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

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

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

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

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

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

SECTION 1. Title.

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

SECTION 2. Definitions.

For the purposes of this Ordinance, the following terms and words are hereby
defined:
A. “Auditing Official” means the St. Louis Office of the Comptroller, the St. Louis Civil Rights Enforcement Agency, the St. Louis Ethics Compliance Officer, or the St. Louis Civilian Oversight Board Executive Director, as well as any authorized representative of any of the above, in connection with a report of Improper Governmental Action within the Auditing Official’s jurisdiction as set out in Section 3.A. of this Ordinance.

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

C. "Improper Governmental Action" means any action by a city employee, an appointed member of a board, commission, or committee, or an elected official of the city, that is undertaken during the performance of such person's duties to the city or under color of city authority, and that violates a federal, state, or local government law or rule; is an abuse of authority; violates the public’s trust or expectation of their conduct; is of substantial and specific danger to the public’s health or safety; or is a gross waste of public funds. The action need not be within the scope of the employee's, elected official's, board member’s, commission member’s, or committee member's official duties to be subject to a claim of Improper Governmental Action. Improper Governmental Action does not include city personnel actions, including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, or violations of collective bargaining.
agreements, except to the extent that such action amounts to retaliation as defined in this Ordinance.

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

SECTION 3. Reporting Procedures and Employee Protections.

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

1. Employees shall report sexual harassment, discrimination, a violation of this ordinance, a violation of Ordinance 68715, or any civil rights issues to the St. Louis Civil Rights Enforcement Agency.

2. Employees shall report a violation of election laws and Improper Governmental Action by elected officials to the St. Louis Ethics Compliance Officer appointed pursuant to Ordinance 70357.
3. Employees shall report Improper Government Actions by members of the St. Louis Metropolitan Police Department to the St. Louis Civilian Oversight Board Executive Director.

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

5. Employees can report an Improper Governmental Action to an Auditing Official other than the Auditing Official that ordinarily would have jurisdiction under subsections 1-4 above if the complaint involves an Auditing Official or an Auditing Official’s department or division.

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

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

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

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

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

SECTION 4. Protections.

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

B. Bodily Harm. Auditing Officials may take reasonable measures to protect employees who reasonably believe they may be subject to bodily harm for reporting Improper Governmental Action.
SECTION 5. Remedies

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


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

SECTION 7. Penalties.

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

SECTION 8. Severability Clause.

If any provision, clause, sentence, paragraph, or word of this ordinance or the application thereof to any person, entity, or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect.

December 16, 2016
Page 6 of 7
Board Bill No. 220 Sponsored By: Alderman Frank Williamson, Alderwoman Megan Green, Alderman Kenneth Ortmann, Alderwoman Christine Ingrasia
BOARD BILL NO.220 INTRODUCED BY ALDERMAN FRANK WILLIAMSON, 
ALDERWOMAN MEGAN GREEN, ALDERMAN KENNETH ORTMANN, 
ALDERWOMAN CHRISTINE INGRASSIA

1 without the invalid provisions or application, and to this end the provisions of this

2 ordinance are declared severable.