

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE repealing subsections 7401.2., 7405.4., and 7406.5., Jackson County Code, 1984, relating to protections against retaliation for complaints, cooperating with complaint investigations, and amending the discretionary authority to decline a complaint and enacting, in lieu thereof, three new subsections relating to the same subject.

ORDINANCE NO. 5967, March 10, 2025

INTRODUCED BY Sean E. Smith, County Legislator

BE IT ORDAINED by the County Legislature of Jackson County, Missouri as follows:

Section A. Enacting Clause. Sections 7401.2., 7405.4., and 7406.5., Jackson County Code, 1984, are hereby repealed and three new subsections enacted in lieu thereof, to be known as section 7401.2., 7405.4., and 7406.5., to read as follows:

7401.2 Definitions

a. "Act of an Agency" shall mean any action, decision, failure to act, omission, rule, regulation, interpretation, recommendation, policy, practice, or procedure of any agency of the county.

b. "Adverse Action" shall mean any action that would dissuade a reasonable person from reporting a suspected violation or participating in an investigation, including but not limited to adverse employment actions, harassment, intimidation, coercion, or creating a hostile work environment, and threats or actions that interfere with an individual's business, contractual, or professional relationships with the County.

c. "Adverse Employment Action" shall mean termination, demotion, suspension, reduction in pay, reassignment to a less favorable position, the denial of a promotion, negative

performance evaluations or changes in work conditions that materially affect employment, and any other action that significantly impacts an individual's employment conditions, status, or professional opportunities.

[b]d. "Agent" or "Agency" shall mean any officer, employee, department, office, board, commission, council, committee, or other governmental institution of Jackson County.

[c]e. "Charter" shall mean the Constitutional Home Rule Charter of Jackson County.

[d]f. "Citizen Complaints" shall identify the office specifically as an ombudsman institution. As used herein, an "Ombudsman" is an independent official of county government who receives complaints against county agencies and officials from aggrieved persons, who investigates the complaints and who, if the complaints[,] are justified, makes recommendations to remedy or resolve the complaints.

[e]g. "Commission" shall mean the seven member citizen commission which selects and advises the director, as defined in article X of the charter.

[f]h. "Contractor" shall mean any individual, partnership, corporation, association, or other entity or a combination of the foregoing which enters into a contract with the county.

[g]i. "County" shall mean Jackson County, Missouri, and, specifically, all agents and agencies subject to the Jackson County Home Rule Charter, unless otherwise exempted by law.

[h]j. "Director" shall mean the director of OEHRCC, as defined in article X, sections 2 and 3 of the charter; the county ombudsman.

[i]k. "Discrimination" shall mean any act or practice which discriminates or segregates on the basis of race, color, religion, national origin, creed, gender, disability, political activity or lack thereof, union membership or non-membership, age, pregnancy status, sexual orientation, gender identity, marital status, familial status, veteran status, or any other class protected under federal or state law.

[j]l. "Executive" shall mean the Jackson County Executive, who is the chief executive officer of Jackson County, elected by vote of the citizens of Jackson County.

[k]m. "Human Relations" shall include, but not be limited to, issues creating tensions, discrimination, or affecting the quality of interpersonal relations which may exist between individuals or groups of people of diverse circumstances. In the context of the charter, the term connotes the civil rights and civil liberties of individuals and groups and includes relations between citizens in the county as well as between citizens and their government.

[l]n. "Legislature" shall mean the Jackson County Legislature, as defined by article II of the charter.

[m]o. "Office" shall mean the Office of Ethics, Human Relations and Citizen Complaints and may be abbreviated "OEHRCC."

[n]p. "Person" shall mean any individual or aggregate of individuals, corporation, partnership, or unincorporated association residing or located within the boundaries of Jackson County and/or employed or doing business therein.

q. "Protected Activity" shall mean

(1) reporting in good faith a violation or suspected violation of this Chapter, other county policies, or any applicable law or regulation.

(2) Participating in good faith in any investigation, proceeding, or hearing related to an actual or suspected violation.

r. "Retaliation" shall mean to taking or threatening to take any adverse action against someone for participating in a protected activity as defined in this section.

7405.4 Discretionary Power to Decline Complaint.

a. Grounds for Declination.

OEHRCC has the discretion to decline a complaint without investigation when:

(1) There is presently available another adequate remedy which the complainant could reasonably be expected to utilize;

(2) The complaint is primarily related to matters beyond OEHRCC's jurisdiction and power;

(3) The complaint has been so long delayed that an investigation could produce no adequate remedy;

(4) OEHRCC has inadequate resources to investigate, or is already preoccupied with other complaints considered priorities for attention;

(5) The complaint is so general, unspecific, trivial, or in such bad faith, that a remedy cannot be identified or reasonably obtained; [or]

(6) The complainant is unwilling to cooperate or will not provide information available only to the complainant and necessary to the investigation.

(7) The complainant behaves in a manner that is abusive, threatening, or discriminatory towards OEHRCC commissioners, staff, or other county employees; or

(8) The complaint originates from a person who is not a resident or taxpayer of Jackson County, Missouri.

7406.5 [Sanctions] Complainant Protection

[No citizen or county employee who files a complaint to OEHRCC shall be subject to any administrative penalties, sanctions, or restrictions imposed by any county agency, in connection with that person's dealings or employment with any county agency.]

No person, county official, associate, contractor, volunteer, agent, or individual engaging with the county in a professional capacity shall be subject to any retaliation as a result of their dealings with OEHRCC.

a. The protections described in this section apply only if the person, official, associate, contractor, volunteer, agent, or individual acts in good faith when reporting a suspected violation. Good faith means having a reasonable basis for believing that the conduct reported constitutes a violation, even if it is ultimately determined that no violation occurred. Unsubstantiated reports made in good faith remain protected under this section. Reports that are knowingly false or made with reckless disregard for the truth are not protected and may result in disciplinary action.

b. Nothing in this section shall affect independent investigations by other county departments or agencies. The protections in this section shall not apply to those who are the subject of the complaint or investigation in question.

Effective Date: This Ordinance shall be effective immediately upon signature by the County Executive.

APPROVED AS TO FORM:

Bryan Covinsky
Bryan Covinsky (Mar 6, 2025 09:45 CST)
County Counselor

I hereby certify that the attached ordinance, Ordinance No. 5967 introduced on March 10, 2025, was duly passed on _____, 2025 by the Jackson County Legislature. The votes thereon were as follows:

Yeas _____

Nays _____

Abstaining _____

Absent _____

This Ordinance is hereby transmitted to the County Executive for his signature.

Date

Mary Jo Spino, Clerk of the Legislature

I hereby approve the attached Ordinance No. 5967.

Date

Phil LeVota, County Executive