

CITY OF URBANDALE
WHISTLE-BLOWER POLICY
Adopted August 1, 2006

I. Purpose

It is the purpose of this policy to provide City Officials of the City of Urbandale with a means by which to report improper governmental action, to protect those City Officials who make good-faith reports to appropriate governmental bodies and to ensure that there will be no retaliation for having made such reports.

II. Policy

It is the policy of the City of Urbandale that all City Officials are encouraged to disclose, to the extent not expressly prohibited by law, improper governmental actions of any City Officials. Every City Official has the right to report to the appropriate person, information concerning an alleged improper governmental action.

III. Definitions

1. "Improper governmental action" is any action by any City Official of the City of Urbandale that:
 - a. Is undertaken in the performance of his/her duties, whether or not the action is within the scope of the City Official's employment; and
 - b. Is in violation of any federal, state or local law or rule;
 - c. Is an abuse of authority;
 - d. Is of substantial and specific danger to the public health or safety; or
 - e. Is a gross waste of public funds"Improper governmental action" does not include personnel actions, including, but not limited to, employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of applicable collective bargaining and civil service laws, alleged labor agreement violations, reprimands, or any other personnel action taken under authority of state law.
2. "Abuse of authority" means intentional misuse of power or position by any City Official for an improper purpose.
3. "City Official" means all City elected officials, commission members, board members, committee members, employees and professional consultants.
4. "Emergency" means a circumstance that, if not immediately changed, may cause damage to persons or property.
5. "Good faith" means action taken after a reasonable investigation of facts available to the City Official, and after due consideration and with an honestly held belief that there was improper conduct.
6. "Gross waste" means a significant or recurring intentional misuse of public funds, and does not include unintentional errors.

7. "Retaliatory action" means any adverse change in a City Official's employment status or in the terms and conditions of a City Official's employment based on the reporting by the City Official of improper governmental actions.

IV. Procedures for reporting improper governmental action

- A. A City Official who becomes aware of improper governmental actions shall raise the issue first with his/her supervisor. If the action involves an elected official, then the report shall be made to the city attorney. The City Official shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for his/her belief that an improper governmental action has occurred. Where the City Official reasonably believes the improper governmental action involves his/her supervisor, then the City Official shall submit the written report to the Chair of the Audit Committee or to the State Ombudsman, except in those cases where the supervisor is an elected official, and in that case the written report shall be submitted to the city attorney. If a meeting is requested as a part of the investigation, then the reporting City Official may be accompanied by another person of his/her choice to such meeting.
- B. City Officials involved in any investigation shall keep the identity of the reporting City Official(s) confidential to the extent possible under law, unless the City Official authorizes the disclosure of his/her identity in writing.
- C. In case of an emergency, where the City Official believes that damage to persons or property may result if action is not taken immediately, the City Official may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action and shall also report the action to the city attorney.
- D. In the absence of an emergency, City Officials reporting improper governmental action who fail to make a good-faith effort to follow the procedures set forth in this policy shall not receive the protection provided by this policy or state law. City Officials who make false reports may be subject to disciplinary procedures.
- E. The supervisor, the Chair of the Audit Committee, or the city attorney, as the case may be, shall take prompt action to coordinate a proper investigation with the State Ombudsman regarding the report of improper governmental action. An investigator may be appointed by the Chair of the Audit Committee, and the City Official shall be advised that a prompt investigation is occurring. Emergency situations shall receive appropriate expedited response. Non-emergency situation shall receive serious, prompt attention.
- F. After the investigation has been concluded, the results will be shared with the Mayor and City Manager, who shall decide (1) what action should be taken to address the reported improper governmental action and (2) what, if any, personnel action is required. If the investigation involved the City Manager, the results would be shared with the Mayor only. If the investigation involved the Mayor, the results would be shared with the Mayor Pro-Tem and the City Manager. The City Council shall be provided with a copy of the City Official's written report, the investigation report, and the Mayor/Mayor Pro-Tem/City Manager's proposed action. Provided, however, where the alleged improper governmental action involves an elected official, the city council shall review the investigation report and determine what course of action should be taken to address the improper governmental action.

- G. After an investigation has been completed, the reporting City Official shall be provided a summary of the result of the investigation. However, personnel actions taken as a result of the investigation shall be kept confidential.
- H. There shall be no time limit on reporting improper governmental action.
- I. After an investigation has been completed and the reporting City Official provided with a summary of the results, the City Official may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the City Official reasonable believes that an adequate investigation was not undertaken by the city to determine whether an improper governmental action occurred, or that insufficient action has been taken by the city to address the improper governmental action or that for other reasons the improper governmental action is likely to recur.

V. Protection against retaliatory actions

- A. City Officials are prohibited from taking retaliatory action against a City Official because he/she has, in good faith, and in accordance with this policy, reported an improper governmental action.
- B. A City Official who believes he/she has been retaliated against for reporting an improper governmental action shall first raise the issue with his/her supervisor. If the action involves an elected official, then the report shall be made to the city attorney. The City Official shall submit a written report to the supervisor or to some person designated by the supervisor, stating in detail the basis for his/her belief that he/she has been retaliated against for reporting an improper governmental action. If the City Official reasonably believes that the person committing the retaliatory action was his/her supervisor, then the City Official shall submit the written report to the Chair of the Audit Committee, except in those cases where the supervisor is an elected official, and in that case the written report shall be submitted to the city attorney.
- C. The following steps shall be followed if an City Official feels he/she has been retaliated against for reporting improper governmental action:
 - a. The City Official must provide written notice to the appropriate person as designated in subsection B above, within thirty (30) days of the alleged retaliatory action. The written notice shall specify the alleged retaliatory action and the relief requested.
 - b. The responsible person, as designated in subsection B above, will respond to the allegation within thirty (30) calendar days.
 - c. The City Official, after receiving the city's response or after the city's 30-day response period has expired, may, within fifteen (15) calendar days, request a hearing.
 - d. If a hearing is requested, the city shall apply for a hearing before an administrative law judge licensed in the State of Iowa. Such request for a hearing shall be made within five (5) working days.

VI. Responsibilities

- A. The City Manager, or the City Manager's designee, is responsible for implementing the city's policies and procedures for (1) reporting improper governmental action, and (2) protecting City Officials against retaliatory actions. This includes ensuring that:
 - 1. This policy is permanently posted where all City Officials will have reasonable access to it, which includes posting on the City of Urbandale intranet;
 - 2. To the extent practical, training and education is provided to all current City Officials on the whistleblower policy;
 - 3. This policy be made available to any City Official upon request; and
 - 4. This policy is provided to all new hires.
- B. Officials, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility. Violations by a City Official of this policy and the procedures specified therein may result in disciplinary action, up to and including termination.
- C. The Chair of the Audit Committee is responsible for keeping an accurate log of all submissions made under this policy. This information shall be reviewed annually with the Mayor, City Manager and City Council. This information shall also be disclosed to the external auditors on an annual basis.