

Ontario County Regulatory Compliance Plan

Adopted by the Ontario County Board of Supervisors on September 15, 2011
BOS Resolution No. 551-2011

I. Preamble and Statement of Intent

Federal and State laws require the County of Ontario to enact and implement certain policies and procedures. It is the policy of Ontario County to comply with all applicable federal, state and local laws and regulations, and to adhere to the policies adopted by the Ontario County Board of Supervisors.

This Regulatory Compliance Plan (hereafter "this Plan") is intended to ensure that all County officers, employees (both full and part-time), elected officials, volunteers, contractors, consultants, temporary workers, and other agents of Ontario County (collectively referred to as "County Personnel") will comply with the law and report official misconduct in whatever form it may take, so that it may be promptly and thoroughly investigated and appropriate corrective action taken. This Plan is also intended to protect those who in good faith report suspected misconduct from retaliation or intimidation.

II. Statement of Commitment to Ethical Standards

In addition to compliance with all applicable laws, Ontario County is committed to conducting its affairs with integrity based on sound ethical standards and will hold all County Personnel to these same standards. Public office and public employment are positions of public trust, and County Personnel are expected to provide a high level of service that at least meets, if not exceeds, legal requirements.

III. Duties of All County Personnel

It is the duty and responsibility of all County Personnel to report any instances of suspected or known non-compliance with laws or regulations, or other forms of official misconduct, to their immediate supervisor(s), the County Administrator or the County Compliance Officer (hereafter "CO"). County Personnel shall neither participate in non-compliant behavior nor shall they encourage, direct, facilitate or permit non-compliant behavior to occur in the course of Ontario County operations. Adherence to this Plan shall be a factor in evaluating the performance of all County Personnel.

IV. Reporting, Investigation and Non-Retaliation

County Personnel who reasonably suspect or know of non-compliance or official misconduct must promptly report to his/her immediate supervisor. Failure to report suspected non-compliance, participation in non-compliant behavior or encouraging, directing, facilitating or permitting non-compliant behavior will be grounds for disciplinary action, up to and including termination. If a supervisor fails to act upon a report of non-compliance, or fails to do so in a timely manner, such supervisor shall be subject to appropriate discipline.

If the supervisor is not available, or the reporter has reason to believe that the supervisor or department head is a party to the alleged misconduct, or if the suspected violation presents an immediate or serious danger to the public health or safety, then the reporter shall contact the CO and/or the County Administrator. In addition, any person may submit a report of non-compliance

via the County's compliance "hotline" at (866) 951-9367. The County will accept and investigate anonymous reports of non-compliance.

Any person who makes a good faith report of suspected or known non-compliance or official misconduct shall be given all of the protections afforded under state and federal laws. Any individual who threatens or engages in reprisal against a person who acts pursuant to his or her responsibilities under this Plan shall be subject to disciplinary action, up to and including termination.

Any supervisor receiving a report of suspected or known non-compliance shall promptly inform the CO, and coordinate with the CO regarding investigation of the report. The CO shall report to the Compliance Committee (hereafter "CC") and appropriate committees of the Board of Supervisors regarding each investigation conducted. Any questions or concerns relating to potential non-compliance by the CO must be reported immediately to the County Administrator.

If the CO and/or County Administrator determine that there is a reasonable basis to suspect that an act of non-compliance has occurred, the matter shall be referred to legal counsel and/or law enforcement, who may conduct further investigation if warranted. Appropriate corrective action shall be taken.

Regardless of whether further action is taken, the CO shall maintain a record of all compliance investigations. To the extent allowed by law, such records will be considered confidential and/or privileged, and will not be released without the prior approval of the County Administrator in consultation with legal counsel.

This Plan will be enforced through appropriate disciplinary mechanisms, consistent with the law and the County's various collective bargaining agreements. Any discipline, and the grounds therefore, will be appropriately documented in the employee's personnel file. The Ontario County Human Resources department shall maintain a record of all disciplinary actions taken pursuant to this Plan, and will report annually to the Board of Supervisors regarding such actions.

Department heads or their designees may confer with, and/or have proposed submissions to regulatory authorities reviewed by, the County's legal counsel before such communication is conveyed to regulators, and counsel may be included in conversations with regulatory authorities regarding compliance issues.

V. Compliance Officer

The Ontario County Board of Supervisors designates the Ontario County Human Resources Director as the County's Compliance Officer. In the absence of the Human Resources Director, the Employee Relations officer, or such person as is designated by the CO, will act as the CO. The CO shall report directly to the Ontario County Administrator, and shall make periodic reports to the Ontario County Board of Supervisors.

The CO shall be responsible for the day-to-day operation of the County's compliance program. Responsibilities of the CO shall include:

- (a) primary facilitation of the Compliance Committee;
- (b) oversight of the monitoring of County-wide compliance with this Plan;
- (c) oversight of the development and execution of the annual Compliance Work Plan and annual Report Card of compliance activities;
- (d) recommending periodic amendments to this Plan to the Board of Supervisors as appropriate;
- (e) ensuring the publication of this Plan on the County's website;

- (f) oversight of internal reviews to monitor the effectiveness of compliance standards and reporting to the CC and the Board of Supervisors regarding same;
- (g) guidance of County Personnel regarding regulatory compliance, such as development of internal systems and controls, and internal monitoring procedures;
- (h) oversight of implementation of training programs for new and existing County Personnel regarding compliance obligations;
- (i) oversight of the operation of the compliance reporting system;
- (j) oversight of the timely completion of compliance investigations and appropriate institutional responses; and
- (k) dissemination of information regarding changes in the regulatory environment as appropriate to County departments and the Board of Supervisors.

VI. Compliance Committee

The Board of Supervisors, upon recommendation by the Government Operations Committee, shall appoint, and remove as desired, the members of the Compliance Committee. The CC shall assist the CO in carrying out his/her duties as described above.

VII. Monitoring Reviews

Ontario County is committed to maintaining and measuring the effectiveness of its compliance policies through monitoring systems reasonably designed to detect non-compliance by County Personnel or others. To this end, periodic compliance reviews by qualified internal and/or external personnel shall be conducted to assess, among other topics:

- (a) risk levels within County departments,
- (b) internal controls and review of external audits,
- (c) relationships with third-party contractors, especially those with substantive exposure to government enforcement actions
- (d) documentation and billing relating to claims made to federal, state and other payors for reimbursement; and
- (e) effectiveness of any corrective action plans in meeting applicable standards.

Internal review findings will be reported to the CC as reviews are completed. The CO will report review findings to the Board of Supervisors and/or the appropriate committee of the Board of Supervisors.

All department heads will immediately notify the CO and/or County Administrator in the event of any non-routine visits, audits, investigations or surveys by any outside governmental agency or authority. Copies of any notice(s) of intent to audit received by any County department from any outside governmental agency or authority shall be promptly sent to the CO.

VIII. Disclosures and Background Investigations

Pursuant to applicable law and as otherwise appropriate, Ontario County will conduct a background investigation and reference check as part of the pre-employment process. All County Personnel shall cooperate with background investigations or exclusion screening as consistent with the law.

County Personnel may be subject to state and federal ethics laws and the Ontario County Code of Ethics, and may be required to file annual financial disclosure conflict of interest statements.

IX. Communication and Training

Ontario County will publish this Plan on its website, make it known to County officials and employees through participation in mandatory training programs, and incorporate it into the new employee orientation. Such training shall include prohibitions against official misconduct, conflicts of interest, the duty to report suspected or known misconduct, and non-retaliation against persons who in good faith report suspected or known misconduct. Individual departments may also receive training on department-specific risk and enforcement topics. Failure to participate in required compliance training will result in disciplinary action as appropriate.

Training participation will be documented by department heads and/or the Ontario County Human Resources Department and reported to the CC on a semi-annual basis. The CO will ensure that periodic internal reviews of adherence to this standard are completed and reported to the CC.