Grant County Fire Protection District 3

POLICY AND PROCEDURE

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1. NUMBER: 1.1.10

2. SUBJECT: ***Whistleblower Act***

3. POLICY: It shall be the policy of Grant County Fire District 3 to encourage reporting by its personnel of improper governmental action taken by Grant County Fire District 3 employees and personnel, both volunteer and career. It shall further be the policy of Grant County Fire District 3 to protect District employees who have reported improper governmental actions in accordance with this Policy and Procedure.

4. SCOPE: This Policy and Procedure is applicable to all personnel of Grant County Fire District 3.

5. RESPONSIBILITIES:

   A. The District Fire Chief is responsible for:

      1. Implementing these Policies and Procedures.
      2. Reporting improper governmental action.
      3. Protecting employees against retaliatory actions.
      4. Posting these Policy and Procedures where all personnel will have reasonable access to them and providing copies upon request.

   B. Officers and Supervisors are responsible for:

      1. Ensuring that the Procedures are fully implemented within their areas of responsibility.

   C. All personnel are responsible for complying with this Policy and Procedure.

6. DEFINITIONS:

   A. IMPROPER GOVERNMENTAL ACTION: Any action by a district officer, employee, or district personnel:

      1. That is undertaken in the performance of the officer's or employee's official duties whether or not the action is within the scope of the employee’s employment.
      2. That (i) is in violation of any federal, state, or local law or rule, (ii) is an abuse of authority, (iii) is of substantial and specific danger to the public health or safety or (iv) is a gross waste of public funds.

B. IMPROPER GOVERNMENTAL ACTION: Does not include personnel actions, including employees' grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands.

C. RETALIATORY ACTION: Any adverse change in the terms and conditions of a District employee's employment.

D. EMERGENCY: A circumstance that if not immediately changed may cause damage to persons or property.

7. PROCEDURES:

A. District employees or personnel who become aware of improper governmental actions should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the District Fire Chief or such other person as may be designated by the District Fire Chief to receive reports of improper governmental action.

B. In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.

C. The person receiving the report of improper governmental action shall take prompt action to assist in properly investigating the report of improper governmental action. The investigating persons shall keep the identity of the reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel action taken as a result of the investigation may keep confidential.

D. Employees or personnel may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the employee reasonably believes that an

adequate investigation was not undertaken to determine whether an improper governmental action occurred, or that insufficient action has been taken by the District to address the improper governmental action or that for other reasons an improper governmental action is likely to recur.

E. District employees who fail to make a good faith attempt to follow Grant County Fire District 3's procedures in reporting improper governmental action shall not receive protection provided by the District in these procedures.

F. Protection from retaliatory action:

1. District officials and employees are prohibited from taking retaliatory action against any employee or personnel because he or she has in good faith reported an improper governmental action in accordance with these policies and procedures.
2. Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisory, the District Fire Chief or the Chairman of the Board of Commissioners. District officials and supervisors shall take appropriate action to investigate and address complaints of retaliation.
3. If the complaining person is not satisfied with the results of the investigation of the complaint of retaliation, a written notice may be forwarded to the Board of Commissioners of Grant County Fire District 3 that:
   a. Specifies the alleged retaliatory action.
   b. Specifies the relief requested.
   The written charges shall be provided to the secretary of the Board of Commissioners no later than thirty (30) days after the occurrence of the alleged retaliatory action. The Board of Commissioners shall respond within thirty (30) days of receipt of the charge to the allegation of retaliatory action.
   c. After receiving either a response or thirty days after the delivery of the charge to the secretary of the Board of Commissioners, the employee or personnel may request a hearing before an Administrative Law Judge to establish that a retaliatory action occurred and to obtain appropriate relief. An employee seeking a hearing should deliver the request for hearing to the District Secretary within Fifteen (15) days of delivery of the District's response. Forty-five (45) days of delivery of the charge of retaliation to the secretary of the Board of Commissioners for response.
4. Upon receipt of request for a hearing, the secretary of the Board of Commissioners shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before

an Administrative Law Judge.

5. Grant County Fire District 3 will consider any recommendation provided by the Administrative Law Judge that the retaliator be suspended with or without pay or dismissed.

G. Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including dismissal.

See Appendix 01_01_10