

# Administrative Procedure

## Whistleblower Protection

This procedure falls under the **Fraud and Whistleblower Protection Directive, A1464**

**Date of Approval:** January 19, 2017

**Next Scheduled Review:** January 2020

### **Purpose:**

The purpose of this procedure is to provide processes for the reporting and resolution of retaliation complaints.

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### **Definitions**

All definitions contained in the [Fraud and Whistleblower Protection Directive](#) apply to this procedure.

In addition:

- “**Independent Reviewer**” means a Deputy City Manager, assigned by the City Manager to review a retaliation complaint, who does not manage the department in which the alleged retaliation occurred, and who is not implicated, involved, or otherwise conflicted in relation to any aspect of the retaliation complaint.

### **Procedures**

#### *Retaliation Reporting*

If an employee believes that retaliation has occurred, the employee may submit a written complaint to the City Manager within six months of the date the employee knew or ought to have known that the alleged retaliation occurred.

The retaliation complaint must include:

- name and work address of the complainant;
- name and title of each City employee against whom the complaint of retaliation is made;
- the specific type of retaliation;
- the specific date(s) of retaliation;
- a statement as to the facts that form the basis of the complaint of retaliation; and
- a statement of the complainant’s explaining how their reported allegation and/or participation in an investigation, proceeding, or hearing is related to the retaliation.

If a retaliation complaint implicates the City Manager, employees must submit the complaint to the City Auditor instead of the City Manager.

If a retaliation complaint implicates the City Auditor, employees must submit the complaint to the City

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Manager.

### *Retaliation Investigation*

Upon receipt of a retaliation complaint, the City Manager will assign the retaliation complaint to an Independent Reviewer who is not involved in any aspect of the complaint.

The Independent Reviewer will investigate, make determinations, and report the outcome to the City Manager and all parties involved.

An employee may appeal the outcome of the Independent Reviewer's investigation to the City Manager by submitting a written request for review of the outcome within 30 days of the date on which the employee receives the report of the Independent Reviewer. The City Manager will review the appeal, conduct a further investigation as appropriate, and may adjust the outcome if necessary. The City Manager will notify all parties, including the Independent Reviewer, of the City Manager's decision regarding the appeal. The City Manager's decision is final for the purpose of this procedure.

If the retaliation complaint implicated the City Manager, the City Auditor will investigate, make determinations, and report the outcome to Audit Committee as required.

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All employees receiving or investigating retaliation complaints must keep the details and outcome of the investigation confidential. This means disclosure is only permitted to those who have a legitimate need to know, and such disclosure shall be restricted to what must be disclosed to ensure a thorough, effective, and complete investigation/response, or as otherwise required by law.

### **Attachments:**

There are no attachments associated with this procedure.