

## **POLICY #A2-7.1**

### **PROTECTION FROM RETALIATION ALL EMPLOYEES**

Employees of the Town of Wayland are hereby advised of their rights and obligations under Chapter 149, section 185, "The Massachusetts Whistleblower Protection Act".

In accordance with the Act, the Town of Wayland shall not take retaliatory action against an employee because the employee does any of the following:

1. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the Town or of another employer with whom the Town has a business relationship, which the employee reasonably believes is in violation of a law, or a rule or regulation promulgated pursuant to law, or which the employee reasonably believes poses a risk to public health, safety or the environment; or
2. Provides information to or testifies before a public body conducting an investigation, hearing or inquiry into any violation of the law or of a rule or regulation promulgated pursuant to law, or an activity, policy or practice by the Town or another employer with whom the Town has a business relationship, which the employee reasonably believes poses a risk to public health, safety or the environment; or
3. Objects to or refuses to participate in an activity, policy, or practice which the employee reasonably believes is in violation of a law, or a rule or regulation promulgated pursuant to law, or which the employee reasonably believes poses a risk to public health, safety or the environment.

The Town encourages employees to make initial reports of improper action to the Town in order to permit the Town to address the alleged conduct and minimize negative impact, if any. To receive the protection of the Whistleblower Protection Act, the employee must, by written notice, bring the activity, policy or practice in question to the attention of his/her supervisor or the persons designated by the Town to receive such notice and must afford the Town a reasonable opportunity to correct the activity, policy, or practice. The only exceptions to this written notice requirement are as follows:

- (A) The situation is emergency in nature and the employee is reasonably certain that the activity, policy, or practice is known to one or more supervisors of the Town.;
- (B) The employee reasonably fears physical harm as a result of the disclosure; or
- (C) The employee makes disclosure for the purpose of providing evidence of what the employee reasonably believes is a crime to any federal, state, or local judiciary or to

any member or employee thereof, to any federal, state or local law enforcement agency, prosecutorial office, or police or peace officer, or to any grand or petit jury.

Employees who fail to follow this policy in reporting allegations of improper actions by the Town will not receive the protections provided by the Whistleblower Protection Act. Like other Town policies, violation of this policy by any employee may result in disciplinary action.

Employees who believe that they have been retaliated against for making a report in accordance with this policy should report such belief immediately to their Department Head or the Acting Executive Secretary.

An employee aggrieved by a violation of this law may institute a civil action in the Superior Court in accordance with M.G.L. c. 149, §185 (d) within two years of the alleged violation. In accordance with M.G.L. c. 149, §185(f), an employee who institutes such a civil action shall be deemed to have waived any rights such an employee may have under any collective bargaining agreement, contract, common law, or any other state law, rule or regulation. In accordance with this law, the Town of Wayland has designated the following persons to receive written notification pursuant to this law:

Katherine Ryan  
Human Resources Manager  
Town of Wayland  
41 Cochituate Road  
Wayland, MA 01778  
508-358-6721

Stephen Crane  
Acting Town Manager  
Town of Wayland  
41 Cochituate Road  
Wayland, MA 01778  
508-358-3620

A copy of this policy shall remain posted in a conspicuous location at all times. For further information regarding this law, please contact the Acting Executive Secretary at 508-358-3623.

In the event of a conflict between this policy and the provisions of M.G.L. c. 149, §185, the provisions of M.G.L. c. 149, §185 shall be controlling.