

RIVERHEAD FREE LIBRARY PERSONNEL MANUAL

SUBJECT: WHISTLEBLOWER PROTECTION

PURPOSE: This Whistleblower Protection policy is intended to encourage and enable employees to raise serious concerns within the Library rather than overlooking a problem or seeking a resolution of the problem outside the Library. Employees filing a complaint in good faith may not be subjected to harassment, retaliation or adverse employment consequences as a result of the complaint.

POLICY: The Riverhead Free Library is committed to the highest possible standards of openness, honesty and accountability. In line with that commitment, the Library expects employees who have serious concerns about any aspect of the Library's work to come forward and voice those concerns. These concerns include questionable or improper accounting or auditing matters; violations and suspected violations of the Library's Conflict of Interest policy, or other appropriate policies.

PROCEDURE:

- Library employees who become aware of suspected violations should immediately report the issue in writing to the Library Director, who has specific and exclusive responsibility to investigate all reported violations.
- If the suspected or actual violation concerns the Director, the staff member should report the matter directly to the President of the Board of Trustees.
- This policy shall not be construed to prevent or discourage staff from reporting any suspected criminal or illegal activity to a law enforcement authority.
- Reports of violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously.
- Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.
- The Director will investigate, resolve and notify the Board of Trustees of the complaint and/or allegation.
- Employees filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegation that proves to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense (see DISCIPLINARY ACTION).

No employee who makes a complaint in good faith shall suffer harassment, retaliation or adverse employment consequences. A staff member who retaliates against someone who has reported a violation is subject to disciplinary action (see DISCIPLINARY ACTION).

WHISTLEBLOWER PROTECTION

The purpose of this policy is to (1) provide a procedure for employees to report inappropriate action by Library officers or employees, and (2) protect individuals who have reported wrongful conduct in accordance with Library policies and procedures.

Definitions

As used in this policy, the following terms shall have the meanings indicated:

1. "Wrongful conduct" means any action by a Library officer or employee
 - a. That is undertaken by the director, a trustee or a Library employee, whether or not the action is within the scope of the employee's employment; and
 - b. That (i) is in violation of any federal, state or local law or written Library policy, (ii) is an abuse of authority, (iii) is of substantial and specific danger to the public health or safety, or (iv) is illegal or fraudulent.

"Wrongful conduct" does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions or reprimands unless such action meets the definition of wrongful conduct as defined above.

2. "Retaliatory action" means any intimidation, harassment, discrimination or other retaliation, and, with respect to a Library employee, adverse change in the terms and conditions of a Library employee's employment.
3. "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property.

Procedures for Reporting

Library employees who become aware of wrongful conduct should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor stating in detail the basis for the employee's belief that wrongful conduct has occurred. The supervisor will inform the Library Director of the issue and resolution. The Director will inform the Board of Trustees of the issue. Where the employee reasonably believes the wrongful conduct involves his or her supervisor, the employee should report the issue to the Library Director. If the suspected wrongful conduct involves the Director, the employee should report the issue directly to the President of the Board of Trustees.

Should any officer or volunteer become aware of wrongful conduct, such person shall present the matter to the Library Director. The Director will inform the Board of Trustees of the issue. If the suspected wrongful conduct involves the Director, such person shall present the matter to the President of the Board of Trustees.

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 wrongful conduct directly to the Director. If the Director is unavailable, the employee may report directly to the President of the Board of Trustees.

The person to whom the report is made shall take prompt action to assist the Library in properly investigating the report of wrongful conduct. Library officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law and so long as doing so does not compromise the investigation.

After an investigation has been completed, the employee reporting the wrongful conduct shall be given a written summary of the results of the investigation, except that personnel actions taken or other matters deemed confidential by the Director as a result of the investigation shall be kept confidential.

Thereafter, the employee, officer or volunteer may report information about the wrongful conduct directly to the appropriate government agency which has responsibility for investigating the wrongful conduct if the Library employee has a reasonable belief that one of the following two conditions exists:

1. An adequate investigation was not undertaken by the Library to determine whether a wrongful conduct occurred, or
2. Insufficient action has been taken by the Library to address the wrongful conduct.

Protection Against Retaliatory Actions

Library officials and employees are prohibited from taking retaliatory action against any person because he or she has, in good faith, reported wrongful conduct in accordance with these policies and procedures.

Employees who believe that they have been retaliated against for reporting an wrongful conduct should advise the Library Director. The Director shall take appropriate action to investigate and address complaints of retaliation. If the Director is involved the employee should report the matter to the President of the Board of Trustees. The Library Board Trustees will then investigate and address the complaint of retaliation.

The Library Director is designated to administer this policy and shall report to the Audit Committee, if there is one, and if there is not, the Board of Trustees. This policy shall be distributed by the

Director or her/his designee, to all directors, officers, employees and volunteers who provide substantial service to the Library as determined by the Director.

My signature below indicates my receipt and understanding of this policy. I also verify that I have been provided with an opportunity to ask questions about this policy.

Employee Signature

Date