



town of

# LONGMEADOW, MASSACHUSETTS

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## NOTICE

### **Prohibition of Retaliation Against Employees Reporting Violations of Law or Risks to Public Health, Safety or Environment**

Pursuant to G.L. c. 149 § 185

It is illegal for a public employer, including the Town of Longmeadow to retaliate against an employee by taking adverse employment action against an employee because that employee:

- Discloses or threatens to disclose to a supervisor or a public body an activity, policy or practice of the employer or another employer with whom the employee's employer has a business relationship, that the employee reasonably believes is in violation of a law or 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 by the employer or another employer with whom the employee's employer has a business relationship, which the employee reasonably believes poses a risk to public health, safety, or the environment; 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.

In order to qualify for the protection outlined in the paragraphs above the employee must:

- First bring his or her concerns to the attention of a supervisor prior to making a disclosure to a public body, except:
- If the employee is reasonably certain that the activity, policy, or practice is known to one or more supervisors of the employee, and the situation is emergency in nature;
- Or the employee reasonably fears physical harm as a result of the disclosure provided;
- Or the employee makes disclosure to a public body for the purpose of providing evidence of what the employee reasonably believes to be a crime.

Adverse employment actions as referred to in the first paragraph of this notice include discharge, suspension, demotion or other adverse actions concerning the employee's terms and conditions of employment.

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An employee who believes he or she has been harmed by a violation of this statute may file a civil suit in superior court within two years to seek relief, including but not limited to reinstatement of employment in the same position, lost wages (up to three times the actual wages lost), restoration of fringe benefits, attorneys' fees and reasonable costs, and such other relief as the court might allow. Either party in such action is entitled to a trial by jury. Under certain circumstances, more fully described in the statute itself, if a court finds that such legal action as referred to in this paragraph is without basis in law or fact, the court may award reasonable court costs and attorneys' fees to the employer.

Copies of this statute are available on-line or, upon request, from the Human Resources Department. More detailed information is contained in the text of the statute.

An employee who wishes to report an activity, policy or practice of the employer or another employer with whom the employee's employer has a business relationship, that the employee reasonably believes is in violation of a law or rule or regulation promulgated pursuant to law, or which the employee reasonably believes poses a risk to public health, safety or the environment may do so by reporting it to one of the following:

- The Department Head of the Department in which the employee is employed;
- Town Manager;
- Human Resource Manager.

Dated: May 2011