



Culver City

Fraud, Waste, and Abuse Program

June 30, 2017

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I. EXECUTIVE SUMMARY

All City employees share the common purpose of serving the public and ensuring public funds are spent wisely. The work of the City should be conducted fairly, equitably, ethically, and transparently. Proactive steps must be taken to ensure community commitments and management objectives are met. It is important for employees and the public to be provided a mechanism to voice appropriate concerns when they see or feel something is not right.

Culver City employees are entrusted with public funds and have a duty to use those funds economically, efficiently, effectively, and ethically. If City employees do not honor that obligation, then it is imperative to identify and correct those actions.

As a result, Culver City has established a Fraud, Waste, and Abuse Program that is available to all City employees and the public. The program operates 24 hours a day, 7 days a week. Reports of suspected inappropriate activity can be made using the City's toll-free number, mail, phone, or in person. The City is committed to reviewing all complaints and investigating all legitimate concerns. All reports submitted are treated confidentially.

Purpose of a Fraud, Waste, and Abuse Program

A Fraud, Waste, and Abuse (FWA) Program is a mechanism for employees or members of the public to report activities perceived to be misconduct, violations of City policy or ethics, theft, waste, or misuse of City assets. The objective of a FWA program is to identify and stop loss of City resources and act as a deterrent to fraud, waste, and abuse.

In order to facilitate reports of fraud, waste, or abuse, a FWA hotline is administered by a hotline contractor. The contractor receives calls on the FWA hotline and forwards the incident report to the City's Internal Auditor. Please do not use this program to report grievable labor issues or employee misconduct, which should be reported to the Human Resources Department. Matters of threat to a person should be reported to the Police Department by calling 911.

Benefits of a Fraud, Waste, and Abuse Program

There are numerous benefits to a Fraud, Waste, and Abuse Program. It is important for not only identifying and quantifying losses to the City, but also preventing future losses. Specific benefits include:

- Identification and termination of occurrences of fraud, waste, and abuse.
- Recovery of funds as a result of investigations.
- Deterrence of inappropriate behavior by increasing awareness of these actions
- A safe mechanism for employees and the public to voice concerns and report suspected inappropriate activity.
- Commitment to the City's core values through the promotion of the program.
- Improvement in the City's internal control processes.
- Enforcement of an ethical work environment.

II. FRAUD, WASTE, AND ABUSE DEFINITIONS

A. FRAUD DEFINITION

Fraud is defined as a dishonest and deliberate course of action that results in obtaining money, property, or an advantage to which City employees or officials committing the action would not normally be entitled. Fraud also encompasses intentional misleading or deceitful conduct that deprives the City of its resources or rights. There are three categories of fraud. They include 1) financial statement fraud, 2) misappropriation of assets, and 3) corruption. Examples of fraud include, but are not limited to:

- Falsifying financial records to cover up theft.
- Theft or misuse of city money, equipment, supplies, and/or other materials.
- Intentionally misrepresenting the costs of goods or services provided.
- Falsifying payroll information.
- Use of city equipment or property for personal use/gain, non-business reasons.
- Submitting false vouchers for reimbursements.
- Soliciting or accepting a bribe or kickback.
- Intentional use of false weight or measures.

B. WASTE DEFINITION

Waste is defined as the needless, careless, or extravagant expenditure of city funds; incurring of unnecessary expenses; or mismanagement of city resources or property. Waste does not necessarily involve private use or personal gain, but it almost always signifies poor management decisions, practices, or controls. Examples of waste include, but are not limited to:

- Purchase of unneeded supplies or equipment outside of established limits.
- Purchase of goods at inflated prices without appropriate bids or research.

C. ABUSE DEFINITION

Abuse is defined as the intentional, wrongful, or improper use or destruction of city resources, or improper practice that does not involve prosecutable fraud. Abuse can include the excessive or improper use of an employee or official's position in a manner other than its rightful or legal use. Examples of abuse include, but are not limited to:

- Failure to report damage to city equipment or property.
- Using one's position to gain an advantage over another city resident when conducting personal business in another city department.
- Abuse of city time such as significant unauthorized time away from work or significant use of city time for personal business.

- Abusing the system of travel reimbursement.
- Receiving favors for awarding contracts to certain vendors.
- Using city property, information or position for personal gain or resulting in extra or special charges to the City.
- Appropriating or diverting any business opportunity or idea in which the City might have an interest.
- Competing with the City in an inappropriate way.
- Failure to disclose a conflict of interest.
- Participating in decision making where a conflict of interest resides.
- Improper use of supervisory authority in response to an employee taking action or refusing to take action.

III. FRAUD CATEGORIES

A. FINANCIAL STATEMENT FRAUD

Financial statement fraud includes intentional misstatements, omissions, or disclosures in financial statements designed to deceive financial statement users. Fraudulent financial reporting often involves upper management and management override of controls that otherwise may appear to be operating effectively. Common occurrences include overstating revenues and understating liabilities or expenses. Examples include:

- Manipulation, falsification, or alteration of accounting records or supporting documents from which financial statements are prepared, such as overstating assets and understating liabilities.
- Misrepresentation in or an intentional omission from the financial statements of events, transactions, or other significant information.
- Intentional misapplication of accounting principles relating to amounts, classification, manner of presentation, or disclosure.

B. ASSET MISAPPROPRIATION

Asset misappropriation is theft of an entity's assets that causes the financial statements not to be presented in conformity with Generally Accepted Accounting Principles. False or misleading records or documents, possibly created by circumventing controls, may accompany misappropriation of assets. Examples include:

- Embezzlement of cash where accounts have been manipulated or false invoices have been created
- Skimming revenue before the funds have been recorded in the City's financial records
- Cash larceny
- Lapping accounts receivable
- Check tampering
- Over-billing customers
- Stealing assets such as office supplies or computer equipment
- Causing the City to pay for goods and services that have not been received
- Data theft or intellectual property
- False expense claims
- Duplicate reimbursements
- Payroll fraud
- Paying personal expenses with the City's resources

C. CORRUPTION

Corruption is the wrongful use of influence in a business transaction in order to procure some benefit and contrary to their duty to their employer or the rights of another. Examples include:

- Seeking or accepting kickbacks
- Engaging in conflicts of interest
- Bid rigging
- Contract manipulation
- Economic extortion
- Illegal gratuities
- Hiring or promotion based on personal relationship (known or unknown)

IV. ETHICS DEFINITIONS

Business Ethics

Business ethics apply to right and wrong behavior in the business world and take on different meanings in different cultures, making it challenging to truly define business ethics. However, there are a number of areas where unethical practices may occur more frequently, including human resources and accounting.

Human Resources Ethics

Interactions between managers and employees create opportunities for breaches of ethics, such as discrimination based on ethnicity, gender, age or other factors. Managers who discriminate against minority groups in hiring practices, compensation decisions, and terms of employment can face legal and social consequences. Dishonesty and manipulation are also examples of unethical workplace behavior.

Accounting Ethics

Financial accounting is a major ethical issue, and no amount of industry or government regulation seems able to prevent dishonest people from reporting financial information in unethical ways. Certain unethical accounting practices are illegal, such as misrepresenting income or expenses in financial statements through unjustifiable shifting of expenses to inappropriate periods to influence current financial results, obtain a better debt rate, or to maintain debt covenant requirements.

V. IMPLEMENTATION

A. PLANNING

Roles and Responsibilities

The Fraud, Waste, and Abuse Program will be administered and managed as follows:

- City Council – requires a Fraud, Waste, and Abuse program.
- City Manager – sets the tone for the program, funds the program, and provides a message on the City’s intranet page promoting ethical behavior with appropriate links for reporting.
- City Attorney – reviews reports, as necessary, to determine if there are civil matters to be addressed and takes appropriate actions.
- Police Chief – reviews reports to determine if there are criminal matters to be addressed and takes appropriate actions.
- Human Resources – receives complaints and works with management and bargaining unit representatives to take appropriate action as a result of substantiated complaints.
- Department Managers – responsible for supporting the FWA program and cooperating with an investigation should one occur within their department.
- Risk Management – for substantiated complaints, works with management regarding insurance coverage and claims.
- City employees – responsible for reporting suspected inappropriate activity.
- FWA Program Coordinator/Internal Auditor –responsible for coordinating the FWA Program, monitoring, triaging complaints, conducting investigations, providing overall oversight as to the progress of complaints received, making reports, and performing follow-up procedures deemed appropriate.

Tracking and Monitoring of Complaints

The City has established a case management process to capture, track, and report the following elements:

1. Complaint triage and action carried out by Internal Auditor as follows:
 - Information sufficient to determine the complaint is not a City issue
 - Information insufficient for investigation, follow up with complainant to gain clarification if contact information provided
 - Refer to other department
 - Investigate

2. Referrals will be made by the Internal Auditor as deemed appropriate to the situation. Some examples of referrals include:
 - Potential crimes may be referred to the Police Department, depending on the nature of the potential crime.
 - Labor relations and other personnel matters and grievances may be referred to the City's Human Resources department or appropriate department head, depending on the nature of the complaint.
 - Financial complaints may be referred to the Chief Financial Officer or his/her designee.
3. Investigations by the Internal Auditor
 - Determine the methodology for investigation. Procedures may include, but not be limited to, the following types of activities that specifically relate to the allegation received:
 - Interviews of individuals deemed to have direct knowledge of the matter.
 - Interview with the employee(s) named in the complaint.
 - Interview with the person(s) who made the complaint, if known.
 - Interview with person(s) external to the City deemed to have direct knowledge of the matter at hand.
 - Review of documentation supporting the transaction(s) questioned.
 - Review of City policies and procedures.
 - Review of City Council meeting minutes.
 - Review of emails.
 - Confirmation from third parties substantiating transactional activity such as financial institutions, investment administrators, and vendors.
 - Testing of internal controls and/or transaction details.
 - Electronic analysis of transactions utilizing ACL or other automated tools deemed appropriate to the situation.
4. Final disposition or conclusion by the Internal Auditor
 - Substantiated matters will be reported based on Generally Accepted Government Auditing Standards requirements, including the following elements:
 - Condition – what really happened
 - Criteria – what we expected to happen, including identification of laws, rules, regulations, statutes, and generally accepted accounting principles
 - Effect – financial impact to the City

- Cause – why the condition happened, including weaknesses in internal controls or override of internal controls
 - Recommendations – address changes to internal control structure, assignment of duties and responsibilities, training, disciplinary action, or referral to the City Attorney for civil or criminal action
 - Unsubstantiated matters will be reported in a manner that protects the subject of the complaint. Elements reported may include the following:
 - Date the complaint was received
 - Period of time Internal Auditors conducted the investigation
 - Summary of actions taken to investigation the complaint
 - Conclusion regarding evidence of criminal or civil wrongdoing and violation of administrative policy
 - Recommendations for improvement in internal controls or operations, if warranted
5. Reporting. The frequency and content of FWA Program reporting will be driven by the City's open meetings law.
- Report type, as appropriate
 - Formal report
 - Management letter
 - Personnel letter of disciplinary action
 - Report recipients, as appropriate
 - City Council
 - City Attorney
 - Human Resources
 - Finance
 - Risk Management
 - Insurance
 - Employee(s) involved in the situation
 - Reporting forum
 - Executive session discussion – nondisclosure to public
 - Public disclosure

B. FRAUD HOTLINE

Providing individuals with a means to report suspicious activity is a critical part of an anti-fraud program. Fraud reporting mechanisms, such as hotlines, are set up to receive tips from both internal and external sources and support anonymity and confidentiality. Management encourages employees to report suspicious activity, as well as enact and emphasize an anti-retaliation policy. According to the

Association of Certified Fraud Examiners, the number one source for the initial detection of fraud is through a tip, with over 50% of tips coming from an employee.

External Hotline Answering Company

The City has elected to contract with a third party vendor to administer the offsite reporting system (the “Contractor”). Incident reports can be submitted in a number of ways and allows employees or members of the public to call and speak to an operator via a designated phone number staffed by the vendor. There are distinct benefits to managing the hotline in this manner. Examples include:

- Services are available 24 hours a day/7 days a week/365 days a year.
- The persons receiving the calls are hotline professionals, trained in how to obtain the information necessary for the City to determine an appropriate course of action.
- The Contractor has the ability to receive documents (Word, Excel, and PDF) and forward them to the City as evidence for the complaint, while maintaining the privacy of the caller.
- The Contractor has the ability to communicate back and forth with the caller without revealing the identity of the caller.
- **The Contractor will provide notification of and the incident report to the City’s Internal Auditor.**
- The Contractor will provide case management of calls received, including archiving and data retention.
- The Contractor will provide a summary of the calls received, including call type, disposition (open or closed), etc.

C. METHODS FOR CAPTURING COMPLAINTS

The City is providing employees and members of the public a variety of methods for reporting suspected inappropriate activity and behavior. These methods include:

- **Hotline (anonymous reporting mechanism, internal vs. external) – all incident reports are forwarded to the City’s Internal Auditor.**
- Phone call – if received by the City’s Internal Auditor, the caller will be encouraged to call the FWA hotline, or the City’s Internal Auditor will handle the call by obtaining the information required to determine if an investigation is necessary. If a call is received by City personnel, then the incident/complaint will be forward to the FWA hotline or City’s Internal Auditor, as appropriate.
- Face-to-face – City personnel will take appropriate notes of the meeting and encourage the complainant to report the matter through the FWA hotline.
- Mail –mail will be forwarded to the City’s Internal Auditor for investigation, as appropriate.

D. PROGRAM REVIEW

The City Council will at least annually review the program to validate that the Fraud, Waste, and Abuse Program is meeting City Council and management objectives and providing useful information. The review will include confirmation of individual roles and responsibilities, policies and procedures, and the results of investigations. Statistical information will also be reported, such as the following:

- Number of complaints received
 - Referred – non-city, information requests, etc.
 - Under investigation
 - Open – pending additional information
 - Closed
- Sources of complaints
 - Hotline or on-line
 - Phone or mail
 - Face-to-face
 - Other
- Types of complaints
 - Employee misconduct
 - Contractor misconduct
 - Fraud – misappropriation of assets, false reporting
 - Wasteful spending
 - Abuse of position
 - Ethics
 - Other
- Cases closed and reason for closing
 - Investigated – substantiated
 - Investigated – not-substantiated
 - Referred
 - Insufficient information – no action taken
- Case Highlights – Investigations conducted – loss substantiated
 - Identified loss and impact to the City
 - GAGAS finding elements – condition, criteria, effect, cause
 - Recommendations in internal controls
- Program Implementation Status - Implementation of recommendations resulting from an investigation may take 2-3 years.
 - Summary of recommendations
 - Management’s response
 - Actions taken to date
 - Estimation from management of when implementation will be completed.

E. COMMUNICATION PLAN

The City launched the Fraud, Waste, and Abuse Program in 2017. The program incorporates the City's Whistleblower Protection Policy by setting an appropriate tone at the top. Consideration is also being given to the following:

- Message from the City Council and City Manager kicking-off the program
- Intranet page link to reporting options for employees
- Internet page link to reporting options for the public
- Plan for ongoing support and communication about the program
- Newsletters
- New hire training
- Annual training

F. REACTING TO COMPLAINTS

Regardless of the mechanism through which the City receives a complaint, the following procedures are established for triaging complaints, performing investigations, and communicating investigation results.

Triage Escalation

The City has established escalation for complaints as follows:

- Immediate response – call indicates misappropriation of the City's assets, false reporting, misuse of City assets, etc.
- Referral – based on the circumstances of the complaint, reports may be referred to other departments or outside the City. In such instances, the caller will be notified of the referral if the caller requests. The call can be closed upon referral but should be reported as such, or it may remain open until the final resolution is communicated to the City. Matters indicating a personal emergency will be forwarded to the appropriate party for action. For example, a life threatening situation or child abuse.
- Internal Annual audit plan – call indicates the need for process redesign or modification to internal controls for consideration as an area of focus for the annual internal audit plan.
- Follow-up – call requires additional information before appropriate action can be determined.
- Closed as received – including but not limited to:
 - Call is incomplete
 - Caller did not provide sufficient information to determine the appropriate action and caller has not elected for two-way anonymous communication
 - Matters regarding non-audit issues (i.e. request for the number of a local dump)

Investigating Complaints

The complaint will be forwarded to the appropriate party for investigation. If the City's Internal Auditor investigates, then the following activities will be performed:

- Read the initial hotline report.
- Obtain any supporting documents provided by the caller through the Contractor.
- Identify additional evidence needed to resolve the complaint, including but not limited to:
 - City policies and procedures
 - Copy of or access to Council meeting minutes
 - Copies of invoices, receipts, contracts, etc.
 - Other documentation deemed necessary to determine validity of the incident report
- Identify who will be contacted during the investigation, including but not limited to:
 - Suspect to the allegation
 - Victim(s)
 - Witnesses
 - Complainant, if known and the individual wishes to be interviewed
 - Those within the internal control process, but who may not have knowledge of the specific complaint
 - Law enforcement, if appropriate
 - Others as determined necessary
- Communicate to the complainant appropriate information regarding the City's whistleblower policy.
- Perform investigative procedures to determine the validity of the complaint and documenting:
 - Steps taken
 - Evidence gathered – chain of custody
 - Conclusions reached
 - Quantification of financial loss to the City, if any
 - GAGAS – criteria, condition, cause, effect, and recommendations, as appropriate
- Keep the appropriate parties informed of the progress of the investigation.
- Communicate the final results of the investigation, including notification and reporting, as appropriate, including, but not limited to:
 - City Council
 - City management
- Manage information on a need-to-know basis.
- Maintain case files for an appropriate period. This may be driven by whether or not the case results in civil or criminal charges.

Communication

Within the escalation process, the City has created a reporting structure. The City will continue to modify that structure as appropriate. The current structure includes reporting to the following:

- City Attorney's office – potential civil activity
- Police Chief – potential criminal activity
- Human Resources Department – employee disciplinary action and policy violation
- City Council – periodic reporting of activity
 - Quarterly statistics of calls received
 - Summaries of completed investigations, as appropriate and dependent upon whether there will be civil or criminal charges filed

VI. WHISTLEBLOWER PROTECTION/POLICY

The risk and fear of retribution can deter many people from reporting allegations of wrongdoing against a colleague, manager, Council member, or a City vendor. The public policy of the State is to encourage state and local officers and employees to disclose improper governmental action and protect the rights of persons making such disclosures.

The City's forthcoming Whistle-Blower Protection Policy and prohibits retribution against any employee who may have made a report of suspected inappropriate activity. The City will take each call seriously and investigate as the issue warrants and evidence is available. The City has made available an anonymous reporting mechanism to facilitate this process.

If an individual makes a report through the FWA hotline, then the Internal Auditor will not make any effort to identify the complainant. If the individual wishes to be contact by the Internal Auditor, then the individual should leave contact information at the time of the FWA hotline call. The Internal Auditor will not reveal the identity of the individual(s) unless required to do so by law.

VII. TRAINING

The City is providing initial and ongoing training to all City employees on the Fraud, Waste, and Abuse Program.

Initial Training

Initial training includes discussion of the following:

- Program purpose and benefits
- Roles and responsibilities
- Employee responsibilities for reporting suspected inappropriate activity
- How to make a report using all various methods (hotline, web, or face-to-face)
- Investigation considerations
- Reporting of investigation results – public vs. private information.

On-going Training

On-going training is important to reinforce management's commitment to reducing loss of resources to the City. The training can be part of the City's annual training program or specific to a department. A fraud, waste, and abuse training webinar will be made accessible by all employees.

Fraud Awareness Training & Train the Trainer

In order for City employees to understand when and what to report, employees need to receive fraud awareness training. Consideration should be given to which employees should receive training (managers, directors, supervisors, line employees, etc.). Training should include the following topics:

- Definition of fraud, waste, and abuse with examples of each
- Fraud triangle – fraud environment – answering why fraud happens
- Opportunity points for fraud to occur
- Internal controls intended to prevent and detect fraud
- The importance of corrective controls and the message it sends to employees
- Fraud schemes – what does fraud look like, how to identify and understand various schemes
- Characteristics and red flags of perpetrators

VIII. MANAGEMENT RESPONSE

Culver City established a Whistle Blower Policy #4011 in 2003 for employees to report unlawful conduct or conduct in violation of any City policy, directive, ordinance or charter provision. This Policy provides employees with three possible actions that an employee can take if they find something that needs to be reported. It also provides very detailed complaint procedures that should be followed. Culver City employees can file their complaints to the City Manager or City Council for further investigation. City employees also have the option to call the California State Attorney General Whistleblower Hotline and file a complaint. This information has been provided to new and current employees through the Human Resources Department.

Based on recommendations of Moss Adams, the City is also interested in holding a contract with an external hotline answering company to receive complaints from employees and residents of the Culver City. External hotline answering companies can receive complaints over the phone, web or by mail. The Finance Department has reached out to two companies suggested by Moss Adams. Their pricing and services will be reviewed by the City Manager and the CFO to make the final selection.

A new webpage on Culver City's website is created for employees and citizens to report Fraud, Waste, and Abuse related issues. These reports will be received by an external hotline company, Lighthouse, once the contract has been finalized.

The City is committed to fully implement a Fraud, Waste and Abuse Program per the recommendations of Moss Adams. The City will also provide initial and ongoing training to all City employees and update the Whistleblower Policy #4011 and Code of Ethics Policy #4006 to reflect current regulations.