



## Corporate Compliance Investigations: Detection, Response, and Resolution

### Current Policy/Procedure Information

Policy/Procedure Number	Resolution Number	Revision Date	Next Scheduled Review	Responsible Department/Individual
COMP 1.2	N/A	N/A	June 2024	Corporate Compliance Office, Human Resources Commissioner, County Attorney



**Sullivan County  
Corporate Compliance Program**

**Corporate Compliance Investigations:  
Detection, Response, And Resolution**

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## I. Purpose

To maintain an effective Corporate Compliance Program the purpose of this procedure is to ensure that all reports of suspected compliance violations or suspected violations of federal and state program requirements are appropriately investigated and remedied.

## II. Scope

This procedure applies to all County employees, contractors, vendors, and volunteers.

## III. Reference

NYCRR Title 18 Part 521, Resolution No. 305-19, Resolution No. 442-22, Sullivan County Whistleblower Policy, NYS Civil Service Law §75-b, Sullivan County Code of Conduct, Sullivan County False Claims Act.

## IV. Definitions

**Anonymity:** Refers to the protection of identity. The Confidential Compliance Hotline is designed and administered to help protect the anonymity of complainants.

**Confidentiality:** Refers to the protection of information.

**Subject:** The individual suspected of noncompliance.

**Complainant:** The individual who submitted a noncompliance report.

**Investigator:** The individual conducting the compliance investigation.

**Retaliation:** Including but not limited to discipline, demotion, harassment, threats, change of assignment, exclusion, avoidance, shunning, lack of recognition, or being passed over for promotion or assignment.

**Whistleblower:** An employee, volunteer, contractor, or vendor of the County of Sullivan, who reports an activity that they consider to be illegal or dishonest.

## V. Procedure

### A. Detection

1. A noncompliance report can be made through the Confidential Compliance Hotline at 1-833-955-1559, by submitting the Compliance Incident Report form to [Compliance@sullivanny.us](mailto:Compliance@sullivanny.us), or through the submission of a written report to the Corporate Compliance Officer or the Human Resources Commissioner;
2. Reports may be made anonymously. If anonymity is requested, the County will not employ methods to identify anonymous reporters and will protect the identity of the reporter to the extent allowed by law;
3. The County cannot guarantee anonymity. Reports of including, but not limited to harassment, discrimination, bullying, abuse, and threatening language cannot always be kept anonymous;
4. Reports of violations or suspected violations will be kept confidential to the extent permitted by law. The report and the ongoing investigation will only be revealed to those necessary to conduct a thorough investigation.

5. All individuals interviewed or contacted will be informed of the sensitivity to maintaining confidentiality;
6. The County is committed to a non-retaliation policy, recognizes the various applicable Federal and State laws, and will protect any whistleblower;
7. All allegations or concerns which are reported in good faith will be investigated without fear of retaliation or intimidation;
8. Those who engage in such improper interference or retaliation may be subject to disciplinary actions, including but not limited to suspension or termination;
9. Employees who fail to report suspected compliance problems may be subject to disciplinary action.

## **B. Response**

1. The Corporate Compliance Officer or the Human Resources Commissioner will review all compliance issue reports within two business days;
2. If the Corporate Compliance Officer or the Human Resources Commissioner determine that the report is frivolous or implausible and does not constitute a legal or policy violation, then the Corporate Compliance Officer will notify the complainant;
3. If the complainant submits their contact information in their report, and the report warrants an investigation, the investigator will contact the complainant as soon as practical;
4. If the Corporate Compliance Officer or the Human Resources Commissioner determines that the report should be resolved informally without an investigation, then the report may be referred directly to the appropriate County official for informal resolution;
5. The Corporate Compliance Officer may assign investigational responsibility of a report to the Commissioner of Human Resources or the Compliance Program Coordinator. If investigational responsibility is assigned to another individual, they will be required to report their findings back to the Corporate Compliance Officer in writing;
6. Prior to and during the investigation, in consultation with the County Attorney, the investigator should determine whether the report itself or any information discovered during the investigation gives rise to any notice or reporting obligations to an outside person or entity (e.g., Federal or State officials or agencies);
7. If such obligations exist, the Corporate Compliance Officer should coordinate and fulfill any such notice and reporting obligations;
8. Prior to and during the investigation, the Corporate Compliance Officer, should consider, recommend, and, upon approval from and in coordination with the County Attorney, the County Manager and the Human Resources Commissioner, implement appropriate interim measures that are necessary to stop, prevent, or remedy the harm noted in the report;
9. Throughout the investigation, the investigator and others involved in the investigation should coordinate with the County Attorney on issues that may result in claims against or liability to the County, as well as efforts to preserve the attorney-client privilege;
10. If the Corporate Compliance Officer determines that the report involves an immediate threat to safety or security of a person or property, then, as soon as practical, they should refer the report to the appropriate emergency first responders and the County Manager and, if appropriate, to other relevant authorities;
11. The investigator will utilize the standardized Compliance Investigation Report to document the investigation;

12. Records of the investigation including copies of interview notes and key documents, a log of the witnesses interviewed and the documents reviewed, the results of the investigation, e.g., any disciplinary action taken, and the corrective action implemented will be preserved by the Corporate Compliance Officer;
13. The investigator will interview the alleged subject under question, as well as other witnesses and gather additional documents and information to support the investigation;
14. Employees are expected to fully cooperate with any questions or requests during the investigative process. Failure to cooperate or providing false or misleading information in a County investigation may result in disciplinary action, up to and including the termination of employment;
15. Employees who encourage, direct, facilitate or permit non-compliant behavior may be subject to disciplinary action;
16. A union employee who is the subject in a compliance report has the right to have union representation during their compliance interview(s) and shall be notified in advance, through email communication, of such right;
17. The Corporate Compliance Officer may record compliance interviews and will inform the interviewee if doing so. All recorded interviews are to remain confidential to the extent permitted by law;
18. Interview subjects are not permitted to record compliance interviews;
19. A copy of this Procedure shall be provided to all compliance investigation interviewees.

### **C. Resolution**

1. If a reported violation is substantiated, the Corporate Compliance Officer will issue a final report and recommend disciplinary action to the appointing authority;
2. When appropriate, the Department Head, the County Attorney and/or the Human Resources Commissioner, shall determine the discipline that is necessary and will implement disciplinary action;
3. All disciplinary actions will be administered in accordance with County policies and procedures and any applicable collective bargaining agreements;
4. Record retention of disciplinary action will follow all federal, state, and local laws;
5. The Corporate Compliance Officer will incorporate any detected risk into the risk assessment to mitigate future risk.



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**VI. Document History**

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