

# **City of Rochester Whistle Blower Policy**

**Effective Date - May 1, 2008**

**Approved By - Donna L. Turner, Director/BHRM**

## **1. INTRODUCTION**

Whistle Blower protection is a safeguard for all City of Rochester employees to prevent against retaliatory actions that could be taken against a City officer or employee for reporting fraud, waste, abuse, misconduct, or any alleged prohibited or illegal activity in violation of any law, rule or regulation governing employees of the City of Rochester. This policy is intended to protect officers and employees from retaliation who, in good faith, have reported a concern of improper governmental action.

## **2. DEFINITIONS**

- 2.1. Officer or Employee – Refer to City Charter 2-18 B (5) for definition.
- 2.2. Good Faith Report – A report of activity which the employee has reasonable grounds to believe to be true and which the employee reasonably believes constitutes improper governmental action, even if the belief should later prove to be unsubstantiated.
- 2.3. Improper Governmental Action – Action taken by the City or another City officer or employee in the performance of the officer's or employee's official duties, whether or not such action is within the scope of his or her employment, and which is in violation of any federal, state or local law, rule or regulation.
- 2.4. Retaliation – Disciplinary or other adverse personnel action relating to the terms and conditions of employment taken against an employee because the employee has made a good faith report.

## **3. SCOPE**

All City employees

## **4. POLICY**

- 4.1. This policy implements New York State Labor Law §740 and Civil Service Law §75-b.
- 4.2. No Retaliation. The City shall take no retaliatory action against an employee

because the employee makes a good faith report of any information regarding fraud, waste, abuse, misconduct, or any alleged prohibited or illegal activity in violation of any law, rule or regulation governing officers and employees of the City of Rochester.

- 4.3. Confidentiality. Reports of concerns will be kept confidential to the extent possible, consistent with the need to conduct a complete and fair investigation. Allowing for the making reports of concerns to the employee's department head and/or to the Office of Public Integrity is intended, in part, to increase assurances of confidentiality and non-retaliation.

## 5. PROCEDURE

- 5.1. Reporting Concerns. In most cases, an employee's immediate supervisor is in the best position to address an area of concern; therefore, the employee should make the good faith report to his or her immediate supervisor. If however, the employee is not comfortable addressing the concern to the immediate supervisor, or the employee is not satisfied with the immediate supervisor's response, the employee should make his/her report to the department head. The department head should notify the Office of Public Integrity. If the report concerns the department head or the employee is not comfortable taking the issue to his/her respective department the employee has the discretion to report directly to the Office of Public Integrity.

If the employee is a union member, the option always exists at any point in this process to notify a union representative of the concern.

## 6. EXCEPTIONS

None

## 7. RESPONSIBLE UNIT(S)

Office of Public Integrity

## 8. CROSS REFERENCE

8.1. Labor Law §740

8.2. Civil Service Law §75-b