

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: January 25, 2021**

SUBJECT: Adoption of a Whistle Blower Policy

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Administration
Contact: Jesse Fowler, Assistant Town Manager
Presenter: Jesse Fowler, Assistant Town Manager

BRIEF SUMMARY:

While attempting to apply for grants in the Police Department, staff realized that we lacked an adopted Whistle Blower Policy. This draft policy aims to protect Town employees when they believe they have witnessed fraud, waste, or abuse. This policy outlines the procedures for reporting such incidences and the procedures for the investigation of these incidences. Following adoption, this policy will be added to the Personnel Policy and will be distributed to all staff for review

MOTION FOR CONSIDERATION:

Motion to adopt the Town of Waynesville Whistle Blower Policy

FUNDING SOURCE/IMPACT: No budgetary impact

ATTACHMENTS:

- Draft Town of Waynesville Whistle Blower Policy

MANAGER'S COMMENTS AND RECOMMENDATIONS:



PROCEDURE: Whistleblower Policy

1.0 INTRODUCTION/PURPOSE

Town of Waynesville is committed to ethical standards of conduct. This policy provides an avenue for employees to raise concerns regarding fraud, waste, and abuse, as well as reassurance they will be protected from reprisals for reporting, in good faith, possible misuse of Town funds or resources.

2.0 POLICY

If an employee of Town of Waynesville reasonably believes that another employee has committed fraud, waste, or abuse, and is in violation of the law or Town policy, a written complaint must be filed with the Department of Human Resources. Such violations may include incorrect financial reporting; unlawful activity; creating or ignoring safety hazards; activities not in compliance with Town policy; misuse of Town property; or activities amounting to serious improper conduct.

3.0 DEFINITIONS

3.1 Employee - Any person who works for Town of Waynesville in a full-time, full-time reduced hour, part-time, appointed, contract, or temporary capacity.

3.2 Unlawful activity - Any activity that is in violation of local, state, or federal law. For example: theft, assault, threats of violence, or destruction of property.

3.3 Serious improper conduct - Conduct unbecoming an employee of Town of Waynesville, such as fraudulent reimbursement claims, alcohol or drug use while at work or in a Town vehicle, or unlawful possession of drugs in the workplace or in a Town vehicle.

3.4 Fraud - A dishonest and intentional course of action that results in obtaining money, property, or an advantage to which the individual committing the action would not normally be entitled.

3.5 Waste - The needless, careless, or extravagant expenditure of Town funds, incurring of unnecessary expenses, or misuse of Town resources or property.

3.6 Abuse - The intentionally wrongful or improper use of Town resources that can include the excessive or improper use of one's position, in a manner contrary to its rightful or legally intended use.

4.0 PROCEDURE

4.1 Employees who witness or have knowledge of any illegal or improper incidents shall report such incidents in writing to the Department of Human Resources.

4.2 The report should include the person(s) involved in the incident(s) and title(s); when the incident occurred; where, how, how long, and how often the incident(s) occurred; how the employee knows of the incident(s); and whether anyone else knows of the incident(s).

4.3 If the employee is not able to write out the report, an employee of the Department of Human Resources may assist by taking a statement from the employee, including a description of the incident.

4.4 The Department of Human Resources will notify the appropriate Department Head and coordinate the gathering of necessary information. If the Department Head is implicated in the complaint the Department of Human Resources will independently gather the needed information.

4.5 The Department Head will keep information confidential and cooperate with the investigation.

4.6 When necessary, the Director of Human Resources will confer with the Town Attorney's Office and/or the Town Manager, depending on the severity of the incident(s) and complaint (i.e. complaints alleging felonies).

4.7 The Department of Human Resources will confer with the Department of Fiscal and Administrative Services and/or the Internal Auditor on allegations of a fiscal/financial nature.

4.8 The Department of Human Resources will confer with the Safety Officer on allegations involving safety violations.

4.9 The Department of Human Resources will coordinate with the appropriate personnel to conduct an investigation, including:

- Gathering facts of the incident(s)
- Interviewing pertinent persons who may have witnessed incident(s)
- Auditing/reviewing records related to the incident(s), including any/all relevant paperwork.

4.10 During the investigation, the employee accused of the improper or illegal conduct may be placed on paid or unpaid administrative leave, with or without the recommendation of the Department Head, at the discretion of the Director of Human Resources.

4.11 The Department of Human Resources will conduct the investigation in a timely manner, respecting the confidentiality of the employee(s) involved. Employees may be required to testify in a grievance hearing or a court of law if necessary.

4.12 The Town Manager will brief the Board of Aldermen on the nature and progress of any incidents, as deemed necessary by the Town Manager.

5.0 RESOLUTION AND ACTIONS

5.1 At the recommendation of the Department Head and the concurrence of the Director of Human Resources, an employee who has been found to have engaged in improper or illegal conduct may be subject to disciplinary action, up to and including termination.

5.2 The Police dept. and Town Attorney Office may make recommendations on personnel actions when involved in investigations of alleged illegal activities.

5.3 The Director of Human Resources may implement or modify those recommendations.

6.0 ANONYMITY AND CONFIDENTIALITY

6.1 This policy requires employees to put their names to allegations to enable appropriate follow-up questions and investigation, which may not be possible unless the source of the information is identified.

6.2 All complaints will be investigated by the Department of Human Resources.

6.3 When investigating a complaint, the Department of Human Resources will keep the identity of the person who submitted the complaint confidential, even from Department Heads, unless the Director of Human Resources deems it necessary to disclose the identity to the Department Head. In such case, the Department Head must maintain the confidential identity of the person.

6.4 Concerns expressed anonymously will be explored appropriately, but consideration will be given to the seriousness of the issue raised, the credibility of the concern, and the likelihood of confirming the allegation from attributable sources.

7.0 GOOD FAITH

7.1 This policy is based on employees acting in good faith to report concerns they have reason to believe are true.

7.2 The Town may take disciplinary action, up to and including termination, against any employee who makes unfounded allegations that have been proven to have been made recklessly, maliciously, or with the foreknowledge that the allegations were false.

8.0 REPRISAL PROHIBITED

8.1 A Town employee or Town public official may not take a personnel action that constitutes a reprisal against an employee who, in good faith, reports concerns they have

reason to believe are true.

8.2 Any supervisor, Department Head, or Town employee who has been found to act in a retaliatory nature against an employee who filed a complaint may be subject to discipline, up to and including termination.

DRAFT