

SUBJECT: Investigation Protocol Policy

NUMBER: 2.10.4

EFFECTIVE: March 2013

SANDY CDBG-DR

APPROVAL:



Paul Macchia
Chief of Staff

PURPOSE:

The Department of Community Affairs (Department) is committed to conducting its affairs in accordance with State Ethics policies and as required by federal and state laws, regulations, and policies. To achieve such compliance, the Office of Auditing and the Office of Legal and Regulatory Affairs strive to prevent, detect and in a timely manner assist management to correct violations of law or policy, which may result from mistake, inadvertence, lack of information or deliberate misconduct. In addition, the Department has a zero-tolerance policy concerning the commission or concealment of acts of fraud, waste or abuse. This protocol establishes an administrative process for dealing with and addressing allegations of misconduct so that the integrity of the conduct of operations at the Department may be preserved.

Reporting Concerns

Department employees are expected to report good faith concerns about possible or potential violations of federal and state law, regulations and policies or any known or potential instances of fraud, waste or abuse. Although employees are encouraged to resolve issues by reporting concerns to the appropriate contact person in his/her department, employees may not feel that adequate steps will be taken to resolve his/her concerns or the issue may be of a complex nature that requires the assistance of a specialist. Therefore, employees may report such concerns to the Office of Auditing or the Office of Legal/Regulatory Affairs.

All employees are expected to fully cooperate and be truthful in the Department's investigation of allegations. The Office of Audit and the Office of Legal and Regulatory Affairs shall keep the Commissioner and other executive staff appropriately informed of any potential serious or significant compliance concerns. Retaliation against employees for making good faith reports is strictly prohibited. Any individual made aware of the allegation shall also be asked to keep the investigation confidential and not disclose the identity of the subject or issues raised, unless otherwise required by law.

Investigation Steps:

1. Ensure Fair Treatment: Any person assisting in the investigation shall be reminded about the Department's policy against retaliation and if the identity of the employee making the allegation is known or becomes known, such identity shall be protected to the extent possible under the law. Individuals who are subjects of a report shall be notified, as long
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as it will not risk the integrity of the investigation. There is no assumption of wrongdoing in the investigative process. Rather, the investigation shall be a fact-finding function in order to determine appropriate follow-up measures.

2. The Office of Auditing and/or the Office of Legal and Regulatory Affairs shall evaluate the issues raised and, if necessary, refer the matter to the most appropriate Department official for review.
 3. If the reported concern is minor and the solution is straightforward without the need for an extensive investigation, the Office of Auditing and/or the Office of Legal and Regulatory Affairs may ask that the appropriate administrator promptly take corrective action to resolve the concern. Proper documentation of the resolution of the allegation shall be maintained by the Director of Auditing and/or the Director of Legal and Regulatory Affairs.
 4. After appropriate fact-finding is concluded, the Director of Auditing and/or the Director of Legal and Regulatory Affairs shall consider whether any notification or report should be directed to an outside entity. Such entities may include: New Jersey Office of the Attorney General, New Jersey Office of the Comptroller, Federal Office of the Inspector General, or other appropriate federal or state regulatory or law enforcement agency. In all referral cases, the DCA Commissioner and the Office of the Attorney General shall be notified before the referral is made.
 5. At the conclusion of the fact-finding, as appropriate, the Director of Auditing and/or the Director of Legal and Regulatory Affairs shall also refer the matter to the proper internal division of the Department for disposition.
 6. Documentation: In all cases, appropriate records shall be maintained that document the nature of the allegation, the investigation, the findings and any corrective action to be taken. Documents related to inquiries/reviews will be retained in accordance with relevant federal and state statutes, regulations and policy.
 7. All reasonable efforts will be made to complete inquiries/reviews expeditiously yet thoroughly.
 8. In order to implement this Investigation Protocol, the Director of Audit, in consultation with the Director of Legal and Regulatory Affairs, shall create an Internal Investigation/Inquiry Procedural Guidelines to be followed by all audit and compliance staff in reviewing allegations.
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