

## **Employee Protection Frequently Asked Questions**

The Miami-Dade County Employee Protection Act may be found in Sections 2.56.11- 2.56.18 of the Miami-Dade County Code. It is commonly referred to as the County's Whistleblower Ordinance because it tracks the language of the State of Florida's Whistleblower Act. The Ordinance protects County employees who know of fraud, waste, abuse, misconduct or illegal activity in County government and have the courage to report it.

**Who is a whistleblower?** A County employee who has knowledge of unlawful activity, misfeasance or malfeasance by the County or independent contractors and has the courage to report such information to the Office of the Inspector General (OIG), the Mayor or his designee or the Commission on Ethics and Public Trust (COE).

### **What information must be disclosed?**

- Any violation or suspected violation of any federal, state or local law or regulation committed by a County employee, County agent or independent contractor, which creates and presents a substantial and specific danger to the public's health, safety or welfare; or
- Gross mismanagement
- Malfeasance (intentionally doing something that is illegal)
- Misfeasance (performing a legal action in an illegal or improper manner)
- Gross waste of public funds
- Gross neglect of duty

**How is the information disclosed?** The information may be submitted to the OIG or COE or the Mayor or designee, through its hotline or website, written and signed correspondence or in person.

### **Once a County employee discloses the information, how is he or she protected under the Ordinance?**

- If a County employee reports the specified misconduct to the OIG, his or her identity will remain confidential even after the case is closed.
- If the County employee's identity is known *and* the employee feels he or she has been retaliated against through an adverse personnel action, the employee may:
  - Appeal the adverse personnel action to a hearing examiner or Human Resources;
  - After exhausting his or her administrative remedies, file a sworn complaint with the COE.

### **What are examples of adverse personnel actions?**

- Termination
- Suspension
- Transfer or demotion
- Reduction in salary or benefits

### **What are not considered adverse personnel actions?**

- Personnel grievances
- Issues involving an individual's employment rights
- Policy disagreements

### **What happens if the COE determines that the County employee was retaliated against for blowing the whistle?**

The violator may be subject to:

- Public reprimand;
- Fine
- Disciplinary action, including dismissal from employment

