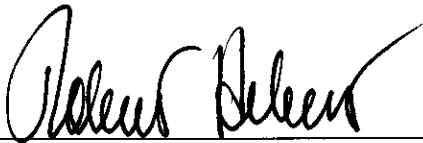


Certification of Internal Ethics and Compliance Program

The undersigned hereby certifies that it has adopted and does enforce an internal ethics and compliance program that is designed to detect and prevent violations of the law, including regulations and ethical standards applicable to this entity or its officers or employees and that the internal ethics and compliance program satisfies the requirements of Title 43 Texas Administrative Code.

Fort Bend County

A handwritten signature in black ink, appearing to read "Robert E. Hebert", is written over a horizontal line.

By: Robert E. Hebert

Title: County Judge

Date: April 4, 2011



HUMAN RESOURCES DEPARTMENT
FORT BEND COUNTY, TEXAS

Kent M. Edwards, PHR
Director of Human Resources

April 1, 2011

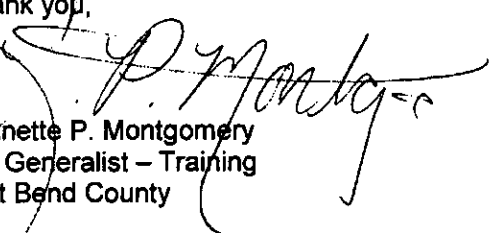
Paulette Shelton
Transportation Director

Ms. Shelton,

The Fort Bend County Human Resources Department agrees to provide annual training on ethics and fraud prevention/detection for the Fort Bend County Public Transportation Department, to ensure compliance with Title 43 of the Texas Administrative Code. This training will be open to all Fort Bend County Public Transportation employees, as well as personnel from any other County department providing support functions.

If you have any questions regarding this matter, please feel free to contact me.

Thank you,


Lynnette P. Montgomery
HR Generalist – Training
Fort Bend County



FORT BEND COUNTY FRAUD PREVENTION AND DETECTION POLICY

Policy Statement: Fort Bend County is committed to the deterrence, detection and correction of misconduct and dishonesty to prevent fraud. As with all business exposures, the County must be prepared to manage these risks and their potential impact in a professional manner.

Purpose: The purpose of this policy is to set forth the County's policy regarding deterrence and investigation of suspected misconduct and dishonesty by employees and others, and to provide specific instructions regarding appropriate actions in case of suspected violations. As applicable to this policy, the definition of what constitutes fraud and the outline of the rules and procedures to follow when fraud is suspected applies to all employees, department heads and elected officials.

Policy: Department heads and elected officials are responsible for the detection and prevention of fraud and other inappropriate conduct within their office. Each department head and official must be familiar with the types of improprieties that could occur within his or her area of responsibility, and be alert for any indication of irregularity. Any fraud that is detected or suspected must be reported immediately in writing to the County Attorney or appropriate law enforcement officer for investigation.

Fraud, for the purposes of these administrative procedures, generally refers to intentionally or knowingly obtaining an unauthorized benefit, such as money or property, by deception or other unethical means. Appendix C discusses in greater detail what conduct is considered fraudulent for purposes of this policy.

Reporting Fraud: Any suspicions of fraud, waste or abuse including but not limited to illegal acts, such as theft, fraud, kickbacks, price fixing, or conflicts of interest by county employees, officials or its contractors should be reported in writing to either the County Attorney or appropriate law enforcement officer.

To report fraud, waste and abuse please describe your concern in detail. Provide the names of all individuals involved, including any other witnesses. Give the dates and times the incident(s) occurred and where it happened. State whether there is any supporting documentation such as license plate numbers, invoice numbers, transaction numbers, case numbers, check numbers or other document numbers. Copies of the supporting documentation can be sent in with the complaint form. Please identify yourself on the complaint form and give a phone number where it would be appropriate to call, so that the County Attorney or law enforcement officer can follow-up on your concerns and complete a full investigation.

This reporting procedure is not intended for reporting improper activities by city, state or federal employees (unless related to specific County activity) or by private parties not related to Fort Bend County government.

Whistleblower Act: A whistleblower is an employee who, in good faith, reports a violation of law by the public employer or another public employee to an appropriate law enforcement authority. The Texas Whistleblower Act protects Whistleblowing employees. In accordance the Government Code, Title 5, Chapter 554, no supervisor, department head or elected official, or person acting on behalf of such, may "suspend or terminate the employment of, or take other adverse

personnel action against, a public employee who in good faith reports a violation of law by the employing governmental entity or by another public employee.”

Investigation: Record Security: A successful audit/investigation can only be performed if the documentation relating to an alleged fraud is available for review in its original form. Therefore, once a suspected fraud is reported, a department head, elected official or supervisor shall take immediate action to prevent the theft, alteration, or destruction of relevant records. Such actions include, but are not necessarily limited to, removing the records and placing them in a secure location, limiting access to the location where the records currently exist, and preventing the individual suspected of committing the fraud from having access to the records. Once a potential act has been reported, the relevant records shall not be destroyed under any previously adopted records retention policy.

Contacts/Protocols: The County Attorney or appropriate law enforcement officer, or their designee, shall coordinate the investigation with the appropriate law enforcement officials.

Confidentiality: All participants in a fraud investigation shall keep the details and results of the investigation confidential except as expressly provided in this administrative procedure. However, the County Attorney or appropriate law enforcement officer may discuss the investigation with any person if such discussion would further the investigation.

Personnel Actions: If a suspicion of fraud is substantiated by the audit investigation, disciplinary action shall be taken in conformance with the County's Personnel Policies and Procedures. A false and vindictive allegation of fraud is a violation of this administrative procedure. All violations of this administrative procedure, including violations of the confidentiality provisions, shall result in disciplinary actions up to and including termination.

Acknowledgement Form: Appendix A

Complaint Form: Fraud, Abuse and Waste Complaint Form that is attached at the end of this document as Appendix B. This form can also be found under “Employees” on the County’s website at www.co.fort-bend.tx.us.

APPENDIX A
ACKNOWLEDGEMENT

My signature signifies that I have read the **Fort Bend County Fraud Prevention and Detection Policy** and that I understand my responsibilities related to the prevention, detection and reporting of suspected misconduct, dishonesty and fraud.

I further acknowledge that I am not aware of any activity that would require disclosure under this or other existing County policies.

Signature: _____

Printed Name: _____

Date signed: _____

Witness: _____

APPENDIX B
Fraud, Waste and Abuse Complaint Form

COMPLAINANT INFORMATION
Name: _____
Address: _____
Phone Number: _____
Your relationship to County AND/OR to the suspect: _____
FRAUD INFORMATION
Suspect Name(s): _____
Department assigned in County: _____
DESCRIPTION OF ALLEGED FRAUD/WASTE/ABUSE

NOTICE: As much information as possible should be provided, in addition to any supporting documents pertaining to your specific complaint. Failure to provide sufficient information or documentation may prevent or delay the investigation of your complaint. The information will be used to determine whether a violation of law has occurred.

This statement is true and accurate to the best of my knowledge.

Signature: _____ **Date:** _____

This form should be completed and filed with County Attorney at:

County Attorney
301 Jackson, Ste. 728
Richmond, Texas 77469

APPENDIX C

DEFINITION OF FRAUD

Fraud generally involves intentionally or knowingly obtaining an unauthorized benefit, such as money or property, by deception or other unethical means. Fraud, for the purposes of these administrative procedures includes any conduct that would violate any of the criminal offenses listed in Texas Penal Code, Title 7, Chapter 31 Theft, Chapter 32 Fraud, Chapter 33 Computer Crimes, Chapter 33A Telecommunications Crimes, Chapter 34 Money Laundering, Chapter 35 Insurance Fraud, and Chapter 35A Medicaid Fraud.

For the purposes of this Policy, the definition has also been broadened to include:

- An intentional or deliberate act
- To deprive the County or a person of something of value or gain an unfair benefit
- Using deceptive, false suggestions, suppressions of truth, or other unfair means which are believed or relied upon
- Intentional waste or abuse of County funds, property or time

A fraudulent act may be an illegal, unethical, improper or dishonest act including, but not limited to:

- Embezzlement
- Misappropriation, misapplication, destruction, removal, or concealment of property
- Forgery, alteration or falsification of documents/records (including but not limited to checks, time sheets, contracts, other financial records, court documents, or electronic files)
- Improprieties in handling or reporting of money or financial transactions
- Authorizing or receiving payment for goods not received or services not performed
- Authorizing or receiving payments for hours not worked
- Serious abuse of County time such as unauthorized time away from work or excessive use of County time for personal business
- Theft or unauthorized removal of County records, County property or the property of other persons (to include the property of employees, supervisors, consumers, clients, customers, inmates or visitors)
- Willful destruction or damage of County records, County property or the property of other persons (to include the property of employees, supervisors, consumers, clients, customers, inmates or visitors)
- Neglecting or subverting job responsibilities in exchange for an actual or promised reward
- False claims by employees, department heads, elected officials, vendors as well as consultants, contractors, and any other parties with a business relationship with Fort Bend County
- Theft of any assets including, but not limited to money or tangible property
- Inappropriate use of computer systems, including hacking and software piracy
- Bribery, rebate or kickbacks
- Conflict of interest
- Misrepresentation of fact

Tex. Admin. Code tit. 43, § 10.51

Texas Administrative Code Currentness

Title 43. Transportation

Part 1. Texas Department of Transportation

Chapter 10. Ethical Conduct by Entities Doing Business with the Department

Subchapter B. Other Entities' Internal Ethics and Compliance Procedures

→ § 10.51. Internal Ethics and Compliance Program

(a) Various sections of this title require an entity to adopt and enforce an **internal ethics and compliance** program. To comply with that requirement, the entity must certify to the department that the entity:

(1) has adopted an **internal ethics and compliance** program that:

(A) is designed to detect and prevent violations of the law, including regulations, and ethical standards applicable to the entity or its officers or employees; and

(B) satisfies all requirements of this section; and

(2) enforces compliance with its **internal ethics and compliance** program.

(b) An entity's **internal ethics and compliance** program must be in writing and must provide compliance standards and procedures that the entity's employees and agents are expected to follow. At a minimum, the program must provide that:

(1) high-level personnel are responsible for oversight of compliance with the standards and procedures;

(2) appropriate care is being taken to avoid the delegation of substantial discretionary authority to individuals whom the organization knows, or should know, have a propensity to engage in illegal activities;

(3) compliance standards and procedures are ef-

fectively communicated to all of the organization's employees by requiring them to participate in training and disseminating to them information that explains, in understandable language, the requirements of the program;

(4) the governing body or individuals of the organization have periodic training in ethics and in the compliance program;

(5) compliance standards and procedures are effectively communicated to all of the organization's agents;

(6) reasonable steps are being taken to achieve compliance with the compliance standards and procedures by:

(A) using monitoring and auditing systems that are designed to reasonably detect non-compliance; and

(B) providing and publicizing a system for the organization's employees and agents to report suspected noncompliance without fear of retaliation;

(7) consistent enforcement of compliance standards and procedures is administered through appropriate disciplinary mechanisms;

(8) reasonable steps are being taken to respond appropriately to detected offenses and to prevent future similar offenses; and

(9) the organization has a written employee code of conduct that, at a minimum, addresses:

(A) record retention;

(B) fraud;

(C) equal opportunity employment;

(D) sexual harassment and sexual misconduct;

Tex. Admin. Code tit. 43, § 10.51

(E) conflicts of interest;

(F) personal use of the organization's property; and

(G) gifts and honoraria.

(c) The department may, at its discretion, request that the entity provide the department with written evidence of the entity's **internal ethics and compliance** program.

Source: The provisions of this §10.51 adopted to be effective January 6, 2011, 35 TexReg 11951.

43 TAC § 10.51, 43 TX ADC § 10.51

Current through February 28, 2011

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END OF DOCUMENT