

Report of Violation of Policy Work Rule Policy or Law**2-3-4****Policy**

This policy and the DCF-2-3-4F form do not replace or eliminate an employee's responsibility to make a timely report to law enforcement, Careline, or any other mandatory reporting requirement.

Every Department of Children and Families (DCF) employee has an obligation to report alleged violations of DCF policies, procedures, regulations or work rules in accordance with this procedure and corresponding DCF-2-3-4F form.

DCF will not tolerate any form of retaliation against employees who:

- report alleged violations of DCF policies, procedures, regulations or work rules; or
- participate in investigations concerning the alleged violations.

Any allegations of retaliation should be brought to the attention of the facility Labor Relations representative. The Agency Labor Relations representative shall notify the Agency Director/Manager of Labor Relations for review of the facts and appropriate action.

Definitions

Alleged violator - the employee who is the subject of the alleged work rule or law violation.

Witness - a person who observed the incident, has knowledge about an incident or who was present in the general area of the incident when it occurred. This may include clients, employees, volunteers, visitors or other members of the general public.

Subject Matter Expert (SME) - an Managerial level DCF employee at the level of Program Director or above who is assigned to provide expertise regarding child welfare policy, standards and practices, including but not limited to state and federal law, regulations, and DCF rules, policies and procedures.

Manager of Record - an a DCF Manager at a level of Office Director, Department Head or equivalent assigned to assist providing DCF program guidance throughout the investigation. Manager of Record is assigned for allegations not requiring an SME.

Continued on next page

Report of Violation of Policy Work Rule Policy or Law**2-3-4****Use of DCF-2-3-4F, Alleged Policy/Regulation/Work Rule Violation Report**

The DCF-2-3-4F, Alleged Policy/Regulation/Work Rule Violation Report, is a comprehensive report form which collects the following information:

- alleged violator
- name of person reporting the alleged violation
- type of alleged violation:
 - violation of DCF Policy/Code of Conduct-citation required
 - abusive or harassing conduct
 - affirmative action violation
 - criminal conduct
 - behavioral
 - client related activity
 - attendance
 - performance deficiencies
- location of incident
- description of incident
- names of persons involved
- names of witnesses
- copies of relevant policies, procedures, regulations and professional standards, and
- written statements from any witnesses.

Obligation to Report

Every DCF employee has an obligation to immediately report alleged violations of DCF policies, procedures, regulations or work rules in accordance with this procedure.

The reporting obligation arises when an employee:

- is directly involved in an incident which is an alleged violation
- observes an incident, which is an alleged violation, or
- is made aware of an incident which is an alleged violation.

Any employee who fails to report alleged violations may face disciplinary action up to and including dismissal.

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Oral Reports An employee aware of a violation must make an oral report IMMEDIATELY to their supervisor and to the supervisor of the area in which the alleged violation occurred.

In the absence of the employee's supervisor or if the employee's supervisor is the individual alleged to have committed the violation, the oral report shall be made immediately to the next available supervisor or manager.

**Reports
Outside
Normal
Business
Hours**

Reports of incidents that occur on evening, night or weekend shifts must not be delayed for first-shift or Monday morning processing.

Each facility must clearly designate individuals responsible for report processing in the absence of a regular supervisor or manager.

The supervisor/manager should make every effort to obtain a written statement describing the incident from each involved person and each witness immediately or as soon as possible. Each statement must be signed and dated by the individual who authored it.

**Written
Report**

The written report shall be made on the DCF-2-3-4F report form.

The supervisor or manager who received the oral report shall be responsible for completing the DCF-2-3-4F report form, in its entirety as soon as possible, but no later than the end of the employee's shift.

If the violation was determined through the quality assurance process, the Deputy Commissioner of Administration shall submit the DCF 2-3-4F form to Labor Relations or designee.

Any relevant policies, procedures, regulations and/or standards must be noted on the form.

Any employee who knowingly falsifies the DCF-2-3-4F report violates DCF Code of Conduct and may be subject to disciplinary action, up to and including dismissal.

Continued on next page

Report of Violation of Policy Work Rule Policy or Law**2-3-4****Review of Report Prior to Investigation**

Prior to submitting a DCF-2-3-4F to the Labor Relations unit for investigation, the designated Office Director, Superintendent, or Division Management designee must review the DCF-2-3-4F to determine whether the alleged incident rises to the level warranting an DCF-2-3-4F submission to Labor Relations for investigation, in order to ensure that the DCF-2-3-4F process is not utilized for matters which are more appropriately and effectively addressed at the Office or Division level.

Consultation with the assigned Agency Labor Relations Director/Manager is recommended if the manager is unclear regarding whether an alleged incident is appropriate for an DCF-2-3-4F submission to Labor Relations.

If the report involves an alleged violation(s) of child welfare policies and practice related to the employee's performance on a case following a Critical Incident, Significant Event or other internal review, the DCF Deputy Commissioner for Administration or designee shall assign a SME to participate fully in the investigation. In all other cases, Labor Relations shall work with the Manager of Record.

After the above review, the facility designated manager must sign and transmit a complete set of report documents to the Agency Director/Manager of Labor Relations or designee via fax/email via attachment for Agency tracking and record retention.

Reports Involving Public Safety

All DCF-2-3-4F reports that concern Public Safety staff must be sent directly to the Agency Public Safety Officer or designee.

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Report of Violation of Policy Work Rule Policy or Law**2-3-4****Reports
Involving
Public
Safety,**
Continued

The supervisor, manager, or designee will immediately report to the assigned Agency Police Officer or designee any report involving possible criminal activity. The Agency Police Officer or designee will notify the DCF Deputy Commissioner/Commissioner and immediately determine and implement the appropriate police action, if any, and notify the DCF Agency Director/ Manager of Labor Relations.

The Public Safety Department should always be notified immediately of the following types of incidents because they may require a criminal investigation:

- physical assaults, including sexual assaults or contacts
- any workplace violence
- allegations of physical client abuse
- complaint of inhumane or cruel treatment of clients
- allegations of alcohol or drug related activity, including impairment
- theft or damage of state property, or
- use or possession of any type of weapon (e.g. knife, firearm or other instrument used as a weapon).

In those cases where it is questionable whether an incident may be criminal in nature, the Public Safety Department should be notified as a precautionary measure.

**Affirmative
Action
Violations**

If the incident involves an allegation of an affirmative action violation, the manager, department head or designee should notify the Office of Diversity and Equity (ODE).

**Documen-
tation**

All DCF-2-3-4F records will be forwarded to the Labor Relations Director/Manager for appropriate tracking.

Record retention and final disposition of the incident report packet will be made in accordance with state retention guidelines.