

RESOLUTION NO. 17-001

A RESOLUTION ADOPTING POLICIES OF NO RETALIATION FOR REPORTING IMPROPER OR UNLAWFUL CONDUCT

WHEREAS, the 2016 Legislature of the State of Oregon amended Oregon Revised Statutes 659A.200, 659A.203, and 659A.885 providing further protections for Public Employees from retaliation due to a good faith reporting of improper or unlawful conduct; and

WHEREAS, the new law requires employers to produce a policy that “delineates the rights and remedies found in the law”; and

WHEREAS, the City has a policy for Appropriate Conduct in City Resolution 97-004; and

WHEREAS, the City currently provides for “Whistle Blower” protection in Section 21 Exempt-Employee Handbook; and

WHEREAS, the City Council intends to comply with State law by adopting an updated policy related to reporting of improper conduct and prohibiting retaliation for reporting such conduct;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. Reporting. An employee, or volunteer member of a City Board, Commission, Committee, or Task Force of the City of The Dalles, or an elected City Official, may report reasonable concerns about the City’s compliance with any laws, regulation or policy using one of the methods identified in this policy:

- A. Immediate Supervisor: An employee of the City may report the potentially improper or unlawful conduct to his or her immediate supervisor. If the employee is not comfortable speaking with their immediate supervisor, or they are not satisfied with their supervisor’s response, they are encouraged to speak with the following, in order:

1. The employee’s Department Director.
2. The City Human Resources Director.
3. The City Attorney.
4. The City Manager.

Supervisors and managers are required to inform the City Manager about reports of improper or unlawful conduct they receive from employees immediately.

- B. Open Door: Nothing in Section 1(A.) will preclude an employee from availing themselves of the City Manager’s Open Door policy. However, the employee should first talk to their immediate supervisor.
- C. Improper or Unlawful Conduct: The City will not retaliate against any employee, volunteer, or elected City Official, who discloses information that the employee, volunteer, or elected City Official reasonably believes is evidence of:

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

Section 2. Prohibited Acts of The City. The City is prohibited from engaging in disciplinary actions in response to an employee who reasonably believes there is an improper or unlawful conduct which the employee has reported or is attempting to report. The City is further prohibited from removing any volunteer member of a City Board, Commission, Committee, or Task Force of the City, or Elected City Official, who reasonably believes there is improper or unlawful conduct and reports, or attempts to report such conduct. The City may not prohibit an employee, volunteer, or elected City Official who reasonably believes there is improper or unlawful conduct from reporting such conduct.

Section 3. Employee, Volunteer, and Elected City Official Protections. In accordance with State law, the City will not prohibit an employee, volunteer of a City Board, Commission, Committee, or Task Force, or Elected City Official 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 the City, County, or other service district.

A. Employee, Volunteer, and Elected City Official Remedies: If the City were to prohibit, discipline, or threaten to discipline an employee, volunteer, or Elected City Official for engaging in an activity described above, the employee, volunteer, or Elected City Official has the following remedies:

1. An employee may file a complaint with the Oregon Bureau of Labor and Industries or bring civil action in court to secure all remedies provided for under Oregon law.
2. A volunteer or Elected City Official may file a complaint with the City Attorney or District Attorney, or bring civil action in court to secure all remedies provided for under Oregon law.

Section 4. Confidentiality. 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.

Section 5. Effective Date. This Resolution shall be effective upon adoption by the City Council and approval of the Mayor.

PASSED AND ADOPTED THIS 23rd DAY OF JANUARY, 2017

Voting Yes, Councilors:

McGlothlin, Miller, Long-Curtiss, Elliott, Brown

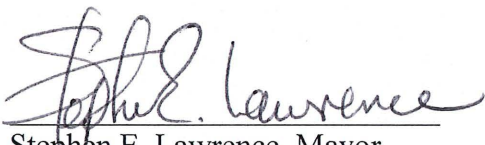
Voting No, Councilors:

Absent, Councilors:

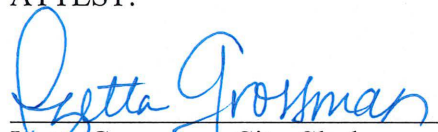
Abstaining, Councilors:

AND APPROVED BY THE MAYOR THIS 23rd DAY OF JANUARY, 2017

SIGNED:


Stephen E. Lawrence, Mayor

ATTEST:


Izetta Grossman, City Clerk