

COLLECTED BOARD POLICIES
OF THE
BI-STATE DEVELOPMENT AGENCY
OF THE
MISSOURI-ILLINOIS METROPOLITAN DISTRICT

Chapter 100. Compliance Program

<u>Section</u>	<u>Page</u>
Section 100.010 Program Overview and Fraud Hotline.....	100-1
Section 100.020 Reporting.....	100-1
Section 100.030 Investigations.....	100-3
Section 100.040 Reporting Hotline.....	100-4
Section 100.050 Definitions.....	100-4
Section 100.060 Reporting and Adjudicating Retaliation	100-5

Section 100.010 Program Overview and Fraud Hotline

A. Policy. It is the policy of the Agency to safeguard public funds and to ensure integrity in the delivery of public services. The Agency is committed to conducting its business with integrity and in compliance with all applicable laws. All Agency employees and consultants are expected and required to conduct their duties in compliance with all applicable laws, policies, rules and regulations.

B. Purpose. The purpose of this compliance policy (the “Policy”) is to detect and prevent fraud, misconduct, inefficiency and waste in the programs and operations of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the “Agency”). The General Counsel has the duty to investigate allegations of misconduct, waste and inefficiency on the part of Agency employees, contractors, and programs. Suspected fraud and misconduct can be reported by calling the Reporting Hotline or submitting a written report as outlined in this Chapter.

Section 100.020 Reporting

A. Policy. It is the policy of the Agency that every Agency employee shall have the right to report, in good faith and in accordance with this Chapter, to the Agency’s General Counsel, information concerning an improper agency action.

To assist such reporting this Chapter provides Agency employees a process for reporting improper action and protection from retaliatory action for reporting and cooperating in the investigation and/or prosecution of improper action in good faith in accordance with this Chapter. While employees are encouraged to report improper action directly to their immediate supervisors, the Agency recognizes that there are instances where this may not be an option. To this end, this Chapter provides for a reporting mechanism, including a Reporting Hotline, directly to the Agency's General Counsel.

B. Appropriate Reporting Officials. Reports may be made to the employee's supervisor, the Agency's President & CEO, or the Agency's General Counsel and may be made anonymously utilizing the Agency's Reporting Hotline or by submitting a written report. In the case of reports made directly to an Agency supervisor or the President & CEO, such officials shall promptly communicate the report to the Agency's General Counsel. If the allegation of improper agency action relates to the sufficiency or accuracy of the Agency's financial or accounting records or reports, the General Counsel shall furnish a copy of the report or summary of the allegation to the Audit Committee of the Board of Commissioners.

C. Confidentiality. If an employee chooses to remain anonymous when submitting a written report or when calling the Reporting Hotline, no attempt will be made to discover the employee's identity. To the extent allowed by law, the identity of an employee reporting information about an improper action shall be kept confidential unless the employee waives confidentiality in writing.

D. Protection for Reporting. Employees, who act in good faith and in compliance with the Policy, are protected from interference in or retaliation for reporting improper actions or cooperating in an investigation or resulting proceedings. To the extent allowed by law, the identity of employees providing information about improper actions shall remain confidential, unless the employees waive the right, in writing.

E. Employee Protections and Protected Conduct.

1. The following conduct by employees is protected if carried out in good faith under this Chapter:

- a. Reporting alleged improper action pursuant to the provisions of the Policy and this Chapter and reporting violations of criminal laws to the appropriate law enforcement officials;
- b. Cooperating in an investigation by an auditing official related to improper action; and/or
- c. Testifying in a proceeding or prosecution arising out of an improper action.

2. No Agency officer or employee shall retaliate against any employee because such employee proceeded or is proceeding in good faith in accordance with this Chapter.

F. Penalty. Any Agency officer or employee who engages in prohibited retaliatory action is subject to discipline by suspension without pay, demotion or termination.

G. Periodic Restatement. Upon entering Agency service and at least once each year thereafter, every Agency officer and employee shall receive a written summary of this chapter, the procedures for reporting improper actions to auditing officials, the procedures for obtaining the protections extended, and the prohibition against retaliation in this section. The President & CEO shall ensure that such summaries are distributed and that copies are posted where all employees will have reasonable access to them.

Section 100.030 Investigations

A. Investigation. Within 30 days after receiving information about an improper action from an Agency employee, the General Counsel shall conduct a preliminary investigation, and provide the complainant with a written report of the general status of the investigation, which may include matters for further research or inquiry. The General Counsel shall have no obligation to provide a status report under this Section if the complainant chooses to remain anonymous. In the case of an allegation relating to the sufficiency or accuracy of the Agency's financial or accounting records or reports, the investigation shall be conducted or overseen by the Audit Committee or the Board of Commissioners. The General Counsel will provide a report to the Board of Commissioners or a Committee established by the Board of Commissioners to review ethics concerns if further action is warranted or if the investigation pertains to conduct of a member of the Board of Commissioners.

B. Completion and Reports. Upon completion of the investigation, the General Counsel shall notify the complainant in writing of any determinations made. If the General Counsel determines that an improper agency action has occurred, he or she shall report the nature and details of the activity to the complainant; to the President & CEO; to the head of the department with responsibility for the action unless such department head is implicated; and to such other governmental officials or agencies as the General Counsel deems appropriate.

C. Closure. The General Counsel may close an investigation at any time the General Counsel determines that no further action is warranted and shall so notify the complainant unless the complainant made the complaint anonymously.

Section 100.040 Reporting Hotline

A. Hotline. The Agency has established a dedicated Reporting Hotline as an internal reporting mechanism for reporting suspected improper action on the part of Agency employees, officers, vendors, or independent contractors. To report fraud, waste, or abuse anonymously, call (314) 335-3442. An investigator will answer the telephone between the hours of 8 A.M. and 5 P.M. From 5 P.M. until 8 A.M., an answering machine will take the call. Phone numbers of the callers will not be recorded; however, callers can leave an anonymous message.

B. Scope. The Reporting Hotline authority extends only to Agency resources and activities. Any type of fraudulent or illegal activity involving private businesses with no contractual relationship with the Agency or governmental agencies other than the Agency should be reported to the appropriate law enforcement authorities.

C. False Acquisitions. The Agency will consider it a serious violation of Agency policy for employees to intentionally make false accusations. Such false accusations may result in disciplinary action, up to and including termination, against the accuser. All reports to the Agency Compliance Program and Reporting Hotline should be made in good faith and with the best of intentions.

Section 100.050 Definitions

As used in Chapter 100, the following terms shall have these meanings:

A. "Auditing official" means the Agency's General Counsel, or a member of the staff or designee of the General Counsel.

B. "Employee" means a member of the Board of Commissioners, any person employed by the Agency, whether in a permanent or temporary position, including full-time, part-time, and intermittent workers.

C. 1. "Improper action" means any action by a member of the Board of Commissioners, an Agency officer, employee, vendor or contractor that is undertaken, in the case of an officer or employee, in the performance of such person's official duties, whether or not the action is within the scope of employment, and, in the case of a vendor or contractor, in connection with activities in connection with such person's contract with the Agency, which:

- a. Violates any local, state or federal law, or Agency policy, or
- b. Constitutes an abuse of authority, or
- c. Creates a substantial or specific danger to the public health or safety, or
- d. Results in a waste of public funds.

2. "Improper action" does not mean personnel actions, including but not limited to: employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, violations of collective bargaining or civil service laws, or alleged violations of agreements with labor organizations under collective bargaining.

3. A properly authorized Agency program or activity does not become an improper action because an employee or auditing official dissents from the Agency policy or considers the expenditures unwise.

D. "Retaliate," (and its kindred nouns, "retaliation" and "retaliatory action") means to make, because of an activity protected under this Chapter, any unwarranted adverse change in a person's status or the terms and conditions of such status including, but not limited to, denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unsubstantiated letters of reprimand or unsatisfactory performance evaluations; demotion, reduction in pay; denial of promotion; transfer or reassignment; suspension or dismissal; or other unwarranted disciplinary action.

E. "President & CEO" means the President & CEO of the Agency.

Section 100.060 Reporting and Adjudicating Retaliation

A. Complaint. In order to seek relief, a person who believes such person has been retaliated against in violation of this Chapter must file a signed written complaint within 30 days of the occurrence alleged to constitute retaliation. The complaint shall be filed with the President & CEO and must specify the alleged retaliatory action and the relief requested.

B. Investigation and Response. The President & CEO shall forward the complaint to the head of the department in which the retaliation is alleged to have occurred. The head of the department to which the complaint was referred shall ensure that the complainant is sent a response within 30 days after the filing of the complaint. If the head of a department is alleged to have retaliated in violation of this Chapter, the President & CEO shall ensure that the complainant is sent a response within 30 days after the filing of the complaint.