City of Troy

ADMINISTRATIVE MEMORANDUM

SUBJECT: Whistleblower Protection Policy – Reporting of Violations		
DATE OF ORIGINAL ISSUE: April 17, 1967	**EFFECTIVE DATE:**	**NUMBER:** 1-P-3
RE-EVALUATION DATE: August 2017	**RESCINDS:**	**LAST REVISION DATE:** August 23, 2016
DISTRIBUTION: All Employees		

PURPOSE

The purpose of this communication is to provide a procedure whenever an employee wishes to report an alleged violation of any State or Federal statute, City ordinance or Charter provision, personnel rule or administrative memorandum by any other employee or official of the City of Troy.

POLICY

It shall be the policy of the City of Troy to faithfully encourage its employees to report violations of State or Federal statutes, City ordinance or Charter provision, personnel rule or administrative memoranda or any attempt by a City official or City employee to discourage or interfere with such reporting.

No employee shall be discharged, threatened, or otherwise discriminated against regarding his/her compensation, terms, conditions, location, or privileges of employment because the employee, or a person acting on behalf of the employee, reports or is about to report, verbally or in writing, a violation or a suspected violation of any State or Federal statute, City ordinance or Charter provision, personnel rule or administrative memorandum to any official or employee of the City of Troy unless the employee knows that the report is false. Nor shall an employee be discharged, threatened or otherwise discriminated against regarding their compensation, terms, conditions, location or privileges of employment because the employee is requested by the City of Troy or any other public body to participate in an investigation, hearing, or inquiry held by the City of Troy, or in a Court action.

REPORTING PROCEDURE

Whenever an employee believes that a City of Troy official, employee, supervisor, department head, city attorney or city manager has violated any State or Federal statute, City Ordinance or Charter provision, personnel rule or administrative memorandum (including for purposes of illustration, but not limited to theft, dishonesty, using City equipment for personal use, falsification of payroll records, violation of a purchasing procurement policy, and acts of harassment), the employee shall have the right and is encouraged to disclose and discuss the matter with his or her immediate supervisor, any other supervisor up to and including the City Manager, the Human Resource Director or the City Attorney. Should the employee believe that the City Manager or City Attorney has violated any State or Federal statute, City Ordinance or Charter provision, personnel rule or administrative

memorandum, the employee or any supervisory employee to whom the employee has reported the alleged violation shall have the right to report any alleged violations by the City Manager to the City Attorney or any alleged violations by the City Attorney to the City Manager. Alternatively, the employee or supervisory employee may report the alleged violation directly to the City Council or a member of City Council, at the employee's discretion.

The City official receiving a report of an alleged violation of any State or Federal statute, City ordinance or Charter provision, personnel rule or administrative memorandum shall review the allegations, and inform the reporting employee what steps will be taken, if any. If, after discussing the matter, the employee is not satisfied with this response, the employee shall have the right to report the matter directly to the City Manager, the City Attorney or the City Council or a member thereof. City Council supervises the City Manager and the City Attorney, and therefore the recipient of any report, as referenced above, alleging that either the City Manager or the City Attorney is suspected of violating a State or Federal statute, City Ordinance or Code, personnel rule or administrative memorandum must also provide the report to the entire Troy City Council within two business days. Upon receipt of any such report, the Troy City Council will have one week to either convene a Special Meeting or discuss at a regularly scheduled City Council meeting where to forward the report and any other necessary follow up matters. If City Council does not meet within one week of the notification, or provide any official direction, then the report recipient may then forward allegations concerning the City Attorney to the Michigan Attorney Grievance Commission for follow-up, and may forward allegations concerning the City Manager to the ICMA Committee on Professional Conduct through the Michigan Division. In no case shall this policy be interpreted to restrict in any way the rights of an employee of the City of Troy to report, verbally or in writing, a violation or suspected violation of a law or regulation or rule promulgated pursuant to law of this State, the City or the United States to any other public body, the Michigan Attorney Grievance Commission (if the report concerns an attorney), or the International City Manager's Association Committee on Professional Conduct (if the report concerns an ICMA member).

DISCIPLINE

Any employee who violates the provisions of this policy or the Whistleblowers' Protection Act will be subject to disciplinary action up to and including discharge.

Approved:

B. M. Kischnick

Brian M. Kischnick, City Manager