

**BOARD OF EDUCATION**  
Cherry Hill, New Jersey

**POLICY 4111.3/4211.3**

**EMPLOYMENT PROTECTION - WHISTLEBLOWER ACT**

The Board of Education recognizes its responsibility to keep its employees informed as to their rights, privileges, protection and obligations under the Whistleblower Act which was enacted to protect employees from the retaliatory action of an employer or an agent of the employer for disclosing policy, providing information, or objecting to an activity which the employee reasonably believes is in violation of a law.

In compliance with N.J.S.A. 34:19-7, notices shall be conspicuously displayed as a means of informing employees of their protection and obligations under the Act. All such notices shall include the name of the person or persons designated by the Board to receive written notification of complaints. Other appropriate means of informing employees of their protection and obligations are to be utilized

The Superintendent shall develop an administrative procedure to ensure that N.J.S.A. 34:19-7 is enforced. These procedures shall include appropriate means of notifying employees of their protection and obligations other than by use of posted notices.

Attachments: Administrative Procedure W-1 "Whistleblower Act"  
and "Whistleblower Act" Notice

Formerly Policy GAEB  
Adopted: 5/21/90  
Renumbered: 1/29/02

**Attachment to Policy 4111.3/4211.3: Employment Protection – Whistleblower Act**

**CHERRY HILL PUBLIC SCHOOLS**  
**Cherry Hill, New Jersey**

**W-1**

**ADMINISTRATIVE PROCEDURE**  
**WHISTLEBLOWER ACT**

1. In each district building the attached notice shall be conspicuously displayed in the place(s) where notices to employees are customarily posted.
2. Each year during the month of September, all employees shall receive a memorandum describing the rights, privileges, protection and obligations under the Whistleblower Act. It shall be the responsibility of each building principal or supervisor to distribute the memorandum.
3. All employees new to the district shall receive this memorandum through the Personnel Office when they begin their employment with the district.
4. Other means of informing employees might include coverage of the topic at meetings or inservice programs.

Attachment: "Whistleblower Act" Notice

PROC#4  
6/18/90

**Attachment to Policy 4111.3/4211.3: Employment Protection – Whistleblower Act  
and to Administrative Procedure W-1 "Whistleblower Act"**

CHERRY HILL PUBLIC SCHOOLS  
Cherry Hill, New Jersey

**WHISTLEBLOWER ACT**

**NOTICE**

The Whistleblower Act protects employees from the retaliatory action of an employer or an agent of the employer for disclosing policy, providing information, or objecting to an activity which the employee reasonably believes is in violation of a law.

1. An employer or an agent of the employer shall not take any retaliatory action against an employee because the employee does any of the following:
  - a) Discloses, or threatens to disclose to a supervisor or a public body, an activity, policy or practice of the employer that the employee reasonably believes is in violation of a law, or a rule or regulation promulgated pursuant to law;
  - b) 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 by the employer; or
  - c) Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes:
    - (1) is in violation of a law, or a rule or regulation promulgated pursuant to law;
    - (2) is fraudulent or criminal; or
    - (3) is incompatible with a clear mandate of public policy concerning the public health, safety, or welfare.
2. The protection against retaliatory action provided by this act pertaining to disclosure to a public body shall not apply to an employee who makes a disclosure to a public body unless the employee has brought the activity, policy or practice in violation of a law, or a rule or regulation promulgated pursuant to law 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. Disclosure shall not be required where the employee is reasonably certain that the activity, policy or practice is known to one or more supervisors of the employer or where the employee reasonably fears physical harm as a result of the disclosure; provided, however, that the situation is emergency in nature.
3. Upon a violation of any of the provisions of this act, an aggrieved employee or former employee may institute a civil action in a court of competent jurisdiction,

within one year, for relief. (more)

## **WHISTLEBLOWER ACT - NOTICE (cont.)**

4. A court, upon notice of motion in accordance with the Rules and Governing the Courts of the State of New Jersey may also order that reasonable attorneys' fees and court costs be awarded to an employer if the court determines that an action brought by an employee under this act was without basis in law or in fact. However, an employee shall not be assessed attorneys' fees under this section if, after exercising reasonable and diligent efforts after filing a suit, the employee files a voluntary dismissal concerning the employer within a reasonable time after determining that the employer would not be found to be liable for damages.
5. Nothing in this act shall be deemed to diminish the rights, privileges, or remedies of any employee under any other federal or State law or regulation or under any collective bargaining agreement or employment contract; except that the institution of an action in accordance with this act shall be deemed a waiver of the rights and remedies available under any other contract, collective bargaining agreement, State law, rules or regulation or under the common law.
6. Any employee who wishes to report an alleged violation of this Act shall submit that complaint, in writing, to the Deputy Superintendent.

N.J.S.A. 34:19-7

4/90

Revised :1/29/02