

WHISTLEBLOWER POLICY	
Purpose/objective	
<p>The county's size prevents the administration and elected officials of Cook County from detecting all ethical and legal issues. As a result, the county necessarily depends upon its employees and volunteers to bring to its attention possible violations of laws and regulations that might otherwise escape the county's attention.</p>	
<p>In order to facilitate whistleblower complaints, the county believes that it is necessary to enact a policy that creates a process for receiving whistleblower complaints, that addresses the limited disclosure of whistleblower identities, and protects whistleblowers from retaliation.</p>	
Definitions	

<p>“Bad faith whistleblower complaint” means a whistleblower complaint made with knowledge that the complaint was false or with reckless disregard for its truth or falsity or a complaint that violates a privilege or confidentiality obligations recognized by constitutional, statutory, or common law.</p>

“County employee” or “County employees” shall have the same meaning as provided for in Section 2 of the Cook County Procedures and Policy Manual.

“County volunteer” means an individual who performs hours of service on behalf of Cook County for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered.

“Designated recipients” means the County Administrator and the County Attorney.

“Elected Official” means a member of the Board of Commissioners whether elected or appointed.

“Internal whistleblower complaint” means a whistleblower complaint that is reported to one or more of the designated recipients.

“Justifiable refusal to act” means objecting to, or refusing to participate in, any activity, policy, or practice of the county that a county employee or county volunteer has reasonable cause to believe is in violation of or noncompliance with a law, rule, or regulation.

"Law, rule, or regulation" includes any federal, state, or local statute or ordinance or any rule or regulation adopted according to any federal, state, or local statute or ordinance.

"Outside whistleblower complaint" means a whistleblower complaint that is communicated to an outside agency.

"Outside agency" means a government agency unaffiliated with Cook County. For purposes of this Policy, the Cook County Sheriff's Office is an outside agency.

"Violation" or "violations" means a violation of any law, rule, or regulation or the possible existence of any activity constituting fraud, waste, and abuse in or relating to any state programs and operations under the jurisdiction of Cook County.

"Whistleblower" means a county employee or county volunteer who reports a whistleblower complaint to either an outside agency or one or more designated recipients.

"Whistleblower complaint" means the disclosure of a violation attributable to a county employee, county volunteer or elected official.

"Whistleblower Complaint Form" means a form available to county employees and county volunteers to assist them in communicating whistleblower complaints.

A. INTERNAL WHISTLEBLOWER COMPLAINTS

1. Methods of communicating whistleblower complaints

Whistleblower complaints shall be communicated to one of the designated recipients.

It is the county's preference to receive whistleblower complaints in written form. To create uniformity, whistleblower complaints should be communicated on a Whistleblower Complaint Form to be forwarded to a designated recipient. However, whistleblower complaints shall be accepted in other written forms.

Although not preferred, whistleblower complaints can be communicated verbally. When a verbal whistleblower complaint is received, the designated recipient shall memorialize the content of the complaint and the identify of the individual communicating the complaint.

2. Whistleblower Complaint Form

The County Manager or a designee shall be responsible for creating the Whistleblower Complaint Form within thirty (30) days after the enactment of this Policy. The form shall consist of a single page and be in a format that is capable of being downloaded from the county's website.

3. Anonymity

<p>The county's preference is for whistleblowers to identify themselves when making whistleblower complaints. However, the county prefers anonymous whistleblower complaints over silence. To the extent whistleblowers prefer to maintain their anonymity, they should forward written whistleblower complaints that omit their names. Any whistleblower who desires to maintain his or her anonymity should be mindful of the fact that certain details could inadvertently reveal an individual's identity.</p>

4. Disclosure of whistleblower's identity

Regardless of whether a whistleblower complaint is anonymous, the county shall not disclose the identity of the whistleblower without first obtaining the written consent of the whistleblower. Notwithstanding the foregoing, the county will disclose the whistleblower's identity without obtaining consent if it determines that disclosure of the whistleblower's identity is necessary and unavoidable during the course of the investigation. In that event, the whistleblower will be notified in writing at least seven (7) days prior to the disclosure.

To the extent that the county receives under the Open Records Act, O.C.G.A. §§ 50-18-72 *et seq.*, a request for a whistleblower complaint or the written memorialization of a verbal complaint, the name of the whistleblower shall be redacted before production unless the whistleblower's identity has already been disclosed as contemplated above.

5. Investigations

<p>Upon receiving a whistleblower complaint, the designated recipient shall promptly advise the Board of Commissioners. Upon being so advised, the Board of Commissioners shall designate an individual to investigate the whistleblower complaint. The designated individual can be unaffiliated with the county.</p>

The whistleblower is not responsible for investigating the complaint or for determining fault or corrective measures. However, the whistleblower's continued cooperation may be required in order to permit a thorough investigation of the whistleblower complaint.

6. Retaliation

No county employee or county volunteer shall be subjected to retaliation as a result of making a whistleblower complaint or a justifiable refusal to act. Notwithstanding the foregoing, a county employee or county volunteer who makes a bad faith whistleblower complaint can be subjected to discipline consistent with the Cook County Procedures and Policy Manual.

Any county employee or county volunteer who believes that he or she is the subject of any form of retaliation prohibited under this Policy shall immediately report the perceived retaliation to the County Administrator for investigation.

Any county employee or county volunteer who retaliates against a whistleblower in violation of this policy shall be subject to discipline, including termination of employment or volunteer status.

For purposes of this policy, retaliation shall not be limited to adverse employment actions. Retaliation shall include punitive actions and omissions falling short of adverse employment actions, such as the following:

- reprimanding the employee without cause

- giving a performance evaluation that is lower than it should be;

- transferring the employee to a less desirable position;

- subjecting the employee to verbal or physical abuse;

- increased scrutiny;

- spreading rumors; or

- increasing the difficulty of an individual's job in terms of tasks or scheduling.

B. <u>OUTSIDE WHISTLEBLOWER COMPLAINTS</u>
1. <u>Retaliation</u>

Section A.6 shall apply with equal force to outside whistleblower complaints.

2. Investigations

The County Administrator shall promptly advise the Board of Commissioners upon learning of the existence of an outside whistleblower complaint. To the extent that the Board of Commissioners determinates that an internal investigation of the outside whistleblower complaint is warranted, the Board of Commissioners shall designate an individual to investigate the whistleblower complaint. The individual designated to investigate the whistleblower complaint does not have to be affiliated with Cook County.

3. Disclosure of whistleblower's identity

The identities of outside whistleblowers shall be protected in conformity with A.4 above.

C. OTHER LAWS

To the extent there is an irreconcilable conflict between this Policy and federal or state law, e.g., O.C.G.A. § 45-1-4, those laws shall control.

Because this Policy is intended to prohibit retaliation in employment circumstances above and beyond what is covered by O.C.G.A. § 45-1-4, i.e., discharge, suspension and demotion, the definition of retaliation herein shall not be considered to be irreconcilable with O.C.G.A. § 45-1-4.