

TOWN OF NORTH ATTLEBOROUGH WHISTLEBLOWER POLICY

This policy is adopted in accordance with the Massachusetts Whistleblower Protection Act, Chapter 149, Section 185 of the Massachusetts General Laws (the "Act").

It is the policy of the Town of North Attleborough:

1. To encourage the reporting by its employees of improper governmental action taken by Town officers or employees; and
2. To protect Town employees who have reported improper governmental action in accordance with this policy, who have provided information or testified before any governmental body concerning improper governmental action, or who have objected to or refused to participate in any improper governmental action.

For purposes of this policy the term "improper governmental action" means an activity, policy or practice of the Town of North Attleborough, its employees or officers, or of another employer with whom the Town of North Attleborough has a business relationship, that the employee reasonably believes is in violation of law, or a rule or regulation promulgated pursuant to law, or which the employee reasonably believes poses a risk to public health, safety or the environment.

This policy focuses on the Town's procedures for reporting improper governmental action and for protecting employees against retaliatory actions.

Town employees who obtain knowledge of facts demonstrating improper governmental action should raise the issue first with their supervisor or the Town Administrator or his designee ("the Town Administrator/designee"). The employee should submit a written report stating in detail the basis for the employee's belief that an improper governmental action has occurred. The provision of written notice to the Town is meant to afford the Town a reasonable opportunity to correct the improper governmental action.

An employee is not required to provide written notice in accordance with the above paragraph if he/she:

- a. 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;
- b. reasonably fears physical harm as a result of the disclosure provided;
or
- c. makes the disclosure to a public body for the purpose of providing evidence of what the employee reasonably believes to be a crime. The words "public body" in this context mean any federal, state or local judiciary, or any

employee or member thereof, or any grand or petit jury; or any federal, state or local law enforcement agency, prosecutorial office, or police or peace officer.

An employee who fails to follow this policy in reporting improper governmental action shall not receive the protections provided under this policy or under the Whistleblower Act. An employee who makes a false report may be subject to applicable disciplinary procedures.

A supervisor who receives a report of improper governmental action shall immediately forward the report to the Town Administrator (unless the Town Administrator is charged in the report with improper governmental action, in which case the supervisor shall forward the report to the Chairman of the Board of Selectmen). Upon receipt of a report, the Town Administrator shall promptly investigate the matter. The Town Administrator, and any other Town employees, officials or representatives who are involved in the investigation, shall use their best efforts to keep confidential the identity of the person who made the report. The person making the report shall be informed of the results of the investigation, except that the nature of any disciplinary action taken against an employee as a result of the investigation may be kept confidential.

Town employees, officials and representatives are prohibited from taking any type of retaliatory action against a person because that person (1) made a report of improper governmental action or cooperated in the investigation of such a report, (2) provided information to, or testified before, any public body conducting an investigation of improper governmental activity or (3) objects to or refuses to participate in any improper governmental action.

An employee who believes that he/she has been a victim of such retaliation may file a complaint with his/her supervisor or with the Town Administrator. Any such complaint will be investigated in the manner set forth, above, for the investigation of reports of improper governmental activity. An employee who is found to have retaliated against another employee for the reasons enumerated in the last paragraph shall be subject to discipline up to and including discharge.