

**Idaho Department of
Juvenile Corrections
Administrative
Policy/Procedure**

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SUBJECT: WHISTLE BLOWER NOTICE

CATEGORY: HUMAN RESOURCES

Policy

The Idaho Protection of Public Employees Act effective July 1, 1994, (Section 6-2101, Idaho Code *et seq.*) provides a legal cause of action for public employees who experience adverse action as a result of [good faith](#) reporting of waste and violation of a law, rule, or regulation.

Specifically, the Idaho Protection of Public Employees Act provides that a public employer cannot take adverse action against an employee who:

- Communicates in good faith the existence of any waste of public funds, property, or manpower, or a violation or suspected violation of law, rule, or regulation adopted under the law of this state, a political subdivision of the state, or the United States; or
- Participates or gives information in good faith for an investigation, hearing, court proceeding, legislative or other inquiry, or other administrative review; or
- Objected to or refused to carry out a directive that the employee reasonably believes violates the law, rule, or federal regulation.

It is therefore the policy of the Idaho Department of Juvenile Corrections (IDJC) that employees will not be subject to adverse action for engaging in good faith efforts to report waste or a violation of a law, rule or regulation, or for otherwise participating in the reporting process. Furthermore, it is the policy of the IDJC that unreasonable restrictions will not be implemented to prevent an employee from documenting the existence of any waste or suspected violation of any law, rule or regulation.

Operating Procedures

I. Reporting

- A. Employees have the responsibility to report, in good faith, any concern of waste or violation to their supervisor or Human Resources immediately.
1. The report may be in writing or verbal, and must be in a manner that provides the IDJC a reasonable opportunity to correct the waste or violation.
 2. Any effort by an employee to document the existence of waste or a violation must comply with IDJC confidentiality policies.

3. If the immediate supervisor is the subject of the concern, the employee has the responsibility to report the concern of waste or violation to the next level supervisor, Division Administrator/Superintendent, or the Director.
- B. Any supervisor who receives a report of waste or violation shall immediately contact the Superintendent, Division Administrator, or Director.
- C. The Director will be notified of all reports of waste or violation of law, rule or regulation.
- D. Employees may also report suspected instances of fraud, waste, abuse, and employment claims to the Division of Human Resources' State of Idaho Employee Complaint Line by completing the online form (link below), by phone, email, or regular mail.

II. Adverse Action

- A. For the purposes of the Idaho Protection of Public Employees Act, adverse action means to threaten, discharge or otherwise discriminate against an employee in any manner that affects the employee's employment, including compensation, terms, conditions, location, rights, immunities, promotions or privileges.
- B. The Idaho Protection of Public Employees Act does not prohibit the IDJC from taking employer action, including discipline, that is independent of the employee's exercise of protected activity.
- C. An employee who suffers an adverse action as a result of reporting any concern of waste or violation may bring a civil action under the Idaho Protection of Public Employees Act for injunctive relief and/or actual damages within 180 days of the alleged violation.

Reference: [Glossary of Terms and Acronyms](#)
 [Idaho Code Title 6, Chapter 21, Protection of Public Employees Act](#)
 [Employee Complaint Line | Division of Human Resources \(idaho.gov\)](#)
 [Employee Complaint Form | Division of Human Resources \(idaho.gov\)](#)

Desk Manual(s): None

Related Policies: [Problem-Solving Procedures for IDJC Employees](#) (312)
 [Confidentiality/Privacy](#) (328)

Related Forms: [Problem-Solving Request Form \(DJC-024\)](#)