

WHISTLEBLOWER POLICY FOR PROFESSIONAL STAFF CONGRESS OFFICIALS AND EMPLOYEES

The Professional Staff Congress (hereafter referred to as PSC) officials and employees are obligated to comply with all relevant legal requirements in carrying out their PSC responsibilities. A failure to meet this obligation - whether intentional or inadvertent - can have adverse consequences for the reputation and operation of PSC. 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 PSC, so that appropriate corrective action can be taken.

This WB Policy shall only apply to PSC, as a labor organization. The PSC Welfare Fund and PSC PAC have been asked to adopt separate Whistleblower Policies.

I. DEFINITIONS

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

- A. The term "misconduct" means an action taken by a PSC official or a PSC employee in carrying out his or her PSC responsibilities that is in violation of a legal requirement.
- B. The term "PSC official" means a PSC Officer, a member of the PSC Executive Council, a member of the PSC Delegate Assembly, elected PSC chapter officials, and any other person designated by PSC governance to represent PSC. The term does not mean an employee of PSC.
- C. The term "PSC employee" means a regular, probationary, part-time, or temporary employee of PSC. The term does not mean a PSC Official.
- D. The term "person" means a member of PSC, an employee of PSC or a PSC affiliate, a consultant or vendor who does or seeks to do business with PSC or a PSC affiliate, and any other representative of PSC or a PSC affiliate.
- E. The term "WB Officer" means the person who is responsible for the implementation of the WB Policy.

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 PSC Executive Director 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 PSC Executive Council and/or the PSC Principal Officers.

III. WB POLICY PROCEDURES

- A. Any “person” who has reasonable cause to believe that a PSC official or a PSC 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 whistle-blower believes that a delay in providing notification can have adverse consequences for PSC, he or she may directly notify the PSC Director of Legal Affairs, 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 a PSC official or PSC employee has engaged or is about to engage in misconduct, the WB Officer shall refer the matter to the PSC Director of Legal Affairs for investigation and processing. However, where the subject matter of the inquiry is a PSC employee or a PSC official who works out of the PSC Office, the matter shall be referred to the PSC Outside Counsel for investigation and processing.
- C. The PSC Director of Legal Affairs, or the Outside Counsel, as applicable, shall conduct an expeditious investigation of the alleged misconduct, and shall submit to the WB Officer a written opinion setting forth its conclusions as to whether the PSC official or PSC employee has engaged or is about to engage in misconduct
- D. Applicable only to PSC employees: Thereafter, upon determining that the PSC employee has engaged or is about to engage in misconduct, the WB Officer shall consult with the PSC Principal Officers. After such consultation the WB Officer shall arrange for such action, as he or she deems appropriate, to be taken against any PSC employee who has engaged or is about to engage in misconduct. The imposition of any discipline against any PSC employee shall be subject to all terms and provisions of any governing collective bargaining agreement, inclusive of the right to union representation.
- E. Applicable only to PSC officials: Upon determining that the PSC official may have engaged or may be about to engage in misconduct, the WB Officer shall consult with the PSC Principal Officers. After such consultation, the PSC Principal Officers, shall make a recommendation to the PSC Executive Council which recommendation shall include a statement of the appropriate action to be imposed upon the PSC official who has engaged or is about to engage in misconduct. The PSC Executive Council shall thereafter act upon such recommendation.

F. Bad Faith Whistleblower Complaints:

(1) Applicable only to PSC employees: If the WB Officer concludes that a PSC 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 PSC Principal Officers, shall arrange for appropriate disciplinary action to be taken against such PSC employee. The imposition of any discipline against any PSC employee shall be subject to all terms and provisions of any governing collective bargaining agreement, inclusive of the right to union representation.

(2) Applicable only to PSC officials: If the WB Officer concludes that a PSC 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 Official shall consult with the PSC Principal Officers. The PSC Principal Officers shall make a recommendation to the PSC Executive Council which recommendation shall include a statement of the appropriate action to be imposed upon the PSC Official. The PSC Executive Council 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 a PSC official, a PSC employee, or other PSC 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 PSC employees: If any person believes that he or she has been subject to retaliation by a PSC employee in violation of Section IV (A.) above, that person shall immediately report such retaliation, in writing, to the WB Officer. The WB Officer shall, with the assistance of the PSC Director of Legal Affairs, promptly investigate the matter, and if the WB Officer concludes, after such investigation, that a PSC employee has engaged in retaliation, the WB Officer, after consulting with the PSC Principal Officers, shall arrange for appropriate disciplinary action to be taken against the PSC employee who engaged in the retaliation. The imposition of any discipline against any PSC employee shall be subject to all terms and provisions of any governing collective bargaining agreement, inclusive of the right to representation.

C. Applicable only to PSC officials: If any person believes that he or she has been subject to retaliation in violation of Section IV (A.) above by a PSC official, that person shall immediately report such retaliation, in writing, to the WB Officer. The WB Officer shall, with the assistance of the PSC Director of Legal Affairs, promptly investigate the matter, and, if the WB Officer concludes, after such investigation, that a PSC official has engaged in retaliation, the matter shall be referred to the PSC Principal Officers. The PSC Principal Officers shall then proceed to make a recommendation, where appropriate, to the PSC Executive

Council that it arrange to impose appropriate action upon the PSC Official. The PSC Executive Council shall thereafter act upon that recommendation.

V. MISCELLANEOUS

- A. Nothing in the WB Policy shall be interpreted or applied to deprive any person of any right that he or she may have under the PSC governing documents, a contract with PSC, or a statute. To the extent that the WB Policy is inconsistent with any such right, the right in the PSC governing document, contract with PSC, or statute shall take precedence.
- B. Any person who believes that an PSC 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 PSC Principal Officers for investigation and handling.

VI. EFFECTIVE DATE AND DISTRIBUTION

- A. The WB Policy shall be made effective as of August 31, 2009. The PSC Principal Officers, upon recommendation of the PSC Executive Council, may amend, from time to time as they deem appropriate, those provisions of the WB Policy which pertain to PSC officials and to PSC employees.
- B. The WB Policy shall be posted on PSC website, and a copy of the Policy shall be distributed to all PSC employees and PSC Officials.