

July 18, 2001

MEMORANDUM FOR: Deans, Directors and Department Heads

MEMORANDUM FROM: James H. Coopee, Personnel Administrator

SUBJECT: "Whistleblowing" legislation notice to employees

Massachusetts General Laws c. 149, § 185 protects employees from retaliation for engaging in what is commonly known as "whistleblowing" activities. The scope of the law is very broad. It protects state employees who report or threaten to report illegalities, regulatory violations, health and safety violations, and environmental hazards committed by the employer or by another employer with whom the employer has a business relationship. The law also protects employees who refuse to participate in such activities and provides protections for employees who testify or report crimes. **As a general matter employees are protected against retaliatory action so long as the employee has brought the matter to the attention of a supervisor by written notice and has afforded the employer a reasonable opportunity to correct the activity, policy, or practice.** Written notice may not be required to be filed when an emergency exists, when the employee reasonably believes the University has knowledge, or when the employee fears physical harm as a result of disclosure.

Please assure that all supervisors within your jurisdiction have been informed of this statute and its protections and are given direction as to how to handle employee complaints.

The attached revised notice should be posted on all employee bulletin boards and brought to the attention of all employees. It replaces the previous notice sent to Deans, Directors and Department Heads in October, 1996.

JHC:lmn

NOTICE TO EMPLOYEES

Massachusetts General Laws, Chapter 149, Section 185 offers protections against retaliation to an employee of the Commonwealth who:

- Discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer, or of another employer with whom the employee's employer has a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation promulgated pursuant to law, or which the employee reasonably believes poses a risk to public health, safety or the environment;
- Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation promulgated pursuant to law, or activity, policy or practice which the employee reasonably believes poses a risk to public health, safety or the environment by the employer, or by another employer with whom the employee's employer has a business relationship; or
- Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes is in violation of a law, or a rule or regulation promulgated pursuant to law, or which the employee reasonably believes poses a risk to public health, safety or the environment.

Although some specific statutory exceptions exist, these protections against retaliatory action... "shall not apply to an employee who makes disclosures... unless the employee has brought the activity... to the attention of a supervisor of the employee by written notice and has afforded the employer a reasonable opportunity to correct the activity, policy, or practice".

**Employees with complaints should file their written notices with John F. Dubach,
Chancellor's Office, Whitmore Administration Building, University of Massachusetts
Amherst.**