

Town of Hingham
Whistleblower Policy

*Adopted by the Board of Selectmen
January 29, 2015*

Pursuant to Massachusetts General Law, Chapter 149, Section 185, the Town of Hingham has adopted the following policy.

Purpose:

The Town of Hingham is committed to providing a safe workplace with high standards of personal ethics and legal conduct. The Town of Hingham investigates all complaints by employees of violations of Town policies, as well as unethical conduct, illegal conduct or conduct that violates high standards of personal ethics. This policy is intended to provide a process to raise concerns about such conduct and reassurance that employees reporting such conduct are protected from retaliation.

Definition:

A whistleblower, as defined by this policy, is an employee of the Town of Hingham who, reports an activity that he/she reasonably believes to be a violation of a Town of Hingham policy or unethical, illegal, or a violation of high standards of personal ethics, such as stealing, incorrect financial reporting or other serious improper conduct. The whistleblower has neither the authority, nor the responsibility, for investigating any questionable activity or for determining fault or corrective measures. Examples of unlawful activities are violations of federal, state or local laws. Examples include, but is not limited to, discrimination, harassment, billing for services not performed, requesting pay for hours not worked, stealing Town property, reporting injuries that did not occur in the course of employment, falsifying payroll records, other fraudulent financial reporting and any other unlawful conduct.

Process:

If an employee has knowledge of or a concern regarding unlawful, unethical activities or fraudulent financial reporting, the employee should report it to his/her supervisor or department head unless one or both are implicated in such activities or reporting. The employee can also report directly to any member of the standing Whistleblower Committee, in person, or via the internet by filling out the confidential form on the Town of Hingham website located at www.hingham-ma.gov. The Whistleblower Committee will consist of the Chair of the Audit Committee, the Chair of the Personnel Board and a citizen appointed by the Town Moderator. When the Town receives a complaint, there will be a prompt, complete and thorough investigation into the allegations. The Whistleblower Committee will be afforded the authority to consult with Town Counsel. The Town will take an initial statement to determine the need for an independent investigation. If it is determined that an independent investigation is warranted, the Town will arrange for an independent investigator as soon as possible. Any employee (referred to above as a whistleblower) will be expected to cooperate, if necessary, to provide information to the independent investigator.

Reporting:

The Whistleblower Committee will report to the Board of Selectmen via its Chair and to the Town Administrator, on a quarterly basis or sooner when necessary. The report will include all inquiries, activity on cases and resolution of complaints.

Safeguards:

Whistleblower protections include confidentiality whenever possible. However, identity may be disclosed to conduct a thorough investigation and to comply with the law. The Whistleblower will be advised if it becomes necessary to disclose his/her identity and the reason why disclosure is necessary. The Town will not retaliate against any employee who engages in protected whistleblower activity. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing.

Anonymity - The Town investigates all complaints. Concerns expressed anonymously will be investigated appropriately, but consideration will be given to the seriousness of the issue, the credibility of the concern and the likelihood of confirming the allegations. It is difficult to investigate an anonymous claim because, in most cases, it is impossible to ask appropriate follow-up questions or to get accurate information.

Protection Against Retaliation – This policy includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, decreases in job duties, adverse comments in the employment record, unwanted transfers to new locations or units, negative reviews, or threats of physical harm. Any whistleblower who believes he/she is being retaliated against should contact the Whistleblower Committee immediately. The Town will take an initial statement to determine the need for an independent investigation. If it is determined that an independent investigation is warranted, the Town will arrange for an independent investigator as soon as possible. Any whistleblower will be expected to cooperate, if necessary, to provide information to the independent investigator.

Resolution:

When the investigation is complete, the employee who initiated the complaint will be informed, to the extent appropriate and allowable by law, of the results of the investigation. If it is determined that inappropriate or illegal conduct has occurred, the Town will act promptly to correct or eliminate the offending or illegal conduct and, if appropriate, will impose disciplinary action, up to and including termination.

Contact Information for the Whistleblower Committee:

Chair of the Audit Committee:

Chair of the Personnel Board:

Citizen appointed by the Town Moderator:

*The purpose of this policy is to supplement the provisions of M.G.L. c. 149, § 185 and to provide a procedure for processing whistleblower complaints. In the event of any conflict between the provisions of this policy and the provisions of M.G.L. c. 149, § 185 the provisions of M.G.L. c. 149, § 185 shall control.

Whistleblower/Fraud, Waste and Abuse Information

Massachusetts State Whistleblower Protections

Public employees have whistleblower protection through Massachusetts General Law, Chapter 149, Section 185. Public employees who engage in the following activities are protected against retaliation:

- Disclosing, threatening to disclose, providing information, or objecting to any activity, practice, or policy that the employee reasonably believes is in violation of law, rule, or regulation, or poses a risk to public health, safety, or the environment.

Whistleblowers are protected from:

- Firing;
- Suspension;
- Demotion; and
- Any adverse employment action being taken as a reprisal

In addition, public employees have protection for reporting waste, fraud, and abuse to the [Massachusetts Inspector General](#), as follows:

"Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employees as a reprisal for making a complaint or disclosing information to the inspector general, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity." M.G.L. c. 12A, § 14(c).

Federal Whistleblower Protections

Section 1553 provides additional whistleblower protection for recipients of Recovery Act ("stimulus") funds who report fraud, waste, and abuse to [federal](#) or [state](#) authorities. The law protects employees of state and local governments receiving Recovery funds, as well as subcontractors and grantees.

Whistleblowers are protected from:

- Termination;
- Demotion; and
- Discrimination as a reprisal for making a disclosure

Reporting Fraud, Waste, and Abuse

Suspected fraud, waste, and abuse may be reported to any of the following Massachusetts agencies:

[Office of the Inspector General](#) , 800-322-1323: a confidential hotline to report suspected fraud, waste or abuse in government.

[Office of the Attorney General](#), 617-727-2200: to report various concerns of waste, fraud, and abuse.

[Office of the State Auditor](#), 617-727-6200, ext.156: for state agencies to report variances, shortages or thefts of funds or property.

[Division of Unemployment Assistance](#), 800-354-9927: to report unreported wages or persons collecting benefits while working. Or email uifraud@detma.org.

[Massachusetts Recovery and Reinvestment Office](#): to report suspected fraud, waste, abuse, or mismanagement of American Recovery and Reinvestment Act of 2009 funds. The Executive Office of Public Safety and Security receives federal funding from the U.S. Departments of Homeland Security Justice, Transportation, Justice, or Education. You may also report or address concerns of waste, fraud, or abuse to the federal departments listed below.

U.S. Department of Education Inspector General:

<http://www2.ed.gov/about/offices/list/oig/hotline.html?src=rt>

U.S. Department of Homeland Security Inspector General:

<http://www.oig.dhs.gov/>

U.S. Department of Justice Inspector General:

<http://www.justice.gov/oig/hotline/>

U.S. Department of Transportation Inspector General:

<http://www.oig.dot.gov/Hotline>

[U.S. Recovery Accountability and Transparency Board](#) to prevent and detect fraud, waste, and mismanagement in the use of Recovery funds.

Fraud Recovery Hotline: (877) 392-3375

http://www.recovery.gov/arra/Contact/ReportFraud/Pages/Report_Fraud.aspx