



## California Workforce Connection

### Whistleblower Protection Policy

Whistleblower policies are critical tools for protecting individuals who report activities believed to be illegal, dishonest, unethical, or otherwise improper.

- I. The CWC organization will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse action such as termination, and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the CWC President immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.
- II. Whistleblower protections are provided in two important areas: confidentiality and retaliation. Insofar as possible, CWC will ensure that the confidentiality of the whistleblower will be maintained. However, identity may be disclosed to conduct a thorough investigation in compliance with the law, and to provide the accused individuals their legal rights of defense.
- III. Individuals protected include:
  - a. An individual, member, or a person acting on behalf of the individual or member, who reports to the CWC President on a matter of public concern.
  - b. An individual or member who participates in any formal investigation, or an inquiry held by the CWC Investigation Committee on a matter of public concern.
- IV. CWC will not discharge, threaten, or otherwise discriminate against an individual regarding the individual's compensation, terms and conditions, location, or privileges.
- V. CWC may not disqualify an individual listed in section II above because of the reporting or participation.
- VI. The provisions of this policy do not negate the following:
  - a. CWC will not compensate an individual for participation in a court action or an investigation, hearing, or inquiry by the CWC Investigation Committee proceedings.
  - b. CWC will not authorize the disclosure of information that is legally required to be kept confidential.
  - c. CWC will not diminish or impair the rights of an individual or member under a collective bargaining agreement.

VII. Limitation to protections:

- a. A person is not entitled to the protections under this policy unless he or she reasonably believes that the information reported is, or is about to become, a matter of public concern; and reports the information in good faith.
- b. A person is entitled to the protections under this policy only if the matter of public concern is not the result of conduct by the individual seeking protection, unless it is the result of conduct by the person that was required by CWC.
- c. Before an individual or member initiates a report to a public body on a matter of public concern under this policy, the individual shall submit a written report concerning the matter to the CWC President.

Procedures

- I. If an individual or member has knowledge of or a concern of illegal or dishonest/fraudulent activity, the individual or member is to contact the CWC President immediately. All reports or concerns of illegal and dishonest activities will be promptly submitted by the CWC President, who is responsible for investigating and coordinating any necessary corrective action. Any concerns involving the CWC President should be reported to the CWC First Vice-President.
- II. Those charged with the responsibilities to investigate the allegations should be two of the four CWC District Directors and the CWC First Vice-President. The CWC President will select which of the four District Directors will participate as part of the investigating team. The First Vice-President will chair the investigation team and report back to the CWC President in writing within 21 days of assignment of the investigation. The report will include the findings of the investigating team as well as their recommendations of any necessary corrective action/s. The whistleblower is not responsible for investigating the alleged illegal or dishonest activity, or for determining fault or corrective measures. The CWC Investigating Committee is charged with these responsibilities.
- II. Examples of illegal or dishonest activities include violations of federal, state, or local laws; billing for services/goods not performed/delivered; or other fraudulent financial reporting. The individual or member must exercise sound judgment to avoid baseless allegations. Any individual or member who intentionally files a false report of wrongdoing will be subject to CWC disciplinary action.

## Supplemental information

### Definitions:

1. ***“Whistleblower”*** is defined by this policy as an individual or member who reports, to one or more of the parties specified in this policy, an activity that he/she considers to be illegal, dishonest, unethical, or otherwise improper.
2. ***“Individual,”*** means a person who performs a service for wages or other remuneration under a contract of hire, written or oral, expressed or implied, for CWC.
3. ***“Matter of public concern”*** means:
  - a. a violation of a state, federal, or municipal law, regulation, or ordinance;
  - b. a danger to public health or safety; and/or
  - c. gross mismanagement, substantial waste of funds, or a clear abuse of authority.