

Subject: Whistleblower and Anti-Retaliation Procedures

Summary: This policy describes the whistleblower and anti-retaliation procedure of the Metropolitan Water Reclamation District of Greater Chicago (District). It expands the District's anti-retaliation policy under Administrative Procedure 10.5.0 (formerly GS 08-04 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 District officials, employees or those doing business with the District.

Improper governmental activity includes any action by a District employee that:

1) Is in violation of any state or federal law or regulation, including but not limited 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

2) Is economically wasteful, or involves gross misconduct, incompetence or inefficiency.

Employment-related complaints are not addressed by this procedure. Individual employee grievances and complaints regarding terms and conditions of employment will be reviewed under the applicable Personnel Rules, collective bargaining agreements, directives of the Executive Director or policies of the Board of Commissioners. Complaints of harassment or discrimination, or retaliation relating thereto, are addressed by Administrative Procedure 10.5.0 (formerly GS 08-04 Anti-Harassment, Anti-Discrimination, and Anti-Retaliation Policies and Reporting Procedures), and managers or supervisors who observe or are made aware of behavior that appears to violate Administrative Procedure 10.5.0 must contact the District EEO Coordinator immediately.

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 third party vendor, Lighthouse Services, Inc., which is independent from the District and its management. The report provided is much more likely to be investigated effectively if caller contact information is provided for follow-up communications. The District will protect the caller's identity to the maximum extent of the law when contact information is provided.

To report an improper governmental activity, one may:

- 1) Call the District's Whistleblower hotline at (888) 821-8420
- 2) Complete the on-line report at <http://www.lighthouse-services.com/>
- 3) Send an e-mail to reports@lighthouse-services.com
- 4) Fax to (215) 689-3885
- 5) Mail the information to Lighthouse Services, Inc. 723 Locust Street, Lower Gwynedd, PA 19002

Information included in the report should contain as much detail as possible, including such facts as who, what, when, where and how the information is known.

To facilitate a more effective investigation the caller should, to the extent possible, include at least the following information:

- 1) The nature of the alleged improper activity.
- 2) The name of each person allegedly involved.
- 3) The approximate date and location of each alleged activity, and
- 4) 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 have a right of access. Such improper access could itself be an illegal or improper activity that may result in disciplinary action.

All allegations are reported to the District's service provider, Lighthouse Services, Inc. The vendor will compile an incident report and submit the report to the Whistleblower Committee. All Whistleblower activities will be reported to the Board of Commissioners including those against the Executive Director.

II. 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 its procedures.

DEFINITIONS

A. "Good faith disclosure" means disclosure of District-related misconduct made with a 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 made with reckless disregard for, or willful ignorance of facts that would disprove the disclosure.

B. "District-related misconduct" includes any activity by a District department or by 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.

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

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

E. "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 decision to investigate a good-faith disclosure of District-related misconduct.

III. SCOPE OF POLICY

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

Retaliation toward employees or any person 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; as well as any attempts to prevent an employee or individual from participating in these protected activities, will not be tolerated.

The District will 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.

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.

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 have been 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, or allegations, or an ensuing investigation.

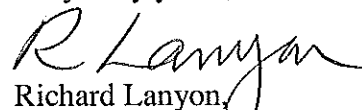
IV. References:

Administrative Procedure 10.5.0 (formally GS 08-04 Anti-Harassment, Anti-Discrimination, and Anti-Retaliation Policies and Reporting Procedures)

<http://www.lighthouse-services.com/>



Very truly yours,


Richard Lanyon,
Executive Director