



Town of Hubbardston

7 MAIN STREET
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WHISTLEBLOWER PROTECTION

I. POLICY

This policy is adopted pursuant to and in accordance with the Massachusetts Whistleblower Protection Act, 1992, Massachusetts General Laws, Chapter 149 (the "Act") and is designed specifically to protect such conduct and provide such remedies as are set forth in the Act. It is the policy of the Town:

- A. To encourage the reporting by its employees of improper governmental action taken by Hubbardston officers or employees; and
- B. To protect Town employees who have reported improper government actions in accordance with this policy.

II. REPORTING PROCEDURE

The Town encourages the reporting of improper governmental action taken by any Town officers or employees and the reporting of retaliatory actions for such reporting. The Town encourages initial reporting to the Town to allow for expeditious resolution of all such matters and to minimize any adverse impacts of the improper action. This policy states Hubbardston's procedures for reporting improper governmental action and for protecting employees against retaliatory actions.

Hubbardston employees who obtain knowledge of facts demonstrating improper governmental actions shall raise the issue first with their department head, the Town Administrator, or the appropriate governmental agency responsible for investigating such improper action. If requested by the department head or the Town Administrator, the employee shall submit a written report to the Town stating in detail the basis for the employee's belief that an improper governmental action has occurred.

In the case of an emergency, the employee may report the improper governmental action directly to a person or entity that is not the person's department head, the Town Administrator or other governmental agency. In all other cases, the employee must first follow the reporting procedure outlined above.

A. An employee is not required to comply with the above procedure if he/she:

1. Is reasonably certain that the activity, policy, or practice is known to one or more supervisors of the Town and the situation is emergency in nature;
2. Reasonably fears physical harm as a result of the disclosure provided; or
3. Makes the disclosure to a public body for the purpose of providing evidence of what the employee reasonably believes to be a crime.

Hubbardston employees who fail to make a good-faith attempt to follow this policy in reporting improper governmental action shall not receive the protections provided under this policy or the Act. Employees who make false reports may be subject to the disciplinary action, up to and including termination.

III. INVESTIGATION

The Department Head or the Town Administrator shall take prompt action to assist the Town in properly investigating the report of improper governmental action. Town officials, Coordinators, department heads and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under the law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of the summary of the results of the investigation. Personnel actions taken as a result of the investigation may be kept confidential.

IV. RETALIATION

A. Town officials, department heads and employees are prohibited from taking retaliatory action against the employee because he or she has in good faith reported an improper governmental action in accordance with this policy.

B. Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their department head or the Town Administrator. Town officials, Coordinators, and department heads shall take appropriate action to investigate and address complaints of retaliation. If the department head or the Town Administrator does not satisfactorily resolve an employee's complaint that he or she has been retaliated against in violation of this policy, the employee, in accordance with the Act, may, within two years, institute a civil action in the superior court. Any party to said action shall be entitled to claim a jury trial. All remedies available in common law tort actions shall be made available to prevailing plaintiffs. These remedies are in addition to any legal or equitable relief provided herein.

V. ENFORCEMENT

The Town Administrator is responsible for implementing Hubbardston's policies and procedures: (1) for reporting improper governmental actions, and (2) for protecting employees against retaliatory actions. Town officials and Department Heads are responsible for insuring that this policy is fully implemented within their areas of responsibility. Violations of this policy may result in appropriate disciplinary action, up to and including termination.