



ADMINISTRATIVE POLICY MANUAL

SUBJECT: RULES OF PERSONAL CONDUCT AND RESPONSIBILITY Small Entity Protection from Retaliation	<i>Chapter:</i> 11
	<i>Section:</i> 11.29
REFERENCES: Missouri Small Business Regulatory Fairness Board (Section 536.010-536.328 RSMo)	<i>Page:</i> 1 of 2
	<i>Revised:</i> 05-15-14

SMALL ENTITY PROTECTION FROM RETALIATION

PURPOSE:

To define and establish a departmental policy prohibiting retaliation against small entities (such as small businesses and not-for-profits).

SCOPE:

This policy applies to all Department of Health and Senior Services (DHSS) employees who interact with small entities regulated by the department. This includes, but is not limited to, employees who inspect facilities, issue licenses and/or permits, administer funding, perform regulatory enforcement actions, or administer contracts.

DEFINITION:

Retaliation occurs when a DHSS employee treats a small entity negatively in response to questions, concerns or complaints raised by the small entity regarding DHSS policies, procedures and/or actions. Examples of such negative treatment include, but are not limited to, the following:

1. Taking more stringent regulatory enforcement actions against a small entity than are appropriate based on federal and state laws, federal and state rules and regulations, and DHSS policies and procedures; and
2. Denying a small entity a permit, license, or other form of certification the department otherwise would have issued.

POLICY:

DHSS is committed to maintaining an environment in which small entities and other participants in department programs are free to ask questions, raise concerns, or lodge complaints about department actions or policies without fear of retaliation. DHSS employees are prohibited from taking any retaliatory action against a small entity. DHSS will examine any allegations of retaliation, and—if substantiated—will take appropriate corrective action. However, while DHSS will examine any allegation of retaliation, a complaint will not delay or stop any legal or administrative proceedings underway that are part of the department's ongoing responsibility to enforce federal and state laws, rules, and regulations.



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REMEDIAL ACTION:

Remedial action will be taken to remove any form of retaliation. Violations of this policy may result in disciplinary action up to and including dismissal from employment.

Prepared By:

Approved By:

Director, Division of Administration

Director, Department of Health and
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