



Friday, January 26, 2024, 8:30 AM, HR Conference Room, 200 Church St., Burlington, VT

10 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. Adopt Agenda

Subject	1.1. Approval of Agenda
Meeting	January 26, 2024 - HRPC 01/26/24 - Friday, January 26, 2024, 8:30 AM, HR Conference Room, 200 Church St., Burlington, VT
Category	1. Adopt Agenda
Department	Human Resources
Type	
Recommended Action	

2. Approve Minutes

Subject	2.1. Approval of Minutes from 12.15.23 meeting
Meeting	January 26, 2024 - HRPC 01/26/24 - Friday, January 26, 2024, 8:30 AM, HR Conference Room, 200 Church St., Burlington, VT
Category	2. Approve Minutes
Department	Human Resources
Type	Minutes

3. Public Forum

4. Executive Session

Subject	4.1. Grievance Hearing
Meeting	January 26, 2024 - HRPC 01/26/24 - Friday, January 26, 2024, 8:30 AM, HR Conference Room, 200 Church St., Burlington, VT
Category	4. Executive Session
Department	Human Resources

Type Discussion

Recommended Action

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

Subject	5.1. Waste, Fraud, and Abuse Policy
Meeting	January 26, 2024 - HRPC 01/26/24 - Friday, January 26, 2024, 8:30 AM, HR Conference Room, 200 Church St., Burlington, VT
Category	5. Discuss / approve new policies to be added to the City of Burlington's Comprehensive Personnel Policy Manual
Department	Human Resources
Type	Discussion Action

Recommended Action

6. Other Committee Business

7. Adjournment

Subject	7.1. Motion to adjourn
Meeting	January 26, 2024 - HRPC 01/26/24 - Friday, January 26, 2024, 8:30 AM, HR Conference Room, 200 Church St., Burlington, VT
Category	7. Adjournment
Department	Council and Board
Type	Action

Recommended Action

8. Informational and Non-Discrimination Statements

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities and employment opportunities. The programs and services of the City of Burlington are accessible to people with disabilities. Individuals who require special arrangements, auxiliary aid, service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Burlington, should contact the office of the Title II Burlington ADA Coordinator at 802-865-7000 as soon as possible but no later than 48 hours before the scheduled event.

Members In Attendance:

Kerin Durfee (KD), HR Director
Sarah Carpenter (SC), City Councilor and Committee Chair
Hannah King (HK), City Councilor
Zoraya Hightower (ZH), City Councilor,

Also in Attendance:

Jared Pellerin (JP), Acting City Attorney
Hayley McClenahan (HM), Assistant City Attorney
Damion Gilbert (DG), AFSCME Local 1343 President
Chapin Spencer (CS), Director of the Department of Public Works
Megan Moir (MM), Director of Water Resources
Rocky Volger (RV), Water Resources Asset Manager
Meaghan Diffenderfer (MD), HR Administrative Coordinator

Meeting called to order by SC at 8:38am.

1. Approve/Amend Minutes
 - a. HK motioned to approve the minutes from the Oct. 27, 2023 meeting, SC seconded, so moved and approved.
2. Approve /Amend Agenda
 - a. HK motioned to approve the agenda as written, SC seconded, so moved and adopted.
3. Public Forum
 - a. None
4. Executive Session
 - a. HK motioned to enter executive session, ZH seconded, so moved and the committee entered executive session
 - b. Committee heard from Damian Gilbert (DG), AFSCME Local 1343 President on a grievance regarding contract articles 2.1, 2.2 and 10.3. Councilors, and the committee asked clarifying questions.
 - c. Next steps / action items: KD, DG, and SC will meet to make a MOA which will be presented to the committee at the February meeting.
 - d. ZH motioned to end executive session, HK seconded, so moved.
5. Policy Discussion, and approval of new policies – Waste Fraud and Abuse (WFA) and Whistleblower
 - a. Whistleblower Policy
 - i. ZH moved to adopt as written, HK seconded, so moved and approved.
 - b. Waste Fraud and Abuse Policy
 - i. Councilors raised their questions and concerns, which have also been provided to the HR Director via email. They included but are not limited to: requests for definitions of Waste/Fraud/Abuse, clarification on the impact and responsibility of Department Heads, the flow of notification of infractions of the policy, and the role of the committee in the administration of the policy.
 - c. Next steps / action items:
 - i. KD will bring the WFA policy back for internal review with Katherine Schad, CAO.
 - ii. SC will follow up with JP regarding the HRPC role in this policy to ensure involvement by the committee is within proper purview.
6. Other Committee Business

- a. Next meeting dates set: 1/26/24, 2/23/24, and a March meeting TBD.
- 7. Adjournment
 - a. HK motions to adjourn, ZH seconded, so moved.

Meeting adjourned 11:02am

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.