

TOWN OF ELLINGTON

Policies & Procedures

Whistleblower Policy

1. Purpose

The Town of Ellington is committed to providing a workplace with high standards of business and personal ethics in the conduct of their duties and responsibilities. It is the policy of the Town of Ellington to require employees and public officials to report activities by any other employee or public official in the course of their official duties that they believe to be illegal, dishonest, unethical, or otherwise improper.

Further, it is the policy of the Town of Ellington that any employee or public official who makes such report or participates in the investigation of any such report be protected from retaliation in the form of discharge, discipline or other penalty or adverse employment action as the result of making a whistleblower report.

2. Applicability

This policy is applicable to all employees and public officials, elected or appointed, with or without compensation, of the Town of Ellington and/or Ellington Board of Education.

3. Definitions

A whistleblower, as used in this Policy, means any employee or public official of the Town who, in good faith, reports alleged inappropriate or illegal conduct of an employee or public official as it relates to their official duties for the Town.

Illegal or inappropriate activity, as used in this Policy, includes any of the following:

- Activity that is a violation, or suspected violation, of local, state or federal law, rule or regulation.
- Fraud.
- Theft.
- Malfeasance or misfeasance of state, federal or local resources, such as but not limited to misuse of Town funds, equipment or time.

- Activity that creates a substantial and specific danger to public health and safety.
- Gross mismanagement, gross waste of money, or gross abuse of authority as it relates to their official duties as a Town employee or public official.
- A violation of the Town's Code of Ethics.
- A violation of any of the Town's policies.

4. Reporting Procedure

If an employee or public official knows of, or has reason to believe that any actual or suspected inappropriate or illegal conduct is occurring or has occurred, they should report that conduct to any one of the following people:

- Their supervisor or manager; or
- Their department head, or the chair of the town board, agency or commission on which the public official serves; or
- The Town Administrator; or
- In the case of an Ethics Code violation, the Town's Ethics Commission.

Violations or suspected violations may also be submitted anonymously, in writing, to the Town Administrator or the Human Resources Director via the Town's tip-line established for such purposes. Such tip-line is accessible through the Town of Ellington's Website using the comments/complaints link: www.ellington-ct.gov/complaint.

All reports must be alleged in good faith and assert reasonable grounds for believing that the information shared in the report indicates that there has been inappropriate or illegal conduct.

Any supervisor, manager, chair or department head who receives a report about alleged inappropriate or illegal conduct must immediately report it to the Town Administrator.

Should a report include an allegation of inappropriate or illegal conduct against the Town Administrator, the supervisor, manager, or department head must immediately refer the report to the Human Resources Director, who will then notify the First Selectman of the reported conduct.

Should a report include an allegation of inappropriate or illegal conduct against a Board of Education employee or public official, the report shall be referred to the Superintendent of Schools. Should a report include an allegation of inappropriate or illegal conduct against the Superintendent of Schools, the report shall be referred to the Chairperson of the Board of Education.

5. Investigation

The Town shall take all reports of alleged inappropriate or illegal conduct seriously. All reports will be investigated promptly, impartially, and discreetly.

No employee or public official has the authority or responsibility for investigating any inappropriate or illegal activity, deciding fault, or determining correcting measures except as expressly provided herein.

Once a complaint is received, an investigation will be undertaken to determine if there is sufficient evidence to indicate that the alleged act has occurred. Typically, the Town Administrator will investigate such complaint; however, the Town Administrator may assign such investigation to another management staff member, or an outside entity based on the nature and character of the allegations made in the complaint.

Employees and public officials, whether they were the person initiating the complaint or not, have a duty and are obligated to participate in investigations when asked. Investigation of such matters will usually include conferring with the whistleblower, other involved parties, and interviews of any named or apparent witnesses. Additionally, a review will be conducted of any pertinent correspondence, including print or electronic messages, audio and/or video recordings and any other documentation deemed to be relevant to the allegations.

Where an investigation confirms that inappropriate or illegal conduct has occurred, the Town will promptly take corrective action. In all cases, the party against whom the complaint is made shall receive notice of the claims against them and be afforded the opportunity to rebut the allegations of the complaint before an impartial decision maker.

If it is determined that corrective action is appropriate, discipline up to and including discharge from Town service, banning from Town facilities or property, or other appropriate legal action may be initiated by the Town. Depending on the nature and severity of the offense or offenses, more serious discipline, up to and including termination, may be issued without lower levels of discipline having been issued. Discipline of employees will be issued in accordance with procedures outlined in the relevant collective bargaining agreements, or the Town's Personnel Rules as applicable.

6. Confidentiality

Discretion is of utmost importance in these matters. Confidentiality and anonymity, however, cannot be guaranteed and information identifying employees and public officials who have made a report or participated in investigatory proceedings may surface. These matters will be handled as discreetly and respectfully as possible. Confidentiality will be maintained to the extent permissible under Connecticut Freedom of Information Act provisions. Certain documentation related to the report or investigatory proceedings may

be subject to disclosure in accordance with the Freedom of Information Act and other statutes governing such disclosure. Only documents or information required to be disclosed by state or federal law will be released to the requesting individual, agency, or other entity. Documentation will remain on file as required by state records retention requirements, after which time they may be destroyed upon approval by the Connecticut Public Records Administrator.

7. No Retaliation

The Town strictly forbids retaliation against employees or public officials who meet the definition of “whistleblower” as provided in this Policy or who participate in internal or external investigations related to reports of alleged inappropriate or illegal conduct. The Town will not engage in any such retaliation, nor will it permit employees or public officials to do so. Any such action is a violation of this Policy and may also be a violation of state and federal laws, depending on the facts and circumstances. (See CGS 31-51m) Any such retaliatory action shall subject the employee or public official to disciplinary action, up to and including termination of employment.

Instances of retaliation may include, but are not limited to, termination, demotion, suspension, harassment, reduced compensation, changes in terms and conditions of employment, or any other adverse action taken for purposes of retribution or revenge.

Any person who feels he or she has been retaliated against due to having reported inappropriate or illegal activity and/or participated in investigatory proceedings related to the same, should report such retaliation in accordance with Section 4 of this Policy.

8. Resolution

When the investigation is complete, the employee or public official who initiated the report will be informed, to the extent appropriate and allowable by law, of the results of the investigation.

9. False Reports

All reports must be alleged in good faith and assert reasonable grounds for believing that the information shared in the report indicates that there has been inappropriate or illegal conduct. Any reporting party that fails to conform with this requirement shall not be afforded the protections of this Policy.

If the Town determines that a false report was made under this Policy, such action may subject the reporting party to disciplinary action, up to and including termination of employment, banning from Town facilities or property, or other appropriate legal action may be initiated by the Town. Depending on the nature and severity of the offense or offenses, more serious discipline up to and including termination may be issued without

lower levels of discipline having been issued. Discipline of employees will be issued in accordance with procedures outlined in their relevant collective bargaining agreements or the Town's Personnel Rules as applicable.

10. Other Legal Rights

This Policy is not intended to limit, diminish or replace any other right or remedy that an employee or public official may have under the law with respect to disclosing inappropriate or illegal conduct free from retaliation.

Effective Date: This policy shall be effective immediately and shall remain in effect until revised or rescinded.

BOS APPROVED: 9-11-2023