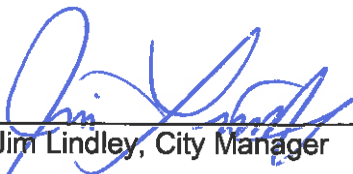




**CITY OF DIXON
Whistleblower Policy**

APPROVED: 
Jim Lindley, City Manager

11-5-13
Date

I. PURPOSE

It is critical that the City of Dixon ("City") foster and maintain a workplace with a high ethical standard of conduct in all activities and conduct its business in a fair, effective, efficient, legal and transparent manner. Further, the City must protect its assets and resources from fraudulent, illegal, and dishonest activities, by maintaining effective internal controls and by identifying and investigating any possibility of fraud or other improper activities. To this end, this Whistleblower Policy ("Policy") establishes procedures for City employees and the Dixon community to report alleged illegal, fraudulent, or improper activity by City employees and to assure that such reports do not result in retaliation by the City.

II. POLICY

Community members, commissioners, City officers, City contractors, elected officials and City employees are encouraged to report good faith suspicions of misconduct by City employees and any misuse of City property or resources. Any City employee who makes such a good faith report is protected against adverse employment actions by the City or any person acting on behalf of the City for raising such allegations, and shall not suffer any reprisals or retaliation by the City or any person acting on behalf of the City for making the report, whether or not the allegations are sustained. Prohibited adverse employment actions are explained more fully in Section IV below.

III. PROHIBITED ACTIVITIES

Any person should report information related to any of the following prohibited activities, which include but are not limited to:

A. Violation of any law, regulation, or ordinance.

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B. Conflict of interest.

C. Fraud, waste, or misuse of City property, resources, or time.

D. Creation of or contribution to a specific and substantial danger to public health or safety by failing to perform duties required by the City position held.

E. Theft, misuse of, or misappropriation of City resources, property, information, assets or funds, or an attempt to do any of the same.

F. Intentional falsification of records (including failure to disclose material facts or making of false or misleading entries or statements with the intent to deceive on any City document or other official document, report, or form, including but not limited to, City financial records and environmental regulatory reporting), or the willful and unauthorized destruction or mutilation of any City document or other official document, report, or form, including City financial records.

G. Intentionally submitting false claims for payment or reimbursement.

H. Knowingly submitting or signing a timesheet that contains false information.

I. Forgery or intentional unauthorized alteration of a City document or other official document, application, report, or form, including but not limited to, City financial documents.

J. Improprieties in the handling or reporting of financial transactions for the City.

K. Authorizing or receiving payment by the City for goods not received or services not performed.

L. Computer-related activity involving unauthorized alteration, destruction of data, forgery, or manipulation of data or misappropriation of City-owned software.

M. Abuse of authority.

IV. PROTECTION FROM RETALIATION

No City officer or employee, or any person acting on behalf of the City, shall influence, restrain, or prevent any employee from disclosing information that the employee has reasonable cause to believe relates to or is evidence of misconduct. Any employee acting in good faith and upon a reasonable belief as a whistleblower that misconduct has occurred, or who the City believes has disclosed or may disclose such information, will be protected from threats or retaliation, including but not limited to, discharge, demotion, suspension, harassment, reduced compensation, changes in the terms and

conditions of employment, or other forms of discrimination. In addition, no employee may be adversely affected because the employee refused to carry out a directive that would have resulted in a violation of state or federal statute or a violation of or noncompliance with a local, state or federal rule or regulation.

However, this Policy does not prohibit the City from taking adverse action for legitimate, non-discriminatory reasons that are unrelated to the disclosure. Such legitimate or non-discriminatory actions may include discipline for a legal cause or refusing to hire/promote/transfer or to take any other legitimate personnel action based on inadequate qualifications or poor performance reviews.

V. PROCEDURES FOR FILING A WHISTLEBLOWER COMPLAINT WITH THE CITY

A. When to report:

A complaint filed under this Policy should be filed within forty-five (45) days of the date of the act or event which is subject of the complaint.

B. Whom to report to:

If a City employee is making the report, all reports should first be made to the employee's supervisor, unless the report involves alleged misconduct of the supervisor. If the complaint is not against the supervisor, and action is within the supervisor's authority, the supervisor should take all actions necessary to curtail the behavior and determine the appropriate consequences and then inform the department head. If the action is not within the supervisor's authority, the supervisor should immediately report the matter to the department head.

If a City employee is making the report and the alleged misconduct involves her or his supervisor, or if for any reason the City employee is uncomfortable reporting such concerns to her or his supervisor, the employee should report the matter directly to the department head, the Finance Director, the City Attorney, or the City Manager.

If someone other than a City employee is making the report, the report should be made to the department head who has authority over the matter, to the Deputy City Manager, the City Attorney, or the City Manager, any or all of whom will then follow up on the matter.

To the extent possible, the identity of the whistleblower will remain confidential. However, the City reserves the right to disclose the identity of the whistleblower, if the identity may have to be disclosed to conduct a thorough investigation, to comply with applicable laws or to provide individuals their legal rights of defense.

C. How to Report:

Use of the "Whistleblower Complaint Form" is desirable. Submit the form to the following: City of Dixon, Attention Whistleblower Program, 600 East A Street, Dixon, CA 95620. Employees are encouraged to provide as much specific information as possible, including names, dates, places, the events that took place and the employee's perception of why the incident(s) may constitute a violation or misconduct.

D. Compliance with State and Federal Laws

The City's Whistleblower Policy is intended to describe the City's policies and procedures for reporting Prohibited Activities and protecting whistleblowers. This Policy is in addition to and does not supplant whistleblower protections and procedures provided under state and federal laws.

E. Investigation of Complaints

Depending upon the nature of the complaint, the City Manager or her or his designee will investigate the complaint to determine if misconduct or violation of this Policy have occurred. To the extent permitted by personnel privacy laws, the City Manager or her or his designee will meet with the complainant to discuss the findings of the investigation and will use best efforts to ensure timely resolution of the matter.

F. Penalties

Any City officer or employee who violates this Policy shall be subject to discipline, up to and including dismissal. Under Section 53298.5 of the Government Code, any officer, manager, or supervisor who violates this Policy with malicious intent may be subject to a fine not to exceed \$10,000 and imprisonment in county jail for up to a period of one (1) year. In addition to all penalties provided by law, any local officer, manager, or supervisor who has been found by a court to have violated this Policy and the State law under which it is promulgated may be individually liable for damages in an action brought against him or her by the injured employee.

WHISTLEBLOWER COMPLAINT FORM

City of Dixon
600 East A Street, Dixon, CA 95620

Instructions: Complete this form and return it to either: a supervisor, department head, the Deputy City Manager, or the City Manager. This is a confidential format for reporting any wrongdoing. However, confidentiality may not be maintained if your report results in criminal prosecution and you are called upon to testify. Disclosure may also be required to conduct a thorough investigation, to comply with applicable laws or to otherwise provide individuals with their legal rights of defense.

(Optional) Name: _____

(Optional) Address: _____

Are you a City of Dixon employee? Yes No

If yes, what is your position or relationship to the City? _____

(Optional) Work Phone: _____

(Optional) Home/Cell Phone: _____

1. Identify the person or persons against whom your allegations are made.

2. Describe the nature of your complaint, the incident(s) or event(s), date(s), time(s), and place(s). Attach additional pages to this complaint if necessary.

3. Identify others who may have observed or witnessed the above incident(s) or event(s).

4. Do you have any documents that support your allegation? (Please list and attach copies).

Submit the completed form to the following:

City of Dixon, Attention Whistleblower Program, 600 East A Street, Dixon, CA 95620