresenting a project's status to continue receiving funds
- Awarding a job, contract, or any other source of funds to a particular company, family member, or friend, absent sole source approval by the CAO
- Embezzlement - theft or misappropriation of funds belonging to one's employer.
- Forgery or alteration of documents (checks, contracts, purchase orders, time sheets, etc)
- Theft or unauthorized removal or willful destruction of City records or property
- Misappropriation of funds, equipment, supplies, or any other asset
- Improperities in handling and reporting financial transactions
- Authorizing or receiving payments for goods not received or services not performed
- Vendor kickbacks
- Misuse of authority for personal gain
- Any computer-related activity involving the alteration, destruction, forgery or manipulation of data for fraudulent purposes

V. **Operational Responsibility and Fostering a Culture of Ethics**

Department Heads are responsible for establishing intolerance for fraud, waste, and abuse by establishing a culture of integrity and high ethical standards and principles in their department.

Each Department Head is responsible for adequate financial and other internal controls within their area of responsibility. This responsibility requires acting prudently and inquisitively and maintaining awareness of activities and locations where violations of this policy are likely to occur.

All staff share responsibility for fostering an institutional culture of ethics. On an annual basis, all employees are required to acknowledge the responsibility to maintain a culture of ethics and integrity, to respect financial and operational policy and other internal controls, to maintain awareness of activities and locations where violations of this policy are likely to occur, and to report any policy violation of which they become aware.

VI. **Reporting**

Employees or other individuals associated with the City who become aware of, or have a reasonable basis for believing that fraud, waste or abuse has occurred shall promptly report the suspected activity. Individuals and entities making such reports are subject to the protections of the City's **Whistleblower Protection Policy**. Reports can be made to:

1. The employee's supervisor,

2. The Chief Administrative Officer, or
3. The Human Resources Director.

When possible, the following information should be provided to assist in investigating and resolving the matter:

- A description of the suspected violation;
- The name of the person(s) involved;
- The location where the action occurred;
- When the action occurred;
- Any other details that may be important for our investigation (other witnesses, evidence, documents, dollar amounts, time period); and
- The specific law, regulation or policy that was violated, if known.

It is not required to have proof of wrongdoing when reporting suspected violations of this policy; however, anyone reporting such activity must have reasonable grounds for doing so.

No disciplinary or retaliatory action shall be taken against any City employee who, in good faith, reports or causes to be reported suspected fraud, waste, or abuse or who assists in an authorized review of alleged fraud, waste, or abuse as defined under this policy. The prohibition against disciplinary action does not include disciplinary action for self-reported violations.

VII. Investigating Fraud

Depending on the nature, magnitude and the complexity of the fraud, investigations will be carried out by either internal City staff or by an external firm with specific expertise to deal with the particular allegation.

Investigations will be conducted without regard to any person's relationship to the organization, position or length of service. The investigating party will have full access to any files, information or witnesses to conduct the investigation and will keep records of all actions in the investigation, to ensure success in any future criminal, civil or disciplinary action.

The investigating party will issue a report detailing the finding and conclusion of the investigation, including recommendations for future action. The report will be disseminated to and reviewed by the Board of Finance in a timely manner. In cases of substantiated fraud, the City will pursue disciplinary or criminal sanctions where appropriate and possible and will attempt to recover losses by any lawful means.

VIII. Disciplinary Action

City employees engaging in fraud, waste, or abuse, as defined by this policy may be subject to disciplinary action up to and including termination. City employees suspected of perpetrating fraud, waste, or abuse may be placed on administrative leave during the course of the investigation.

The results of investigations will not be discussed or discussed with anyone other than those persons associated with the City who have a legitimate need to know in order to perform their duties and responsibilities. This does not preclude the disclosure of the results in accordance with legal requirements and authority.

If the violation is identified as a potential crime, it will be reported to the appropriate law enforcement organization up to and including termination. Criminal investigations will be conducted separately from any internal investigation. Information obtained by the internal investigation may be made available to law enforcement to assist in the criminal investigation.

City of Burlington Fraud, Waste, and Abuse Policy

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IV. Definitions:

For purposes of this policy, the following definitions apply:

Fraud is defined as a false representation of a matter of fact that is intended to result in financial or personal gain. Fraud includes false representation of fact by making false statements or by concealment of information. Someone who commits fraud may do so with the intent to personally profit from the act, but this is not always the case. Fraud can be perpetrated with the intent to benefit another party, such as family members, friends, or even a particular area of the City.

Waste is defined as the intentional or unintentional, thoughtless, or careless expenditure, consumption, mismanagement, use, or squandering of resources to the detriment or potential detriment of the City. Waste also includes incurring unnecessary costs because of inefficient or ineffective practices, systems, or controls.

Abuse is defined as excessive or improper use of a thing, or to use something in a manner contrary to the natural or legal rules for its use. Abuse can occur in financial or non-financial settings.

Examples of Fraud, Waste and Abuse include but are not limited to:

- Violations of the City procurement policy
- Excessive or unnecessary purchases
- Inappropriate expenditures
- Conducting personal business on City time
- Charging personal or non-City expenses as business expenses against a City account
- Charging for inflated labor costs or hours, or categories of labor which have not been incurred
- Inaccurate time reporting
- Billing more than one source, unit, department, or public or private partner for the same work or expense
- Misrepresenting a project's status to continue receiving funds
- Awarding a job, contract, or any other source of funds to a particular company, family member, or friend, absent sole source approval by the CAO
- Embezzlement - theft or misappropriation of funds belonging to one's employer.
- Forgery or alteration of documents (checks, contracts, purchase orders, time sheets, etc)
- Theft or unauthorized removal or willful destruction of City records or property
- Misappropriation of funds, equipment, supplies, or any other asset
- Improperities in handling and reporting financial transactions
- Authorizing or receiving payments for goods not received or services not performed
- Vendor kickbacks
- Misuse of authority for personal gain
- Any computer-related activity involving the alteration, destruction, forgery or manipulation of data for fraudulent purposes

V. **Operational Responsibility and Fostering a Culture of Ethics**

Department Heads are responsible for establishing intolerance for fraud, waste, and abuse by establishing a culture of integrity and high ethical standards and principles in their department.

Each Department Head is responsible for adequate financial and other internal controls within their area of responsibility. This responsibility requires acting prudently and inquisitively and maintaining awareness of activities and locations where violations of this policy are likely to occur.

All staff share responsibility for fostering an institutional culture of ethics. On an annual basis, all employees are required to acknowledge the responsibility to maintain a culture of ethics and integrity, to respect financial and operational policy and other internal controls, to maintain awareness of activities and locations where violations of this policy are likely to occur, and to report any policy violation of which they become aware.

VI. **Reporting**

Employees or other individuals associated with the City who become aware of, or have a reasonable basis for believing that fraud, waste or abuse has occurred shall promptly report the suspected activity. Individuals and entities making such reports are subject to the protections of the City's **Whistleblower Protection Policy**. Reports can be made to:

1. The employee's supervisor,

2. The Chief Administrative Officer, or
3. The Human Resources Director.

When possible, the following information should be provided to assist in investigating and resolving the matter:

- A description of the suspected violation;
- The name of the person(s) involved;
- The location where the action occurred;
- When the action occurred;
- Any other details that may be important for our investigation (other witnesses, evidence, documents, dollar amounts, time period); and
- The specific law, regulation or policy that was violated, if known.

It is not required to have proof of wrongdoing when reporting suspected violations of this policy; however, anyone reporting such activity must have reasonable grounds for doing so.

No disciplinary or retaliatory action shall be taken against any City employee who, in good faith, reports or causes to be reported suspected fraud, waste, or abuse or who assists in an authorized review of alleged fraud, waste, or abuse as defined under this policy. The prohibition against disciplinary action does not include disciplinary action for self-reported violations.

VII. Investigating Fraud

Depending on the nature, magnitude and the complexity of the fraud, investigations will be carried out by either internal City staff or by an external firm with specific expertise to deal with the particular allegation.

Investigations will be conducted without regard to any person's relationship to the organization, position or length of service. The investigating party will have full access to any files, information or witnesses to conduct the investigation and will keep records of all actions in the investigation, to ensure success in any future criminal, civil or disciplinary action.

The investigating party will issue a report detailing the finding and conclusion of the investigation, including recommendations for future action. The report will be disseminated to and reviewed by the Board of Finance in a timely manner. In cases of substantiated fraud, the City will pursue disciplinary or criminal sanctions where appropriate and possible and will attempt to recover losses by any lawful means.

VIII. Disciplinary Action

City employees engaging in fraud, waste, or abuse, as defined by this policy may be subject to disciplinary action up to and including termination. City employees suspected of perpetrating fraud, waste, or abuse may be placed on administrative leave during the course of the investigation.

The results of investigations will not be discussed or discussed with anyone other than those persons associated with the City who have a legitimate need to know in order to perform their duties and responsibilities. This does not preclude the disclosure of the results in accordance with legal requirements and authority.

If the violation is identified as a potential crime, it will be reported to the appropriate law enforcement organization up to and including termination. Criminal investigations will be conducted separately from any internal investigation. Information obtained by the internal investigation may be made available to law enforcement to assist in the criminal investigation.