

**ALCOHOL, DRUG ADDICTION AND MENTAL HEALTH SERVICES BOARD  
OF CUYAHOGA COUNTY POLICY STATEMENT**

**SUBJECT:** Whistleblower Protection Policy

**EFFECTIVE DATE:** September 23, 2020

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**PURPOSE**

To ensure the Alcohol, Drug Addiction and Mental Health Services (ADAMHS) Board of Cuyahoga County's compliance with employees' rights to report violations of state and federal law and to prohibit retaliatory conduct.

**PROCEDURE**

**A. Reports**

1. Employee discovers violation that ADAMHS Board can correct: If an employee becomes aware in the course of the employee's employment of a violation of any state or federal statute or any ordinance or regulation of a political subdivision that the ADAMHS Board has authority to correct, and the employee reasonably believes that the violation is a criminal offense that is likely to cause an imminent risk of physical harm to persons or a hazard to public health or safety, a felony, or an improper solicitation for a contribution:
  - a. **Employee gives notice:** The employee shall orally notify his/her supervisor or other ADAMHS Board supervisor of the violation and subsequently shall file with that supervisor a written report that provides sufficient detail to identify and describe the violation.
  - b. **If ADAMHS Board fails to act:** If the ADAMHS Board does not correct the violation or make a reasonable and good faith effort to correct the violation within twenty-four hours after the oral notification or the receipt of the report, whichever is earlier, the employee may file a written report that provides sufficient detail to identify and describe the violation with the prosecuting authority of the county or municipal corporation where the violation occurred, with a peace officer, with the inspector general if the violation is within the inspector general's jurisdiction, or with any other appropriate public official or agency that has regulatory authority over the employer and the industry, trade, or business in which the employer is engaged.
  - c. **ADAMHS Board notifies employee of corrective action:** If an employee makes a report of an alleged violation, the ADAMHS Board, within twenty-four hours after the oral notification was made or the report was received or by the close of business on the next regular business day following the day on which the oral notification was made or the report was received, whichever is later, shall notify the employee, in writing, of any effort of the ADAMHS Board to correct the alleged violation or hazard or of the absence of the alleged violation or hazard.

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2. Certain violations allow direct report: If an employee becomes aware in the course of the employee's employment of a violation of Ohio Revised Code (ORC) Chapters 3704 (air pollution control), 3734 (solid and hazardous waste), 6109 (safe drinking water), or 6111 (water pollution control) that is a criminal offense, the employee **directly** may notify, either orally or in writing, *any appropriate public official or agency that has regulatory authority over the employer and the industry, trade, or business in which the employer is engaged.*
3. Employee reports fellow worker's bad act: If an employee becomes aware in the course of the employee's employment of a violation by a fellow employee of any state or federal statute, any ordinance or regulation of a political subdivision, or any work rule or ADAMHS Board policy and the employee reasonably believes that the violation is a criminal offense that is likely to cause an imminent risk of physical harm to persons or a hazard to public health or safety, a felony, or an improper solicitation for a contribution, the employee orally shall notify the employee's supervisor or other ADAMHS Board supervisor of the violation and subsequently shall file with that supervisor a written report that provides sufficient detail to identify and describe the violation.
4. Misuse of Public Resources: If an employee becomes aware in the course of employment of the misuse of public resources, and the employee's supervisor or appointing authority has authority to correct the misuse, the employee may file a written report identifying the misuse with the supervisor or appointing authority. In addition to or instead of filing a written report with the supervisor or appointing authority, the employee may file a written report with the office of internal audit created under section 126.45 of the Ohio Revised Code or file a complaint with the auditor of state's fraud-reporting system under section 117.103 of the Ohio Revised Code.
5. Option to Report Misuse of Public Funds to Law Enforcement: If the employee reasonably believes that the misuse of public resources is a criminal offense, the employee, in addition to or instead of filing a written report or complaint with his or her supervisor, appointing authority, the office of internal audit, or the auditor of state's fraud-reporting system, may report it to a prosecuting attorney, or to a peace officer, as defined in section 2935.01 of the Ohio Revised Code. In addition to that report, if the employee reasonably believes the violation or misuse is also a violation of either Chapter 102 of the Ohio Revised Code, or of sections 2921.42 or 2921.43 of the Ohio Revised Code, the employee may report the misuse to the Ohio Ethics Commission.

**B. ADAMHS Board shall not retaliate.**

1. Except as otherwise provided in Paragraph B (2) of this Policy, the ADAMHS Board shall not take any disciplinary or retaliatory action against an employee for making any report

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authorized by this policy, or as a result of the employee's having made any inquiry or taken any other action to ensure the accuracy of any information reported under either such division.

2. An employee shall make a reasonable and good faith effort to determine the accuracy of any information reported under Paragraphs A(1) through A(5) of this Policy. If the employee who makes a report under either paragraph fails to make such an effort, the employee may be subject to disciplinary action by the ADAMHS Board, including suspension or removal, for reporting information without a reasonable basis to do so under Paragraphs (A)(1) or A(5) of this policy.

**Supersedes and retires:** Whistleblower Protection Policy, Effective July 26, 2017.

**Reference:** Ohio Revised Code sections 4113.52, 124.341, 2921.42, 2921.43, and Ohio Revised Code Chapter 102.

DocuSigned by:  
*Rev. Benjamin F. Gohlstin, Sr*  
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**Rev. Benjamin F. Gohlstin, Sr.**  
**ADAMHS Board Chair**

DocuSigned by:  
*Scott S. Osiecki*  
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**Scott S. Osiecki**  
**ADAMHS Board Chief Executive Officer**

**September 23, 2020**

**September of 2023**

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**Approval date**

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**Review date**