

MISSOULA COUNTY WHISTLEBLOWER POLICY

Purpose

This policy is intended to provide a confidential and effective means for reporting suspected violations of law or breaches of County policies involving safety, work rules, or inappropriate use of County resources. This policy further serves to protect individuals who report suspected violations from retaliation in any form.

Scope

This policy is applicable to all County departments and entities. For purposes of this policy, "employee" includes elected officials, appointed members of County boards, commissions, and councils, and all other temporary or permanent employees.

Administration

Depending on the nature of the concern giving rise to whistleblowing, the Missoula County Chief Administrative Officer, Chief Operating Officer, Chief Financial Officer, Human Resources Director, or County Auditor is responsible for the administration of this policy.

References

Missoula County Conflict of Interest Policy.

Policy

Missoula County expects the members of its workforce to maintain high standards of ethical behavior while performing their job responsibilities and in their interpersonal interactions with fellow employees and members of the public.

Reporting Responsibility

This policy provides an avenue for employees to raise concerns about inappropriate behavior and assurance that they will be protected from reprisals from whistleblowing, the act of bringing inappropriate behavior to the attention of County management. Inappropriate behavior may include such activities as:

1. Purposely reporting incorrect financial information;
2. Engaging in unlawful activity;
3. Using County assets inappropriately;
4. Violating Missoula County policies or work rules; or
5. Engaging in other activities constituting improper conduct of a serious nature.

Confidentiality

Violations or suspected violations may be submitted on a confidential basis by the complainant. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation. Any subsequent public disclosure arising from the investigation shall balance the public's right to know with any issues of employee privacy.

Employees are encouraged to attach their names to allegations because appropriate follow-up questions may not be possible unless the source of the information is known. Although concerns submitted anonymously will be explored, the urgency and intensity of the follow-up will depend on:

1. The seriousness of the issued raised;
2. The believability of the concern; and
3. The likelihood of confirming the allegation from sources willing to be identified.

Process for Raising a Concern

- A. **Open Door Policy:** If an employee reasonably believes that some policy, practice, or activity of the County violates the law or that the behavior of another employee is inappropriate as defined above, the employee should communicate these concerns to his/her immediate supervisor or another member of County leadership who may be able to address them properly. If the individual is not satisfied with the response to these concerns, a formal complaint process should be pursued, as outlined below.
- B. **Reporting:** The whistle blowing procedure is intended for issues of a serious or sensitive nature. Such a concern, including those relating to financial reporting, unethical or illegal conduct should be reported directly to:
 - i. The employee's supervisor or the employee's department head; then,
 - ii. The Missoula County Chief Administrative Officer, Chief Operating Officer, Chief Financial Officer, or County Auditor.
 - iii. The Director of Human Resources, if employment related matters are involved.
 - iv. If the employee's supervisor or department head is implicated in the concern, the employee is not required to meet with one of them prior to seeking counsel from another officer or the Auditor.
- C. **Timing:** Concerns about the types of inappropriate behavior covered by this policy should be communicated as early as possible. Appropriate action will be easier to take, reducing the risk and/or cost to the County.
- D. **Evidence:** Although the employee is not expected to prove the truth of an allegation, he/she should be able to demonstrate to the contact person that the report is being made in good faith.

How the Report of a Concern will be Addressed

Concerns will be addressed differently depending on the nature of the issue.

- A. **Financial Matters:** The Chief Financial Officer shall address all reported concerns of complaints regarding County accounting practices, and the Chief Financial Officer or County Auditor shall address matters concerning misappropriation of funds, internal controls, or auditing.
- B. **Employment Related Matters or Violations of Standards of Conduct:** The supervisor and/or the Director of Human Resources shall address all employment related concerns. All reports will be promptly investigated and appropriate corrective action will be taken if warranted.
- C. **Crimes against a Person or Property:** Crimes such as assault, rape, and theft of County property should be reported immediately to appropriate law enforcement authorities.

Initial Inquiries and Further Investigation

Initial inquiries will be made to determine whether an investigation is appropriate, and what form the investigation should take. Some concerns may be resolved without the need for further investigation.

The amount of contact between the complainant and the person or persons investigating the concern will depend on the nature of the issue and the clarity of the information provided. Further information may be sought from or provided to the person reporting the concern.

No Retaliation

No employee who in good faith reports such a violation shall suffer harassment, retaliation, or adverse employment consequences. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment.