

NOTICE OF “WHISTLEBLOWER PROTECTION”

City and County of Denver employees are encouraged to report acts of official misconduct to appropriate reporting authorities. Effective August 17, 2007, Denver adopted a “Whistleblower Protection” ordinance prohibiting certain forms of retaliation against employees who report official misconduct in compliance with the ordinance. (For the entire text of the ordinance, see: Chapter 2, Article VII, Denver Revised Municipal Code.)

What kind of reporting is protected?

The ordinance encourages and protects good-faith reporting of official misconduct by City employees. The ordinance does not protect reports and disclosures that are made anonymously, are made in violation of any law, or are made without regard to the truthfulness of the reported information. In order to come within the protection of the ordinance, an employee must make a good-faith attempt to report the information to an appropriate reporting authority.

The ordinance defines “official misconduct” to include the violation of any law, rule or regulation; the misuse or mismanagement of city assets; or an abuse of official authority.

The ordinance defines “appropriate reporting authorities” to include elected officials, law enforcement agencies, the Denver Board of Ethics, or the appointing authority for the officer or employee who is being accused of the official misconduct.

What kind of retaliation is prohibited?

The ordinance prohibits supervisors and appointing authorities from taking any adverse employment action against an employee in retaliation for the employee reporting official misconduct. The ordinance defines “adverse employment action” to include actual or threatened disciplinary actions, adverse performance evaluations, or denial of compensation or benefits.

How may employees use this law to protect against retaliation for whistleblowing?

The ordinance establishes procedures for overruling adverse employment actions taken against City employees in violation of the ordinance. Generally complaints under the ordinance must be brought within thirty (30) days of the alleged retaliation. The ordinance provides the following remedies for employees who believe they have suffered retaliation for engaging in protected whistle blowing:

- Career Service employees may use the ordinance as a basis for a complaint directly to the Career Service Hearings Office. A Career Service employee may also use the ordinance as a defense when contesting a disciplinary action in accordance with the Career Service rules.
- Classified service employees (uniformed police and fire) may use the ordinance as a basis for a complaint directly to the employee’s appointing authority. A classified service employee may also use the ordinance as a defense when contesting a disciplinary action in accordance with Civil Service Commission rules.
- Other City and County of Denver employees may use the ordinance as a basis for a complaint to their appointing authorities, or a defense against any disciplinary action taken against them by their appointing authorities.

This notice provides only a summary of the contents of the City and County of Denver Whistleblower Protection Ordinance. For further information and details, employees are encouraged to review the ordinance in its entirety.