

**City of Hallowell**  
**Whistleblower Policy (7/2016)**

The City of Hallowell requires elected and appointed Citymunicipal officials, supervisors and employees to observe high standards of professionalbusiness 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 (copy attached).

This policy is intended to encourage Citymunicipal officials, supervisors and employees at all levels to report good faith suspicion suspected or observedactual 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 officials, supervisors and employees to whom such statutes, Charter, ordinances or policies may apply.

It is the policy of the City of Hallowell that any City official, supervisor and 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 promptly report the same for necessary investigation, correction, and/or disciplinary action. Community members, officers 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; 6) 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; 7) intentionally submitteing false claims for payment or reimbursement; 8) knowingly submitting and/or signing a timesheet that contains false information; 9) 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; 10) improprieties in the handling or reporting of financial transactions for the City; 11) authorizing or receiving payment by the City for goods not received or services not performed; 12) 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 official, supervisor or 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 filed under this Policy should be made within \_\_\_\_\_ days of the date of the act or event which is the subject of the complaint.

1. 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 ~~The Whistleblower shall~~ promptly report the suspected or observed occurrence ~~actual event~~ to his/her immediate supervisor.
2. If the Whistleblower 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 the City Mayor.
3. The Whistleblower ~~may~~ can report the event with his/her identify or anonymously.
4. The Whistleblower shall receive no retaliation or retribution for a report that was provided in good faith, ~~and done without malice or intent to damage another person or the City.~~
5. A Whistleblower who knowingly makes a false report, ~~that is not done~~ in good faith, ~~for the purpose of damaging another person or the City may be~~ subject to discipline under the City's personnel rules and regulations, up to and including termination of employment, or other legal means to protect the reputation of the City and its staff.
6. Any City official or supervisor ~~one~~ who retaliates against the Whistleblower who reported an event in good faith will be subject to discipline, up to and including termination of employment ~~employee status~~.
7. Crimes against persons or property, such as assault, rape, burglary, etc., should immediately be reported to local law enforcement personnel. 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.
8. Supervisors, managers, department heads who receive the reports must promptly act to investigate and/or resolve the issue.

9. Unless the report was made anonymously, to the extent permitted by personnel privacy laws and any applicable collective bargaining agreement(s), The Whistleblower shall receive a report within five business days of the initial report, regarding the status of the investigation, disposition or resolution of the issue.

10. If the Whistleblower's report results in a disciplinary hearing against a City official, supervisor 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).

9.11. 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 of the final disposition of the report upon conclusion of the City's investigation or response.

10.12. If the investigation of a report, done in good faith and investigated by internal City personnel, is not to the Whistleblower's satisfaction, then he/she has the right to report the event to the appropriate legal or investigative agency.

11.13. 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, or by court order or subpoena, or otherwise by law. the issue requires investigation by law enforcement, in which case members of the organizations are subject to subpoena.