



**RESOLUTION # 2015 – 09 - 02
CITY OF ELIZABETH CITY
WHISTLEBLOWER POLICY**

WHEREAS, the City of Elizabeth City currently does not have a formal Whistleblower Policy; and

WHEREAS, some federal and state granting agencies now require that the City have a Whistleblower Policy in place; and

WHEREAS, the proposed Whistleblower Policy will provide guidance and protection to City employees when reporting concerns, complaints and other issues arising in all areas of City operations; and will provide procedures for those tasked with administering the policy in handling these concerns; and

WHEREAS, Labor Attorney John Leidy has provided a legal opinion that the policies contained in the proposed policy are in compliance with current employment law.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Elizabeth City hereby adopts the City of Elizabeth City Whistleblower Policy, as presented.

ADOPTED, this the 14th day of September 2015.



Joseph W. Peel
Mayor

Vivian D. White
Vivian D. White, CMC/NCCMC
City Clerk

CITY OF ELIZABETH CITY WHISTLEBLOWER POLICY

General:

Chapter 2 of the City of Elizabeth City's Code of Ordinances, Article IV Code of Ethics-Conflict of Interest, hereinafter referred to as "Ethics Code," requires City Officials, as defined in Sec. 2-111, and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. Honesty and integrity shall be the guiding principles in fulfilling all job duties and responsibilities, as well as complying with all applicable laws and regulations.

Reporting Responsibility:

It is the responsibility of all City officials and employees to comply with the Ethics Code and to report violations or suspected violations in accordance with this Whistleblower Policy, hereinafter referred to as "Policy."

No Retaliation:

No City Official or employee who in good faith reports a violation of the Ethics Code, shall be subject to harassment, retaliation or any adverse employment action as a consequence of such report. An employee who harasses or retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. Further, this Policy is intended to encourage and enable City Officials and employees to raise serious concerns within this organization prior to seeking resolution outside this organization.

Open Door Policy/Reporting Violations:

The City of Elizabeth City shall have an open door policy, in which employees are able to fully share their questions, concerns, suggestions, or complaints with someone who can address them properly. In most cases, an employee's immediate supervisor is the best option to address an area of concern. However, if an employee is not comfortable speaking with his/her immediate supervisor regarding an actual or potential violation of the Ethics Code or is not satisfied with their supervisor's response to such a concern, the employee is then encouraged to speak with someone in the Human Resources Department or anyone in management with whom the employee feels comfortable. Supervisors and managers are required to immediately report suspected violations of the Ethics Code to the City's Compliance Officer, who shall be the City Manager. The Compliance Officer (City Manager) has specific and exclusive responsibility to investigate all reported violations, unless an alleged violation involves conduct of the City Manager, the City Attorney, the mayor or a member of the City Council, pursuant to Sec. 2-115(b) of the Ethics Code. If an employee suspects fraud, or if the employee is not satisfied or comfortable with following the City's open door policy, individuals should then contact the Compliance Officer (City Manager) directly.

If the area of concern is in relation to the Compliance Officer (City Manager), the mayor or a member of the City Council, the complainant is encouraged and empowered to immediately report said concern to the City Attorney, who shall inform the City Council regarding the concern or complaint. The City Council may direct the City Attorney to conduct an investigation, if warranted, in order to resolve the issue pursuant to Section 2-115(a) of the Ethics Code.

If the area of concern is in relation to the City Attorney, the complainant is encouraged and empowered to immediately report said concern to the Mayor, who shall inform the City Council regarding the concern or complaint. The City Council may direct the City Manager to conduct an investigation, if warranted, in order to resolve the issue pursuant to Section 2-115(c) of the Ethics Code.

Complaint Reporting Requirement:

All complaints and/or suspicions of fraud or violation of the Ethics Code submitted to the Compliance Officer (City Manager) pursuant to this policy shall be in writing. Although complaints may be made in writing anonymously to the Compliance Officer, the signature of the complainant is encouraged and preferred to aid in substantiating and investigating the claim.

All complaints and/or suspicions of fraud or violation of the Ethics Code submitted to the City Attorney pursuant to this policy shall also be in writing. Although complaints may be made in writing anonymously to the City Attorney, the signature of the complainant is encouraged and preferred to aid in substantiating and investigating the claim.

All complaints and/or suspicions of fraud or violation of the Ethics Code submitted to the Mayor pursuant to this policy shall also be in writing. Although complaints may be made in writing anonymously to the Mayor, the signature of the complainant is encouraged and preferred to aid in substantiating and investigating the claim.

Role of Compliance Officer:

Pursuant to NCGS §160A-148 and Section 4.2 of the City of Elizabeth City Charter, the City Manager shall serve as the City's Compliance Officer and is responsible for investigating and resolving all reported complaints and allegations made by employees concerning violations of the Ethics Code. The City Manager, in his role as Compliance Officer, shall advise the City Council of Elizabeth City in writing at any time a complaint or allegation concerning violation of the Ethics Code has been made.

Auditing and Accounting Matters:

After advising City Council of any complaint or allegation concerning a possible violation of the Ethics Code in relation to the City's accounting practices, internal controls or auditing, the City Manager shall immediately inform the City's independent auditor (who is engaged at the time of the complaint) and work with them until the matter is resolved. The City Manager, in his role as Compliance Officer, has direct access to the auditor and either he and/or his designee shall be present when the auditor meets to address reported concerns or complaints. Any recommendations made by the auditor shall be

forwarded to the City Council in writing for their information and, where necessary, final review.

Acting in Good Faith:

Anyone filing a complaint concerning a violation or suspected violation of the Ethics Code must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the Ethics Code. Making allegations that prove not to be substantiated and/or which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

Handling of Reported Violations:

The City Manager, in his role as Compliance Officer, will notify the complainant in writing and acknowledge receipt of the reported violation or suspected violation within five (5) business days, unless the report is made anonymously. All reports will be promptly investigated and appropriate corrective action will be taken, if warranted by the investigation. Any required investigation shall commence within ten (10) business days from receipt of complaint.

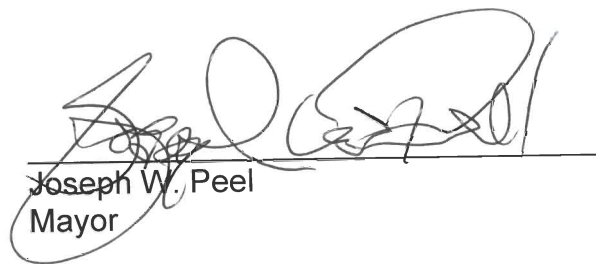
Confidentiality:

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

Adoption:

This Policy is hereby adopted by resolution of the City Council of the City of Elizabeth City this 14th day of September 2015 as an addendum to the City of Elizabeth City Personnel Policy Manual.





Joseph W. Peel
Mayor

Attest:



Vivian D. White, CMC/NCCMC
City Clerk