

EXHIBIT A

Section 11.190. Reporting of Mismanagement or Violations of Law.

-1. Definitions - The following terms shall be construed in accordance with the definitions given below for purposes of this section:

(a) *Disciplinary action* means to warn of, recommend, cause or approve dismissal, demotion, transfer, reassignment to a lower-level job class, lower-paid position, or position which significantly reduces the opportunity for promotion, or suspension of an employee; to refuse to promote an employee; to reprimand an employee; to publicly humiliate an employee; or to withhold work, overtime, or duties or any benefit of employment from an employee, regardless of whether the withholding of such work, duties or benefit(s) of employment will affect the employee's compensation. "Disciplinary action" shall also mean refusal to consider an employment application of any person previously employed by the County, who is otherwise qualified for the position for which the employee has applied or to otherwise retaliate against an employee who has reported mismanagement or violations of law pursuant to this section. "Disciplinary action" shall also mean to intimidate an employee in an attempt to prevent the employee's reporting of mismanagement or violations of law or threaten any of the above-listed actions. The disciplinary action defined herein shall be limited to action taken as a result of the employee's or applicant's reporting of mismanagement or violations of the law in compliance with this section.

(b) *Employee* means any person who performs work or services for St. Louis County regardless of the number of hours worked and whether the person is compensated, and shall include employees who are part of the merit system, appointees who do not hold a permanent position within the merit system, interns, and volunteers, including consultants providing consulting services on a volunteer basis. For purposes of this section, "employee" shall also mean any member or employee of any board or commission for which any County officer is the appointing authority of one or more members. For purposes of this section, "employee" shall not include any contractor performing work for St. Louis County except as otherwise provided herein.

(c) *Mismanagement* shall mean fraud, criminal activity, gross waste of public funds or other resources, arbitrary or unlawful

discriminatory treatment of an employee or employees, gross incompetence, conflict of interest, abuse of authority, misuse of public funds or the use of public funds for predominantly private purposes, alteration of technical findings or communication of scientific opinion, and breaches of professional ethical canons. For purposes of this section, "discriminatory treatment" shall mean retaliation, harassment, or unfair treatment, including bias in hiring, promotion, job assignment, termination, or compensation based on race, color, religion, sex, gender identity, gender presentation, sexual orientation, national origin, disability, or age.

-2. No officer, including an elected official, supervisor or appointing authority, or any designee thereof, shall prohibit any employee from discussing the operations of the County which the employee reasonably believes amounts to mismanagement as defined in this section, either specifically or generally, with the County Council, any member of the County Council, any authorized committee of the County Council, the County Auditor, the County Counselor, the St. Louis County Prosecuting Attorney, any law enforcement agency, the news media, the public, the Missouri State Auditor, the Missouri Attorney General, any authorized committee of the Missouri General Assembly pursuant to a subpoena issued by such committee and served upon the employee, or any other public governmental body or officer authorized by law to investigate any mismanagement or violation of law described in this section.

3. No officer, including an elected official, supervisor or appointing authority, or designee thereof, shall:
- (a) Prohibit a County employee from, or take any disciplinary action whatsoever against a County employee for, the disclosure of any alleged prohibited activity under investigation or any related activity, or for the disclosure of information which the employee reasonably believes evidences:
 - i. A violation of any law, rule, policy or regulation; or
 - ii. Mismanagement, conflict of interest, or unlawful discrimination, or a specific danger to public health or safety, if the disclosure is not specifically prohibited by law; or
 - (b) Require any such employee to give notice to any officer, including an elected official, supervisor or appointing authority prior to making any such

- report; or
- (c) Prevent an employee from testifying, pursuant to a validly authorized and served subpoena, regarding activity which the employee reasonably believes amounts to mismanagement as defined in this section, before a court, the County Council and/or its authorized committees, any authorized committee of the Missouri General Assembly, or any other public governmental body which possesses subpoena power to compel such testimony.

4. This section shall not be construed as:

- (a) Prohibiting a supervisor or appointing authority from requiring that an employee inform the supervisor or appointing authority as to receipt of a subpoena as described in this section or Council requests for information or the substance of testimony made, or to be made, by the employee to the Council or pursuant to a subpoena;
- (b) Permitting an employee to leave their assigned work areas during normal work hours without following applicable rules, regulations and policies pertaining to leaves, unless the employee is requested by a member of the County Council or a Council Committee to appear before a Council committee or the employee is subpoenaed to appear before an authorized committee of the Missouri Legislature;
- (c) Authorizing an employee to represent the employee's personal opinions as the opinions of the County or any department, office, officer, board or commission thereof;
- (d) Restricting or precluding disciplinary action taken against a County employee if the employee knows the disclosure to be false or which the employee discloses with reckless disregard for its truth or falsity; the information is closed or is confidential under the provisions of the open meetings law or any other law; the disclosure relates to the employee's own violations, mismanagement, conflict of interest, unlawful discrimination, gross waste of funds or other resources, abuse of authority, alteration of technical findings; the disclosure violates the employee's fiduciary duty; or the disclosure is of

scientific or legal opinion or advice, breaches professional ethical canons, or endangers the public health or safety; or

- (e) Precluding an employee from bringing a civil action as authorized by Section 105.055.7 RSMo, as enacted on August 28, 2018, as amended, pursuant to alleged violation of Section 105.055 RSMo, as enacted on August 28, 2018, as amended.

5. In addition to any other remedies provided by law, any employee may file an administrative appeal whenever the employee alleges that disciplinary action was taken against the employee in violation of this section. The appeal shall be filed with the County Civil Service Commission or as otherwise provided herein; provided that if employees of a particular office or department do not file appeals with the County Civil Service Commission, the appeal shall be filed with the appropriate review board or body which has established procedures for hearing of such appeals. Appeals to the Civil Service Commission shall be filed within one (1) year of the alleged disciplinary action. If the Commission or appropriate review body finds that disciplinary action taken was in violation of this section as a result of the reporting of mismanagement or violations of the law, the Commission or appropriate review body shall modify or reverse the action taken against the employee and order such relief for the employee as the Commission or review body considers appropriate and is within the authority of that Commission or review body. If the Commission or review body finds a violation of this section, it may review and recommend to the appointing authority that the violator be suspended on leave without pay for not more than thirty days or, in cases of willful or repeated violations, may review and recommend to the appointing authority that the violator forfeit the violator's position as a county officer or employee and disqualify the violator for appointment to or employment as a county officer or employee for a period of not more than two years. Nothing in this section shall be construed as authorizing the Civil Service Commission or other review body to make any recommendations pertaining to forfeiture of or disqualification for office as it applies to elected County officers. The decision of the Commission or appropriate review body in such cases may be appealed by any party pursuant to law.

6. The County shall prominently post a copy of this section and a copy of Section 105.055 RSMo, as enacted on August 28, 2018, as amended, in locations where they can reasonably be expected to come to the attention of all employees of the County. A copy of the County's harassment policy, along with a copy of this section and a copy of Section 105.055 RSMo, as enacted on August 28, 2018, as amended, shall also be posted on the County's internal website and emailed on an annual basis to each employee who has a County email address.