

ARIZONA Department of Emergency and Military Affairs POLICY LETTER	POLICY LETTER NO. 10.19	
	DATE 29 FEB 2012	OPR NGAZ-SJA
SUBJECT: Whistleblower and Anti-Reprisal Policy	REGULAR POLICY LETTER DISTRIBUTION (POLICY LETTER 10.01)	

- References:
- (a) 10 U.S.C. § 38-531, Military Whistleblower Protection Act
 - (b) 5 U.S.C. § 2302, Prohibited Personnel Practices
 - (c) 31 U.S.C. § 3730, Anti-Retaliation, False Claims Act
 - (d) 29 U.S.C. § 660, Anti-Retaliation, Occupational Health & Safety Act
 - (e) DODD 7050.06, "Military Whistleblower Protection," July 23, 2007
 - (f) DODD 5500.7-R, "Joint Ethics Regulation (JER)," March 23, 2006
 - (g) A.R.S. § 38-531, *et seq.*, Arizona State Whistleblower Protection

PURPOSE:

1. This policy, coupled with applicable regulations and instructions, constitutes the Whistleblower Protection Policy for members of the Arizona Department of Emergency and Military Affairs (AZ DEMA).

APPLICABILITY:

2. This policy applies to all members of AZ DEMA, to include Arizona National Guard military service members in any status, as well as all federal and state civilian technicians assigned to AZ DEMA.
3. This policy does not apply to claims of reprisal arising from statutes or regulations addressing unlawful discrimination. Claims of reprisal based upon discrimination concerns are addressed by separate regulations and policy.

POLICY:

4. It is the policy of AZ DEMA to ensure compliance with the United States and Arizona Constitutions, as well as applicable laws and regulations governing (1) fraud, waste and abuse; (2) health and safety; and/or (3) criminal activity. To that end, members of AZ DEMA are encouraged and expected to report suspected violations of any of the above to the respective member's immediate Chain of Command. If circumstances make it impossible or clearly impractical to use his/her immediate Chain of Command, the member may make the report to successively higher members in the Chain of Command, up to and including the Adjutant General. Nothing in this paragraph is meant to limit a member's right to report alleged misconduct to the Inspector General, to a Member of Congress, or, in the case of state employees, to a Public Body pursuant to applicable state statutes.
5. AZ DEMA has a zero tolerance policy toward reprisal. No person shall restrict a member of AZ DEMA from reporting in good faith a violation of any of the above. No person may take or threaten to take an unfavorable personnel action, or withhold or threaten to withhold a favorable personnel action, in reprisal against any member of AZ DEMA for making a good faith report of suspected misconduct.
6. Allegations brought to the attention of AZ DEMA, including allegations of reprisal in violation of this policy, will be investigated through appropriate state, federal, or military channels within AZ DEMA. The investigating authority within AZ DEMA will make an initial inquiry to determine whether there is sufficient evidence to support a formal investigation of the allegations.

7. Only good faith reports of alleged misconduct are protected by this policy. Reports are made in good faith when the member making the report has a reasonable belief that the allegations are accurate, even if the allegations are ultimately found to be unsubstantiated. Allegations that are not made with a reasonable belief of their accuracy or those that are clearly made for an improper purpose (such as to unjustly defame another member of AZ DEMA) are not made in good faith. In addition, although members are encouraged to make good faith reports, members are expected to adhere to acceptable standards of civility and respect for superiors when communicating the report of alleged misconduct.

8. The point of contact reference this policy is MAJ Scott A. Blaney at 602-267-2669.



HUGO E. SALAZAR
Major General, AZ ARNG
The Adjutant General

DEFINITIONS APPLICABLE TO THIS POLICY

1. Chain of Command. Includes, for purposes of this policy, not only the succession of commanding officers from a superior to a subordinate through which command is exercised, but also the succession of officers, enlisted members or civilian personnel through whom administrative control is exercised, including supervision and rating of performance.

2. Member. All employees of AZ DEMA, including federal dual status technicians and non-dual status technicians, state employees, and all military service members in the Arizona National Guard, regardless of status.

3. Personnel Action. Any action taken on a member of AZ DEMA that affects, or has the potential to affect, that member's current position or career. Such actions include but are not limited to: (1) a promotion; (2) a disciplinary or other corrective action; (3) a transfer or reassignment; (4) a performance evaluation; (5) a decision on pay, benefits, awards, or training; (6) referral for mental health evaluations under DoD Directive 6490.1; (7) hiring, reinstatement, restoration, or elimination of the member's position without a reduction in force by reason of lack of monies or work; and (7) any other significant change in duties or responsibilities inconsistent with the AZ DEMA member's grade or position.

4. Public Body. As to state employees, means: (1) the Arizona Attorney General; (2) the Arizona Legislature; (3) the Governor of Arizona; (4) a federal, state or local law enforcement agency; or (5) the County Attorney (see A.R.S. §§ 38-531, 532).

5. Reprisal. Taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action because a member of AZ DEMA reported or prepared to report allegations of misconduct pursuant to this policy.