

Clackamas County Fraud Hotline Policy

Purpose and objectives

The Board of County Commissioners, County Administrator, elected officials and management of Clackamas County are committed to the highest standards of legal and ethical behavior. The Clackamas County Fraud Hotline has been established to provide employees with a confidential method of reporting suspicious activity, which is a significant step in deterring and detecting fraud.

Responsibilities

Managers and administrators at all levels are responsible for maintaining a system of internal controls which prevent, detect, or deter fraudulent or dishonest conduct. Each member of the management team is expected to recognize risks and exposures inherent within his or her area of responsibility and to be alert for any indication of irregularity.

Employees who know or suspect that other employees, business partners or vendors are engaged in a fraudulent act have a responsibility to report such activity to their supervisor, department head, elected official or the Clackamas County Fraud Hotline. Employees who, in good faith, report suspected fraudulent activity will be protected from reprisal or retaliatory actions.

Hotline operations

The Clackamas County Fraud Hotline is designed to create a reporting system that fosters trust, independence and confidentiality. All individuals participating in Hotline investigations, including Hotline Administrators, Investigators, Hotline Committee members and County management are expected to adhere to the following standards:

- Hotline investigations should be conducted, and the information derived, should be treated in a confidential manner.
- All parties must remain objective and un-biased.
- The investigation should be performed in a timely, cost efficient manner and all documentation should contribute to the objective of the investigation.
- Investigators should have the skills necessary to perform the investigation.
- Members of the Hotline Team should not to disclose the identity of the reporter during the investigation of the information provided, without obtaining written consent from the reporter.

Oversight, management and investigation of complaints or incidents received through the Clackamas County Fraud Hotline will be provided by the following individuals and committees:

Hotline Administrator

The Hotline Administrator is the County Treasurer or his/her designee. The Hotline Administrator is in charge of the daily operations of the Hotline. The Hotline Administrator is responsible for the following:

- Incident receipt
- Preliminary screening of the incident to determine whether it is actionable.
- Determination of type of investigation to conduct
- Incident assignment
- Dissemination of the incident to Investigator and Hotline Committee members
- Monitor the investigation
- Assign tasks to investigators
- Receive investigative reports
- Formulate opinion
- Present opinion to applicable Department Director or Elected Official, and County Administrator or Hotline Committee as required
- Present quarterly and annual reports to Hotline Committee and the Board of County Commissioners.
- Publicize Hotline to employees
- EthicsPoint liaison

Hotline Committee

The Hotline Committee should at a minimum consist of representatives of the following departments: administration, law enforcement, employee services, public relations, finance and elected officials. Members of the Hotline Committee are appointed by the County Administrator, and will meet on a regular basis. The Hotline Committee is responsible for the following:

- Determine actions on unsubstantiated or insufficient information complaints (simple majority vote of those present)
- Approve quarterly and annual reports (simple majority vote of those present)
- With Hotline Administrator, present reports to the Board of County Commissioners
- Publicize Hotline to employees
- Landing page design and changes

Hotline Investigators

Hotline Investigators are those persons who have been delegated with the responsibility for investigating and preparing reports on hotline incidents, as assigned by the Hotline Administrator. Hotline Investigators will generally be department heads, managers or other employees. Individual departments or the Hotline Administrator may request the use of outside investigators if there is inadequate expertise within the investigative pool. Hotline Investigators will typically perform the following tasks:

- Receive incidents and instructions from Hotline Administrator
- Investigate incident
- Prepare investigative report
- Update Hotline Administrator on progress

Director of Employee Services and County Counsel

The Director of Employee Services and County Counsel will have the same access to reports and incident notification as the Hotline Administrator. The Director of Employee Services or County Counsel will act as Hotline Administrators in the event the Treasurer is the subject of an incident.

Elected Officials and Department Directors

Elected Officials and Department Directors will be informed and involved in the investigation of Hotline incidents involving their departments. Elected Officials and Department Directors, or their designees, will work with the Hotline Administrator to formulate the investigative strategy, and will assure cooperation in obtaining all information and investigative material requested by the Hotline Administrator or Hotline Investigator. Elected Officials and Department Directors will work with the County Administrator to determine further course of action on substantiated incidents.

County Administrator

The County Administrator will appoint members of the Hotline Committee. If an incident or complaint is deemed substantiated by the Hotline Administrator, the County Administrator and relevant Elected Official or Department Director will be notified immediately and will make all decisions for further action on the incident.

Advocate

The Advocate will be appointed by the County Administrator and will act as Hotline Administrator in the event that the Treasurer, the County Administrator, Director of Employee Services, County Counsel and all members of the Hotline Committee are named in a Hotline incident. The Advocate must be completely independent of Clackamas County.

Independence and Conflicts

No employee who acts as a Hotline Administrator, Hotline Investigator, Hotline Committee member, or who has access to EthicsPoint, will be allowed to be involved in any investigation in which they are implicated

In addition to the standard notification setup, in the event that a Department Director is named in an incident, the County Administrator will be notified. In the event that the County Administrator is implicated in an incident, the Chair of the Board of County Commissioners will be notified.

Reportable Incidents

The Fraud Hotline is designed to accept reports of fraud or theft only. This Hotline is not designed to accept reports of discrimination, harassment or any other employee/employer related incident. If any employee files a report of an incident outside the scope of the Hotline they will be notified that the incident will neither be investigated nor forwarded for investigation to any other department. In the EthicsPoint system, the reporter will be reminded of this requirement in the form of a question/response, and will be directed to contact DES or their union representative directly.

This policy sets forth the investigation process that the County will use to investigate complaints filed through the Clackamas County Fraud Hotline. This investigation process will not be used for other types of complaints.

Ethics complaints relating to violations of Standards and Practices issues should be directed to the State of Oregon. If any employee files a report of an incident outside the scope of the Hotline they will be notified that the incident will neither be investigated nor forwarded for investigation to any other department. In the EthicsPoint system, the reporter will be reminded of this requirement in the form of a question/response, and will be directed to contact Oregon Standards and Practices directly.

Incidents requiring emergency notification should call 911 or the Employee Emergency Hotline, 503-655-8468. Links will be provided on the landing page to Federal or Oregon agencies that may be the more appropriate agency to receive the incident report.

Anonymity

Employees reporting via the Hotline may choose to identify themselves or remain anonymous. Because Clackamas County is a public employer, employees who choose to identify themselves will be asked to sign an identity release. The identity of any employee reporting any incident will be used for investigative purposes only and will generally not be disclosed outside of the Hotline Team.

Anonymity, continued

It is illegal to retaliate against an employee for reporting fraud or testifying in court or before a legislative assembly about fraudulent activities. If an employee believes they have been retaliated against as a “whistleblower” they should submit their complaint to the Director of Employee Services.

Confidentiality

Strict confidentiality shall be maintained over Hotline documents at all times. Hotline cases should not be discussed with anyone outside of the investigative team or the Hotline Committee. All EthicsPoint documents should remain on the EthicsPoint server and should not be emailed, printed or downloaded.

Hotline cases should not be investigated or discussed via County email. Any discussion should occur on the EthicsPoint server. When evidence is sent via interoffice courier it will be sealed in a separate envelope bearing a “confidential” stamp.

Hotline submissions fall under the confidentiality exemption of ORS 192.502(4). The elements of the exemption are:

- Information submitted on condition that it would be kept confidential;
- The information was not required by law;
- The information must be of a nature that reasonably should be confidential;
- The public body must show that it has obliged itself in good faith not to disclose the information; and
- Disclosure of the information must cause harm to the public interest.
- All documents are therefore exempt from disclosure under the public records laws.

Under no circumstances should departments or agencies provide information to any outside parties directly. If a request for information is made, it should be made in writing to the County Administrator. Only the County Administrator, or the elected official and the County Administrator if applicable, can determine what, if any, information should be provided.

Reporting

On a quarterly and annual basis, the Hotline Administrator will prepare a Clackamas County Fraud Hotline Report. Once approved by the Hotline Committee, the report will be presented to the Board of County Commissioners for review.

Other interested parties

Hotline incident reports, investigative notes, reports and recommendations may be of use to law enforcement or external auditors. Decisions to make those files and reports available, on a case by case basis, will be made by the County Administrator, elected official and/or the Hotline Committee.

Related documents

Clackamas County Ethics Policy
Whistleblower Disclosures ORS 659A.200 to 659A.224
BOLI OAR 839-010-0000