

ORDINANCE NUMBER 70475

**BOARD BILL NO.220 INTRODUCED BY ALDERMAN FRANK WILLIAMSON,
ALDERWOMAN MEGAN GREEN, ALDERMAN KENNETH ORTMANN,
ALDERWOMAN CHRISTINE INGRASSIA**

1 An Ordinance to be known as the City of St. Louis Whistleblower Law,
2 pertaining to reporting improper governmental action and providing protection from
3 retaliatory action for reporting and cooperating in the investigation and/or prosecution of
4 improper governmental action; containing definitions, procedures for reporting improper
5 governmental action and retaliation, and penalties; and containing a severability clause.

6 **WHEREAS**, the Board of Aldermen is committed to safeguarding the public
7 health, safety, and welfare of the residents of the City of St. Louis; and

8 **WHEREAS**, the public health, safety, and welfare are better protected by
9 instituting a procedure for reporting improper governmental actions by employees of the
10 City; and

11 **WHEREAS**, the Board of Aldermen seeks to encourage such reporting and the
12 protection of those who properly report such action from retaliation; and

13 **WHEREAS**, the Board of Aldermen hereby finds that providing a mechanism for
14 reporting improper governmental actions and protections for those who report will further
15 preserve the public health, safety, and welfare of the citizens of the City of St. Louis.

16 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

17 **SECTION 1. Title.**

18 This Ordinance shall be known as the “City of St. Louis Whistleblower Law.”

19 **SECTION 2. Definitions.**

20 For the purposes of this Ordinance, the following terms and words are hereby
21 defined:

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1 A. “Auditing Official” means the St. Louis Office of the Comptroller, the St.
2 Louis Civil Rights Enforcement Agency, the St. Louis Ethics Compliance Officer, or the
3 St. Louis Civilian Oversight Board Executive Director, as well as any authorized
4 representative of any of the above, in connection with a report of Improper Governmental
5 Action within the Auditing Official’s jurisdiction as set out in Section 3.A. of this
6 Ordinance.

7 B. “Employee” means anyone employed by the City, whether in a permanent or
8 temporary position, including full-time, part-time, and intermittent workers. It also
9 includes members of appointed boards, commissions, or committees, whether or not paid.

10 C. "Improper Governmental Action" means any action by a city employee, an
11 appointed member of a board, commission, or committee, or an elected official of the
12 city, that is undertaken during the performance of such person's duties to the city or under
13 color of city authority, and that violates a federal, state, or local government law or rule;
14 is an abuse of authority; violates the public’s trust or expectation of their conduct; is of
15 substantial and specific danger to the public’s health or safety; or is a gross waste of
16 public funds. The action need not be within the scope of the employee's, elected official's,
17 board member’s, commission member’s, or committee member's official duties to be
18 subject to a claim of Improper Governmental Action. Improper Governmental Action
19 does not include city personnel actions, including but not limited to employee grievances,
20 complaints, appointments, promotions, transfers, assignments, reassignments,
21 reinstatements, restorations, reemployments, performance evaluations, reductions in pay,

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1 dismissals, suspensions, demotions, reprimands, or violations of collective bargaining
2 agreements, except to the extent that such action amounts to retaliation as defined in this
3 Ordinance.

4 D. "Retaliate," "Retaliation" and "Retaliatory Action" mean any adverse change
5 in an employee's employment status or the terms and conditions of employment that
6 results from an employee's protected activity under this Ordinance. Adverse changes
7 include, but are not limited to, denial of adequate staff to perform duties; frequent staff
8 changes; frequent and undesirable office changes; refusal to assign meaningful work;
9 unsubstantiated letters of reprimand or unsatisfactory performance evaluations; demotion;
10 reduction in pay; denial of promotion; transfer or reassignment; suspension or dismissal;
11 or other disciplinary action made because of an employee's protected activity under this
12 Ordinance.

13 **SECTION 3. Reporting Procedures and Employee Protections.**

14 A. To invoke the protections of this Ordinance, an employee shall make a written
15 report of Improper Governmental Action to the appropriate Auditing Official:

- 16 1. Employees shall report sexual harassment, discrimination, a violation
17 of this ordinance, a violation of Ordinance 68715, or any civil rights
18 issues to the St. Louis Civil Rights Enforcement Agency.
- 19 2. Employees shall report a violation of election laws and Improper
20 Governmental Action by elected officials to the St. Louis Ethics
21 Compliance Officer appointed pursuant to Ordinance 70357.

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- 1 3. Employees shall report Improper Government Actions by members of
2 the St. Louis Metropolitan Police Department to the St. Louis Civilian
3 Oversight Board Executive Director.
- 4 4. Employees shall report fraud, other financial impropriety, and any
5 actions for which no other appropriate recipient of the report is listed
6 in this subsection to the St. Louis Office of the Comptroller.
- 7 5. Employees can report an Improper Governmental Action to an
8 Auditing Official other than the Auditing Official that ordinarily
9 would have jurisdiction under subsections 1-4 above if the complaint
10 involves an Auditing Official or an Auditing Official's department or
11 division.

12 B. Auditing Officials shall meet to establish processes and procedures for
13 managing complaints filed pursuant to this Ordinance, and the Auditing Officials shall
14 investigate and dispose of reports of Improper Governmental Action in accordance with
15 these processes and procedures. If an Auditing Official concludes that an Improper
16 Governmental Action has taken place or concludes that the relevant department, agency,
17 or supervisory officials have hindered the Auditing Official's investigation into the
18 complaint, the Auditing Official shall notify in writing the City Counselor, the most
19 senior official of the city department involved, and any other entity the Auditing Official
20 deems necessary in the circumstances. The Auditing Official shall promptly provide a
21 copy of that written notice to the employee who filed the report.

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1 C. An Auditing Official may transfer a report of Improper Governmental Action
2 to another Auditing Official for investigation if an Auditing Official deems it appropriate.

3 D. Employees who carry out the following in good faith are entitled to the
4 protections and remedies articulated in Sections 4 and 5:

- 5 1) Reporting an Improper Governmental Action;
6 2) Cooperating in an investigation by an Auditing Official related to
7 Improper Governmental Action; and/or
8 3) Testifying in a proceeding or prosecution arising out of an Improper
9 Governmental Action.

10 E. It shall be unlawful for an employee to retaliate against another employee who
11 proceeded or is proceeding in good faith in accordance with this Ordinance.

12 F. Upon commencement of service and at least once each year thereafter, every
13 employee of the City shall receive a written summary of this Ordinance, the procedures
14 for reporting Improper Governmental Actions to Auditing Officials, the procedures for
15 obtaining the protections extended, and the prohibition against retaliation.

16 **SECTION 4. Protections.**

17 A. *Confidentiality.* To the extent allowed by law, the identity of an employee
18 reporting information about an Improper Governmental Action shall be kept
19 confidential unless the employee waives confidentiality in writing.

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1 B. *Bodily Harm.* Auditing Officials may take reasonable measures to protect
2 employees who reasonably believe they may be subject to bodily harm for
3 reporting Improper Government Action.

4 **SECTION 5. Remedies**

5 The following remedies may be available to employees subjected to adverse
6 actions for reporting Improper Government Action: restitution, reinstatement,
7 reimbursement for lost wages or expenses incurred, promotion, or other forms of
8 restitution. In the case of employees who are covered by the Civil Service System, the
9 Auditing Official shall recommend in writing to the Civil Service Commission possible
10 remedies. Nothing in this Ordinance shall prohibit an employee from pursuing his or her
11 own private action to seek damages or other remedies beyond those awarded by the City.

12 **SECTION 6. Procedure for Reporting Retaliation.**

13 An employee who believes he or she has been retaliated against in violation of
14 this Ordinance must submit a written complaint within sixty (60) days of gaining
15 knowledge of the retaliatory action. The complaint must be filed with the Auditing
16 Official investigating the underlying Improper Governmental Action.

17 **SECTION 7. Penalties.**

18 Any employee of the City who engages in prohibited retaliatory action is subject
19 to discipline by suspension without pay, demotion, discharge, or some combination
20 thereof as appropriate. Such an employee is further subject to fine up to \$500 per
21 violation.

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1 **SECTION 8. Severability Clause.**

2 If any provision, clause, sentence, paragraph, or word of this ordinance or the
3 application thereof to any person, entity, or circumstances shall be held invalid, such
4 invalidity shall not affect the other provisions of this ordinance which can be given effect
5 without the invalid provisions or application, and to this end the provisions of this
6 ordinance are declared severable.