

**NVTA
POLICIES, PRACTICES AND PROCEDURES MANUAL**

WHISTLEBLOWER PROTECTION POLICY

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CHAPTER 1 WHISTLEBLOWER PROTECTION POLICY

Section 1.1. Purpose

The [California Labor Code Section 1102.5](#) referred to as the “whistleblower” statute, is intended to protect employees who report violations of state and federal laws by their employers from retaliation. The Napa Valley Transportation Authority (NVTA) is committed to fostering and maintaining a workplace with a high legal and ethical standard of conduct in all activities and operating its business in a fair, effective, efficient, and transparent manner. Further, NVTA must protect its assets and resources from fraudulent, illegal, and dishonest activities by maintaining effective internal controls and by identifying and investigating any possibility of fraud or other improper activities. NVTA has a strong commitment to support legal and ethical behavior in the workplace, provide a safe environment for employees and members of the community to report actions that may be potentially illegal or unethical, and to investigate any allegations of retaliatory behavior for the reporting of potentially illegal or unethical behavior. This Whistleblower Protection Policy establishes procedures, for NVTA employees, committee members, and members of the community, to report alleged illegal, fraudulent, or improper activity by NVTA officials and/or employees to assure that such reports will not result in retaliation by NVTA.

Section 1.2. Definition

A whistleblower is an employee of the NVTA, a committee member, or a member of the community who reports an activity that the complainant has reasonable cause to believe is a violation of state or federal laws, or a violation or noncompliance with local, state or federal rules or regulations. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

Section 1.3. Policy

This policy establishes a complaint procedure that employees, committee members, and members of the community may use to report potentially illegal or unethical behavior. Community members, NVTA officers, NVTA contractors, elected officials and NVTA employees are encouraged to report good faith suspicions of misconduct by NVTA officials and/or NVTA employees and any misuse of NVTA property or resources. If you have knowledge of or a concern that NVTA activity is in violation of state or federal laws, or a violation or noncompliance with local, state or federal rules or regulations follow the procedures for filing a whistleblower complaint as outlined in Section 1.6 of the policy. Any NVTA employee who makes such a good faith report is protected against adverse employment actions by the NVTA or any person acting on behalf of NVTA for raising such allegations, and shall not suffer any reprisals or retaliation by NVTA or person acting on behalf of NVTA for making the report, whether or not the allegations are sustained.

Section 1.4. Prohibited Activities

Persons should report information related to any violation of state or federal laws, or a violation or noncompliance with local, state or federal rules or regulations. Examples of potential violations may include, but are not limited to the following:

- Violation of any law, regulation, or ordinance
- Conflict of interest
- Fraud, waste, or misuse of NVTA property
- Theft, misuse of, or misappropriation of NVTA resources, property, information, assets or funds, or an attempt to do any of the same
- Creation of a specific and substantial danger to public health or safety by failing to perform duties required by the NVTA
- Intentional falsification of records (including failure to disclose material facts or making of false or misleading entries or statements with the intent to deceive on any NVTA document or other official document, report, or form, including but not limited to NVTA financial records and environmental regulatory reporting), or the willful and unauthorized destruction or mutilation of any NVTA document or other official document, report, or form, including financial records
- Intentionally submitting false claims for payment or reimbursement
- Knowingly submitting or signing a timesheet that contains false information
- Forgery or intentional unauthorized alteration of a NVTA document or other official document, application, report, or form, including but not limited to, NVTA financial documents
- Improprieties in the handling or reporting of financial transactions involving the NVTA
- Authorizing or receiving payment by the NVTA for goods not received or services not performed
- Computer-related activity involving unauthorized alteration, destruction of data, forgery, or manipulation of data or misappropriation of NVTA-owned software

Section 1.5. Protection from Retaliation

Whistleblower protections are provided in two important areas: confidentiality of the report and protection against retaliation. The confidentiality of the whistleblower will be maintained to the extent possible in order to investigate the report and to address the alleged violation. However, identity may be disclosed to conduct a thorough investigation, to comply with the law, or to provide any accused individuals their legal rights of defense.

No NVTA officer, or employee, or any person acting on behalf of the NVTA, shall influence, restrain, or prevent any employee or member of the community from disclosing information that the employee or member of the community has reasonable cause to believe relates to or is evidence of misconduct. Any employee acting in good faith and upon a reasonable belief as a whistleblower that misconduct has occurred, or who believes the NVTA has disclosed or may disclose such information will be protected from threats or retaliation, including, but not

limited to, discharge, demotion, suspension, harassment, reduced compensation, changes in the terms and conditions of employment, or other forms of discrimination. Additionally, no employee may be adversely affected because the employee refused to carry out a directive that would result in a violation of state or federal statute or a violation of or noncompliance with local, state, or federal rule or regulation.

Whistleblower protection from retaliation also includes the following circumstances:

- When a whistleblower complaint is filed against a person who has authority over the complainant or filed against a person who has authority to investigate, discover or correct the alleged violation or noncompliance.
- When whistleblowers provide information to or testify before any public body which is investigating, hearing, or inquiring into an employer's violation of or noncompliance with local, state, or federal rules or regulations.
- When a whistleblower reports a reasonable belief of a violation of a NVTA ordinance.

This policy does not prohibit the NVTA from taking adverse action for legitimate, non-discriminatory reasons that are unrelated to the whistleblower complaint. Such legitimate or non-discriminatory actions may include discipline for a legal cause or refusing to hire, promote, transfer, or take any other legitimate personnel action based on inadequate qualifications or poor performance reviews.

Section 1.6. Procedures for Filing a Whistleblower Complaint with NVTA

A. When to Report

A complaint filed under this Policy should be filed within thirty (30) days of the date of the act or event.

B. How to Report

Use of the "Whistleblower Complaint Form" is preferred and it is located on the NVTA website at the following link: <https://www.nvta.ca.gov/whistleblower>

Please email the completed form to whistleblower@nvta.ca.gov or mail to:

Napa Valley Transportation Authority
Whistleblower Protection Program
Attention: NVTA Chair, NVTA Vice-Chair, Board Member, or NVTA Legal Counsel
625 Burnell Street
Napa CA 94559

Employees and members of the community are encouraged to provide as much specific information as possible, including names, dates, places, the events that took place, and the reason(s) why the incident(s) may constitute a violation or misconduct.

C. Compliance with State and Federal Laws

The NVTA Whistleblower Protection Policy is intended to describe the policies and procedures for reporting prohibited activities and protecting whistleblowers. This policy is in addition to and does not supplant whistleblower protections and procedures provided under state and federal laws.

D. Investigation of Complaint

Depending on the nature of the complaint, the NVTA Board Chair or Legal Counsel will appoint the appropriate individual to investigate the complaint to determine if misconduct or violation of this policy has occurred. To the extent permitted by personal privacy laws, the appointed individual may meet with the complainant to discuss the findings of the investigation and will use best efforts to ensure timely resolution of the matter.



WHISTLEBLOWER COMPLAINT FORM

Napa Valley Transportation Authority, 625 Burnell St., Napa CA 94559

Instructions: Complete the “Whistleblower Complaint Form”

Employees and members of the community are encouraged to provide as much specific information as possible, including names, dates, places, the events that took place, and the reason(s) why the incident(s) may constitute a violation or misconduct.

While you may submit a complaint anonymously, we may not be able to determine whether your complaint has merit if we are not able to interview you.

(Optional) Name: _____

(Optional) Address: _____

(Optional) Work Phone: _____ (Optional) Home/Cell Phone: _____

Are you a NVTA employee? Yes No

(Optional) If yes, what is your position or relationship to NVTA?

1. Identify the person or persons against whom your allegations are being made.

2. Describe the nature of your complaint, the incident(s) or event(s), date(s), time(s), and place(s). Attach additional pages to this complaint if necessary. Attach additional pages if necessary.

