

WHISTLEBLOWER POLICY
FOR *[INSERT NAME OF LOCAL ASSOCIATION OR BENEFIT FUND]*
OFFICIALS AND EMPLOYEES

[INSERT NAME OF LOCAL ASSOCIATION OR BENEFIT FUND] (hereinafter referred to as the “Organization”) officials and employees are obligated to comply with all relevant legal requirements in carrying out their organizational responsibilities. A failure to meet these obligations, whether intentional or inadvertent, can have adverse consequences for the reputation and operation of the Organization. The purpose of this Whistleblower Policy (“WB Policy”) is to establish a procedure by means of which any such failures can be brought to the attention of the Organization, so that appropriate corrective action can be taken.

I. DEFINITIONS

As used in the WB Policy, the following terms have the meanings indicated:

- A. The term “misconduct” means an action taken by the Organization official or Organization employee in carrying out his or her organizational responsibilities that is in violation of a legal requirement.
- B. The term “Organization official” means a member of the applicable governance (*i.e.*, a trustee of the Organization), ***[IF APPLICABLE, INSERT MEMBER OF ANY APPLICABLE COMMITTEE]*** and any other person designated by the Organization’s governance to represent the Organization. The term does not mean an employee of, or a consultant retained by the Organization.
- C. The term “Organization employee” means a regular, probationary, part-time, or temporary employee of the Organization. The term does not mean the Organization official.
- D. The term “person” means a member of the sponsoring labor organization, an Organization employee, a consultant or vendor who does or seeks to do business with the Organization or sponsoring labor organization, and any other representative of the Organization.
- E. The term “WB Officer” means the person who is responsible for the implementation of the WB Policy.

- F. The term “whistleblower” means a person who notifies the WB Officer of an action that he or she has reasonable cause to believe constitutes misconduct.

II. WB OFFICER

The **[INSERT NAME OF APPLICABLE OFFICIAL]** shall serve as the WB Officer, and shall in that capacity be responsible for the implementation of the WB Policy. The WB Officer shall monitor the implementation of the WB Policy, and make periodic reports, when necessary, regarding its implementation to the Organization’s governance.

III. WB POLICY PROCEDURES

- A. Any person who has reasonable cause to believe that an Organization official or Organization employee has engaged or is about to engage in misconduct should notify the WB Officer in writing. That person (“the whistleblower”) shall identify himself or herself in the notice to the WB Officer, but the WB Officer shall, if requested to do so by the whistleblower, treat the notice as anonymous and shall not, except in response to a legal mandate, reveal the whistleblower’s name. If the WB Officer is unavailable, and the whistleblower believes that a delay in providing notification can have adverse consequences for the Organization, he or she may directly notify the Organization’s **[INSERT NAME OF APPLICABLE OFFICIAL WHO IS NOT THE WB OFFICER]**, who shall as soon as possible thereafter turn the matter over to the WB Officer.
- B. If, based upon the information provided by the whistleblower and other relevant information, the WB Officer has reasonable cause to believe that an Organization official or Organization employee has engaged or is about to engage in misconduct, the WB Officer shall promptly investigate the matter.
- C. The WB Officer shall conduct an expeditious investigation of the alleged misconduct, and shall submit a written opinion to the Organization’s governance setting forth its conclusions as to whether the Organization official or Organization employee has engaged or is about to engage in misconduct.
- D. Applicable only to Organization employees: Thereafter, upon determining that the Organization employee has engaged or is about to engage in misconduct, the WB Officer shall consult with the Organization’s governance. After such consultation, the WB Officer shall arrange for such action, as he or she deems appropriate, to be taken against the Organization employee who

has engaged or is about to engage in misconduct. The imposition of any discipline against any Organization employee shall be subject to all terms and provisions of any governing collective bargaining agreement with the sponsoring labor organization, inclusive of the right to union representation.

E. Applicable only to Organization officials: Upon determining that the Organization official may have engaged or may be about to engage in misconduct, the WB Officer shall consult with the Organization's governance, or a subcommittee thereof. After such consultation, the governance or subcommittee shall make a recommendation to the WB Officer, which recommendation shall include a statement of the appropriate action to be imposed upon the Organization official who has engaged or is about to engage in misconduct. The WB Officer shall thereafter act upon such recommendation.

F. Bad Faith WB Complaints:

(1) Applicable only to Organization employees: If the WB Officer concludes that an Organization employee has made an allegation of misconduct, or has participated in an investigation of alleged misconduct, in bad faith or without reasonable cause, the WB Officer, after consulting with the Organization's governance, shall arrange for appropriate disciplinary action to be taken against such Organization employee. The imposition of any discipline against any Organization employee shall be subject to all terms and provisions of any governing collective bargaining agreement with the sponsoring labor organization, inclusive of the right to union representation.

(2) Applicable only to Organization officials: If the WB Officer concludes that the Organization official has made an allegation of misconduct, or has participated in an investigation of alleged misconduct, in bad faith or without reasonable cause, the WB Officer shall consult with the Organization's governance, or a subcommittee thereof. The governance or subcommittee shall then make a recommendation to the WB Officer, which recommendation shall include a statement of the appropriate action to be imposed upon the Organization official. The WB Officer shall thereafter act upon such recommendation.

IV. PROTECTION OF PERSONS WHO PROVIDE EVIDENCE OF ALLEGED MISCONDUCT

A. Except as otherwise provided in Section III(F) above, no person shall be subject to any form of direct or indirect retaliation by an

Organization official, Organization employee, or other Organization representative because he or she (1) is a whistleblower, (2) has participated in an investigation of alleged misconduct, or (3) has in good faith in any other way been involved in the implementation of the WB Policy.

- B. Applicable only to Organization employees: If any person believes that he or she has been subject to retaliation by an Organization employee in violation of Section A above, that person shall immediately report such retaliation, in writing, to the WB Officer. The WB Officer shall promptly investigate the matter, and if the WB Officer concludes, after such investigation, that the Organization employee has engaged in retaliation, the WB Officer shall arrange for appropriate disciplinary action to be taken against the Organization employee who engaged in the retaliation. The imposition of any discipline against any Organization employee shall be subject to all terms and provisions of any governing collective bargaining agreement with the sponsoring labor organization, inclusive of the right to representation.
- C. Applicable only to Organization officials: If any person believes that he or she has been subject to retaliation in violation of Section A above by an Organization official, that person shall immediately report such retaliation, in writing, to the WB Officer. The WB Officer shall promptly investigate the matter, and if the WB Officer concludes, after such investigation, that the Organization official has engaged in retaliation, the WB Officer shall arrange for appropriate disciplinary action to be taken against the Organization official who engaged in the retaliation.

V. MISCELLANEOUS

- A. Nothing in the WB Policy shall be interpreted or applied to deprive the Organization official or Organization employee of any rights that he or she may have under the Organization's governing documents, policies, a contract with the sponsoring labor organization, statute, or as an elected leader of a national or state affiliate of the sponsoring labor organization. To the extent that the WB Policy is inconsistent with any such right, the Organization's governing documents, policies, a contract with the sponsoring labor organization, statutory right or right as an elected leader of a national or state affiliate of the sponsoring labor organization shall take precedence.
- B. Any person who believes that an Organization official has engaged or is about to engage in misconduct is encouraged to exhaust the

WB Policy before attempting to deal with the matter in any other forum.

- C. All information and documents involved in the implementation of the WB Policy shall be treated as confidential, and the WB Officer shall make such information and documents available to others only on an “as needed” basis. To the extent relevant, all privileges, including the attorney/client and attorney work product privileges, shall apply to information and documents involved in the implementation of the WB Policy, including any and all WB complaints and investigations thereof.
- D. If a question arises as to whether the WB Officer has engaged, may be engaged, or is about to engage in misconduct, the matter is to be directly referred to the **[INSERT APPLICABLE COMMITTEE]** for investigation and handling.

VI. EFFECTIVE DATE AND AMENDMENT; DISTRIBUTION

- A. The WB Policy shall be made effective as of _____, 20__ and shall supersede all prior whistleblower policies of the Organization dealing with the same subject or other policy dealing with any provision expressly covered by this policy. The Organization’s governance, may amend, from time to time as it deems appropriate, those provisions of the WB Policy pertaining to Organization officials. The Organization’s governance may amend, from time to time as it deems appropriate, those provisions of the WB Policy pertaining to Organization employees.
- B. The WB Policy shall be posted on the Organization’s Web site, and a copy of the Policy shall be distributed to all Organization officials and Organization employees.

Effective: _____, 20__