

help us with finding mismanagement or waste in state government and that network is our state employees. They are out there. They're the front line of defense. They are administering programs and if anybody knows where programs are going awry, they do. They know if there is a deflection of money from one purpose to another, but the difficulty is if you are a front line employee that it may very well be either agency policy or practice or the behaviors of one's superior that might be complained of. Maybe it's a state car that is getting used for a purpose beyond which the appropriate public purpose extends. And the employee is caught with the difficulty of reporting that kind of a problem up the very hierarchical system which, in fact, enforces all discipline in the agency. So this provision says that an employee may come to either a public official like us or to the Ombudsman's Office and to make a complaint. They can tell us what they know about fraud, waste or mismanagement of finances and that in the case of the Ombudsman, a preliminary investigation is made to see whether or not there is a basis for the complaint. In the event the preliminary investigation indicates that there is a basis for the complaint, it then moves on to something called the formal investigation. It is possible that there is no real substance to the complaint. It may be that there is a darned good reason for why things are being done the way they are and the Ombudsman can shortcircuit the process in a very confidential manner at that point. On the other hand, if the Ombudsman finds that there is, in fact, reason to believe that there has been fraud, waste or mismanagement, we then move into the formal investigation process. The employee making the complaint is notified. The director of the agency is notified and an investigation is made, a report is compiled and given back to the director and to the Governor. In the event an employee, following making a complaint, receives a personnel disciplining action, the bill contemplates that it's entirely possible that this is in retaliation for that act of breaking out of the chain of command and that there is a rebuttal presumption that it's retaliation that would require evidence on the agency's part to justify why the personnel action is being taken and that the personnel board would need to act, number one, in staying any personnel action prior to a hearing which would establish that the rebuttal presumption is not justified and then the personnel discipline should occur. Employees are not given full range in using this mechanism. In fact, it has to be done in good faith. If it is done repeatedly without justification, if it's done in furtherance of some kind of personal spat but with no justifiable basis and if there is