

ADVERSE PERSONNEL ACTION AGAINST EMPLOYEE/INDEPENDENT CONTRACTOR

1. This Policy shall be known and may be cited as the "Whistleblower's Policy."
2. Definitions:
 - a. "Employee" means any person hired by the Board after completing the personnel procedures required by the School Board;
 - b. "Independent Contractor" means any person or company other than a Board employee, who provides goods and/or services to the School Board and enters into a contractual agreement with the Board;
 - c. "Adverse personnel action" means discharge, suspension, transfer, demotion, reprimand, warning, withholding or reduction of salary or benefits of employee, or any other adverse action taken against an employee within the terms and conditions of employment by the Board; or, debarment, suspension, cancellation of contract of an independent contractor.
3. Neither the Board, Academy President or Management Company Representative, nor any person serving in a supervisory capacity shall take or recommend to the School Board to take adverse personnel actions against an employee for disclosing information pursuant to the provisions of this policy.
4. Neither the President or Management Company Representative nor the School Board shall take any adverse personnel action that affects the rights or interests of an independent contractor in retaliation for the contractor's disclosure of the information under this policy.
5. The provisions of this policy shall not be applicable when an employee or independent contractor discloses information known to be false.
6. The information disclosed under this section shall include reporting of any violation or suspected violation of federal, state or local laws, Board policy or Administrator's Directive by a Board member, employee, or independent contractor which presents a substantial and specific danger to interests of the Board. Additionally, information disclosed, which indicates acts or suspected acts of malfeasance, misfeasance, gross waste of funds or neglect of duty committed by an agency shall be included.
7. The information shall be disclosed to the appropriate entity having the authority to investigate police, manage, or otherwise remedy the violation or act.
8. This policy protects employees and other persons who disclose information on their own motive in a written and signed complaint, or who are requested to participate in an investigation, hearing or other inquiry conducted by the President or Management Company Representative, Board, state agency or federal government.
9. Any employee who is subject to adverse personnel action has a right to file a grievance pursuant to the applicable collective bargaining agreement or Policy 3.31. An independent contractor may appeal to the School Board for administrative review.

Authority: §§ 230.22, 112.3187, F.S.

Implemented: §§ 230.23, 120.53, F.S

History: New: 7/01/2004; Revised: 7/07/2005, 3/11/2010

Reference: Palm Beach School District Policy 3.28