

Whistleblower Protection Policy

ISSUE DATE	November 24, 2008
REVISION HISTORY	New
REFERENCES	Sarbanes Oxley Act of 2002
DEPENDENCIES	Federal and State laws and regulations
FORMS	

OBJECTIVE

The Sarbanes Oxley (SOX) Act became law in July 2002 and introduced major changes to the regulation of corporate governance and financial practice. The act is primarily legally binding only on publicly-traded companies but parts of it are legally binding on unlisted and not-for-profit companies.

The Sarbanes Oxley Act makes it illegal for a corporate entity to retaliate against any employee who reports suspected illegal activity by their employer. SOX is designed to shield employees from retaliation when they provide information that they reasonably believe to be a violation of federal securities law, the rules of the SEC or “any Federal law relating to fraud against shareholders. The statute also protects employees of both public and private companies who make truthful reports to a “law enforcement officer,” where such disclosures relate to the possible commission of a federal offense.

The SOX Act does not protect employee complaints to the news media. Such reports, by themselves, do not constitute whistle blowing under the SOX Act.

POLICY

General

The Alachua Bradford Regional Workforce Board d/b/a FloridaWorks requires directors, officers, contracted service providers and their employees, directors and officers, individually or collectively “Staff”, to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As representatives of FloridaWorks, Staff must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations. Consequently, FloridaWorks:

1. Encourages staff and volunteers to come forward with credible information on illegal practices or serious violations of adopted policies of FloridaWorks;
2. Specifies that FloridaWorks will protect the person from retaliation; and
3. Identifies where such information can be reported.

Reporting Responsibility

FloridaWorks encourages complaints, reports or inquiries about illegal practices or serious violations of the FloridaWorks' policies, including illegal or improper conduct by FloridaWorks itself, by its leadership, or by others on its behalf. Appropriate subjects under this policy would include financial improprieties, accounting or audit matters, ethical violations, or other similar illegal or improper practices or policies.

Other subjects that FloridaWorks has existing complaint (grievance) mechanisms should be addressed under those mechanisms, such as raising matters of alleged discrimination or harassment. This policy is not intended to provide a means of appeal from outcomes in these other mechanisms.

It is the responsibility of all Staff to report violations or suspected violations in accordance with this Whistleblower Policy.

No Retaliation

No Staff who in good faith reports a violation shall suffer harassment, retaliation or adverse employment consequence. Any Staff who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of contract. This Whistleblower Policy is intended to encourage and enable Staff and others to raise serious concerns within FloridaWorks prior to seeking resolution outside FloridaWorks. However, FloridaWorks reserves the right to discipline persons who make bad faith, knowingly false, or vexatious complaints, reports or inquiries or who otherwise abuse this policy.

Reporting Violations

FloridaWorks embraces an open door policy and suggests that Staff share their questions, concerns, suggestions or complaints with someone who can address them properly. In most cases, a supervisor is in the best position to address an area of concern. However, if you are not comfortable speaking with your supervisor or you are not satisfied with your supervisor's response, you are encouraged to speak with anyone in management or leadership whom you are comfortable in approaching. Supervisors and managers are required to report suspected violations to FloridaWorks' Executive Director, who has specific and exclusive responsibility to investigate all reported violations. For suspected fraud, or when you are not satisfied or uncomfortable with following FloridaWorks open door policy, individuals should contact the Executive Director directly.

Compliance Officer

The FloridaWorks Executive Director is responsible for investigating and resolving all reported complaints and allegations concerning violations and, at his/her discretion, shall advise the Board Chair and/or the Chair of the Finance Committee. The Executive Director has direct access to the Board Chair and the Finance Committee and is required to report to the Board and the Finance Committee at least annually on compliance activity.

Accounting and Auditing Matters

The Finance Committee of the Board shall address all reported concerns or complaints regarding Board accounting practices, internal controls or auditing. The Executive Director shall immediately notify the Finance Committee of any such complaint and work with the Finance Committee until the matter is resolved.

Acting in Good Faith

Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. 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 a serious disciplinary offense.

Confidentiality

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

Handling of Reported Violations

The Executive Director will notify the sender and acknowledge receipt of the reported violation or suspected violation within five (5) business days. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

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