

**TOWN OF LANCASTER
WHISTLEBLOWER POLICY
ADOPTED BY THE TOWN BOARD
OF THE TOWN OF LANCASTER
ON JANUARY 7, 2013**

SECTION 1. SCOPE. Every officer and employee of the Town of Lancaster (“Town”) in the performance of their duties shall conduct themselves with honesty and integrity and observe the highest standards of business and personal ethics as set forth in the Town’s Code of Ethics (the “Code”), and shall further comply with the standards set forth within this Whistleblower Policy (“Policy”).

SECTION 2. DEFINITIONS. For purposes of this Policy, unless the context specifically indicates otherwise:

(a) “Employee” means an individual who performs services for and under the control and direction of an Town for wages or other remuneration.

(b) “Law, rule or regulation” includes any duly enacted statute or ordinance or any rule or regulation promulgated pursuant to any federal, state or local statute or ordinance.

(c) “Public body” includes the following:

(i) the United States Congress, any state legislature, or any popularly-elected local governmental body, or any member or employee thereof;

(ii) any federal, state, or local judiciary, or any member or employee thereof: or any grand or petit jury;

(iii) any federal, state, or local regulatory, administrative, or public agency or authority, or instrumentality thereof; or

(iv) any federal, state, or local law enforcement agency, prosecutorial office, or police or peace officer.

(d) “Retaliatory personnel action” means the discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee.

(e) “Supervisor” means any employee of the Town who has the authority to direct and control the work performance of the affected employee; or who has managerial authority to take corrective action regarding the violation of the law, rule or regulation of which the employee complains.

SECTION 3. PROHIBITIONS. The Town shall not take any retaliatory personnel action against an employee because such employee does any of the following:

(a) discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the Town that is in violation of a law, rule or regulation

which violation creates and presents a substantial and specific danger to the public health or safety;

(b) provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any such violation of a law, rule or regulation by the Town; or

(c) objects to, or refuses to participate in any such activity, policy or practice in violation of a law, rule or regulation.

SECTION 4. APPLICATION. The protection against retaliatory personnel action provided by paragraph (a) of Section 3 of this policy pertaining to disclosure to a public body shall not apply to an employee who makes such disclosure to a public body unless the employee has brought the activity, policy or practice in violation of law, rule or regulation to the attention of a supervisor of the Town and has afforded the Town a reasonable opportunity to correct such activity, policy or practice.

SECTION 5. OBLIGATIONS.

(a) **Obligation to Report Violations.** Each Town officer or employee is responsible to immediately report any apparent violation of this Policy to the Town Attorney, or, if the Town Attorney is the subject of the reported violation, to the Town Supervisor. Reports of apparent violations will be kept confidential to the extent possible. Any reports of apparent violations of this Policy which are made without basis in law and/or fact, and which have not been made in good faith, may result in disciplinary action.

(b) **Obligations of the Town Attorney or Town Supervisor.** The Town Attorney or, if applicable, the Town Supervisor shall ensure that any claim of violation of this Policy is investigated and handled in a timely manner.