

DRAFT Whistleblower Protection Policy

The Town of Dewey Beach requires commissioners, officers and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the Town of Dewey Beach, we must practice honesty and integrity in fulfilling our responsibilities and comply with applicable laws and regulations.

Reporting Responsibility

It is vital to the transparency and good governance of the town that its citizens, and in particular, the employees of the Town, be able to bring to light concerns regarding the governance, legal responsibility and fiduciary duties of the Town, its employees and its representatives. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns internally, in a timely manner, so that the Town of Dewey Beach can address and correct inappropriate conduct and actions. It is the responsibility of all commissioners, officers, employees and volunteers to report concerns about violations of the Town of Dewey Beach's Code of Conduct or suspected violations of law or regulations that govern the Town of Dewey Beach's operations.

No Retaliation

~~It is contrary to the values of the Town of Dewey Beach for anyone to retaliate against a~~Any commissioner, officer, employee or volunteer who in good faith reports an ethics violation, or a suspected violation of law, such as a complaint of discrimination, or suspected fraud, or suspected violation any regulation governing the operations of the Town of Dewey Beach shall not be subject to retaliation. Additional protection from retaliation is also available through the Delaware Whistleblowers' Protection Act (74 Del. Laws, c. 361, § 1). An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment.

Reporting Procedure

The Town of Dewey Beach has an open-door policy and ~~suggests that~~ employees should share their questions, concerns, suggestions or complaints with their supervisor. If you are not comfortable speaking with your supervisor or you are not satisfied with your supervisor's response, you ~~are encouraged to~~should speak with the Town Manager directly. Employees with concerns or complaints should submit their concerns in writing or e-mail directly to their supervisor or the Town Manager. Supervisors and managers are required to report complaints or concerns in a timely manner about suspected ethical and legal violations in writing or e-mail to the Town of Dewey Beach's Town Manager, who has the responsibility to investigate all reported complaints. Employees with concerns or complaints may also submit their concerns in writing directly to their supervisor or the Town Manager. If a concern or a complaint involves the Town Manager, the concern or complaint ~~can be referred~~should be submitted directly to ~~the Mayor and/or~~ the Town Commissioners. The ~~Town~~ shall utilize either a Human Resources employee (if the position is staffed) or an external Human

Resources Consultant to assist with submission of complaints and investigating the complaint and legal remedy. Legal counsel may be brought in as needed.
~~also has Human Resources Consultant on retainer to assist with inquiries, if necessary.~~

Accounting and Auditing Matters

The Town of Dewey Beach's Town Manager shall immediately notify the Audit Committee of any concerns or complaint regarding corporate accounting practices, internal controls or auditing and work with the committee until the matter is resolved.

Compliance Officer

~~The Town of Dewey Beach's Town Manager is responsible for ensuring that all complaints about unethical or illegal conduct are investigated and resolved. The Compliance Officer will advise the Town Commissioners of all complaints and their resolution and will report at least annually to the Audit Committee on compliance activity relating to accounting or alleged financial improprieties.~~
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Acting in Good Faith

Anyone filing a written complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense and may result in discipline up to and including dismissal from the volunteer position or termination of employment. ~~Such conduct may also give rise to other actions including civil lawsuits.~~

Investigation and Resolution of Complaints

~~The Town of Dewey Beach's Town Manager is responsible for ensuring that all complaints about unethical or illegal conduct are investigated and resolved. An employee who submits a complaint will be informed that a prompt, confidential investigation will be conducted, corrective action taken, if warranted, and, irrespective of the conclusions reached as a result of the investigation, there will be no retaliation for submitting the complaint. The Compliance Officer Town Manager will advise the Town Commissioners of all complaints and provide updates during the investigation and their resolution and will report at least annually quarterly to the Audit Committee on compliance activity relating to accounting or alleged financial improprieties.~~

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~~All employees and supervisors have a duty to cooperate in the investigation of alleged discrimination, harassment, or illegal conduct. Failure to cooperate or deliberately providing false information during an investigation shall be grounds for disciplinary action, including termination.~~

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~~Because the town takes allegations seriously, the Town Manager will respond promptly to complaints and where it is determined such conduct has occurred, prompt action will be taken to eliminate the conduct and impose corrective actions, including disciplinary actions as necessary.~~

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Confidentiality

Violations or suspected violations may be submitted on a confidential basis by the complainant. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

Disclosure of violations or suspected violations to individuals not involved in the investigation will be viewed as a serious disciplinary offense and may result in discipline, up to and including termination of employment.

~~Such conduct may also give rise to other actions, including civil lawsuits.~~
~~Handling of Reported Violations~~
~~The Town of Dewey Beach's Town Manager will notify the person who submitted a complaint and acknowledge receipt of the reported violation or suspected violation. All reports will be promptly investigated, and appropriate corrective action will be taken if warranted by the investigation.~~