

EMPLOYEE RELATIONS POLICY NO. 515

1. SUBJECT: WHISTLEBLOWERS
2. OBJECTIVE: All employees are encouraged to report unsafe working conditions, potential environmental violations or fraudulent/dishonest use/misuse of Beartooth Electric Cooperative, Inc. (BEC) resources or property by the Board of Trustees, management or employees. Employees (whistleblowers) who make such a report to their supervisor, department manager, general manager, board, general legal counsel or law enforcement official will be protected against retaliation.
3. POLICY
 - 3.1. Definitions:
 - 3.1.1. Baseless Allegations: allegations made with reckless disregard for their truth or falsity.
 - 3.1.2. Fraudulent or Dishonest Conduct: a deliberate act or failure to act with the intention of obtaining an unauthorized benefit. Examples of such conduct include, but are not limited to:
 - forgery or alteration of documents; unauthorized alteration or manipulation of computer files
 - fraudulent financial reporting
 - misuse of resources such as funds
 - supplies or other assets
 - authorizing or receiving compensation for goods or services not received
 - authorizing or receiving compensation for hours not worked
 - 3.1.3. Misconduct or Improper Actions: may be used interchangeably and includes unsafe working conditions, environmental violations and fraudulent or dishonest conduct.
 - 3.1.4. Whistleblower: an employee who informs a supervisor, department manager, general manager, member of the board, general legal counsel or law enforcement official about an activity which that person reasonably believes to be unsafe, fraudulent or dishonest.
 - 3.2. Employees making baseless allegations may be subject to disciplinary action up to and including termination and/or legal claims by individuals accused of such conduct.
 - 3.3. Procedures for Reporting Misconduct:

3.3.1. Any employee who becomes aware of misconduct should raise the issue first with their immediate supervisor. If an employee finds it difficult to report the concern to their immediate supervisor, the employee may report it directly to the general manager. The employee will submit a signed, written report detailing the basis for the employee's belief that misconduct has occurred.

3.3.2. All personnel involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing. There is no such thing as an "unofficial" or "off the record" report.

3.3.3. In the case of an emergency where the employee reasonably believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper action directly to the appropriate agency which has responsibility for investigating the improper action.

3.3.4. Supervisors are required to report misconduct to the general manager.

3.3.5. A supervisor faced with suspected misconduct:

3.3.5.1. should not contact the person suspected to further investigate the matter or demand restitution;

3.3.5.2. should not discuss the case with anyone other than the general manager, the representative designated by the general manager to investigate the allegations or the BEC general legal counsel;

3.3.5.3. should direct all inquiries from any attorney retained by the suspected individual to the general manager;

3.3.5.4. should direct all inquiries from the media to the general manager.

3.3.6. If the violation(s) involve the general manager, the employee should report such violations to the BEC general legal counsel and/or board president.

3.4. Procedures for Investigating Reports of Misconduct:

3.4.1. The general manager shall appoint a representative to investigate allegations/complaints filed under this policy. The representative shall begin investigation on receipt of the complaint and shall attempt to complete the investigation within thirty (30) days. Criminal allegations will be referred to the proper law enforcement agency.

3.4.2. Reasonable care should be taken in dealing with suspected misconduct to avoid baseless allegations, premature notice to persons suspected of misconduct or others not involved with the investigation, and violations of a person’s rights under the law.

3.4.3. If the investigation concludes that fraudulent or dishonest conduct occurred, the employee responsible for such conduct will be subject to disciplinary action up to and including termination. The employee reporting the improper conduct shall be advised of the results of the investigation, except that personnel actions taken as a result of the investigation will be kept confidential.

3.4.4. If the investigation concludes that fraudulent or dishonest conduct has not occurred, the investigating representative will explain to the employee who reported the concern the reason for the determination. The complaining employee may then appeal the findings to the board within thirty (30) days of receiving the report from the investigating representative.

3.5. Protection Against Retaliatory Actions:

3.5.1. BEC will not discharge, demote, suspend, threaten, harass or in any other manner discriminate or retaliate against an employee who reports or provides information or assistance for investigations into misconduct when the employee “reasonably believes” that misconduct has occurred.

3.5.2. Whistleblowers who believe that they have been retaliated against may file a written complaint with the general manager. A proven complaint of retaliation shall result in a proper remedy for the person harmed and the initiation of disciplinary action up to and including termination, against the retaliating person. This protection from retaliation is not intended to prohibit supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid behavior or performance-related factors.

3.5.3. Employees who fail to make a good-faith attempt to follow these procedures in reporting improper actions shall not receive the protections provided by this policy.

4. RESPONSIBILITY:

4.1. The general manager is responsible for compliance with this policy.

Adopted: 05/27/2014
Revised: 11/19/2014
Reference: BEC I.B.9.
Review Date: May 2016

Attest: /s/
General Manager

Attest: /s/
Board President