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|  | | BOARD POLICY | | POLICY NUMBER POL 200-3 |
| Title: | Whistleblower (Employee Protection Complaints) | | | |
| Effective: | 2-15-2024 | Revised: | N/A | |
| Supersedes: | N/A | Version: | 01 | |

I. OF INTEREST TO

This policy is applicable to the South Florida Workforce Investment Board (SFWIB) dba CareerSource South Florida (CSSF), SFWIB staff, American Job Centers (AJC), Service Providers, Youth Service Providers, Training Providers, vendors, and partners.

II. PURPOSE AND SCOPE

The purpose of the Whistleblower Policy is to uphold the law and protect SFWIB members and staff, contractors, vendors, and other stakeholders who know of fraud, waste, abuse, misconduct, or illegal activity in County government and have the courage to report it.

III. BACKGROUND

In order to ensure the highest standards of ethics and protection, the SFWIB shall abide by all federal, state, and local laws, regulations, policies, and procedures. In order to accomplish its purpose, the SFWIB requires its staff, partners, contractors, vendors, and individuals or representatives of organizations entrusted with public funds, to adopt and abide by all applicable federal, state and local laws and regulations and to conduct themselves in the manner described herein. Reasonable modifications to this policy may be made as needed or requested by the Florida Department of Commerce (FloridaCommerce) or Chief Local Elected Official (CLEO).

IV. STATUTORY AUTHORITIES

- Florida Statutes (FS) Sections [112.3187-112.31895](#)
- Miami Dade County, Florida Code of Ordinances, [07-63](#); [2-56.28.11- 2-56.28.24](#); [Article LXXI 2-967.1– 2-967.10.1](#)
- Federal Register

V. DEFINITIONS

- A. Adverse Personnel Action – shall mean the discharge, suspension, transfer, or demotion of any employee or the withholding of bonuses, the reduction in salary or benefits, or any other adverse action taken against an employee within the terms and conditions of employment by the County.

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| Approved By: Rick Beasley, Executive Director | DocuSigned by:  | 3/14/2024 |
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- B. Anonymity – means that the person making the complaint declines to give his or her name.
- C. Confidentiality – means that the name of the individual making the complaint will not be revealed during the course of the whistleblowing investigation.
- D. County – means all Miami-Dade County departments, and all political subdivisions and special districts under the County Commission's legislative authority.
- E. Employee – shall mean a person who performs services for, and under the control and direction of, the County for wages or other remuneration.
- F. Independent Contractor – shall mean a person, other than a federal, state, or local government entity, engaged in any business and who enters into a contract with the County.
- G. Retaliation – means any adverse action taken against an individual for engaging in a protected activity.
- H. Whistleblower – means an employee who:
 - 1. Discloses information on their own initiative in a signed and written complaint;
 - 2. Is requested to participate in an investigation or hearing conducted by a local, state or federal agency with authority to investigate or remedy the violation; or
 - 3. Refuses to participate in acts prohibited by the Whistleblower Act.
- I. Whistleblowing – means a disclosure that the individual reasonably believes is evidence of fraud, mismanagement, abuse, waste of federal funds, or a violation of law, rule, or regulation related to a contract or grant.

VI. WHISTLEBLOWER PROTECTION

The SFWIB shall adopt, operate under, and abide by the Miami-Dade County, Florida Employee Protection Ordinance (2.56.11-2.56.18) also known as the “Whistleblower” ordinance as well as all applicable federal, state, and local laws, regulation, policies and procedures. The Ordinance protects County employees who know of fraud, waste, abuse, misconduct, or illegal activity in County government and have the courage to report it.

The Miami Dade County (County) Employee Protection (Whistleblower) Ordinance, seeks to ensure that local government employees who have knowledge of unlawful activity, misfeasance, malfeasance, waste, or fraud by the County, cities or independent contractors, report such knowledge to the appropriate authorities for investigation and corrective action.

In order to encourage County employees to report such information without fear of reprisal, the Whistleblower Ordinance seeks to prohibit adverse action against an employee for disclosing such information to an appropriate official or agency and to award such employees when the information they disclose leads to the County's recovery of public funds.

VII. REPORTING

The SFWIB shall ensure that all reporting avenues are suitable and accessible for anyone who may need to use it to report unethical conduct and other forms of public corruption. An individual that suspects wrongdoing should be able to make a disclosure with as few

barriers as possible. The SFWIB shall offer both written and verbal means of reporting incidents, which is integral to the process.

A. Type of Information Disclosed

The information disclosed shall include, but may not be limited to:

1. Any violation or suspected violation of any federal, state or local law, rule or regulation committed by an employee or agent of the County or independent contractor which creates and presents a substantial and specific danger to the public's health, safety or welfare; or
2. Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty committed by an employee or agent of the County or an independent contractor.

Individuals who would like to report an incident shall follow the steps outlined by the County Ethics Commission or the SFWIB Whistleblower Procedures.

Methods of Disclosure

The information must be disclosed to the Office of Inspector General, the County Mayor, or such official or officials as the Mayor may designate to receive such information on his or her behalf, or the County Commission on Ethics and Public Trust through its hotline or website, written and signed correspondence or in person.

Any information that complies with [section 2-56.28.14](#), that is disclosed to the Mayor, Mayor's designee, or to the County Commission on Ethics and Public Trust, may, at the discretion of the Mayor, the Mayor's designee or the County Commission on Ethics and Public Trust, be forwarded to the Office of the Inspector General for investigation. The Inspector General shall make a determination whether an investigation by the Inspector General is necessary.

VIII. CONFIDENTIALITY

The Board of County Commissioners intends for the protections of state law to be afforded to any individual who discloses information in compliance with this division to the local officials set forth in this division. The identity of such individuals shall be confidential and exempt from the provisions of the public records laws to the fullest extent permitted by, and in accordance with the law including, but not limited to, the confidentiality requirements and exemptions set forth in sections [119.0713](#) and [112.3188](#) of the Florida Statutes.

Once disclosed, the identity of the County employee will remain confidential even after the case is closed. If a County employee's identity is known and the employee feels he or she has been retaliated against through an adverse personnel action, the employee may:

- A. Appeal the adverse personnel action to a hearing examiner or Human Resources;
- B. After exhausting his or her administrative remedies, file a sworn complaint with the County Ethics Commission.

Whistleblower protection cannot be offered to anonymous accusers due to the need to ask follow-up questions during the investigation.

IX. EMPLOYEES AND PERSONS PROTECTED

The SFWIB shall not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action(s).

Adverse Personnel Actions

- A. Termination
- B. Suspension
- C. Transfer or demotion
- D. Reduction in salary or benefits
- E. Poor work assignments
- F. Threats of physical harm

Personnel Actions Not Considered Adverse

- A. Personnel grievances
- B. Issue involving an individual's employment rights
- C. Policy disagreements

The appropriate method for resolving complaints not covered under the whistle blower category (i.e., personnel grievances and issues involving employment rights) is through the County's grievances procedures and other employee complaint procedures.

The SFWIB shall ensure staff are trained on this policy and prohibitions against retaliation in accordance with this policy and all applicable federal, state, and local laws, regulations, policies, and procedures.

X. DETERMINATIONS/FINDINGS

If the County Ethics Commission determines that a County employee was retaliated against for blowing the whistle, the violator may be subject to:

- A. Public reprimand
- B. Fine
- C. Disciplinary action, including dismissal from employment

XI. PROHIBITIONS/LIMITATIONS

- A. The SFWIB shall not, with the intent to retaliate, take any action harmful to any employee who has provided to law enforcement personnel or a court truthful information relating to the commission or possible commission by non-profit or any of its employees of a violation of any applicable law or regulation.
- B. The SFWIB shall not discharge, demote, or otherwise discriminate against any individual who files a compliant or makes a whistleblower claim.
- C. Whistleblowing is not a means for furthering personal vendettas, circulating malicious rumors to defame someone, or making other types of baseless complaints. Individuals who do not identify themselves to the appropriate public authority and whose complaints prove to be false, frivolous, or made in bad faith will be subject to

disciplinary actions. Any person found to have made a frivolous complaint may be liable for hearing costs and attorney's fees.

XII. EXCEPTIONS

Exceptions to this policy, or any part thereof, must be approved in writing by the SFWIB Executive Director.

XIII. REVISION HISTORY

There are no revisions to this policy.

XIV. RESCISSIONS/CANCELATIONS

There are no rescissions or cancelations for this policy.