

PRO-302.7 PROHIBITION ON RETALIATION AGAINST WHISTLEBLOWERS ADMINISTRATIVE PROCEDURE

1.0 Purpose.

The purpose of this Administrative Procedure is to implement Section 301.7.5 of TRWD Board Policy 301 Employment Practices and Section 302.3.1 of TRWD Board Policy 302 Employee Standards of Conduct and Code of Ethics regarding TRWD's prohibition on retaliation against whistleblowers. This Administrative Procedure outlines TRWD's compliance with applicable local, state, and federal law, rules, and regulations prohibiting retaliation against whistleblowers.

2.0 Scope.

This Prohibition on Retaliation against Whistleblowers Administrative Procedure applies to all departments, divisions, and offices within TRWD, and to all TRWD employees.

3.0 Definitions.

The following definitions apply to this Administrative Procedure.

Appropriate Law Enforcement Authority – An appropriate law enforcement authority is a part of a state or local government entity or the federal government that the employee in good faith believes is authorized to (1) regulate under or enforce the law alleged to be violated in the report; or (2) investigate or prosecute a violation of law.

Employee – An employee is an employee or appointed officer, other than an independent contractor, who is paid to perform services for TRWD.

Good faith – For an employee to make a report in “good faith,” the employee must believe that (1) the reported conduct is a violation of law, as defined in this Administrative Procedure; and (2) this belief is reasonable in light of the employee's training and experience. The employee must also have a good faith belief that the employee reported the violation of law to an appropriate law enforcement authority, as defined in this Administrative Procedure. That means, the employee must (1) believe the report was made to an appropriate law enforcement authority; and (2) this belief was reasonable in light of the employee's training and experience.

Law – A law includes a state or federal statute, an ordinance of a local governmental entity, or a rule adopted under a statute or ordinance.

Report – For purposes of this Administrative Procedure, a report is a written or verbal complaint that alleges a TRWD employee or appointed officer has violated or is currently violating a law as defined in this Administrative Procedure.

4.0 Open Door Policy to Foster Legal Compliance.

TRWD is committed to following all local, state, and federal laws, regulations and rules and expects all of its employees and officials to comply with the law. TRWD encourages open communication between employees at all levels of management. If employees have any concerns or questions regarding TRWD's or a TRWD employee's compliance with

any law, they should discuss these concerns with their immediate supervisor and may also discuss their concerns with the General Manager, General Counsel, or Human Resources Department.

5.0 Internal Reports of Violations of Law.

An employee who is aware that TRWD or a TRWD employee has violated any law should make a report to their immediate supervisor. An employee can also make this report to TRWD's Human Resources Department or General Counsel.

If the employee's supervisor is the individual who has allegedly violated any law, the employee may bypass their immediate supervisor and make a report to the Human Resources Department, General Manager, or General Counsel directly. If the employee is reporting an alleged violation of law by the General Manager, the employee may make the report to the Board President who will notify the Board of Directors.

An employee may also make a report that TRWD or a TRWD employee has violated a law through TRWD's employee complaint process, which is set forth in TRWD *301.3 Employee Complaint Administrative Procedure*.

6.0 Supervisors' Duty to Report.

Any supervisor who receives notice of a violation of law by TRWD or a TRWD report, or who receives a report or complaint of a legal violation shall promptly notify the Human Resources Department or General Counsel about the violation of law or the report or complaint.

7.0 Supervisors' Failure to Report.

Supervisory personnels' failure to report their knowledge of a violation of law by TRWD or a TRWD employee or failure to report their receipt of a report or complaint of such a violation of law, may be subjected to discipline up to and including termination of employment.

8.0 Response to Report.

Upon receipt of a report that TRWD or a TRWD employee has allegedly violated a law, the Human Resources Department or General Counsel, whoever received the report, will respond immediately to appropriately address the allegations. If the Human Resources Department or General Counsel determine that further investigation is needed, they may initiate the complaint process set forth in TRWD *301.3 Employee Complaint Administrative Procedure*.

9.0 Whistleblower Rights and Protection.

TRWD will not suspend, terminate, or take any other adverse action against an employee who in good faith reports a violation of law by TRWD or a TRWD employee to an appropriate law enforcement authority.

10.0 Notice of Whistleblower Protection.

TRWD shall inform employees of their whistleblower rights and protection and post a sign in the workplace in a prominent location. The sign shall conform with the requirements set by the Attorney General of Texas.