

City of Haverhill

Whistleblower Policy

1. Purpose and Scope

The purpose of this Policy is to codify a process for employees of the City of Haverhill (the “City”) to report any violations of law or risks to public health, safety, or the environment, as set forth in G.L. c. 149 § 185, and to assure City employees that it will protect them from being retaliated against for doing so.

This Policy applies to all City employees; however, to the extent that this Policy conflicts with the provision of any collective bargaining agreement or individual employment contract to which the City is a party, such agreement or contract will control.

In addition, to the extent that this Policy conflict with G.L. c. 149 § 185, the statute will control.

2. Definitions

“**Employee**” means any individual who performs services for and under the control and direction of the City of Haverhill for wages or other remuneration.

“**Employer**” means the City of Haverhill.

“**Improper government conduct**” means a violation of law, or a rule or regulation promulgated pursuant to law, or an activity, policy or practice which the employee reasonably believes poses a risk to public health, safety or the environment committed by the City or by another employer or public utility employer with whom the City has a business relationship.

“**Public body**” means (A) any popularly elected City government body, or any member or employee thereof; (B) any City regulatory, administrative or public agency or authority, or instrumentality thereof; (C) any City law enforcement agency, prosecutorial office, or police or peace officer; or (D) any division, board, bureau, office, committee or commission of any of the public bodies described in the above paragraphs of this subsection.

“**Retaliation**” means the discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

“**Supervisor**” means any individual to whom the City of Haverhill has given the authority to direct and control the work performance of the affected employee, who has authority to take corrective action regarding the violation of the law, rule, or regulation of which the employee complains, or who has been designated by the City to receive reports made under this Policy. Supervisors are limited to department heads, the director of human resources, and the mayor.

3. Reporting Improper Government Conduct

The City encourages employees who become aware of or suspect that the City or another employer with whom the City has a business relations has engaged in improper government conduct to report said conduct or suspected conduct to his/her immediate supervisor, department head, or the director of human resources. All City supervisory employees and department heads are required to notify the director of human resources, in writing, of any such reports. The director of human resources may require that the employee who made the report submit further documentation to him/her in a writing detailing the alleged or suspected improper government conduct.

Employees are not required to comply the reporting procedure set forth in this section if they:

- (A) are reasonably certain that the activity, policy or practice is known to one or more supervisors of the employer or public utility employer and the situation is emergency in nature;
- (B) reasonably fear physical harm as a result of the disclosure provided; or
- (C) make the disclosure to a public body for the purpose of providing evidence of what the employee reasonably believes to be a crime.

Employees who fail to make a good-faith attempt to follow this policy in reporting improper government conduct may not receive the protections provided by G.L. c. 149 § 185.

Knowingly, or with reason to know, making a false report is prohibited.

4. City's Response to Reports of Improper Government Conduct

Upon receiving a report under Section 3 above, the City will promptly commence an investigation to substantiate the report. When the City completes the investigation, it will notify the employee who made the report of the results, unless doing so would undermine the integrity of the investigation, the enforcement of G.L. c. 149 § 185, or the enforcement of this policy; or unless doing so would reveal records protected from disclosure by law.

5. Retaliation is Prohibited

It is prohibited to retaliate against an employee who does the following:

- (A) Discloses, or threatens to disclose to a supervisor or to a public body any improper government conduct.
- (B) Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any improper government conduct.

(C) Objects to, or refuses to participate in any activity, policy, or practice that the employee reasonably believes constitutes improper government conduct.

This Section 5 does not apply to Subsections (A) and (B) unless the employee has provided written notice of his/her report of the alleged improper government conduct, as provided in Section 3 above, and has afforded the City a reasonable opportunity to correct any such conduct.

6. Enforcement and Administration

Employees who violate this Policy will be subject to discipline, up to and including termination from employment, in accordance with the applicable City disciplinary policies and procedures.

This Policy will be administered by the Human Resources Department, who will ensure that it is permanently posted on the City's website, where all employees will have reasonable access to it. The Human Resources Office will further provide a hard or electronic copy of the Policy to any employee upon request.

The human resources director will notify the Mayor or his/her designee of all reports made under this Policy as well as the outcome thereof and will provide the Mayor or his/her designee with an annual report of the same.