

RESOLUTION 2017-02

A RESOLUTION ADOPTING AN OPEN GOVERNMENT AND WHISTLEBLOWER PROTECTION POLICY

WHEREAS, the City of Coburg has always encouraged open government; and

WHEREAS, the State Legislature has recently adopted changes to State law that require cities to formally adopt whistleblower policies and, after adoption of those policies, to provide each employee with a copy of the policies;

NOW THEREFORE IT IS HEREBY RESOLVED by the City Council of the City of Coburg:


Section 1. The attached City of Coburg Open Government and Whistleblower Policy is hereby adopted as a policy of the City of Coburg, effective immediately.


Section 2. The City of Coburg Open Government and Whistleblower Policy is made a part of the City's employment and personnel policies, and incorporated therein.

Section 3. Each Coburg employee shall be provided with a copy of the City of Coburg Open Government and Whistleblower Policy. Future employees shall be provided with a copy of the policy incorporated into the personnel policies of the City.

Section 4. The City Administrator is directed to take all appropriate steps to implement this resolution, including insuring that proof of delivery of the policies shall be included in each employee's personnel file.

Adopted by the City Council of the City of Coburg, Oregon by a vote of 6 for and 0 against this 13th day of February, 2017.





Ray Smith, Mayor

Attest:



Sammy Egbert, City Recorder

City of Coburg Open Government and Whistleblower Protection Policy

Section 1 - Reporting Improper or Unlawful Conduct – No Retaliation

Employees may report reasonable concerns about the City of Coburg's compliance with any law, regulation or policy, using one of the methods identified in this policy. The City of Coburg will not retaliate against employees who disclose information that the employee reasonably believes is evidence of:

- A violation of any federal, Oregon, or local law, rules or regulations by the City of Coburg;
- Mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health resulting from action of the City of Coburg;
- A substantial and specific danger to public health and safety resulting from actions of the City of Coburg; or
- The fact that a recipient of government services is subject to a felony or misdemeanor arrest warrant.

Further, in accordance with Oregon law, the City of Coburg will not prohibit an employee from discussing the activities of a public body or a person authorized to act on behalf of a public body with a member of the Legislative Assembly, legislative committee staff acting under the direction of a member of the Legislative Assembly, any member of the elected governing body of a political subdivision, or an elected auditor of a city, county or metropolitan service district.

Section 2 - Employee Reporting Options

In addition to the City of Coburg's Open Door Policy (see Section 5), employees who wish to report potential improper or unlawful conduct should first talk to his or her supervisor. If you are not comfortable speaking with your supervisor, or you are not satisfied with your supervisor's response, you are encouraged to speak with the City Administrator or the Mayor. Supervisors and managers are required to inform the City Administrator about reports of improper or unlawful conduct they receive from employees.

Reports of unlawful or improper conduct will be kept confidential to the extent allowed by law and consistent with the need to conduct an impartial and efficient investigation.

If the City of Coburg were to prohibit, discipline, or threaten to discipline an employee for engaging in an activity described above, the employee may file a complaint with the Oregon Bureau of Labor and Industries or bring a civil action in court to secure all remedies provided for under Oregon law.

Section 3 - Additional Protection for Reporting Employees

Oregon law provides that, in some circumstances, an employee who discloses a good faith and objectively reasonable belief of the City of Coburg's violation of law will have an "affirmative defense" to any civil or criminal charges related to the disclosure. For this defense to apply, the disclosure must relate to the conduct of a coworker or supervisor acting within the course and scope of his or her employment. The disclosure must have been made to either: (1) a state or

federal regulatory agency; (2) a law enforcement agency; (3) a manager with the City of Coburg; or (4) an Oregon-licensed attorney who represents the employee making the report/disclosure. The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

Section 4 - Policy Against Retaliation

The City of Coburg will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes he or she is disclosing information about conduct that is improper or unlawful.

In addition, the City of Coburg prohibits retaliation against an employee because he or she participates in good faith in any investigation or proceeding resulting from a report made pursuant to this policy. Further, no City employee will be adversely affected because they refused to carry out a directive that constitutes fraud or is a violation of local, Oregon, federal or other applicable laws and regulations. The City of Coburg may take disciplinary action (up to and including termination of employment) against an employee who has engaged in retaliatory conduct in violation of this policy.

This policy is not intended to protect an employee from the consequences of his or her own misconduct or inadequate performance simply by reporting the misconduct or inadequate performance. Furthermore, an employee is not entitled to protections under this policy if the City of Coburg determines that the report was known to be false, or information was disclosed with reckless disregard for its truth or falsity. If such a determination is made, an employee may be subject to discipline up to and including termination of employment.

Section 5 - Open-Door Policy

The City of Coburg's Open Door Policy is based on our belief that open, honest communication between managers and employees should be a common business practice. The City of Coburg's managers and supervisors are responsible for creating a work environment where employee input is welcomed, and where issues are surfaced early and shared without the fear of retaliation (when the employee provides the input in good faith).

If you have a complaint, suggestion, or question about your job, working conditions, or the treatment you are receiving from anyone in the City, please raise them first with your immediate supervisor. If you are not satisfied with the response from your immediate supervisor, or if your issue involves your immediate supervisor, please talk to the City Administrator or to the Mayor.