



Community and Workplace Culture Committee Meeting

Ethics Education: Retaliation Policy

Item 6a

July 7, 2025

Item 6a

Subject

Overview of Metropolitan's retaliation policy

Purpose

To briefly review with the Committee Metropolitan's retaliation policy (Administrative Code Section 7128).

Item 6a

Background

- SB 60
- Employee Survey Results
- Ethics Office's Role
- Mandatory Employee Training on Retaliation

Summary of Retaliation Policy

- 1) Metropolitan officials may not take an "adverse employment action" against someone for reporting in good faith information the person reasonably believes indicates:
 - A work-related violation of any law or district policy (**other than reports of EEO violations, which are handled by the EEO Office*)
 - Gross waste or abuse of Metropolitan resources
 - A workplace safety concern or
 - A public health or safety danger
- 2) Officials may not discourage persons from reporting the concerns listed above or take adverse action against someone for participating in investigations of the reported concerns.

Adverse Employment Actions

"Adverse Employment Action" in Metropolitan's policy includes, but is not limited to, the following:

- Spreading Rumors
- Demotions
- Shunning
- Harassing Behaviors
- Disciplinary Action
- Negative Evaluations
- Frivolous Complaints
- Excluding from Activities
- Changing Work Assignments
- Treating People Differently

*Key: Retaliation is when an adverse employment action is taken against a person because the person engaged in a protected activity under the policy (reported suspected violations, cooperated with investigations, etc.)

Item 6a

Hypothetical #1

A supervisor directs staff to take shortcuts to meet a project deadline. An employee believes this creates dangerous working conditions and reports the concerns to Metropolitan's safety office. The project is paused while safety measures are put in place.

A few weeks later, there is an opportunity for employees to serve in temporary rotations for a promotional position. The supervisor excludes the employee who reported the concerns from the rotation, even though the employee is equally qualified.

Possible retaliation?

Item 6a

Hypothetical #2

A manager runs a consulting firm on personal time. It becomes apparent to an employee that the manager has a conflict of interest between this consulting firm and a Metropolitan project in which the manager is involved. The manager tells the employee that it would be unwise to mention this to anyone, especially if the employee wants to be considered for a promotion.

Is this scenario captured by Metropolitan's retaliation policy?

Tips to Avoid Actual/Perceived Retaliation

Retaliation and perceived retaliation can impact workplace morale, discourage others from raising legitimate concerns, jeopardize safety, increase litigation and investigations, and create reputational harm.

Officials should:

- Carry out their official duties observing Metropolitan policies, laws, and safety requirements.
- Promote and model a "speak up" culture, without fear of consequences, and healthy communication.
- Show appreciation for those sharing concerns and follow up on any actions taken in response.
- Treat colleagues professionally, and consistently.
- Avoid asking who filed a complaint or reported a concern; remain professional during any investigative process.
- Not interfere with an investigation or discourage anyone from reporting concerns.



Questions?

