

METROPOLITAN DISTRICT COMMISSION
SPECIAL MEETING
AUDIT COMMITTEE
MONDAY, MARCH 4, 2019
4:30 P.M.

Location

Board Room
District Headquarters
555 Main Street, Hartford

Commissioners

DiBella (Ex Officio)	Sweezy
Gardow	Taylor
Hoffman	Vicino (C)
Marotta	

Quorum: 4

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1. CALL TO ORDER
 2. PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS
 3. APPROVAL OF MEETING MINUTES OF FEBRUARY 4, 2019
 4. CONSIDERATION AND POTENTIAL ACTION RE: WHISTLEBLOWER POLICY
 5. OPPORTUNITY FOR GENERAL PUBLIC COMMENTS
 6. COMMISSIONER QUESTIONS AND COMMENTS
 7. ADJOURNMENT

WHISTLEBLOWER POLICY

To: Audit Committee for consideration on March 4, 2019

As part of the District's annual audit in recent years, the auditors recommended the implementation of a whistleblower policy/fraud tip line. The auditors' recommendation indicates that organizations with a reporting mechanism were more likely to detect fraud through tips than organizations without such policies. In response to the audit recommendations, District staff drafted the attached proposed Whistleblower Policy as modeled after the State of Connecticut's Whistleblower Program.

It is therefore RECOMMENDED that it be

VOTED: That the Audit Committee recommends to the District Board passage of the following resolution:

RESOLVED: That the District Board hereby approves the District Whistleblower Policy and authorizes staff to implement and administer said Policy.

Respectively submitted,

Scott W. Jellison
Chief Executive Officer



The Metropolitan District
water supply · environmental services · geographic information

Whistleblower Complaint Process

Any employee or contractor may file a whistleblower complaint with The Metropolitan District (MDC) Compliance Officer, Rita Kelley. Whistleblower complaints involve accusations alleging any matter involving corruption, unethical practices, violations of state or federal laws or regulations, mismanagement, gross waste of funds, violations of OSHA workplace safety, contract or bidding fraud, abuse of authority, or danger to public safety occurring in the MDC.

It is important for the complainant to provide sufficient specific information to enable the Compliance Officer to properly review and investigate the complaint. The complainant should identify specific witnesses, documents and other sources of information that can be examined to support the complainant's allegation.

The Compliance Officer accepts complaints that are submitted anonymously; however, if the complainant is unavailable to answer questions or confirm the alleged facts, the officer may be unable to proceed with an investigation.

Filing a Complaint

You can file a complaint with the independent third party administrator In Touch by utilizing the online form available at www.getintouch.com or by calling the toll free hotline 1-800 – XXX-XXXX. You may also file it directly with the District Compliance Officer by emailing Whistleblower@themdc.com or calling 860-278-7850 ext. 3227.

All Whistleblower complaints should include:

- 1.) The name of the person/persons you are making the complaint about;
- 2.) As much information about the alleged corruption, unethical practices, violations of state or federal laws or regulations, mismanagement, gross waste of funds, violations of OSHA workplace safety, contract or bidding fraud, abuse of authority, or danger to public safety occurring in the MDC; and
- 3.) Whether you actually observed the violations. If you did not personally observe the violations you should provide the names of witnesses who did and information on how to contact them.

After the Compliance Officer reviews a complaint, a preliminary report will be created with recommendations for addressing the complaint. The report and recommendations will be forwarded to the MDC Legal Department for consultation and oversight on proceeding with the investigation including retaining independent experts to assist in, or conduct, the investigation. If the complaint relates to the Legal Department, the complaint will be forwarded to the Chief Executive Officer for further investigation.

Criteria for Rejecting Complaints

The Compliance Officer does not automatically investigate every complaint received. Each complaint is carefully evaluated to determine whether it has merit to conduct further investigation or whether it cannot be further investigated due to incomplete or false information. The Compliance Officer may reject any complaint received if one or more of the following criteria have been met:

- a. There are other available remedies that the complainant can reasonably be expected to pursue;
- b. The complaint is better suited for investigation or enforcement by another agency;
- c. The complaint is trivial, frivolous, vexatious, or not made in good faith;
- d. The complaint is not timely or is too long delayed to justify further investigation;
- e. The complaint could be handled more appropriately as part of an ongoing or scheduled regular audit; or
- f. Any other criteria based upon the judgment of the Compliance Officer.

If it is determined that a complaint is more appropriately investigated by another agency including law enforcement, the complaint will be referred to such agency.

Retaliation

The Metropolitan District will not tolerate retaliation against an individual who in good faith files a whistleblower complaint and such retaliation is prohibited by Conn. Gen. Stat. §31-51m(b). An employee who retaliates against an individual who reported a violation in good faith is subject to discipline up to and including termination of employment.



Whistleblower Complaint Process Role of Compliance Officer

1. The Compliance Officer has been selected to be responsible for operation of a Whistleblower hotline, email and online portal. The Compliance Officer is an independent position already relied upon to receive, investigate and evaluate claims of discrimination, retaliation or harassment by District employees. The Compliance Officer has experience conducting investigations and it is expected the Whistleblower Complaint process will intersect with the District's existing discrimination, retaliation or harassment reporting procedures.
2. Perform outreach to ensure employees and contractors are aware of the Whistleblower reporting mechanisms.
3. Utilize a third party administrator to receive, process and maintain complaints. Record-keeping processes are essential to easily retrieve information, reinforce the credibility of the investigation processes and track the program's effectiveness. The record of each tip should include:
 - a. A unique identifying number;
 - b. The report date;
 - c. The source, if provided;
 - d. Whether anonymity is desired or waived;
 - e. Contact information, if provided;
 - f. Details of the allegation, including the suspect(s) involved;
 - g. Any additional information provided, such as the location of evidence or names/contact information of any witnesses to claim; and
 - h. Recommended action based on the initial assessment of the report.
4. Perform initial review of complaints received and draft preliminary report with recommendations for addressing the complaint.
5. After initial review of complaint, deliver preliminary report with recommendations to the District Legal Department to:
 - a. Decide whether the complaint merits investigation or if complaint is insufficient to proceed and should be closed.
 - b. If complaint warrants investigation, Compliance Officer, in coordination with the Legal Department, will oversee the investigation of the complaint allegations including potentially retaining independent experts to assist in, or conduct, the investigation.
 - c. If the complaint is of a sufficiently severe nature, it may warrant being forwarded directly to law enforcement authorities.
 - d. If the complaint involves District Counsel or an Assistant District Counsel, the Compliance Officer will report to the Chief Executive Officer and determine how to proceed with the investigation.

6. Monitor investigative process to ensure timeliness and effectiveness of the process as well as keep the Legal Department and CEO updated.
7. Prepare quarterly report to the Legal Department and CEO on all complaints received and investigated. Included in this report will be outcomes and any recommendations to address issues raised. A report will be provided to the Audit Committee of the District Board at least twice annually and when warranted due to the receipt of a complaint of a serious nature.