

2/22/2016



Dear Senator Prozanski and Members of the Judiciary Committee,

I am writing to express thoughts and concerns about the impact of HB4067 on nonprofits such as MountainStar Family Relief Nursery located in Bend, Madras and Prineville. We are a 501c3 nonprofit focused on preventing child abuse and neglect in Central Oregon through community support and therapeutic services including high-quality early childhood classes, home visiting, free mental health services and supervised visits. Oregon Relief Nurseries serve very high-risk children ages 0-5 in 20 communities and have been documented by Portland State University to reduce child maltreatment by 70% after just 6 months of services. Furthermore Relief Nurseries serve more children by raising an extra \$1 for every \$1 of state funding and 119,000 hours of volunteer time. I have been Executive Director at MountainStar for the last 15 years.

My concern is that including nonprofits in this whistle blower legislation may have unintended consequences, conflict with other regulations that apply to our workplace and, most importantly, is being rushed through the legislative process without adequate opportunity for public review and comment. There are already whistle blower protections in place through Sarbanes Oxley. Here at MountainStar we have protections for whistle blowers through various contracts and agreements that fund our work. Nonprofit boards are responsible for ensuring good governing policies are in place which include a whistle blowing policy. Their progress is documented on the 990 federal tax reports which can be found on the web at sites like GuideStar.org. I have attached our whistle blower policy as an example of what many nonprofits already have in place.

Most of my colleagues in nonprofits are not aware that the proposed legislation includes nonprofits much less may dramatically affect the way we do business. I am asking that this legislation be stopped or references to nonprofits be eliminated. Fortunately, MountainStar is a member of the Nonprofit Association of Oregon who has time and resources to understand how legislation impacts the nonprofit sector and allows me to stay focused on the business at hand – fulfilling our mission while staying in business.

Sincerely,

Tim Rusk, Executive Director

WHISTLEBLOWER POLICY

This corporation seeks to conduct all of its activities in a responsible, legal and ethical manner. All officers, directors, employees and volunteers of this corporation must practice integrity and honesty in fulfilling their responsibilities and must comply with all applicable laws and regulations. The purpose of this Whistleblower Policy is to provide a mechanism to report irresponsible, illegal or unethical behavior.

Whistleblower Complaints

If an officer, director, employee or volunteer should discover information leading him or her to believe that a serious wrongdoing or illegal or unethical behavior has occurred in this corporation, he or she shall report this information to the President of the Board. If the President of the Board is not available or is implicated in the wrongdoing, he or she shall report the information to another Board officer.

The President or Board officer shall conduct an investigation. Reports of violations will be kept confidential to the extent possible, consistent with the need to conduct an investigation. Appropriate corrective action will be taken if warranted by the investigation.

No Retaliation

1. The corporation's policy is to protect from retaliation and discrimination any person who in good faith:

(a) refused to participate in any federal, state or local offense; reported to law enforcement or other officials any information that the person believed to be evidence relating to the commission or possible commission of any federal, state or local offense; or initiated, testified or aided in proceedings related to the above.

(b) initiated or aided in civil proceedings;

(c) refused to engage in a violation of a governmental administrative regulation; reported any information related to a violation of governmental administrative regulation; or commenced, testified at, aided or participated in a governmental adjudicatory proceeding;

(d) refused to engage in or attempted to stop fraud against, gross waste of or abuse of authority by the government; or

(e) reported other information about wrongdoing, illegal or unethical behavior pursuant to this Policy.

An officer, director, employee, or volunteer of this corporation shall not, with intent to retaliate or discriminate, take any action harmful to any person described above, including interference with the lawful employment or livelihood of any person.

2. In the event that an officer, director, employee, or volunteer intends, for any reason, to take any action harmful to any person who has acted as described above, the officer, director, employee, or volunteer must obtain the approval for such action from the board of directors prior to taking action. Such approvals must be obtained even if the officer, director, employee, or volunteer believes that the person who provided information to the law enforcement officer or other official provided untruthful information.