

SUBJECT: APPEAL BY WHISTLE BLOWER FOR RETALIATION

REPORT FORM-DOUGLAS COUNTY CODE (DCC)
CHAPTER 2.05 IMPROPER GOVERNMENTAL ACTION & WHISTLE BLOWER
PROTECTION

Date Received:

This form is required for local government officer or employee or former local government officer or employee to request a hearing to appeal action which he or she believes was reprisal or retaliation due to his or her disclosure of improper governmental action. This form is not to be used to report improper governmental action.

I. Appellant Information (required section)

Name:

Mailing Address:

Contact Phone:

Email:

II. Whistleblowing Activity (required section)

Please attach a summary which identifies or describes the improper governmental action, as defined in DCC 2.05.010, that you allege was carried out by a local government officer or employee, including the date of the disclosure, to whom the disclosure was made, or who prevented or interfered with disclosure, and any state laws or regulations that you believe were violated.

III. Appealed Action (required section)

What was the specific alleged reprisal or retaliatory action, as defined in DCC 2.05.010, you are appealing and the date or effective date of the action?

Please attach a summary which explains why you believe the action you are appealing was reprisal or retaliation for a disclosure made, prevented or interfered with, of improper governmental action. Please include:

- a) A chronology of events and facts which support your allegation of reprisal or retaliation for or a disclosure made, prevented or interfered with, of improper governmental action.
- b) If the disclosure was prevented or interfered with by a local government officer or employee, as set forth in DCC 2.05.030, include the name of the officer/employee, how the disclosure was prevented/interfered with, and all relevant facts.
- c) List the names of any potential witnesses and a summary of their knowledge regarding the disclosure or reprisal/retaliation, include any public officer or employee who was aware of the reprisal/retaliation and failed to use his official authority or influence to remedy the actions.
- d) Documentary or other relevant evidence which supports your statements.

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The remedy I seek is:

 To have an order issued directing the proper person to desist and refrain from engaging in the reprisal or retaliatory action.

 Other: _____

Note: "Other" remedies may not be within the jurisdiction of the hearing officer to grant.

IV. Appellant Representation (required section)

You may represent yourself or be represented by an attorney. A representative may be designated at a later date. I choose to:

 Represent myself

 Designate the following representative to act on my behalf during the course of this appeal:

Name:

Phone:

Address:

Email:

V. Signature (required section)

I hereby affirm that the information provided is true and correct. I request a hearing to determine whether the action described was reprisal or retaliation for disclosing improper governmental action.

Appellant Signature: _____ Date: _____

VI. Appeal Instructions

General: Douglas County Code, 2.05.040 requires: If any alleged reprisal or retaliatory action as defined by DCC 2.05.010 is taken or an alleged violation of DCC 2.05.030 is committed against a local government officer or employee who: discloses information, was prevented from disclosing, or the disclosure was interfered with, concerning improper governmental action within 2 years after the disclosure of information was made, prevented, or interfered with, the local government officer or employee may file a written appeal. The written appeal must be:

1. Filed on a form provided by the Human Resources Department; and
2. Must include a statement that sets forth with specificity;
 - a. The facts, date, and circumstances under which the disclosure of improper governmental action was made, prevented or interfered with; and
 - b. The facts, date and circumstances regarding the reprisal or retaliatory action alleged to have been taken against the local government officer or employee.

The hearing officer may reject a form that is incomplete or otherwise deficient; as insufficient to commence the appeal. If you have received a Specificity of Charges, Disciplinary Action or written notice of involuntary transfer, attach it to this form. Also you are encouraged to attach relevant evidence which supports the appeal, including but not limited to, copies of written documents, electronic messaging, or web-based communication tools.

Procedures: Notification of a hearing will be sent to you or your designated representative by regular mail. Procedures for the conduct of the hearing are set forth in DCC 2.05.060, The appeal procedures and statements made on this form do not include all of the rights available to an appellant. It is advisable to review DCC 2.05 and NRS Chapter 281, Disclosure of Improper Governmental action prior to filing an appeal.

When to File an Appeal: Douglas County Code, 2.05.040 states, "The written appeal must be filed within 60 calendar days after the alleged reprisal or retaliatory action was taken." If your appeal is filed late, the hearing officer may dismiss it as untimely. The date of filing will be the date the appeal is received in the office of the Human Resource Department.

Where to File an Appeal: The request may be submitted by mail, fax or hand delivery. The appeal must be submitted to:

Director, Human Resources Department

Physical: 1594 Esmeralda Ave.

Minden, NV 89423
Mailing: P.O. Box 218
 Minden, NV 89423
Phone:(775) 782-9860 **Fax:**(775) 782-9083

IMPROPER GOVERNMENTAL ACTION & WHISTLE BLOWER PROTECTION

Summary pursuant to Nevada Revised Statutes (NRS) 281.661 & Douglas County Code (DCC) Chapter 2.05

The State Legislature and the Douglas County Board of Commissioners, respectively, have declared it to be the public policy of the State of Nevada and Douglas County that local government officers and employees are encouraged to disclose, to the extent not expressly prohibited by law, improper governmental action and it is the intent of Douglas County to protect the rights of a local government officer or employee who makes such a disclosure.

This is a written summary of NRS Chapter 281, Disclosure of Improper Governmental Action. Pursuant to, NRS 281.635, Douglas County has enacted Douglas County Code (DCC) Chapter 2.05 Improper Governmental Action & Whistle Blower Protection governing the procedures for disclosing improper governmental action and appealing a reprisal or retaliatory action taken against a local government officer or employee due to his disclosure, being prevented from disclosing or interference with the disclosure. The full language of the NRS and DCC provisions are available online by going to www.leg.state.nv.us on the law library tab for NRS Chapter 281 and by going to www.dcnvda.org on the county codes tab for DCC Chapter 2.05.

NRS 281.631 and DCC 2.05.030 requires a local government officer or employee to remedy any reprisal or retaliatory action of which the officer becomes aware. Additionally the provisions, prohibit any local government officer or employee from using his official authority or influence to prevent or interfere with the disclosure of improper governmental action by another local government officer or employee.

Improper governmental action means:

. . . any action taken by a local governmental officer or employee in the performance of his official duties, whether or not the action is within the scope of his employment, which is:

1. In violation of any state law or regulation;
2. If the officer or employee is a local governmental officer or employee, in violation of an ordinance of the local government;
3. An abuse of authority;
4. Of substantial and specific danger to the public health or safety; or
5. A gross waste of public money.

See NRS 281.611 and DCC 2.05.010.

Official authority or influence means:

. . . a local government officer or employee taking, directing others to take, recommending, processing or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, evaluation or other disciplinary, reprisal, or retaliatory action.

See NRS 281.631 and DCC 2.05.030.

Whistle Blower Protection: DCC 2.05.040 affords a local government officer or employee who discloses information concerning improper governmental action the ability to file a written appeal to be heard by a hearing officer/panel if the reprisal or retaliatory action is taken against the employee or officer within 2 years

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following the disclosure or prevented/interfered with disclosure. The appeal must be filed within 60 calendar days of the alleged reprisal or retaliatory action with the Human Resources Director by mail, fax or hand delivery. Additionally the appeal must be filed on the Douglas County Human Resources Department report form titled, “*Appeal by Whistle Blower for Retaliation.*” This form is available from Human Resources or online at www.douglascountynv.gov via Douglas County Administrative Policies and Procedures 200.33 or by going to the Douglas County Human Resources webpage and selecting the Employee Benefits and Forms tab.