



**CITY OF ROCKLIN  
ADMINISTRATIVE POLICY  
WHISTLEBLOWER PROTECTION POLICY**

**June 27, 2016**

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**I. PURPOSE:**

California Labor Code Section 1102.5 generally referred to as the “whistleblower” statute is intended to protect employees who report violations of state and federal laws by their employers from retaliation. It is critical that the City of Rocklin foster and maintain a workplace with a high legal and ethical standard of conduct in all activities and operate its business in a fair, effective, efficient, and transparent manner. Further, the City must protect its assets and resources from fraudulent, illegal, and dishonest activities by maintaining effective internal controls and by identifying and investigating any possibility of fraud or other improper activities. The City of Rocklin has a strong commitment to support legal and ethical behavior in the workplace, provide a safe environment for employees and members of the community to report actions that may be potentially illegal or unethical, and to investigate any allegations of retaliatory behavior for the reporting of potentially illegal or unethical behavior. This Whistleblower Policy establishes procedures, for City employees and the members of the community, to report alleged illegal, fraudulent, or improper activity by City officials and/or City employees to assure that such reports will not result in retaliation by the City.

**II. DEFINITION:**

A whistleblower is an employee of the City of Rocklin or a member of the community who reports an activity that he/she has reasonable cause to believe is a violation of state or federal laws, or a violation or noncompliance with local, state or federal rules or regulations. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

**III. POLICY:**

This policy establishes a complaint procedure that employees and members of the community may use to report potentially illegal or unethical behavior. Community members, City officers, City contractors, elected officials and City employees are encouraged to report good faith



suspicions of misconduct by City officials and/or City employees and any misuse of City property or resources. If you have knowledge of or a concern that City activity is in violation of state or federal laws, or a violation or noncompliance with local, state or federal rules or regulations follow the procedures for filing a whistleblower complaint as outlined in Section VI of the policy. Any City employee who makes such a good faith report is protected against adverse employment actions by the City or any person acting on behalf of the City for raising such allegations, and shall not suffer any reprisals or retaliation by the City or person acting on behalf of the City for making the report, whether or not the allegations are sustained.

#### **IV. PROHIBITED ACTIVITIES**

Persons should report information related to any violation of state or federal laws, or a violation or noncompliance with local, state or federal rules or regulations. Examples of potential violations may include, but are not limited to:

- Violation of any law, regulation, or ordinance
- Conflict of interest
- Fraud, waste, or misuse of City property
- Theft, misuse of, or misappropriation of City resources, property, information, assets or funds, or an attempt to do any of the same
- Creation of a specific and substantial danger to public health or safety by failing to perform duties required by the City
- Intentional falsification of records (including failure to disclose material facts or making of false or misleading entries or statements with the intent to deceive on any City document or other official document, report, or form, including but not limited to City financial records and environmental regulatory reporting), or the willful and unauthorized destruction or mutilation of any City document or other official document, report, or form, including financial records
- Intentionally submitting false claims for payment or reimbursement
- Knowingly submitting or signing a timesheet that contains false information
- Forgery or intentional unauthorized alteration of a City document or other official document, application, report, or form, including but not limited to, City financial documents
- Improprieties in the handling or reporting of financial transactions involving the City



- Authorizing or receiving payment by the City for goods not received or services not performed
- Computer-related activity involving unauthorized alteration, destruction of data, forgery, or manipulation of data or misappropriation of City-owned software

## V. PROTECTION FROM RETALIATION

Whistleblower protections are provided in two important areas: confidentiality of the report and protection against retaliation. The confidentiality of the whistleblower will be maintained to the extent possible in order to investigate the report and to address the alleged violation. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law, or to provide any accused individuals their legal rights of defense.

No City officer, or employee, or any person acting on behalf of the City, shall influence, restrain, or prevent any employee or member of the community from disclosing information that the employee or member of the community has reasonable cause to believe relates to or is evidence of misconduct. Any employee acting in good faith and upon a reasonable belief as a whistleblower that misconduct has occurred, or who believes the City has disclosed or may disclose such information will be protected from threats or retaliation, including, but not limited to, discharge, demotion, suspension, harassment, reduced compensation, changes in the terms and conditions of employment, or other forms of discrimination. Additionally, no employee may be adversely affected because the employee refused to carry out a directive that would result in a violation of state or federal statute or a violation of or noncompliance with local, state, or federal rule or regulation.

Whistleblower protection from retaliation also includes the following circumstances:

- When a whistleblower complaint is filed against a person who has authority over the complainant or filed against a person who has authority to investigate, discover or correct the alleged violation or noncompliance.
- When whistleblowers provide information to or testify before any public body which is investigating, hearing, or inquiring into an employer's violation of or noncompliance with local, state, or federal rules or regulations.
- When a whistleblower reports a reasonable belief of a violation of a municipal ordinance.



This policy does not prohibit the City from taking adverse action for legitimate, non-discriminatory reasons that are unrelated to the whistleblower complaint. Such legitimate or non-discriminatory actions may include discipline for a legal cause or refusing to hire, promote, transfer, or take any other legitimate personnel action based on inadequate qualifications or poor performance reviews.

## **VI. PROCEDURES FOR FILING A WHISTLEBLOWER COMPLAINT WITH THE CITY**

### ***A. When to Report***

A complaint filed under this Policy should be filed within thirty (30) days of the date of the act or event which is the subject of the complaint.

### ***B. How to Report***

Use of the “Whistleblower Complaint Form” is preferred and it is located on the City website at the following link: <http://www.rocklin.ca.us/civica/filebank/blobdload.asp?BlobID=19220>

Please email the completed form to [whistleblower@rocklin.ca.us](mailto:whistleblower@rocklin.ca.us), or mail to:

City of Rocklin  
Attention: Whistleblower Program  
3970 Rocklin Road  
Rocklin, CA 95677

Employees and members of the community are encouraged to provide as much specific information as possible, including names, dates, places, the events that took place, and the reason(s) why the incident(s) may constitute a violation or misconduct.

### ***C. Compliance with State and Federal Laws***

The City’s Whistleblower Policy is intended to describe the City’s policies and procedures for reporting prohibited activities and protecting whistleblowers. This policy is in addition to and does not supplant whistleblower protections and procedures provided under state and federal laws.



***D. Investigation of Complaints***

Depending on the nature of the complaint, the City Manager or his or her designee may investigate the complaint to determine if misconduct or violation of this policy has occurred. To the extent permitted by personal privacy laws, the City Manager or his or her designee may meet with the complainant to discuss the findings of the investigation and will use best efforts to ensure timely resolution of the matter.

A handwritten signature in blue ink that appears to read "Ricky A. Horst".

Ricky A. Horst  
City Manager

A handwritten date in blue ink that reads "6/27/2016".

Adopted Date