

Town of Natick

Whistleblower Policy

1 Statute:

- 1.1** Prohibition of Retaliation Against Employees reporting Violations of Law or Risks to Public Health, Safety, or Environment (Pursuant to M.G.L. c149 S185)

2 Policy:

- 2.1** It is illegal for a public employer, including the Town of Natick, to retaliate against an employee by taking adverse employment action against an employee because that employee:

- 2.1.1** Discloses or threatens to disclose to a supervisor or a public body an activity, policy, or practice of the employer or another employer with whom the employee's employer has a business relationship, that the employee reasonably believes is in violation of a law, rule, or regulation promulgated pursuant to law, or which the employee reasonably believes poses a risk to public health, safety, or the environment.

- 2.1.2** Provides information to, or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of law, rule, or regulation promulgated pursuant to law, activity, policy, or practice by the employer or another employer with whom the employee's employer has a business relationship, which the employee reasonably believes poses a risk to public health, safety, or the environment; or

- 2.1.3** Objects to, or refuses to participate in any activity, policy, or practice which the employee reasonably believes is in violation of a law, rule, or regulation promulgated pursuant to law, or which the employee reasonably believes poses a risk to public health, safety, or the environment.

- 2.2** In order to qualify for the protection outlined in the paragraphs above the employee must:

- 2.2.1** First, bring his or her concerns to the attention of a Supervisor prior to making a disclosure to a public body, except:

- 2.2.2** If the employee is reasonably certain that the activity, policy, or practice is known to one or more supervisors of the employee, and the situation is emergency in nature;
- 2.2.3** Or the employee reasonably fears physical harm as a result of the disclosure provided:
- 2.2.4** Or the employee makes disclosure to a public body for purpose of providing evidence of what the employee reasonably believes to be a crime.

2.3 Adverse employment actions as referred to in the first paragraph of this notice include discharge, suspension, demotion, or adverse actions concerning the employee's terms and conditions of work.

2.4 An employee who believes he or she has been harmed by a violation of this statute may file a civil suit in superior court within two years to seek relief, including but not limited to reinstatement of employment in the same position, lost wages (up to three times the actual wage lost), restoration of fringe benefits, attorney's fees and reasonable costs, and such other relief as the court might allow. Either party in such action is entitled to a trial by jury. Under certain circumstances, more fully described in the statute itself, if a court finds that such legal action as referred to in this paragraph is without basis in law or fact, the court may award reasonable court costs and attorney fees to the employer.

3 Reporting:

3.1 An employee who wishes to report an activity, policy, or practice of the employer or another employer with whom the employee's employer has a business relationship, that the employee reasonably believes is in violation of a law, rule, or regulation promulgated pursuant to law, or which the employee reasonably believes poses a risk to public health, safety, or the environment may do so by reporting it to the Department Head, Director of Human Resources, and/or Town Administrator.

3.1.1 The Director of Human Resources can be contacted by phone at (508) 647-6471 or email at rtranfaglia@natickma.org

3.1.2 The Town Administrator can be contacted by phone at (508) 647-6403 or email at mwhite@natickma.org

4 Roles and Responsibilities:

4.1 All Natick Municipal employees are responsible for understanding and adhering to this policy.

4.2 Managers are responsible for ensuring that all employees are advised of and understand the terms of this policy and for ensuring employees' compliance with this policy.

5 Questions:

5.1 If you have any questions regarding this policy, please contact the Director of Human Resources at 508-647-6471.

5.2 For more information, please visit the Town of Natick's Human Resources website <http://natickma.gov/250/Human-Resources>

<p>THE TOWN RESERVES THE RIGHT TO AMEND ANY OR ALL PARTS OF THIS POLICY AT ANY TIME. EMPLOYEES ARE ADVISED THAT CERTAIN VIOLATIONS OF THIS POLICY MAY ALSO CONSTITUTE A VIOLATION OF LOCAL, STATE, OR FEDERAL LAW.</p>
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Policy approved by Personnel Board and Town Administrator

Policy Effective Date: September 29, 2016