

Who is a Whistleblower?

- ◆ An employee who discloses information on their own initiative in a signed and written complaint;
- ◆ An employee who is requested to participate in an investigation or hearing conducted by a local, state or federal agency with authority to investigate or remedy the violation; or
- ◆ An employee who refuses to participate in acts prohibited by the Whistleblower Act.

What information must be disclosed?

- ◆ Any violation or suspected violation of any federal, state or local law, rule or regulation committed by an employee or contractor that poses a threat to public health, safety or welfare.
- ◆ Gross Mismanagement-Managerial abuses or criminal or fraudulent conduct which may have a substantial economic impact.
- ◆ Malfeasance- Wholly illegal and wrongful conduct (i.e.theft)
- ◆ Misfeasance- Performing a legal act in an improper or illegal manner(i.e. payroll fraud, inflated invoices)
- ◆ Gross waste of public funds
- ◆ Gross neglect of duty

What is not a Whistleblower complaint?

- ◆ Personnel matters or grievances
- ◆ Policy disagreements

Are there particular agencies that handle Whistleblower complaints?

A complaint must be filed with either:

- ◆ The County Manager;
- ◆ The Inspector General or
- ◆ The Ethics Commission

A complaint may not be protected if it is filed with any other person or agency.

Am I protected if I file a Whistleblower complaint?

The law states that retaliation or adverse personnel actions may not be taken against someone for filing a Whistleblower complaint.

What are examples of adverse personnel actions?

- ◆ Suspension
- ◆ Demotion
- ◆ Discharge
- ◆ Transfer
- ◆ Reduction in salary or benefits

What are my remedies?

You may appeal the adverse personnel action to either a hearing examiner or Employee Relations. The hearing examiner must consider whether the adverse action was retaliation for Whistleblower action in deciding whether the personnel action was justified. You are entitled to reinstatement if the action is deemed to be retaliatory.

You may also file a complaint with the Ethics Commission. The Ethics Commission will determine if the adverse personnel action was retaliation for Whistleblower activity. Any retaliation is considered a violation of the Conflict of Interest ordinance.

Who should I contact for more information?

You may call the Ethics Commission at (305) 579-2594.