

SAN ANDREAS REGIONAL CENTER

Policy:	Whistleblower Protection for Employees and Community	
Date of Issue: February 2023	Supersedes: October 2021	
Approved: <u>Javier Zaldivar</u> Javier Zaldivar, Executive Director	Date: February 27, 2023	
Approved: <u>GLENDORA PITRE</u> <small>GLENDORA PITRE (Mar 2, 2023 19:27 PST)</small> Glendora Pitre, President, Board of Directors	Date: February 27, 2023	

POLICY: San Andreas Regional Center is committed to ensuring that clients, families, service providers, vendors, agencies, community members and regional center staff can report good faith suspicions, concerns or evidence of illegal, unethical or other inappropriate behavior without fear of retaliation.

DEFINITION OF REGIONAL CENTER OR VENDOR/CONTRACTOR COMPLAINTS:

Regional Center or Vendor/Contractor Whistleblower complaints are defined as the reporting of an “improper regional center or vendor/contractor activity.”

- An “improper regional center activity” means an activity by a regional center or an employee, officer, or board member of a regional center, in the conduct of regional center business, that is a violation of state or federal law or regulation; violation of contract provisions; fraud or fiscal malfeasance; misuse of government property; or constitutes gross misconduct, incompetence, or inefficiency.
- An “improper vendor/contractor activity” means an activity by a vendor/contractor or an employee, officer, or board member of a vendor/contractor, in the provision of the Department of Developmental Services (DDS) funded services, that is a violation of a state or federal law or regulation; violation of contract provisions; fraud or fiscal malfeasance; misuse of government property; or constitutes gross misconduct, incompetence, or inefficiency.

REPORTING VIOLATIONS:

San Andreas Regional Center has an open-door policy and encourages all to share their suspicions, concerns or evidence of illegal, unethical or other inappropriate activity without fear of retaliation. In most cases, the employee’s supervisor or contractor’s designated contract monitor is the best person to address an area of concern. However, if an employee or contractor is not comfortable speaking with that person of authority or the employee is not satisfied with the response, s/he is encouraged to speak with any one of the individuals listed at the end of this section.

The San Andreas Regional Center has a variety of complaint and appeal processes available to clients, families, service providers, agencies, community members and Regional Center staff. These include Whistleblower Policy for Employees, Client Rights Complaints; Due Process Requests and Mediation Conference Requests; Lanterman Fair Hearing Requests; Title 17 Complaints; Citizen Complaints and Comments (see <http://www.dds.ca.gov/complaints/home.cfm> for a list). Each of these complaint and appeal processes has separate and distinct procedures for resolution. This process relates only to the Regional Center or Vendor/Contractor Whistleblower complaints as described above.

This Whistleblower Policy shall not be used to resolve disputes concerning the nature, scope, or amount of services and supports that should be included in an individual program plan (IPP), for which there is an appeal procedure established in the Lanterman Act, or disputes regarding rates or audit appeals for which there is an appeal procedure established in regulations. Those disputes shall be resolved through appeals procedures established by the Lanterman Act or in regulations.

TO FILE A COMPLAINT:

Complaints may be filed with the San Andreas Regional Center:

1. Javier Zaldivar, Executive Director – San Andreas Regional Center at 6203 San Ignacio Ave. Ste. 200 San Jose, CA 95119; (408) 341-3474; jzaldivar@sarc.org
2. John Hunt, Chief Financial Officer – (408) 341-3560; jhunt@sarc.org
3. Mike Keeley, Director of Consumer Services – (408) 341-3818; mkeeley@sarc.org
4. Angel Johnson, Director of Human Resources – (408) 341-3838; ajohnson@sarc.org
5. Glendora Pitre, President, Board of Directors, San Andreas Regional Center; gpitre.sarcboard@gmail.com

Complaints may also be filed with Department of Developmental Services (DDS):

1. Community Services Division (916) 651-6309, fax (916) 654-3641
1215 O Street, (MS 8-20), Sacramento, CA 95814
2. Community Services and Supports Division (for Early Start Program Services)
(916) 654-2716, fax (916) 654-654-3020
1215 O Street, Sacramento CA 95814

NO RETALIATION: No individual who in good faith reports a violation under this policy shall suffer harassment, retaliation, or adverse consequences. This Whistleblower Policy is intended to encourage and enable clients, families, service providers, vendors, agencies, community members and regional center staff to report serious concerns with the San Andreas Regional Center prior to seeking resolution outside of the agency. An employee, officer, or board member of the Regional Center who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including immediate termination of employment and/or membership. A vendor/contractor of the Regional Center who has been found to have retaliated against someone who has reported a violation in good faith will have their contract agreement terminated immediately.

INVESTIGATIVE PROCESS: A Regional Center or Vendor/Contractor Whistleblower complaint may be received by anyone listed above via phone, fax, e-mail, letter, or in person. The complainant(s) shall be notified with acknowledgement of the receipt of the reported or suspected improper activity within five (5) business days. All reports will be promptly investigated, and appropriate corrective action will be taken if warranted by the investigation. The San Andreas Director, Human Resources will notify the complainant(s) of the outcome of the investigation.

ACTING IN GOOD FAITH: Anyone filing a complaint of violation of this policy must be acting in good faith and have reasonable grounds for believing the allegations are accurate and indicate a violation of concerns or evidence consistent with the definitions of improper regional center activity and/or improper vendor/contractor activity as previously presented in this policy.

Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as being not of good faith and may be considered a serious offense leading to disciplinary action up to and including the termination of employment or contract agreement with the Regional Center. Unsubstantiated allegations deemed to have been made in good faith and with reasonable grounds for believing the allegations shall not result in disciplinary action or other related consequences.

CONFIDENTIALITY: Reports of improper regional center and/or vendor or contractor activity as defined in this policy will be kept confidential to the extent possible consistent with the need to conduct an adequate investigation. However, there are circumstances where the Regional Center is unable to maintain confidentiality due to its statutory responsibilities to ensure the health and safety of clients and/or regional center contract compliance. Individuals who are asked to provide testimony in the investigation shall keep all such matters and information confidential during the course of the investigation and thereafter unless compelled by law.

NOTIFICATION OF WHISTLEBLOWER POLICY

San Andreas Regional Center will notify employees, board members, clients, families, vendors and contractors of Whistleblower Protection Policies for Employees and the Community within 30 days of the effective date and annually thereafter in the following manner:

1. Employees will receive an initial e-mail with attachments of the policies. Subsequently, employees will be reminded of the policy's existence at the time they sign their annual performance evaluation review statement.
2. Board Members will receive copies of the policies in their Board Packets.
3. Clients and families will receive a hard copy by mail in their annual Service Cost Statement.
4. The vendor community will receive copies in their invoices. Copies will also be distributed at the Service Providers Advisory Committee (SPAC) meeting.

Copies of all San Andreas Regional Center Whistleblower Policies will be posted on the Regional Center's website; inter and intra nets, as appropriate, along with the DDS website home page for complaints.