




# City of Olympia Administrative Guidelines

<b>GUIDELINE #27</b> <b>Whistleblower Protection</b>	
<b>EFFECTIVE DATE:</b> September 1, 1993	<b>PREPARED BY:</b> Human Resources Department
<b>REVISED:</b> <b>SUPERSEDED:</b>	<b>APPROVED BY:</b>   <hr/> <b>Steven R. Hall</b> City Manager

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## Administrative Guideline #27 – Whistleblower Protection

### 27 Whistleblower Protection:

**27.1. PURPOSE:** The purpose of this policy is three-fold. First, it encourages reporting of improper governmental action. Second, it protects employees who report improper governmental action from retaliation, and third it protects City interests by encouraging that improper actions be first reported within City government so that issues can be resolved internally.

**27.2. REFERENCE:** Local Government Employee Whistleblower Protection Act, Chapter 44, Laws of 1992.

**27.3. APPLICATION:** This Administrative Guideline applies to all individuals employed by the City of Olympia.

**27.4. POLICY:** The City encourages employees to report improper governmental actions and will protect employees against retaliatory employment actions when the reports are made in compliance with this policy and related guidelines. City employees and officials are prohibited from taking retaliatory action against an employee in the event the employee has, in good faith, reported alleged improper governmental action in accordance with this policy and related guidelines.

### **27.5. GUIDELINES:**

**27.5.1. DEFINITIONS:** As used in this policy and guidelines, the following terms shall have the meanings indicated:

- a. "Improper governmental action" means any action by a City officer or employee.
  - 1. That is undertaken in the performance of official duties, whether or not the action is within the scope of the employee's job; and
  - 2. That is in violation of any federal, state or local law or rule; is an abuse of authority; is of substantial and specific danger to the public health or safety; or is a gross waste of public funds.
- b. "Retaliatory actions" means any adverse change in employment status or in the terms and conditions of employment.
- c. "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property.

*"Improper governmental action" does not include personnel actions.*

**27.5.2. REPORTING:** Employees who become aware of actions they believe constitute improper governmental action should raise the issue first with their supervisor.

- a. Where the employee reasonably believes the improper governmental action involves the supervisor, the employee may raise the issue directly with the department director, Human Resources Director, Assistant City Manager, City Attorney or City Manager.

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- b.** As an alternative, the employee may report directly to the appropriate outside agency listed in this guideline. Except in cases of emergency, before reporting improper governmental action to an outside agency or person, an employee must first advise the City Manager of the complaint.
- c.** In case of emergency where the employee believes that damage to persons or property may result if action is not taken immediately, or where the employee has a legal obligation to report (for instance, where child abuse is suspected), the employee shall report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.
- d.** City employees who fail to make a good-faith attempt to follow this policy and guidelines in reporting governmental conduct shall not be eligible for the protection provided.

### **27.5.3. RESPONSE:**

- a.** The individual receiving the report shall take prompt action to see that the allegation of improper governmental action is properly investigated.
- b.** Persons involved in the investigation shall keep the identity of the reporting employee(s) confidential to the extent possible under law, unless the employee(s) authorize the disclosure of their identities in writing.
- c.** After an investigation has been completed, the reporting employee shall receive a summary of the investigation results, except that resulting personnel actions may be kept confidential.

### **27.5.4. RETALIATION:**

- a.** Employees who believe they have been retaliated against for reporting an improper governmental action should advise their supervisor, Department Director, Human Resources Director, Assistant City Manager or City Attorney.
- b.** If the complaint cannot be informally resolved, the employee shall provide written notice to the City Manager that specifies the alleged retaliatory action and the relief requested by the employee. The written complaint must be filed within 30 days of the alleged retaliation. The City Manager will respond to the complaint within 30 days of receiving the written notice.
- c.** If the employee alleging retaliation receives no response from the City Manager or objects to the City Manager's response, the employee may request that the City apply for a hearing before a state administrative law judge. The request for a hearing must be delivered in writing to the City Manager either 15 days following the City Manager's response, or 45 days after the complaint was filed, if there was no response.

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**The City will apply for a hearing within five working days to:**

Office of Administrative Hearings  
 P.O. Box 42488  
 Rowe Six, Building One  
 4224 Sixth SE  
 Lacey, Washington 98504-2488  
 459-6353

The City will consider any recommendation provided by the administrative law judge that an employee found to have retaliated against an employee who reported improper governmental action be suspended with or without pay or dismissed.

**27.5.5. ADMINISTRATION:** A summary of this policy and guidelines will be permanently posted where all employees will have reasonable access to it, the policy and guidelines will be made available to any employee who requests them, and the policy and guidelines will be given to all new employees.

**27.5.6. LIST OF AGENCIES:** The following is a list of agencies responsible for enforcing federal, state and local laws and investigating issues involving potential improper governmental action. Employees having questions about these agencies or the guidelines for reporting improper governmental action are encouraged to contact their supervisor, department director, Human Resources Director, Assistant City Manager, City Attorney or City Manager.

<b><u>LOCAL</u></b>	
Olympia Police Department P.O. Box 1967 Olympia, WA 98507 753-8300	City of Olympia Human Resources P.O. Box 1967 Olympia, WA 98507 753-8442
City of Olympia Community Planning and Development PO Box 1967 Olympia, WA 98507 753-8314	City of Olympia City Attorney’s Office PO Box 1967 Olympia, WA 98507 753-8449
<b>COUNTY</b>	
Thurston Co. Sheriff’s Office 2000 Lakeridge Drive SW Olympia, WA 98502	Thurston Co. Prosecutor’s Office 2000 Lakeridge Drive SW Olympia, WA 98502

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Thurston Co. Environmental Protection 2000 Lakeridge Drive SW Olympia, WA 98502	Thurston Co. Health Department 529 4 <sup>th</sup> Avenue SW Olympia, WA 98501
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<b>WASHINGTON STATE</b>	
Washington Attorney General’s Office Fair Practices Division 2000 Bank of California Center 900 Fourth Avenue Seattle, WA 98164-0021 (206) 464-6684	Washington Department of Health Health Consumer Assistance PO Box 4789 Olympia, WA 98504-7891 1-800-525-0127
Washington Auditor’s Office Legislative Building PO Box 40021 Olympia, WA 98504-2490 753-6770 (206) 281-5400	Washington Department of Ecology 3190 160 <sup>th</sup> SE Bellevue, WA 98008-5852 (206) 649-7000
Washington Department of Labor and Industries 300 W. Harrison, Rm 201 Seattle, WA 98119-4081	Washington Human Rights Commission 402 Evergreen Plaza Bldg, Fj-41 711 Capitol Way S. Olympia, WA 98504-2490 753-6770, (206) 281-5400
Washington Department of Natural Resources PO Box 68 Enumclaw, WA 98022 (206) 825-1631	Puget So. Water Quality Authority PO Box 40900 Olympia, WA 98504 493-9300
Washington Liquor Control Board Enforcement Office 2101 Sixth Avenue Seattle, WA 98121 (206) 464-6094	Dept. of Social and Health Services Special Investigation Office 5200 Southcenter Blvd., Suite 23 Tukwila, WA 98188 (206) 764-4048
Fraud Complaints 1-800-562-6025	

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<b>FEDERAL</b>	
U.S. Department of Education Office of the Inspector General 915 Second Avenue Seattle, WA 98178 (206) 553-0657 or 553-1482	Environmental Protection Agency Criminal Investigations 1200 Sixth Avenue Seattle, WA 98121 (206) 553-8306
Equal Employment Opportunity Commission 2815 Second Avenue, Suite 500 Seattle, WA 98178 (206) 553-0968	Mine Safety and Health Administration 117 107 <sup>th</sup> Avenue NE Bellevue, WA 98004-5997 (206) 553-7037
Department of Labor Occupational Safety and Health (OSHA) 1111 Third Avenue., Suite 715 Seattle, WA 98101-3212	General Services Administration 915 Second Avenue Seattle, WA 98174
Department of Health and Human Services Food and Drug Administration 22201 23 <sup>rd</sup> Drive SE Bothell, WA 98021	Audits: (206) 931-7650 Investigations: (206) 931-7654 Law Enforcement: (206) 553-0290
Trade Complaints: (206) 483-4949	Office of the Regional Secretary General Counsel’s Office Inspector General Audits: (206) 553-0452 Investigations: (206) 553-0272
Interstate Commerce Commission 915 Second Avenue, Room 1894 Seattle, WA 98174 (206) 553-5421	Securities and Exchange Commission 915 Second Avenue Seattle, WA 98174 (206) 553-7990
Department of Treasury Bureau of Alcohol, Tobacco and Firearms 915 Second Avenue, Room 806 Seattle, WA 98174	Department of Interior U.S. Fish and Wildlife Services Division of Law Enforcement 121 – 170 <sup>th</sup> NE Bellevue, WA 98004-5990
Department of Agriculture Office of Inspector General 915 Second Avenue Seattle, WA 98174	Office of Women’s Bureau 1111 Third Avenue, suite 885 Seattle, WA 98101-3212
Audits and Investigations 1111 Third Avenue, Suite 780 Seattle, WA 98101-3212 (206) 553-4880	Nuclear Regulatory Commission (510) 975-0200
Department of Justice Drug Enforcement Administration 220 West Mercer, Suite 300 Seattle, WA 98119-3964 (206) 553-5443	Department of Veteran’s Affairs Office of Inspector General 915 Second Ave Seattle WA 98174

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<b>FEDERAL AGENCIES CONTINUED</b>	
Alcohol Tobacco And Firearms Criminal Enforcement 915 Second Avenue Seattle, WA 98174 (206) 553-4485	Fraud/Waste/Abuse Hot Line: 1-800-488-8244
Supervisor Auditor (206) 553-8290	Department of Commerce Office of Inspector General Office of Audits 915 Second Avenue Seattle, WA 98174 (206) 553-0801
Supervisor Special Agent Investigation: (206) 553-8286	Government Accounting Office Fraud Hot Line: 1-800-424-5454
Federal Trade Commission 915 Second Avenue Seattle, WA 98174 (206) 553-4656	U.S. Attorney 800 Fifth Avenue Seattle, WA 98104-3190 (206) 553-7970
Consumer Product Safety Commission Hot Line 1-800-638-2772	U.S. Customs Service Office of Enforcement 909 First Avenue Seattle, WA 98134-1203 (206) 553-7531
Federal Emergency Management Agency 130 228 <sup>th</sup> St SW Bothell, WA 98021 (206) 487-4600	Department of Transportation Office of Inspector General 915 Second Avenue Seattle, WA 98174 (206) 553-5720

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