



HRPC - Friday, October 27, 2023, 8:30 AM, HR Conference Room, 200 Church St., Burlington, VT

8:30 am, HR Conference Room, 200 Church St., Burlington, VT OR Remotely via ZOOM:

Please click the link below to join the webinar:

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

Meeting ID: 948 2090 7375

Passcode: 616429

1. Approve/ Amend Agenda

2. Approve/ Amend minutes of HRPC meeting held 10/04/23

Subject	2.1. HRPC Minutes October 4th 2023
Meeting	October 27, 2023 - HRPC - Friday, October 27, 2023, 8:30 AM, HR Conference Room, 200 Church St., Burlington, VT
Category	2. Approve/ Amend minutes of HRPC meeting held 10/04/23
Department	Human Resources
Type	
Recommended Action	

3. Public Forum

4. Presentation on Recruitment

5. Discuss/ Approve new polices to be added to the City of Burlington's Comprehensive Personnel Policy Manual

Subject	5.1. Fraud, Waste and Abuse Policy
Meeting	October 27, 2023 - HRPC - Friday, October 27, 2023, 8:30 AM, HR Conference Room, 200 Church St., Burlington, VT
Category	5. Discuss/ Approve new polices to be added to the City of Burlington's Comprehensive Personnel Policy Manual
Department	Human Resources
Type	
Recommended Action	
Subject	5.2. Whistleblower Protection Policy

Meeting	October 27, 2023 - HRPC - Friday, October 27, 2023, 8:30 AM, HR Conference Room, 200 Church St., Burlington, VT
Category	5. Discuss/ Approve new polices to be added to the City of Burlington’s Comprehensive Personnel Policy Manual
Department	Human Resources
Type	
Recommended Action	

6. Discussion on REIB’s involvement in reviewing the City of Burlington’s Comprehensive Personnel Policy Manual

7. Other Committee Business

8. Adjournment

HUMAN RESOURCES DEPARTMENT

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MINUTES

Human Resource Policy Committee

Wednesday, October 4th 2023

Virtual Only

10:00 am to 11:01am

Present: Councilor Sarah Carpenter (SC), Councilor Zoraya Hightower (ZC), Councilor Hannah King (HK), HR Director, Kerin Durfee (KD), Chief Administrative Officer Katherine Schad (KS), Assistant City Attorney Hayley McClenahan (HMC), Acting City Attorney Jared Pellerin (JP), and HR Safety Manager Tim Williams (TW).

Meeting Called to order By SC at 10:04am.

1. Agenda

- a. ZH made a motion to adopt the agenda, HK seconded.

2. Approval of Minutes from last meeting

- a. ZH made a motion to approve the minute, HK seconded.

3. Executive session on Personnel matters

- a. HK made motion to enter into executive session pursuant to one VSA section 3 1 3 A 3. Seconded by ZH. Moved to executive session at 10:08am
- b. HK made a motion to exit Executive session, seconded by ZH. Executive session ended at 10:23am

4. Public Forum

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

5. Update from Clerk Treasures on Policy issues identified in REIB Financial Report

- a. KS shared both a draft Whistleblower Protection policy and Fraud, Waste and Abuse Policy.
- b. SC proposed the committee work with the HR director to propose a policy on evaluation, supervisor and onboarding for Department heads. ZH expressed her support for such work to be done by the committee.

6. Policy review

KD explained that no edits had been made to the remote work policy based on the oral feedback from the last HRPC meeting. KD shared that once reviewed approved by councilors that the policies would then be sent to the City Attorney Policy for review.

a. Cell Phone policy

- i. ZH made a motion to approve the policy, HK second. Motion approved by committee members ZH,SC,HK

- b. Remote Work Policy
 - i. ZH made a motion to approve the policy, HK second. Motion approved by committee members ZH,SC,HK
- c. Resignation Policy
 - i. ZH made a motion to approve the policy, HK second. Motion approved by committee members ZH,SC,HK
- d. Timekeeping Policy
 - i. ZH made a motion to approve the policy, HK second. Motion approved by committee members ZH,SC,HK
- e. Whistleblower Protection Policy – Draft
- f. Fraud, Waste and Abuse Policy – Draft
 - i. SC asked the policy define the HR department role in paragraph 7 of the waste fraud and abuse policy, JP suggested that the committee submits redline edits to KD and KS and the Attorney’s office for edits by the 20th for both policies so that the Policies may move forward at the next HRPC meeting.
- 7. Schedule future education session on City’s current hiring and retention policies and any need for an independent or consulting review
 - a. KD proposed that Vanessa Santos Eugenio the talent and training Manager to present a presentation on the city’s hiring practices, and invite REIB director Caron to sit in on the presentation.
- 8. Other Business
 - a. No other Committee Business at this time.
- 9. Adjournment
 - a. ZH made motion to adjourn, seconded by HK. Motion approved by committee members ZH, SC, HK. Meeting adjourned at 11:01am

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 – an illegal payment intended as compensation for preferential treatment
- Misuse of authority for personal gain
- Plagiarism
- Making false statements or claims that may be used to access benefits to which a person is not entitled
- 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. Any member of the Human Resources Department.

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. In all cases a member of the City HR team will be involved in, or apprised of, the investigation.

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. In cases of substantiated fraud, the City will inform the City Council regarding the situation and will also bring 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 Whistleblower Protection Policy

A whistleblower as defined by this policy is an employee of the City of Burlington who reports an activity that the employee considers to be illegal or dishonest to one or more of the parties specified in this policy, this includes but is not limited to all allegations of fraud, waste, and abuse. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

Examples of illegal or dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting as detailed in the City's Fraud, Waste, and Abuse Policy.

If an employee has knowledge of or a concern of waste, fraud or abuse, the employee is to contact their immediate supervisor, the Chief Administrative Officer, or a member of the Human Resources Department. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

Whistleblower protections are provided in two important areas -- confidentiality and against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense.

The City of Burlington will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes they are being retaliated against must contact a member of the Human Resources Department immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of illegal and dishonest activities will be promptly submitted to the employee's supervisor, the Chief Administrator, or any member of the Human Resources Department.

Employees with any questions regarding this policy should contact the Human Resources Department.