

# Hauser Lake Fire Protection District

## Policy Statement Whistleblower

Effective: 7 /1 /08

Policy # 013

**Purpose:** This document establishes the District's Policy and Procedures as pertains to improper governmental action by the members, employees, commissioners and volunteers of the Hauser Lake fire Protection District.

**Applications:** This policy applies to all members and employees of Hauser Lake Fire Protection District.

**General Policy:** It is the policy of the Fire District to:

- Encourage reporting by its employee and volunteers of improper governmental action taken by the Hauser Lake Fire District Officers or employees or volunteers;
- Protect Hauser Lake Fire Protection District employees who have reported improper governmental actions in accordance with the Fire District's Policies and Procedures.

### Definitions:

- Employees also mean "volunteers".
- "Improper governmental action" means any action by a Hauser Lake Fire District official employee: that is undertaken in the performance of the Officer's or employee's official duties, whether or not the action is within the scope of the Standard Operating Procedures and/or job description; and, that (I) is in violation of any federal, state and/or local law or rules, (II) is an abuse of authority, (III) is of substantial and specific danger to the public health and safety or (IV) is a gross waste of public funds.

"Improper Governmental Actions" does not include personnel actions including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employment, performance evaluations, dismissals, suspensions, demotions, civil service laws, alleged violations of labor agreements (if any exist) or reprimands.

- "Retaliatory Action" means any adverse change in the terms and conditions of a Hauser Lake Fire District employee's employment.
- "Emergency" means a circumstance that, if not immediately changed, may cause damage to persons or property.

**Procedures for Reporting:** Hauser Lake Fire District employees who become aware of improper governmental actions should raise the issue first with the Hauser Lake District Fire Chief. If the action involves the Fire Chief the employee may make a written report to the District Commissioners. If requested by the Chief, the employee shall submit a written report to the Hauser Lake District Commissioners, or to some person designated

by the Commissioners stating in detail the basis for the employee's belief that an improper government action has occurred.

Where the employee reasonably believes the improper governmental action involves his/her superior Officer, the employee may raise the issue directly with the Hauser Lake Fire District Commissioners or such other person as may be designated by the Commissioners to receive results of improper governmental action.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the person with responsibility for investigating the improper action.

Hauser Lake Fire District Officers and employees involved in the investigation shall keep the identity of the reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his/her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

Hauser Lake Fire District employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the Hauser Lake Fire District employee reasonably believes that an adequate investigation was not undertaken, or that insufficient action has been taken to address the improper governmental action, or that for other reasons, the improper governmental action is likely to recur.

Hauser Lake Fire District employees who fail to make a good-faith attempt to follow Hauser Lake Fire District's procedures in reporting improper governmental action shall not receive the protections provided by Hauser Lake Fire District in these procedures.

## **II. Protection Against Retaliatory Actions:** Hauser Lake Fire District

Commissioners, Officers and employees are prohibited from taking retaliatory action against a Hauser Lake Fire District employee because he/she has in good-faith reported an improper governmental action in accordance with these policies and procedures as detailed in Idaho Code Title 6 Chapter 21..

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise the Hauser Lake District Chief, the Hauser Lake Fire District Commissioners or the Commissioners designee. Hauser Lake Fire District Commissioners and Officers shall take appropriate action to investigate and address complaints of retaliation.

If the Hauser Lake District Chief, Hauser Lake Fire District Commissioners or the designee does not satisfactorily resolve the Hauser Lake Fire District employee's complaint that he/she has been retaliated against in violation of this policy, the Hauser Lake Fire District employee may obtain protection under this policy and, pursuant to state law, provide written notice to the Hauser Lake Fire District Commissioners that specifies the alleged retaliatory action and specifies the relief requested.

Hauser Lake Fire District employees shall provide a copy of their written charge to the Hauser Lake Fire District Commissioners no later than thirty (30) days after the occurrence of the alleged retaliatory action.

The Hauser Lake Fire District Commissioners shall respond within thirty (30) days to the charge of retaliatory action.

After receiving either the response of the Hauser Lake Fire District Commissioners or thirty days after delivery of the charge to the Commissioners, the Hauser Lake Fire District employee may institute action as allowed by Idaho Code Title 6 Chapter 21.

- III. Responsibilities:** The Hauser Lake Fire District Chief is responsible for implementing Hauser Lake Fire District's Policies and Procedures (1) for reporting improper governmental action, and; (2) for protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures:
- Are permanently posted where all employees will have reasonable access to them
  - Are made available to any employee upon request
  - Are provided to all newly hired employees or newly accepted volunteer. Chiefs and Officers are responsible for ensuring the procedures are fully implemented within their areas of responsibility. Violations of this policy and these procedures may result in appropriate disciplinary action up to and including dismissal.