City of Hallowell
Whistleblower Policy (September 8, 2016)

The City of Hallowell requires elected and appointed City officials, supervisors and employees to observe high standards of professional and personal ethics in the conduct of their City duties and responsibilities. As employees and representatives of the City of Hallowell, municipal officials, supervisors and employees must practice honesty and integrity in fulfilling their City duties and responsibilities and complying with all applicable laws and regulations. Among these obligations, City officials and supervisors must refrain from any actions that would constitute a violation of Maine's Whistleblower Protections Act, Title 26 M.R.S.A. section 833.

This policy is intended to encourage City employees at all levels to report good faith suspicion or observed occurrence(s) of illegal, unethical, unsafe or inappropriate behaviors or practices without retribution. This policy implements and supplements the statutory protections and requirements under 26 M.R.S.A. section 833.

Nothing in this policy shall be deemed to limit the application of other statutes, the City Charter, City of Hallowell ethics ordinances, or City ethics policies to those City employees to whom such statutes, Charter, ordinances or policies may apply.

It is the policy of the City of Hallowell that any City employee who observes or has unprivileged knowledge of illegal, unethical, unsafe or inappropriate behaviors or practices by other City officials, supervisors or employees, including but not limited to those matters set out in 26 M.R.S.A. section 833, shall report the same for necessary investigation, correction, and/or disciplinary action. Community members, City officials, or employees should report information related to prohibited activities, which include but are not limited to:

1. Violation of any law, regulation or ordinance;
2. Conflict of interest;
3. Fraud, waste, or misuse of City property, resources or time;
4. Improper or illegal use of authority;
5. Creation of a specific and substantial danger to public health or safety by failing to perform the duties required by the position held with the City;
6. Theft, misuse of, or misappropriation of City resources, property, information, assets or funds or any attempt to do any of the same;
7. Intentional falsification of records or the willful and unauthorized destruction and/or mutilation of any City document or other official document, report, or form, including City financial records, other than in accordance with the City's record retention policy and/or applicable state law;
8. Intentionally submitting false claims for payment or reimbursement;
9. Knowingly submitting and/or signing a timesheet that contains false information;

10. Forgery or intentional unauthorized alteration of a City document or other official document, application, report or form, including but not limited to City financial documents;
11. Improprieties in the handling or reporting of financial transactions for the City;
12. Authorizing or receiving payment by the City for goods not received or services not performed; and,
13. Computer related activity involving unauthorized alteration, destruction of data, forgery, or manipulation of date or misappropriation of City-owned software.

It is the further policy of the City of Hallowell that no City employee shall suffer any adverse personnel action, retaliation, retribution or discrimination as a result of any such report, when made in good faith, whether or not subsequent investigation confirms the report.

Any report under this Policy shall be made in accordance with the following provisions:

1. A report made orally or in writing under this Policy should be given to the appropriate supervisor(s) as soon as possible after the date of the act or event which is the subject of the complaint.

2. Any employee reporting any alleged violation, unsafe condition, or practice outlined in the attached §833 or consistent with the intent of this Policy, must first bring the concern to their immediate supervisor, except in the cases outlined in item 3 of this list.

3. If the Whistleblower is an employee who is uncomfortable or otherwise reluctant to report to the supervisor (for example, when the occurrence involves behaviors, practices, or conduct of the supervisor concerned,) or if a complaint is made to the supervisor but no response is given within a reasonable time, then the Whistleblower may report to the City Manager, or to the Mayor only in the event that the City Manager is party to the Whistleblower's complaint.

4. The Mayor must share any report of illegal, unethical, unsafe or inappropriate behaviors or practices by the City Manager in Executive Session at the next scheduled City Council meeting. Upon receipt of a report from the Mayor, the City Council shall determine whether the report merits initiation of a disciplinary hearing process.

5. The Whistleblower may report the event anonymously at their own discretion.

6. The Whistleblower shall receive no retaliation or retribution for a report that was provided in good faith.

7. A Whistleblower who knowingly makes a false report, not in good faith, may be subject to discipline under the City's personnel rules and regulations, up to and including termination of employment.

8. Any City employee who retaliates against a Whistleblower reporting an event in good faith will be subject to immediate discipline, up to and including termination of employment.

9. Crimes against persons or property (for example, but not limited to assault, rape, burglary, or theft,) should immediately be reported to local law enforcement personnel, and then reported to the department head and / or the City Manager. Specifically, any employee required by law to report suspected physical, sexual or mental abuse, neglect or exploitation shall follow the requirements of such applicable laws.

10. Supervisors, managers, or department heads who receive the reports must promptly act to investigate and/or resolve the issue or elevate the matter to the City Manager for resolution.

11. Unless the report was made anonymously, and to the extent permitted by personnel privacy laws and any applicable collective bargaining agreement(s), the Whistleblower may request in writing within five business days of the initial report, a written status update report regarding the status of the investigation, disposition or resolution of the issue.

12. If the Whistleblower's report results in a disciplinary hearing against a City official or employee, the Whistleblower shall be entitled to be present at the disciplinary hearing, to the extent provided in Title 1 M.R.S.A. section 405(6)(A).

13. Unless prohibited by employee confidentiality statutes (*e.g.* 1 M.R.S.A. section 405(6)(A); 30-A M.R.S.A. section 2702) or other Maine or federal confidentiality laws, the Whistleblower shall be informed in writing of the final disposition of the report upon conclusion of the City's investigation or response, unless that information is determined to be confidential or part of an ongoing investigation by another agency.

14. The Whistleblower retains the right to report the event to the appropriate legal or investigative agency at any time.

15. The identity of the Whistleblower, if known, shall remain confidential except to those persons directly involved in applying this policy, unless disclosure is required in connection with an employee disciplinary hearing, by court order or subpoena, or otherwise by law.

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