

Section 8.7

WHISTLEBLOWER PROTECTION

I. POLICY

- A. Any employee who learns, in the course of his/her employment, of a violation of state or federal statutes, rules, or regulations (example: misuse of public resources) shall be able to report the violation or misuse without the fear of reprisal. It is the responsibility of each employee to accurately report alleged impropriety to the appropriate authority. Employees cannot be punished for making a report. If the employee experiences disciplinary or retaliatory action as a result of reporting violations under this policy the employee may file an appeal with the State Personnel Board of Review within thirty days after the disciplinary or retaliatory action (the exclusive remedy for staff members who are punished for reporting violations or misuse under this policy).
- B. The employee shall make a reasonable effort to determine the accuracy of any information reported and shall be subject to disciplinary action up to and including termination for purposely, knowingly, or recklessly* reporting false information. Failure to report may also result in disciplinary action, up to and including termination, subject to due process.
- C. Reports made in good faith are encouraged and expected. A false complaint is not the same as an unsubstantiated complaint. Reports shall be made in writing in a timely manner (no later than the end of the next working day). Failure to report within 24 hours will not prohibit the Board from taking action. Verbal reports have no protection under the ORC whistleblower statute (R.C. Section 124.341), but will be investigated. Reports may be made to:
1. DD Supervisor
 2. DD Superintendent/Designee
 3. Finance Director - Internal Auditing – (for instances involving privacy violations under HIPPA or reports of Medicaid fraud)
 4. If the employee reasonably believes that a violation or misuse of public resources is a criminal offense, the employee, **in addition to** filing a written report with the supervisor, superintendent, or designee, may report it to the Jefferson County Prosecutor, or to a peace officer. The report may be made to the inspector general if the violation or misuse of public resources is within the inspector general's jurisdiction. In addition, a violation of Ohio Ethics laws may be reported to the Ethics Commission.

5. If the issue to be reported falls within the definitions of MUI/UI reporting, the employee must follow those guidelines.

II. Definitions:

- A. Act purposely: a person acts with specific intention to cause a certain result. or, when the gist of the offense is a prohibition against conduct of a certain nature, regardless of what the offender intends to accomplish thereby, it is his specific intention to engage in conduct of that nature.
- B. Act knowingly: a person acts with awareness that his conduct will probably cause a certain result or be of a certain nature, and has knowledge of the underlying circumstances.
- C. Act recklessly a person acts with indifference to the consequences, disregards a known risk that his conduct is likely to cause a certain result or is likely to be of a certain nature.

These procedures do not supersede any rights of any employee under a collective bargaining agreement or permit disclosures that would diminish or impair the rights of any person to the continued protection of confidentiality of communications, if statute or common law provides such protection.