DATE: November 7, 2023
TO: Assemblymember Smith, Chair Assembly HRC
FROM: Robert Palmer, Municipal Attorney
SUBJECT: Ord. 2023-04: CBJ Whistleblower Ordinance

The City and Borough of Juneau has a robust conflict of interest code (CBJC 01.45), which includes a process for people to report potential violations (CBJC 01.45.110). Although the conflict of interest code overlaps with traditional whistleblower protections, it does not mention the phrase "whistleblower" or explicitly provide protections to whistleblowers. Without a local ordinance, the State of Alaska Whistleblower Act applies (AS 39.90.130). The Assembly may want to codify a local whistleblower ordinance, which could help people more easily locate whistleblower protections and continue to promote public trust in local government.

The attached draft ordinance is modeled off of the State of Alaska Whistleblower Act, which has four core policies: (1) promote government accountability, (2) provide processes for employees to raise concerns, (3) protect employees that raise concerns, (4) and provide enforcement mechanisms, including monetary penalties. With those policies in mind, the draft whistleblower ordinance provides as follows:

1. **Anti-retaliation**. The City and Borough of Juneau may not discharge, threaten, or otherwise discriminate against an employee who reports a matter of public concern to an appropriate public entity. There are conditions and exclusions.

2. **Definitions**. For example, "matter of public concern" includes
   a. A danger to public health or safety;
   b. Gross mismanagement or clear abuse of authority; or
   c. Violations of law, regulation, ordinance, or formal CBJ policy.

3. **Enforcement**. In addition to internal reporting requirements, an employee may bring a civil action for alleged violations of the whistleblower ordinance.

4. **Penalty.** A person who violates or attempts to violate the whistleblower ordinance is subject to a civil fine not to exceed $10,000.

RP3
encl: Draft Ordinance 2023-04