

Jefferson County Commission

Employee Administrative Rules & Regulations

Integrity Matters



Rule Number:	5.1.29
Date Established:	1/1/20
Date of Last Revision:	N/A
Date of Current Revision:	N/A

Integrity Matters in Jefferson County - Jefferson County is committed to conducting its affairs in ways that promote mutual trust and public confidence. All employees of the Jefferson County Commission are responsible for sustaining the highest ethical standards of excellence, integrity, honesty, and fairness, as well as promoting a safe, healthy work environment. We strive to integrate these values daily into the business of Jefferson County. Conduct consistent with these standards is a fundamental expectation for every Jefferson County Commission employee and is the cornerstone of the Jefferson County Commission's service to the community.

1.0 **PURPOSE**

To maintain an ethical and open work environment to support the Jefferson County Commission's commitment to a culture of trust, integrity, and accountability by providing a procedure through which Jefferson County Citizens and Employees are able to raise Good Faith concerns and assist appropriate authorities in investigating potential Wrongful Conduct.

2.0 **DEFINITIONS**

Good Faith: An honest, reasonable belief that Wrongful Conduct has occurred or is occurring. A belief does not have to be proven true to be Good Faith. Knowingly making a statement that is misleading, false, or deceptive or willingly ignoring facts that would disprove a belief that Wrongful Conduct had occurred is Bad Faith.

Retaliation: Adverse action(s) taken against an individual who does report, or is believed to have reported, Wrongful Conduct or who does participate, or is believed to have participated, in an investigation. Examples of such adverse action(s) include, but are not limited to:

- Unjustified termination of employment, demotion, suspension, refusal to hire, denial of training and/or promotion, or threats of the same;
- Unjustified actions affecting employment such as unjustified negative evaluations, unjustified negative references, adjusting compensation or benefits, increased surveillance, or threats of the same;
- Discrimination, harassment, or bullying by intimidation, humiliation, or social isolation, which can occur directly or indirectly (e.g., via e-mail, social or professional networking sites, etc.);

- Creating a hostile, intimidating, or offensive working environment;
- Treatment disparate to others similarly situated, including addressing performance issues that had been allowed or accepted prior to his/her report;
- Any other action, threat, or comment, either direct or implied, that is likely to deter an individual from reporting or raising concerns or cooperating with investigations.

Retaliation does not include the following:

- Appropriate consequences resulting from a violation of law, rule, policy, or procedure; or
- A negative comment in an otherwise positive or neutral evaluation or
- Action that is justified by poor performance or history.

Wrongful Conduct: Examples include but are not limited to:

- Illegal or fraudulent activity;
- False claims, financial misstatements, or accounting, or auditing irregularities;
- Undisclosed or unmanaged conflicts of interests;
- Violations of the Jefferson County Commission Code of Conduct;
- Physical, sexual, verbal, and mental abuse;
- Gross mismanagement of a contract or grant;
- Gross waste of funds or other resources;
- Abuse of authority, including that related to a contract or grant;
- Giving false information, knowingly making false statements, or failing to cooperate in an investigation;
- A substantial and specific danger to public health or safety;
- A violation of law, regulation, Jefferson County Policy, contractual obligation, or grant;
- A supervisor or Jefferson County official compelling a Jefferson County Employee to violate law, regulation, Jefferson County policies, contractual obligation, or grant;
- Falsification, fabrication, or plagiarism of research activities or the pressure or demand to do the same or,
- Retaliation, as that term is defined above.

3.0 PHILOSOPHY

Jefferson County Commission is committed to upholding all laws, regulations, and policies governing its activities. Jefferson County Employees are expected to report Wrongful Conduct and to cooperate with investigations as set forth below.

Reporting Responsibility

All Jefferson County Employees have a duty to properly report or cause to be properly reported any Wrongful Conduct. Additionally, as appropriate Jefferson County Employees must cooperate with any investigation.

Concerns of Wrongful Conduct posing actual or imminent danger or threats of violence to persons or property are to be immediately reported to the Jefferson County Sheriff's Office and/ or 911.

Anyone reporting Wrongful Conduct must act in Good Faith. Any report determined to be made in Bad Faith is a violation of this policy.

Reporting Procedures – Jefferson County Commission

Multiple mechanisms exist for both Jefferson County citizens and employees to report Wrongful Conduct.

1. Complaints Made by Any Jefferson County Employee for Employment Discrimination and/or Harassment

The Jefferson County Commission Human Resources Department, Equity & Inclusion Division (EID) is a neutral party and fact finder whose major functions are to receive, investigate and remedy complaints of employment discrimination and harassment.

The EID has an Equity and Inclusion Hotline that provides a mechanism for employees to report harassment, discrimination, and potential violations of safety, security, policy, ethical standards and any other Wrongful Conduct. When making a complaint or reporting a violation, employees have the option to self-identify or report anonymously.

Reports can be made by completion of an online questionnaire located at www.jccal.ethicspoint.com or through a confidential telephone call to the third party EthicsPoint hotline number (844-759-0034).

For more information, visit the [EID website](#).

2. Complaints Made by Any Jefferson County Employee for Wrongful Conduct

Employees may direct concerns relating to Wrongful Conduct to any Jefferson County employee who can properly address those concerns, such as a direct supervisor. However, if such is not available, or does not satisfactorily respond or if the individual wishes to speak with someone outside of his/her department, he/she may also speak to any Jefferson County employee in management he/she feels comfortable approaching.

The supervisor or manager receiving the report must promptly notify one of the following Jefferson County Departments: Human Resources, the County Manager's Office, or the County Attorney's Office. Such notification must be done prior to initiating an investigation or taking action, unless such action is immediately needed to protect employees, visitors, public health or safety, animal welfare, environment, or property. Any supervisor or manager who receives such a report but fails to adequately and promptly notify one of the above listed Jefferson County Departments will be subject to disciplinary action.

Employees who prefer to report anonymously, or who otherwise prefer to report online or through a hotline, may do so using www.jccal.integritymatters.ethicspoint.com or by calling the alternate Compliance Hotline number (844-995-0378).

3. Complaints Made by Any Jefferson County Employee or Citizen Against the Human Resources Department

Jefferson County citizens or employees reporting Wrongful Conduct or employment discrimination and or/harassment related to or involving employees in the Human Resources Department, including the Equity and Inclusion Division, may use EthicsPoint

to direct their complaint directly to County Attorney's Office or call an alternate Compliance Hotline number (844-995-0378). When making a complaint or reporting a violation, employees have the option to self-identify or report anonymously.

The Compliance Hotline will be managed by the Intake Coordinator. The County will share with employees the name of the Intake Coordinator such that employees will have the option to report a complaint to him or her directly in person or through an alternative preferred means of communication. The Intake Coordinator will report the complaints to the County Attorney.

4. Grievances by Classified Employees – made to the Personnel Board of Jefferson County

Rule 15 of the Personnel Board of Jefferson County governs Grievances. A grievance is a complaint by a Regular Employee or his or her representative alleging that an action taken by a co-employee, supervisor or other person acting on behalf of the Regular Employee's Appointing Authority, adversely affected a substantial term or condition of the Regular Employee's employment with the appointing authority. It shall be the burden of the employee to provide sufficient proof of any allegations made against management under this procedure. Such proof need only be presented in summary or outline form within the statements made on the grievance forms and shall not require submission of documentation in the form of affidavits or other legal documents.

Grievants are assured of freedom from restraint, interference, discrimination or reprisal for presenting a grievance.

See page 58 of the [Rules and Regulations of the Personnel Board of Jefferson County](#) or the Employee Grievance Procedure document for more information.

Complaints made under this section should be made using [Grievance Form 1A](#), which should be submitted to the employee's immediate supervisor with a copy submitted to the Personnel Board Employee Relations Department (EmployeeRelations@pbjcal.org), within 7 days of the grieved incident.

5. Complaints by Citizens Against Classified Employees – made to the Personnel Board of Jefferson County

Under Personnel Board of Jefferson County Rule 12.10, any person outside the classified service who desires to file a complaint against a Classified Employee engaged in Wrongful Conduct shall file such complaint in writing (With the Personnel Board of Jefferson County) and shall recite therein the specific allegations against the Classified Employee. Only written complaints concerning conduct that is job-related and/or occurs in the line and scope of a Classified Employee's position shall be considered.

The Personnel Board shall order a hearing to be held within twenty business days after the Classified employee has been served with the complaint. The charging party has the burden of proof with respect to the allegations made against the classified employee.

See page 43 of the [Rules and Regulations of the Personnel Board of Jefferson County](#) for more information.

Complaints may be made using the [Citizen's Complaint Form](#)

6. Complaints Under Alabama Ethics Law – made to the Alabama Ethics Commission

The Alabama Ethics Commission exists to ensure that public officials are independent and impartial; that decisions and policies are made in the proper governmental channels; that public office is not used for private gain; and most importantly, that there is public confidence in the integrity of government.

The Alabama Ethics Law can be found, in its entirety, in [Chapter 25 of Title 36 in the Code of Alabama](#).

Complaints made under the Alabama Ethics Law should be made using the complaint form provided by the Commission and submitted to the Commission using the contact information found on the form. Complaints may only be filed by a person who has credible and verifiable information supporting the allegations contained in the complaint.

Complaints received by any of the above means that constitute a credible and verifiable violation of the Alabama Ethics law must be reported to the Alabama Ethics Commission by the Appointing Authority within 10 days.

A supervisor shall not discharge, demote, transfer, or otherwise discriminate against a public employee based on the employee's reporting of a violation, or what he or she believes in good faith to be a violation, or for giving truthful statements or truthful testimony concerning an alleged ethics violation.

For more information, visit the [Alabama Ethics Commission](#).

4.0 REVIEW AND INVESTIGATION

For investigations handled by Jefferson County Commission staff, revealing the identity of individuals reporting Wrongful Conduct will be treated with discretion in the investigatory process insofar as the law or federal regulations allow. Reports made to the Jefferson County Ethics Hotline may be made anonymously. However, Jefferson County encourages anyone reporting Wrongful Conduct to identify himself or herself when making the report in order to help facilitate the investigation of the Wrongful Conduct. [We would recommend that you also allow individuals to report pseudonymously, so that they can follow up on their complaints and provide additional information if needed.]

Jefferson County is committed to prompt and thorough review of reports of Wrongful Conduct. Review processes may vary based on the subject matter and the unit or body conducting the review. The timing of the review processes will vary, but in any event, should not take any longer than 60 days. Where warranted based on the conclusions of a review, Jefferson County will take appropriate actions to correct errors, eliminate deficient practices, administer discipline, and/or make improvements.

5.0 WHISTLEBLOWER PROTECTION

Retaliation against any individual who reports, in Good Faith, Wrongful Conduct or who participates in an investigation of Wrongful Conduct is prohibited.

No Jefferson County employee shall be discharged, demoted, transferred, harassed, or otherwise discriminated against for reporting harassment, discrimination, and potential violations of safety, security, policy, and/or ethical behavior or what they believe to be in Good Faith to be a violation.

Any Jefferson County Employee who retaliates against an individual who has reported Wrongful Conduct, harassment, discrimination, and potential violations of safety, security, policy, and/or ethical behavior or what they believe to be in Good Faith to be a violation, or who has participated in the investigation of the same, has violated this policy and the Jefferson County Commission Code of Conduct. Concerns of retaliation are to be immediately reported to Human Resources or the County Manager. Any employee found to have engaged in retaliatory conduct is subject to disciplinary action.

No employee shall file a complaint without a Good Faith basis for believing the complaint to be true and accurate. Employees who report a violation without Good Faith, or report a violation in an attempt to prevent, mitigate, lessen, or otherwise extinguish an existing or anticipated personnel action by a supervisor are subject to disciplinary action.

Nothing in this policy shall be construed in any manner to prevent, prohibit, or otherwise limit a supervisor from disciplining, discharging, transferring, or otherwise affecting the terms and conditions of an employee's employment so long as the disciplinary action does not result from, and is in no other manner connected with the employee's filing of a complaint or giving truthful statements in support thereof.

6.0 NON-COMPLIANCE

Confirmed violations of this policy will result in appropriate consequences commensurate with the offense, up to and including termination of employment. Interim actions may be taken by Jefferson County prior to final resolution.