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**Owner:** Dennis Buesing: Contract Administrator, DHHS  
**Policy Area:** Contract Management  
**References:**

## Whistleblower Policy

### POLICY

It is the policy of Milwaukee County Department of Health & Human Services (DHHS) that Provider ensures that employee, as defined below, are afforded protection under state and/or federal whistleblower protection laws.

This policy applies to **all** DHHS contractors or service providers having reimbursable or non-reimbursable agreements including agencies/organizations with which DHHS has Purchase of Service contract(s), Fee-for-Service Agreement(s), Professional Service Agreement(s), Procurement or Price Agreement(s) or Memorandum(a) of Understanding (MOU).

### DEFINITIONS

**"Provider"** - agency or individual with whom DHHS contract, agreement or Memoranda of Understanding has been executed.

**"Employee"** – includes any of the following: Direct Service Providers (DSP's), Indirect Staff, contract staff, subcontractors, Independent Service Providers, and/or volunteers.

**"Direct Service Provider"** (DSP) – Provider employee, volunteer, paid or unpaid intern, or Independent Service Provider, who provides direct care and/or Covered Services to a Participant/Service Recipient on behalf of a Provider, for which the Provider receives compensation from the Purchaser under the agreement.

**"Indirect Staff"**- is an employee or individual independent contractor who is not a DSP, but is associated with Covered Services as a supervisor, billing staff, case records and/or quality assurance worker, and/or is someone (i.e.: volunteer) who has access to clients, client property, and/or client information of Service Recipients. Agency owner, President, CEO, Executive Director, and/or Senior Staff are considered Indirect Staff if reporting to work at a site where Covered Services are provided.

### PROCEDURE

Provider must comply with the provisions of the Sarbanes-Oxley Act of 2002 (SOX), which is applicable to all nonprofit organizations, as well as other state and/or federal whistleblower protection laws.

The Milwaukee County Department of Health and Human Services (DHHS) requires all Providers contracting with the department **adopt and implement** a whistleblower policy.

# REQUIREMENTS

The Whistleblower Policy **must contain** the following key elements:

- a. The Provider's Board of Directors or Partner(s)/Member(s)/Manager(s) must approve the adoption of a whistleblower policy and include it in the Employee Handbook or similar document.
- b. The whistleblower policy must be given to and acknowledged by all employees.
- c. The Provider's Chief Executive Officer/Owner(s)/Partner(s)/Member(s)/Manager(s) or his/her designee, will ensure that whistleblower protection notification is posted in conspicuous location(s) in the workplace(s) as required under state and/or federal law.
- d. If any employee reasonably believes that some policy, practice, or activity of Provider is in violation of law, a written complaint may be filed by that person with the Chief Executive Officer/ Owner(s)/Partner(s)/Member(s)/Manager(s) or his/her designee.
- e. Employees are protected from retaliation if any of the persons named above bring the alleged unlawful activity, policy, or practice to the attention of Provider and provides Provider with a reasonable opportunity to investigate and correct the alleged unlawful activity.
- f. Provider will not retaliate against an employee who, in good faith, has made a protest or raised a complaint against some practice of Provider, or of another individual or entity with whom Provider had a business relationship, on the basis of a reasonable belief that the practice is in violation of law or a clear mandate of public policy.
- g. Provider will not retaliate against employees who discloses or threatens to disclose to a supervisor or a public body any activity, policy, or practice of Provider that the employee reasonably believes is in violation of a law, or a rule, or regulation mandated pursuant to law or is in violation of a clear mandate or public policy concerning health, safety, welfare, or protection of the environment.
- h. Provider will obtain **employee's signature to document employee's receipt and understanding of the Policy**, and verify that employee has been provided with an opportunity to ask questions about the Policy.

Notwithstanding any other remedies available to employee under law, retaliation by Provider against any employee who in good faith, have made a protest or raised a complaint against some practice of Provider, may lead to further sanctions as referenced in the respective agreement and the *"Milwaukee County Department of Health and Human Services Administrative Probation Policy for Non-Compliance with agreement requirements"* including, but not limited to, early termination of the agreement.

## Attachments:

No Attachments

### Approval Signatures

| Step Description               | Approver                           | Date       |
|--------------------------------|------------------------------------|------------|
| Policy and Procedure Committee | Lynn Gram: 11003002-Safety Officer | 10/13/2017 |