



## MISSOURI DEPARTMENT OF TRANSPORTATION PERSONNEL POLICY MANUAL

**POLICY TITLE:** Appeal Procedures for Alleged Adverse Employment Actions Resulting from Whistleblower Reporting

**NUMBER:** 2104

**CHAPTER TITLE:** Grievances and Complaints

**EFFECTIVE DATE:** September 5, 2018

**PRIOR EFFECTIVE DATE:** September 1, 2012

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### **POLICY**

The Missouri Department of Transportation (MoDOT) is committed to ensuring that no employee shall be subjected to disciplinary action, as defined below, for his/her reporting and/or disclosure of any alleged mismanagement, gross waste of state funds, abuse of authority, violation of policy, waste of public resources, alteration of technical findings or communication of scientific opinion, breaches of professional ethical canons or activities which pose substantial and specific danger to public health or safety or violations of the law, rules, or regulations.

For the purposes of this policy only, "disciplinary action" means any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal, or withholding of work, whether or not the withholding of work has or will affect the employee's compensation.

### **ACCOUNTABILITY/RESPONSIBILITY**

1. Supervisors or any other department officials shall not prohibit any employee of the department from discussing the operations of the department, either specifically or generally, with any member of the legislature, state auditor, attorney general, a prosecuting or circuit attorney, a law enforcement agency, news media, the public, or any state official or body charged with investigating any alleged misconduct under Section 105.055, RSMo.
2. An employee is required to inform his/her supervisor or other appropriate departmental authority of any requests for information received from the legislature or state auditor regarding department activities. However, an employee is not required to give notice of such legislative requests and/or testimony made until after such information has been reported.
3. An employee is not authorized to represent his/her own personal opinions as those of the department.
4. An employee is not permitted to leave the assigned work area to report alleged offenses during normal work hours without following applicable department rules and personnel policies pertaining to leaves, unless the employee's presence is requested by a legislator or legislative committee.

5. This personnel policy does not preclude the department from taking disciplinary action against an employee:
  - a. If the employee knowingly discloses false information.
  - b. If the information is closed or confidential under the provisions of the open meetings law or any other law.
  - c. If the disclosure relates to the employee's own violations, mismanagement, gross waste of funds, abuse of authority, or endangerment of public health or safety; or,
  - d. If the employee fails to notify the supervisor or other appropriate department authority as soon as possible following the report.

### **GUIDELINES**

6. An employee who wishes to appeal a disciplinary action pursuant to Section 105.055, RSMo may file an administrative appeal with the Administrative Hearing Commission within one year of the alleged disciplinary action. The instructions for filing an administrative appeal with the Administrative Hearing Commission can be found at [ahc.mo.gov](http://ahc.mo.gov).
7. This policy and procedure does not alter the at-will employment status of any MoDOT employee.

Micki Knudsen  
Human Resources Director,  
Signature on File

### **CROSS REFERENCES**

[Section 105.055, RSMo](#)