



TOWN OF HAMILTON WHISTLEBLOWER POLICY

Purpose:

The Town of Hamilton is committed to providing a safe workplace with high standards of personal ethics and legal conduct. The Town of Hamilton investigates all complaints by employees of violations of Town policies, as well as 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 Town of Hamilton who, in good faith, reports an activity that he/she considers to be a violation of a Town of Hamilton policy or 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 Town property, reporting injuries that did not occur in the course of employment, falsifying payroll records, stealing time, 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 the Town Manager. In addition, the employee can report directly to the Chair of the Board of Selectmen, in person, or via the internet by filling out the confidential form on the Town of Hamilton website located at www.Hamiltonma.gov/whistle-blower-form.

When the Town receives a complaint, there will be a prompt, complete and thorough investigation into the allegations. The Town will take an initial statement to determine the need for an independent investigation. If it is determined that an independent investigation is warranted, the Town 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 Town Manager will report to the Chairman of the Board of Selectmen upon receipt of a complaint, unless the Chairman is the subject of the complaint. The Town Manager will also report to the Chairman of the Board of Selectmen upon the completion of the investigation and the responsive action. If the responsive action requires action by the Board of Selectmen, the matter shall be placed on the agenda for the next available selectmen's agenda consistent with the requirements of the Open Meeting Law and the Collective Bargaining Agreement if applicable.

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 Town will not retaliate against any employee who engages in protected whistleblower activity. The protection of a whistleblower from retaliation does not include immunity for any personal wrongdoing.

Anonymity - The Town 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 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 Town Manager immediately. The Town will take an initial statement to determine the need for an independent investigation. If it is determined that an independent investigation is warranted, the Town will arrange for an independent investigator as soon as possible. Any whistleblower will be expected to cooperate, if necessary, to provide information to the 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 Town will act promptly to correct or eliminate the offending or illegal conduct and, if appropriate, will impose disciplinary action, up to and including termination.