



Courts Provide Employers With Whistleblower Lessons

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In the past week, a federal appeals court and a state appeals court ruled on separate Oregon whistleblower cases, offering lessons for attentive employers on how to properly deal with such situations.

“Whistleblower” is one of those emotionally charged terms that send shivers down the spines of most employers; many are concerned that the mere specter of a whistleblower claim could cause tremendous exposure and horrific results. Some unscrupulous employees are aware of this and proceed to toss about whistleblower status as though it casts a magic shield that protects them from any scrutiny or discipline.

These two cases offer some practical guidance for employers, and hopefully alleviate the fear generated by whistleblowers. They also provide reminders that caution should be exercised when working with whistleblowers.

In the first case, from the federal 9th Circuit Court of Appeals, the Portland Police Bureau was the defendant employer. Former recruit Lindsay Hunt filed a whistleblower lawsuit after resigning from her job. She claimed she was forced out after facing the wrath of her superiors when she reported misconduct by her supervisor.

The second case, from the Oregon Court of Appeals, also involved law enforcement – this time a deputy sheriff sergeant from Lake County. Stephen Lucas was a manager for the county jail in Lakeview, and was responsible for much of the conduct that occurred in the facility. He investigated a troubling incident in which a deputy under his supervision may have required a female inmate to engage in sexual relations in exchange for contraband tobacco. After determining to his own satisfaction that the incident occurred, he reported this misconduct in the presence of his superior to the employer’s insurance representative.

Both cases offer lessons to employers of what to do – and what not to do – when an employee decides to blow the whistle on some perceived problem. Although employers should rightfully feel apprehensive when disciplining a whistleblowing employee, they should feel confident about their actions as long as they are doing so as consistently as they would with any other employee, and only after independently confirming that the action needs to be addressed.

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