CITY OF LINCOLNTON

ADMINISTRATIVE POLICY

Subject: **Whistleblower Policy**	**Manual:** **Administrative**
	Effective Date: **February 6, 2025**
Policy Number: 24	**Revision:**
Issued By: **Human Resources Department**	**City Manager Approval:** **Richard Haynes** City Manager

A copy of this policy must be maintained in the City of Lincolnton's Administrative Manual for each City department and division.

Purpose

The purpose of this policy is to encourage individuals to report possible wrongful conduct to an appropriate authority so that prompt, corrective action can be taken by the City and to protect reporting individuals from any retaliation for reporting wrongful conduct.

SUPPLEMENTS

Whistleblower Protection Act of
1989 5 U.S.C. 2302(b)(8)-(9)
10 U.S.C § 2409
41 U.S.C. § 4712
10 U.S.C. § 2324
41 U.S.C. §§ 4304 and 4310.

DEFINITIONS

Disclosure: A formal or informal communication or transmission.

Matter of Public Concern**:** A violation of a state, federal, or municipal law, regulation, or ordinance; a danger to public health or safety; billing for services not performed or for goods not delivered; and/or gross mismanagement, substantial waste of funds, or a clear abuse of authority.

Personnel Action: An appointment, promotion, disciplinary or corrective action, transfer, reassignment, reinstatement, restoration, reemployment; a decision concerning pay, benefits, award, education, or training that may reasonably be expected to lead to a promotion or appointment; and any other significant change in duties, responsibilities, or working conditions.

Protected Disclosure: A disclosure that is based on a reasonable belief that wrongdoing has occurred made to a person or entity that is authorized to receive it. Wrongdoing includes any violation of a law, rule or regulation, gross mismanagement, gross waste of funds, abuse of

authority, or a substantial and specific danger to public health or safety. A communication concerning policy decisions that lawfully exercise discretionary authority that do not include wrongdoing as defined above are not considered a Protected Disclosure.

Protected Individual: An employee, volunteer, board member, or contractor, who reports to an authorized person hereunder or to a law enforcement agency or to an authorized person or entity under state or federal Whistleblower protection laws, or is about to report to such an authorized person or entity, a Matter of Public Concern and /or who participates in a court action, an investigation, a hearing, or an inquiry regarding the same.

Retaliation: Adverse actions that may include harassment, verbal abuse and/ or threats of physical harm, as well as unwarranted adverse Personnel Action, including but not limited to, disciplinary action, poor performance evaluations, termination, compensation decreases, poor work assignments, or denials of promotion.

Whistleblower: A person working for the City of Lincolnton who makes a Protected Disclosure to one or more of the parties specified in this policy.

POLICY

The City of Lincolnton has a responsibility to provide a safe and healthy workplace. It is the City's goal to protect individuals who report activities believed to be illegal or improper regarding Matters of Public Concern. The City, or any individual working on behalf of the City, shall not retaliate against a Whistleblower. The right of a Whistleblower for protection against Retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

It is the responsibility of all board members, officers, employees, volunteers, and contractors to report concerns about violations of the City's code of ethics or suspected violations of law or regulations that govern the City's operations.

This policy shall apply to all persons holding a paid position as an employee of the City, as well as contractors, volunteers, or any member of an elected, appointed, or volunteer board or committee. This policy applies to any matter which is directly related to the City of Lincolnton's operations and does not relate to the private acts of an individual not connected to the operations of the City of Lincolnton.

Whistleblower protections are provided in two important areas: confidentiality and Retaliation. Insofar as possible, the confidentiality of the Whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide accused individuals their legal rights of defense.

1.1 Retaliation against a Protected Individual by the City for making a Protected Disclosure is prohibited.

1.2 The City may not disqualify a Protected Individual because of the report of or participation in a proceeding connected with a Matter of Public Concern from eligibility to bid on contracts with the City or receiving another right, privilege, or benefit.

1.3 Reporting Process

1.3.1 If an employee, volunteer, board member, or contractor has a reasonable belief that another employee, volunteer, board member, contractor, or the City has engaged in any action that violates any applicable law or regulation, the information should be reported immediately to the City Manager, the Director of Human Resources, the City Attorney, or a Department Director.

1.3.2 All reports will be followed up promptly, and an investigation conducted. In conducting its investigations, the City will strive to keep the identity of the complaining individual as confidential as possible while conducting an adequate review and investigation.

1.3.3 Any Whistleblower who believes he/she is the subject of Retaliation must contact the Human Resources Director immediately.

1.3.4 Any Department Director who receives a Protected Disclosure or other report or complaint regarding a Matter of Public Concern shall promptly notify the Director of Human Resources or the City Manager so that the matter can be investigated. Should the complaint involve the Director of Human Resources or the City Manager, the report should be made to the City Attorney.

1.4 Limitations to Protections

1.4.1 A person is not entitled to the protections under this policy unless he or she reasonably believes that the information reported is, or is about to become, a Matter of Public Concern and reports the information in good faith.

1.4.2 A person is entitled to the protections under this policy only if the Matter of Public Concern is not the result of conduct by the individual seeking protection, unless it is the result of conduct by the person that was required by his or her employer.

1.4.3 The Whistleblower is not responsible for investigating the alleged illegal or dishonest activity, or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

1.4.4 Examples of illegal or dishonest activities include violations of federal, state, or local laws, acts that pose a substantial and/or specific danger to public health and safety, billing for services not performed or for goods not delivered, and other fraudulent financial reporting. Persons reporting Matters of Public Concern must exercise sound judgment to avoid baseless allegations. One who intentionally files a false report of wrongdoing will be subject to disciplinary action.

ATTACHMENTS

None

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