



Accountable NoRo

Letter and Proposed Draft Ordinance on Whistleblower Protection Legislation

May 7, 2026



Accountable NoRo

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May 7th, 2026

To: Mayor Paul Marnecheck, Council President, Dr. Gorjanc, Members of North Royalton City Council, and City Administration
North Royalton City Hall
14600 State Road
North Royalton, Ohio 44133

Re: Proposed Whistleblower Protection and Anti-Retaliation Ordinance for the City of North Royalton

Dear Mayor, Council President, Council Members, and City Administration:

On behalf of **Accountable NoRo**, we respectfully submit the attached **draft Whistleblower Protection and Anti-Retaliation Ordinance** for your review and consideration.

Accountable NoRo is a North Royalton civic advocacy organization focused on government accountability, public transparency, and ensuring that the voices and values of North Royalton residents are heard and respected. Our organization has worked to encourage honest government, lawful administration, and public confidence in the institutions that serve this community. More information about our organization can be found at **www.AccountableNoRo.com**.

We are providing this proposed ordinance because recent events have made clear that North Royalton would benefit from a more defined local framework for protecting employees and officials who report suspected wrongdoing in good faith. While Ohio law



provides certain whistleblower protections, and federal law offers limited protections in specific contexts, the City currently appears to lack a clear local ordinance tailored to municipal operations, internal reporting, anti-retaliation safeguards, and protected evidence handling.

The attached draft is intended to supplement existing Ohio and federal law, not conflict with it. Its purpose is to provide North Royalton with a practical and legally grounded local process that:

- encourages good-faith reporting of suspected misconduct, corruption, record falsification, abuse of authority, and threats to public safety;
- prohibits retaliation against city employees and officials who make protected disclosures;
- establishes clearer reporting channels and independent review mechanisms; and
- creates lawful procedures for protected evidence handling so that employees can preserve and report wrongdoing without unnecessary risk of retaliation.

Our hope is that this proposal will be received in the spirit in which it is offered: as a constructive effort to strengthen public trust, improve accountability, and protect the integrity of North Royalton's government.

We welcome the opportunity to discuss this proposal further, answer questions, or provide additional supporting materials.

Respectfully,

Nicolle Cruse

Community Leader on behalf of **Accountable NoRo**

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PROPOSED DRAFT CITY ORDINANCE

Proposed draft North Royalton ordinance written to supplement, not conflict with, Ohio law. It is built around three anchors:

- North Royalton’s charter and Ohio home-rule authority,
- Ohio Revised Code § 4113.52’s existing whistleblower protections and procedures, and
- practical local-government features drawn from public-sector models like Cuyahoga County and Portland.

The most important addition is the **Protected Evidence Handling** section. That section is designed to help an employee preserve and report evidence of wrongdoing **without turning the ordinance into blanket immunity for unauthorized disclosure of confidential records**. It gives a protected channel, requires minimization and confidentiality, and makes clear that the ordinance does not authorize violations of state or federal confidentiality laws, criminal evidence rules, LEADS/CJIS restrictions, court orders, or privileged records rules. That is the part most likely to matter in a police-report or internal-records dispute.

Drafting notes for Council and counsel

The strongest feature here is Section 9. It is written to protect someone who preserves or submits evidence of suspected wrongdoing through a secure channel, while still allowing the City to enforce real confidentiality rules where the asserted violation is genuine and not retaliatory. That tries to solve the exact problem public-sector whistleblower laws often miss. It also fits with ORC 4113.52’s structure, which protects reports and related efforts to ensure accuracy, while leaving room for discipline where there was no reasonable good-faith basis.

We suggest placing this in **Part Two – Administration Code** as a new chapter, and we would pair it with an administrative policy naming the

- initial Whistleblower Officer, the
- secure submission method, the
- hearing body, and the
- retention protocol for protected evidence.



It is our understanding that North Royalton’s charter gives Council authority to carry home-rule powers into effect by ordinance, and the City’s Charter also states that the municipality has all powers of local self-government granted by the Constitution or laws of Ohio.

This is legal drafting help, not legal advice. Accountable NoRo urges city council to review it for consistency with public-records law, criminal-justice information restrictions, collective bargaining agreements, civil service procedures, and any department-specific evidence rules.

The draft ordinance follows:



Proposed Ordinance

ORDINANCE NO. ____

AN ORDINANCE ENACTING CHAPTER ___ OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, OHIO, ESTABLISHING A WHISTLEBLOWER PROTECTION AND ANTI-RETALIATION CODE

Section 1. Title.

This Chapter shall be known and may be cited as the **North Royalton Whistleblower Protection and Anti-Retaliation Ordinance**.

Section 2. Findings and Purpose.

The Council finds that:

A. The City of North Royalton possesses authority under its Charter and the home-rule provisions of the Ohio Constitution to adopt ordinances for local self-government that do not conflict with general laws.

B. Ohio Revised Code § 4113.52 provides whistleblower protections for state and local officials and employees, but local procedures and additional municipal safeguards are necessary to encourage good-faith reporting, protect lawful evidence preservation, and prevent retaliation.

C. The public interest is served when City employees, officials, and other covered persons may report suspected unlawful conduct, fraud, misuse of public resources, abuse of authority, falsification of records, obstruction, corruption, and threats to public health or safety without fear of retaliation.

D. The purpose of this Chapter is to encourage lawful reporting, protect good-faith whistleblowers and participants, provide fair local procedures, protect lawful evidence handling through secure channels, and supplement rights and remedies available under Ohio and federal law.

Section 3. Construction.

A. This Chapter shall be liberally construed to protect good-faith reporting and participation.

B. This Chapter is intended to **supplement and not diminish** any right, claim, procedure, defense, or remedy available under Ohio Revised Code § 4113.52, 42 U.S.C. § 1983, 42



U.S.C. § 2000e-3, 31 U.S.C. § 3730(h), any collective bargaining agreement, civil service law, due process right, or any other applicable law.

C. Nothing in this Chapter shall be interpreted to authorize conduct prohibited by state or federal law, including unlawful release of protected criminal justice information, medical records, sealed records, privileged material, or evidence subject to court order or statutory confidentiality.

Section 4. Definitions.

For purposes of this Chapter:

A. **Adverse action** means any action or threatened action that would deter a reasonable person from making a protected disclosure or participating in a protected activity, including discharge, suspension, demotion, transfer, reassignment, reduction in pay, loss of overtime, denial of promotion, undesirable scheduling, denial of training, formal discipline, harassment, intimidation, coercion, hostile treatment, blacklisting, materially false accusations, or interference with job duties.

B. **Covered person** means any City employee, probationary employee, part-time employee, seasonal employee, appointed officer, board or commission member, volunteer acting on behalf of the City, applicant for City employment, and any contractor or agent of the City to the extent expressly stated in this Chapter.

C. **Good faith** means a reasonable belief, honestly held, based on facts known or reasonably available at the time, that the reported conduct occurred, is occurring, or is likely to occur.

D. **Protected disclosure** means any oral or written report, complaint, statement, testimony, interview, document submission, evidence preservation act, or cooperation concerning conduct that the covered person reasonably believes involves:

1. a violation of federal, state, or local law, ordinance, rule, regulation, or court order;
2. fraud, theft in office, misuse or misappropriation of public funds or property;
3. falsification, concealment, destruction, or alteration of public records or evidence;
4. abuse of authority, corruption, gross mismanagement, gross waste, misfeasance, or malfeasance;
5. obstruction of an investigation or direction to make a false or misleading statement;



6. retaliation against another whistleblower or witness; or
7. a substantial, specific, or imminent risk to public health or safety.

E. Protected activity includes making a protected disclosure, seeking advice about making a disclosure, refusing to participate in conduct reasonably believed to be unlawful, preserving evidence in accordance with Section 9 of this Chapter, cooperating with an internal or external investigation, testifying, or assisting another covered person in making a protected disclosure.

F. Whistleblower Officer means the official designated by Council under Section 6 of this Chapter, or the independent designee appointed when required by this Chapter.

Section 5. Persons Protected.

A. A covered person shall be protected under this Chapter when acting in good faith.

B. Protection applies whether the protected disclosure or protected activity occurs:

1. within ordinary job duties;
2. outside ordinary job duties;
3. inside or outside the employee's chain of command; or
4. before, during, or after separation from City employment, provided the underlying events arose from City service or City business.

C. Protection applies even if the underlying allegation is not substantiated, unless the report was knowingly false or made with reckless disregard for the truth.

Section 6. Reporting Channels and Intake.

A. The City shall maintain multiple reporting channels, including:

1. immediate supervisor;
2. department head;
3. Director of Human Resources;
4. Law Director;
5. Mayor;
6. Council President;



7. a confidential reporting email or hotline designated by ordinance or administrative rule; and
8. an independent outside investigator or public agency when authorized by this Chapter or applicable law.

B. If the report concerns the supervisor, department head, Mayor, Law Director, police command staff, fire command staff, or any person in the reporting chain, the covered person may bypass that chain and report directly to any alternate channel listed above.

C. A recipient of a verbal complaint shall promptly create a written intake record identifying, to the extent known:

1. date and time received;
2. identity of recipient;
3. identity of complainant, unless anonymous;
4. nature of the allegations;
5. any immediate preservation needs;
6. any safety risks; and
7. any apparent confidentiality concerns.

D. Any recipient of a whistleblower complaint shall forward the intake record and any associated materials to the Whistleblower Officer within **five business days**.

E. The City shall permit anonymous reports. An anonymous reporting person may later identify himself or herself for purposes of claiming retaliation protection.

Section 7. External Reporting.

A. Nothing in this Chapter prohibits a covered person from making a report to an outside public authority when authorized by law, including the Auditor of State, a prosecutor, law enforcement agency, regulatory body, inspector general, civil rights agency, or court.

B. The City shall not discipline a covered person for using an external channel that is authorized by law or reasonably necessary because internal reporting would be futile, compromised, unsafe, or likely to result in concealment, destruction of evidence, or retaliation.



C. To the extent Ohio Revised Code § 4113.52 imposes procedural requirements for a state-law cause of action, this Chapter shall not be construed to alter those statutory requirements.

Section 8. Anti-Retaliation.

A. No City official, employee, appointing authority, supervisor, or agent shall take or threaten any adverse action against a covered person because of protected activity.

B. Retaliation is prohibited even if:

1. the underlying report is not substantiated;
2. the report is embarrassing to the City or a department;
3. the report concerns a superior officer or elected official; or
4. the protected activity occurred as part of the covered person's job duties.

C. Each retaliatory act shall constitute a separate violation of this Chapter.

D. Interference, intimidation, coercion, pressure not to report, pressure to alter a statement, pressure to withhold evidence, or pressure to submit misleading records shall constitute retaliation or attempted retaliation.

Section 9. Protected Evidence Handling.

A. **Purpose.** This Section creates a lawful municipal procedure for preserving and submitting evidence related to a protected disclosure while minimizing unnecessary dissemination of confidential or restricted information.

B. **Protected preservation and submission.** A covered person engages in protected activity when, in good faith and for the purpose of making or supporting a protected disclosure, the covered person:

1. preserves evidence from alteration, destruction, or concealment;
2. documents the existence, time, location, or metadata of relevant records or materials;
3. submits evidence through an authorized channel under this Chapter; or
4. provides evidence to an outside public authority when authorized by law.



C. Minimization. Evidence handling is protected only to the extent reasonably necessary to report, preserve, or prove the suspected wrongdoing. Covered persons shall, where practicable:

1. use the least-disclosive method available;
2. avoid unnecessary copying;
3. redact nonessential personal identifiers when lawful and feasible;
4. limit disclosure to authorized recipients; and
5. preserve original chain-of-custody information.

D. Secure channels. The City shall create at least one secure method for confidential evidence submission, which may include sealed submission to the Law Director, Human Resources Director, Council President, or an outside investigator designated under this Chapter.

E. No blanket immunity. This Section does not authorize:

1. public release of confidential or restricted records unless otherwise authorized by law;
2. disclosure of materials protected by attorney-client privilege, grand jury secrecy, court order, medical-record statutes, sealed-record statutes, or criminal-justice data restrictions;
3. alteration, fabrication, deletion, or destruction of evidence;
4. removal of physical evidence from lawful custody except as authorized by law; or
5. access to records or systems the person is not otherwise authorized to access.

F. Good-faith safe harbor. A covered person shall not be disciplined under City policy solely for the manner of preserving or transmitting evidence if the covered person proves by a preponderance of the evidence that:

1. the action was taken in good faith;
2. the action was reasonably necessary to preserve, verify, or report suspected wrongdoing;
3. the covered person substantially complied with minimization and confidentiality duties; and



4. no less-disclosive, reasonably available protected channel was adequate under the circumstances.

G. Pretext rule. The City may discipline a covered person for an actual, material, and independently provable violation of a lawful confidentiality or evidence-handling rule, but such rule violation shall not justify discipline if the asserted basis is a pretext for retaliation. In determining pretext, the reviewing body may consider whether:

1. the City had an available secure reporting channel;
2. the person used or attempted to use that channel;
3. similarly situated employees were treated differently;
4. the timing of discipline followed closely after protected activity; or
5. the evidence-handling conduct was reasonably tied to preservation of proof of wrongdoing.

H. Mandatory preservation notice. Upon receipt of a whistleblower complaint involving records, reports, digital logs, CAD entries, body-camera data, emails, text messages, dispatch recordings, personnel records, or investigative materials, the Whistleblower Officer shall issue a written litigation-hold or preservation notice to the appropriate custodians when reasonably necessary.

Section 10. Review and Investigation.

A. The Whistleblower Officer shall acknowledge receipt of a complaint within **five business days** when the complainant is known.

B. The Whistleblower Officer shall make an initial screening determination within **ten business days**.

C. Complaints involving the Mayor, Law Director, Police Chief, Fire Chief, command staff, the Human Resources Director, or any person with authority over the Whistleblower Officer shall be referred to an **independent outside investigator** appointed by Council or its designee.

D. The investigating authority shall have access, consistent with law, to relevant City records, witnesses, and systems needed to assess the complaint.

E. The City shall make reasonable efforts to complete investigations within **sixty days**, subject to extension for good cause stated in writing.



F. The investigating authority shall prepare written findings, including:

1. scope of complaint;
2. evidence reviewed;
3. findings of fact;
4. determination whether retaliation occurred;
5. corrective action recommendations; and
6. whether referral to an outside public authority is appropriate.

Section 11. Confidentiality.

A. The City shall make reasonable efforts to protect the identity of a complainant, witness, and evidence source to the fullest extent permitted by law.

B. Confidentiality shall not be promised in absolute terms. The City may disclose information as necessary to conduct an investigation, comply with due process, respond to public-records requests as required by law, comply with court process, or fulfill a legal duty.

C. Any person receiving protected evidence or a protected disclosure shall safeguard it from unnecessary dissemination.

Section 12. Hearing and Remedies.

A. A covered person alleging retaliation under this Chapter may file a written retaliation complaint with the body designated by ordinance, which may be:

1. the Civil Service Commission if jurisdiction exists;
2. a hearing officer appointed by Council; or
3. a Whistleblower Review Panel created by ordinance.

B. The filing of a local retaliation complaint under this Chapter shall not waive rights under state or federal law unless an explicit written settlement provides otherwise.

C. Upon a finding of retaliation, the reviewing body may order:

1. cessation of retaliatory conduct;
2. reinstatement;



3. restoration of rank, seniority, shift, benefits, overtime eligibility, and assignment;
4. back pay and lost benefits;
5. removal or expungement of retaliatory discipline from personnel files;
6. attorney's fees and costs under this Chapter where authorized by ordinance;
7. training, monitoring, or discipline of retaliating officials; and
8. any other equitable relief authorized by law.

D. The reviewing body may also recommend referral to an outside agency where criminal conduct, ethics violations, civil-rights violations, or fraud is reasonably indicated.

Section 13. Burden of Proof.

A. A complainant establishes a prima facie retaliation claim by showing:

1. protected activity;
2. an adverse action; and
3. facts supporting a reasonable inference that the adverse action was motivated, in whole or in part, by the protected activity.

B. The burden shall then shift to the City to prove by a preponderance of the evidence that it would have taken the same action for legitimate, non-retaliatory reasons independent of the protected activity.

C. In cases involving Section 9, the City bears the burden of proving that any asserted confidentiality or evidence-handling violation was not pretextual.

Section 14. False Reports and Bad Faith.

A. This Chapter does not protect knowingly false statements, fabricated evidence, or reports made in bad faith or with reckless disregard for the truth.

B. A finding that a report was unsubstantiated, mistaken, incomplete, or unsupported by sufficient proof shall not alone establish bad faith.

Section 15. Notice, Training, and Policy Publication.

A. The City shall publish this Chapter in employee handbooks, policy manuals, and electronic policy repositories.

B. Annual training shall be provided to supervisors, command staff, and employees on:



1. reporting channels;
2. anti-retaliation obligations;
3. evidence preservation and Section 9 procedures;
4. confidentiality limits; and
5. interaction with Ohio Revised Code § 4113.52 and other applicable law.

C. Police, fire, EMS, dispatch, and records personnel shall receive additional training tailored to criminal-justice records, evidence handling, and chain-of-custody issues.

Section 16. Coordination with Other Law.

A. Nothing in this Chapter shall be construed to impair lawful labor-management rights, Peace Officer Bill of Rights protections if any, Garrity rights, Loudermill rights, civil-service protections, or criminal procedure rules.

B. Nothing in this Chapter shall be interpreted to shorten any deadline or narrow any remedy available under Ohio Revised Code § 4113.52 or federal law.

C. To the extent a conflict exists between this Chapter and a mandatory provision of general law, the mandatory provision of general law shall control, and the remainder of this Chapter shall remain in effect.

Section 17. Severability.

If any section, subsection, sentence, clause, or phrase of this Chapter is held invalid, the remaining portions shall remain in full force and effect.

Section 18. Effective Date.

This Ordinance shall take effect and be in force at the earliest date permitted by law.