

**BOARD BILL NO. 6AAFS      INTRODUCED BY: ALDERWOMAN CAROL  
HOWARD, ALDERWOMAN BETH MURPHY**

1            An ordinance repealing Ordinance 70475 and in lieu thereof enacting a new Ordinance  
2 to be known as the City of St. Louis Whistleblower Law, pertaining to reporting improper  
3 governmental action and providing protection from retaliatory action for reporting and  
4 cooperating in the investigation and/or prosecution of improper governmental action;  
5 containing definitions, procedures for reporting improper governmental action and retaliation,  
6 and penalties; and containing severability and emergency clauses.

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

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10    **SECTION ONE. ORDINANCE 70475 REPEALED**

11            Ordinance 70475 is hereby repealed, and enacting in lieu thereof a new ordinance to be  
12 known as the City of St. Louis Whistleblower Law, pertaining to reporting improper  
13 governmental action and providing protection from retaliatory action for reporting and  
14 cooperating in the investigation and/or prosecution of improper governmental action;  
15 containing definitions, procedures for reporting improper governmental action and retaliation.

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17    **SECTION TWO. CITY OF ST. LOUIS WHISTLEBLOWER LAW**

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

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1    **SECTION THREE. DEFINITIONS**

2    A.     For the purposes of this Ordinance, the following terms and words are hereby defined:

3           1.     “Auditing Official” means the ~~Department of Personnel, the~~ City of St.  
4           Louis Director of Personnel, the Comptroller or the City of St. Louis Civilian  
5           Oversight Board Executive Director, as well as any authorized representative of any of  
6           the above, in connection with a report of Improper Governmental Action within the  
7           Auditing Official’s jurisdiction as set out in Section 3.A. of this Ordinance.

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

12          3.     "Improper Governmental Action" means any action by a city employee, an  
13          appointed member of a board, commission, or committee, or an elected official of the  
14          city, that is undertaken during the performance of such person's duties to the city or  
15          under color of city authority, and that violates a federal, state, or local government law  
16          or rule; is an abuse of authority; violates the public’s trust or expectation of their  
17          conduct; is of substantial and specific danger to the public’s health or safety; or is a  
18          gross waste of public funds. The action need not be within the scope of the  
19          employee's, elected official's, board member’s, commission member’s, or committee  
20          member's official duties to be subject to a claim of Improper Governmental Action.

21          Improper Governmental Action does not include city personnel actions, including but

1 not limited to employee grievances, complaints, appointments, promotions, transfers,  
2 assignments, reassignments, reinstatements, restorations, reemployments, performance  
3 evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, or  
4 violations of collective bargaining agreements, except to the extent that such action  
5 amounts to retaliation as defined in this Ordinance.

6 4. “Retaliate,” “Retaliation” and “Retaliatory Action” mean any adverse change  
7 in an employee's employment status or the terms and conditions of employment that  
8 results from an employee’s protected activity under this Ordinance. Adverse changes  
9 include, but are not limited to ~~[,]~~: **verbal abuse; intimidation; creating a hostile**  
10 **work environment;** denial of adequate staff to perform duties; frequent staff  
11 changes; frequent and undesirable office changes; refusal to assign meaningful work;  
12 unsubstantiated letters of reprimand or unsatisfactory performance evaluations;  
13 demotion; reduction in pay; denial of promotion; transfer or reassignment; suspension  
14 or dismissal; or other disciplinary action made because of an employee’s protected  
15 activity under this Ordinance.

16

#### 17 **SECTION FOUR. REPORTING PROCEDURES**

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

1           1.       Employees shall report sexual harassment, discrimination, a violation of this  
2           ordinance, a violation of Ordinance 68715, or any civil rights issues to the Department  
3           of Personnel.

4           2 1.       Employees shall report a violation of election laws and Improper  
5           Governmental Action by elected officials to the Missouri Ethics Commission.

6           3 2.       Employees shall report Improper Government Actions by members of the  
7           Division of St. Louis Metropolitan Police to the Department of Public Safety or to the  
8           Executive Director of the City of St. Louis Civilian Oversight Board.

9           4 3.       Employees shall report fraud, other financial impropriety, and any actions for  
10          which no other appropriate recipient of the report is listed in this subsection to the St.  
11          Louis Office of the Comptroller.

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

1 C. A Department of Personnel Official may transfer a report of Improper Governmental  
2 Action to another Auditing Official for investigation if the Department of Personnel Official  
3 deems it appropriate.

4 D. Employees who carry out the following ~~[in good faith]~~ [upon a good faith,  
5 reasonable belief] are entitled to the protections and remedies articulated in Sections 5 and 6  
6 of this ordinance.

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

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

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

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## 19 **SECTION FIVE. PROTECTIONS**

20 A. To the extent allowed by law, the identity of any employee reporting information  
21 about an Improper Governmental Action shall be kept confidential unless the employee

1 waives confidentiality in writing. Auditing Officials may take reasonable measures to protect  
2 employees who reasonably believe they may be subject to bodily harm for reporting Improper  
3 Government Action.

4

5 **SECTION SIX. REMEDIES**

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

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14 **SECTION SEVEN. REPORTING RETALIATION**

15 An employee who believes he or she has been retaliated against in violation of this  
16 Ordinance must submit a written complaint within ~~[sixty (60)]~~ **[ninety (90)]** days of gaining  
17 knowledge of the retaliatory action. The complaint must be filed with the Auditing Official  
18 investigating the underlying Improper Governmental Action.

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1    **SECTION EIGHT. PENALTIES**

2           Any employee of the City who engages in prohibited retaliatory action is subject to  
3 discipline by suspension without pay, demotion, discharge, or some combination thereof as  
4 appropriate. Any Civil Service employee who engages in prohibited retaliatory action is  
5 subject to Discipline as defined in Administrative Regulation 117. Such an employee is  
6 further subject to fine up to \$500 per violation.

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8    **SECTION NINE. SAVINGS CLAUSE**

9           Nothing in this ordinance shall be construed to affect any report of improper  
10 governmental action, the investigation or prosecution thereof, or any proceedings resulting  
11 from a report of improper governmental action made or commenced under any act or  
12 ordinance hereby repealed as cited in Section Two of this Ordinance; nor shall any just or  
13 legal right or remedy of any character be lost, impaired or affected by this Ordinance.

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15   **SECTION TEN. SEVERABILITY CLAUSE**

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

1    **SECTION ELEVEN. EMERGENCY CLAUSE**

2           This being an ordinance for the immediate preservation of public peace, health and  
3 safety, it is hereby declared to be an emergency measure within the meaning of Sections 19  
4 and 20 of Article IV of the Charter of the City of St. Louis and therefore this ordinance shall  
5 become effective immediately upon its passage and approval by the Mayor.