

CITY OF NEWTON

IN BOARD OF ALDERMEN

February 4, 2013

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman, Leonard J. Gentile, the City of Newton Whistleblower Policy be and is hereby approved as follows:

Municipal Whistleblower Policy

Purpose:

The City of Newton is committed to providing a safe workplace with high standards of personal ethics and legal conduct. The City of Newton investigates all complaints by employees of violations of City policies, as well as unethical conduct, illegal conduct or conduct that violates high standards of personal ethics. This policy is intended to provide a process to raise concerns about such conduct and reassurance that employees reporting such conduct are protected from retaliation.

Definition:

A whistleblower, as defined by this policy, is an employee of the City of Newton who, in good faith, reports an activity that he/she considers to be a violation of a City of Newton policy or unethical, illegal, or a violation of high standards of personal ethics, such as stealing, incorrect financial reporting or other serious improper conduct. The whistleblower has neither the authority, nor the responsibility, for investigating any questionable activity or for determining fault or corrective measures.

Examples of unlawful activities are violations of federal, state or local laws. Examples include discrimination, harassment, billing for services not performed, requesting pay for hours not worked, stealing City property, reporting injuries that did not occur in the course of employment, falsifying payroll records, other fraudulent financial reporting and any other unlawful conduct.

Process:

If an employee has knowledge of or a concern regarding unlawful, unethical activities or fraudulent financial reporting, the employee should report it to his/her supervisor or department head unless one or both are implicated in such activities or reporting. The employee can also report directly to Director of Human Resources, City Solicitor, Chief Financial Officer or Mayor. In addition, the employee can report directly to the Chair of the Financial Audit Advisory Committee, in person, or via the internet by filling out the confidential form on the City of Newton website located at <http://apps.newtonma.gov/whistle-blower-form>.

. When the City receives a complaint, there will be a prompt, complete and thorough investigation into the allegations. The City will take an initial statement to determine the need for an independent investigation. If it is determined that an independent investigation is warranted, the City will arrange for an independent investigator as soon as possible. Any employee (referred to above as a whistleblower) will be expected to cooperate, if necessary, to provide information to the independent investigator.

Reporting:

The City Solicitor and the Director of Human Resources will jointly report to the Mayor and the Financial Audit Advisory Committee, via its Chair, on a quarterly basis or sooner when necessary. The report will include all inquiries, activity on cases and resolution of complaints. If a whistleblower has reported directly to the Chair of the Financial Audit Advisory Committee, the Chair of the Financial Audit Advisory Committee will inform the Chair of the Finance Committee as soon as possible.

Safeguards:

Whistleblower protections include confidentiality whenever possible. However, identity may be disclosed to conduct a thorough investigation and to comply with the law. The Whistleblower will be advised if it becomes necessary to disclose his/her identity and the reason why disclosure is necessary. The City will not retaliate against any employee who engages in protected whistleblower activity. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing.

Anonymity - The City investigates all complaints. Concerns expressed anonymously will be investigated appropriately, but consideration will be given to the seriousness of the issue, the credibility of the concern and the likelihood of confirming the allegations. It is difficult to investigate an anonymous claim because, in most cases, it is impossible to ask appropriate follow-up questions or to get accurate information.

Protection Against Retaliation – This policy includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, decreases in job duties, adverse comments in the employment record, unwanted transfers to new locations or units, negative reviews, or threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the Human Resources Director, City Solicitor, Chief Financial Officer or Mayor immediately. The whistleblower can also report to the Chair of the Financial Audit Advisory Committee. The City will take an initial statement to determine the need for an independent investigation. If it is determined that an independent investigation is warranted, the City will arrange for an independent investigator as soon as possible. Any whistleblower will be expected to cooperate, if necessary, to provide information to the independent investigator.

Resolution:

When the investigation is complete, the employee who initiated the complaint will be informed, to the extent appropriate and allowable by law, of the results of the investigation. If it is determined that inappropriate or illegal conduct has occurred, the City will act promptly to correct or eliminate the

offending or illegal conduct and, if appropriate, will impose disciplinary action, up to and including termination.

Under Suspension of Rules
Readings Waived and Approved
Unanimously by Voice Vote



(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date: _____

CLERK'S NOTE: This was sent to the Mayor for his signature on February 22, 2013 and returned to the Clerk of the Board on February 28, 2013, unsigned.