

TRUMBULL COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

Policy

Section 4.13

PROTECTION OF "WHISTLEBLOWERS"

A. Any employee of the Board who learns in the course of his/her employment of a violation of federal statutes, rules, or regulations or the misuse of public resources which his/her supervisor or superintendent could correct may report that violation or misuse without reprisal as follows:

1. Reports must be written. Oral reports have no protection under the "whistleblower" statute, O.R.C. §124.341.
2. The report must be filed with either the superintendent or the employee's supervisor unless the employee reasonably believes the violation or misuse constitutes a criminal offense or a violation of O.R.C. §102 (ethics) or O.R.C. §2921.42 (unlawful interest in a public contract) or O.R.C. §2921.43 (soliciting or receiving improper compensation).

Suspected criminal offenses can be reported to a prosecuting attorney, the chief legal officer of a municipality or a peace officer.

Suspected violations of O.R.C. §102, §2921.42, or §2921.43 may also be reported to the Ohio Ethics Commission.

- B. Except as provided in Section C of this policy, employees may not be punished for making any report authorized by Section A.
- C. Employees shall make reasonable efforts to determine the accuracy of any information reported under this policy. Employees may be punished up to and including removal, for purposely, knowingly or recklessly reporting false information.
- D. Employee who are punished as a result of reporting violations or misuse under this policy may appeal that punishment through the Grievance Procedure of the Collective Bargaining Agreement.
- E. For purposes of this policy:
1. A person acts purposely when it is his specific intention to cause a certain result, or, when the gist of the offense is a prohibition against conduct of a certain nature, regardless of what the offender intends to accomplish thereby, it is his specific intention to engage in conduct of that nature.
 2. A person acts knowingly, regardless of his purpose, when he is aware that his conduct will probably cause a certain result or will probably be of a certain

nature. A person has knowledge of circumstances when he is aware that such circumstances probably exist.

3. A person acts recklessly when, with heedless indifference to the consequences, he perversely disregards a known risk that his conduct is likely to cause a certain result or is likely to be of a certain nature. A person is reckless with respect to circumstances when, with heedless indifference to the consequences, he perversely disregards a known risk that such circumstances are likely to exist.

Adopted: 1/26/98
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