

Subject: Whistleblower and Anti-Retaliation Procedures

Summary: This policy describes the whistleblower and anti-retaliation procedures of the Metropolitan Water Reclamation District of Greater Chicago (District). It expands the District’s anti-retaliation policy under Administrative Procedure 10.5.0 Anti-Harassment, Anti-Discrimination, and Anti-Retaliation Policies and Reporting Procedures for whistleblower activities.

Details:

I. WHISTLEBLOWER PROCEDURE

Intentional and unintentional violations of laws, regulations and policies may occur and may constitute improper governmental activities. The District has a responsibility to investigate and report allegations of suspected improper governmental activities, and to take action when necessary.

Any person can make a difference by reporting improper government activities by a District commissioner, officer or employee, or those doing business with the District.

A. IMPROPER GOVERNMENTAL ACTIVITIES COVERED BY THIS PROCEDURE

Improper governmental activity includes any action by a District commissioner, officer or employee that:

1. Is in violation of any state or federal law or regulation, including but not limited to those pertaining to:
 - a. corruption
 - b. malfeasance
 - c. bribery
 - d. theft of government property
 - e. fraudulent claims
 - f. fraud
 - g. coercion
 - h. conversion
 - i. misuse of government property
 - j. willful omission to perform duty
 - k. unlawful political discrimination
 - l. prohibited political activity
 - m. criminal activity
2. Is economically wasteful, or involves gross misconduct, incompetence, or inefficiency.

B. COMPLAINTS NOT COVERED BY THIS PROCEDURE

1. Employment-related complaints are not addressed by this procedure. Individual employee grievances and complaints regarding terms and conditions of employment are addressed under the applicable Personnel Rules, collective bargaining agreements, administrative procedures and directives of the Executive Director, or policies of the Board of Commissioners.

2. Complaints of harassment, discrimination, or retaliation relating thereto, are addressed by Administrative Procedure 10.5.0 Anti-Harassment, Anti-Discrimination, and Anti-Retaliation Policies and Reporting Procedures. Employees, managers or supervisors who observe, or are made aware of, behavior that appears to violate Administrative Procedure 10.5.0 must contact the Employee Relations Section at 312-751-4443 immediately.

C. REPORTING ALLEGATIONS OF SUSPECTED IMPROPER GOVERNMENT ACTIVITIES

Allegations of improper governmental activity should be reported promptly and may be reported **anonymously**. This procedure is designed to honor an informant's anonymity to the maximum extent of the law.

While anonymous reporting is an option, the District encourages the caller to provide information to the Office of the Independent Inspector General (OIIG), an independent agency of the District and its management. The OIIG accepts anonymous complaints. However, anonymous complaints that lack significant detail can be difficult to investigate and may result in a decision to not pursue the allegations. The identity of any cooperating individuals will be closely maintained and not revealed without their permission or as otherwise required by law.

1. To file a complaint and/or contact the OIIG with information, one may:
 - 1) Visit the OIIG website at www.cookcountyl.gov/agency/office-independent-inspector-general
 - 2) Contact the OIIG 24-hour hotline at 312-603-0745
 - 3) Schedule an appointment with an OIIG Investigator by calling 312-603-0350 or emailing independent.inspectorgeneral@cookcountyl.gov

Information included in the report should contain as much detail as possible, including specific names, dates, times of events, and witnesses.

2. To facilitate a more effective investigation the caller should, to the extent possible, include at least the following information:
 - a. The nature of the alleged improper activity;
 - b. The name of each person allegedly involved;
 - c. The approximate date and location of each alleged activity;
 - d. Documentation of the alleged activity including photographs, ledger sheets, bills, receipts, samples, time records, memoranda, emails, and any additional information or evidence to support the report. However, an employee may not obtain evidence to which they do not lawfully possess or have lawful access to. Such improper access could itself be an illegal or improper activity that may result in disciplinary action.

II. DEFINITIONS

"Good faith disclosure" means disclosure of District-related misconduct made with a reasonable belief in the truth of the disclosure, which a reasonable person in the whistleblower's position could hold based upon the facts. A disclosure is not in good faith if it is made with reckless disregard for, or willful ignorance of, facts that would disprove the disclosure.

"District-related misconduct" includes any activity by a District department or an employee that is undertaken in the performance of the official duties whether or not such action is within the scope of the individual's employment, and that is in violation of any state or federal law or regulation or District law, regulation or policy, including but not limited to: corruption, bribery, theft of property, fraudulent claims, fraud, coercion, conversion, misuse of District property and facilities, or willful failure to perform duty.

"Whistleblowing" means good-faith reporting of real or perceived District-related misconduct.

"Whistleblower" means any person who in good faith reports real or perceived District-related misconduct.

"Retaliation" means any adverse action or credible threat of an adverse action taken by the District, or employee thereof, in response to a whistleblower's good-faith disclosure of District-related misconduct. It does not include the District's decision to investigate a good-faith disclosure of District-related misconduct.

III. ANTI-RETALIATION PROCEDURE

Employees are encouraged to make good faith disclosures of District-related misconduct. The commitment to improve the quality of District services through such disclosures is essential for good government. Retaliation as a response to such disclosures will not be tolerated. Retaliation, whether actual or threatened, destroys a sense of community of purpose and undermines public confidence in the District. Acts or threats of retaliation in response to such disclosures are a serious violation of District procedures.

In addition, the OIIG Ordinance Section 2-291 (a) (1) expressly prohibits any form of retaliation against a person for communicating, cooperating, or assisting the OIIG in the performance of its duties.

No District employee shall engage in retaliation in response to whistleblowing or to the bringing of a complaint.

The District has zero tolerance for any type of retaliation committed by any District employee against any person who has reported any allegations of suspected improper governmental activities in accordance with this procedure. Employees that are found to have retaliated against any person reporting any suspected improper activities in accordance with this procedure shall be subject to disciplinary action up to and including discharge. The right to protection from retaliation does not include immunity for any complicity in the matters that are the subject of the report, complaint, allegation, or an ensuing investigation.

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Retaliation toward employees or any persons because they made a report, complaint, or allegation in accordance with this procedure, participated in another individual's report, complaint, or allegation, or are associated with someone who did so will not be tolerated. Any attempts to prevent an employee or individual from participating in these protected activities will not be tolerated.

The District shall make every reasonable effort to stop retaliation immediately, to conduct a complete and thorough investigation of alleged acts of retaliation in a timely manner and to take appropriate action, as necessary.

IV. SCOPE OF POLICY

The act of a good-faith disclosure of District-related misconduct shall not be used to make any decision to the whistleblower's detriment, or to subject the whistleblower to harassment such that it creates a hostile work environment.

To encourage and protect whistleblowers, no reference to the good-faith disclosure of District-related misconduct shall be made in personnel files, letters of recommendation, performance appraisals, or any other permanent evaluative documents without the concurrence of the whistleblower.

A report of alleged improper governmental activities covered by this procedure that is not made in good faith shall not be considered a protected activity under this procedure. If an employee has made an allegation that is not in good faith, that employee may be subject to disciplinary action up to and including discharge. In the event the allegations are not substantiated, the District in consultation with the accused shall take all reasonable steps to restore the reputation of the accused to the extent that it may have been damaged by the investigation and proceedings, including, but not limited to, expunging all references to the allegations and investigation in the personnel records of the accused.

References:

Supersedes AP 10.11.0 v2

Administrative Procedure 10.5.0 Anti-Harassment, Anti-Discrimination, and Anti-Retaliation Policies and Reporting Procedures

MWRD Ordinance 020-001, Ethics Ordinance

MWRD Ordinance 019-003, Office of Independent Inspector General

Sincerely,



Brian A. Perkovich, Executive Director