

2.24.770 Whistleblower Act.

A. Policy Statement. It is the policy of Okanogan County to:

1. Encourage reporting by its employees of improper governmental action taken by Okanogan County officers or employees.

2. Protect Okanogan County employees who have reported improper governmental actions in accordance with Okanogan County's policies and procedures.

B. Definitions. As used in this policy, the following terms shall have the meanings indicated:

1. "Improper governmental action" means any action by an Okanogan County officer or employee that is:

a. Undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment; and

b. 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.

"Improper governmental action" does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, recompletions, performance evaluations, reduction in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands.

2. "Retaliatory action" means any adverse change in the terms and conditions of an Okanogan County employee's employment.

3. "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property.

C. Procedures for Reporting. Okanogan County employees who become aware of improper governmental actions shall raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the department head or administrative coordinator or such other person as may be designated by the administrative coordinator to receive reports of improper governmental actions.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.

The supervisor, the administrative coordinator, or the administrative coordinator's designee, as the case may be, shall take prompt action to assist Okanogan County in properly investigating the report of improper governmental action. Okanogan County officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

Okanogan County employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the Okanogan County employee reasonably believes that an adequate investigation was not undertaken by Okanogan County to determine whether an improper governmental action occurred, or that insufficient action has been taken by Okanogan County to address the improper governmental action or that for other reasons the improper governmental action is likely to recur.

Okanogan County employees who fail to make a good-faith attempt to follow Okanogan County procedures in reporting improper governmental action shall not receive the protections provided Okanogan County in these procedures.

D. Protection against Retaliatory Action. Okanogan County officials and employees are prohibited from taking retaliatory action against an Okanogan County employee because he/she has in good faith reported an improper governmental action in accordance with these policies and procedures.

Employees who believe that they have been retaliated against for reporting an improper governmental action shall advise their supervisor, the administrative coordinator, or the administrative coordinator's designee. Okanogan County officials and supervisors shall investigate and address complaints of retaliation.

If the employee's supervisor, the administrative coordinator, or the administrative coordinator designee, as the case may be, does not satisfactorily resolve an Okanogan County employee's complaint that the employee has been retaliated against in violation of this policy, the Okanogan County employee may obtain protection under this policy and pursuant to state law by providing a written notice to the Okanogan County board of commissioners that:

1. Specifies the alleged retaliatory action; and
2. Specifies the relief requested.

Okanogan County employees shall provide a copy of their written charge to the administrative coordinator no later than 30 days after the occurrence of the alleged retaliatory action. Okanogan County shall respond within 30 days to the charge of retaliatory action.

After receiving either the response of Okanogan County or 30 days after the delivery of the charge to Okanogan County, the Okanogan County employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing shall deliver the request for hearing to the administrative coordinator within the earlier of either 15 days of delivery of Okanogan County's response to the charge of retaliatory action, or 45 days of delivery of the charge of retaliation to Okanogan County for response.

Upon receipt of the request for hearing, Okanogan County shall apply within five working days to the State Office of Administrative Hearing for an adjudicative proceeding before an administrative law judge:

Office of Administrative Hearings

P.O. Box 42488, 4224 Sixth S.E.

Rowe Six, Bldg. 1

Lacey, Washington 98504-2488

(206) 459-6353

Okanogan County shall consider any recommendation provided by the administrative law judge that the retaliator be suspended with or without pay, or dismissed.

E. Responsibilities.

1. The administrative coordinator is responsible for implementing Okanogan County's policies and procedures for:

- a. Reporting improper governmental action;
- b. Protecting employees against retaliatory actions.

2. This includes ensuring that this policy and these procedures are:

- a. Permanently posted where all employees shall have reasonable access to them;
- b. Made available to any employee upon request; and
- c. Provided to all newly hired employees.

3. Officers, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility. Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including dismissal.

F. List of Agencies. Following is a list of agencies responsible for enforcing state and local laws and investigating other issues involving improper governmental action. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact the administrative coordinator.

Okanogan County:

Okanogan County Prosecutor

Criminal and Civil Divisions

P.O. Box 1130

Okanogan, WA 98840

509-422-7280

Okanogan County Health District

P.O. Box 231

Okanogan, WA 98840

509-422-7140

Okanogan County Sheriff's Department

P.O. Box 1490

Okanogan, WA 98840

509-422-7200

State of Washington:

Attorney General's Office

Fair Practices Division

2000 Bank of California Center

900 Fourth Avenue

Seattle, WA

206-464-7740

State Auditor's Office

Legislative Building

P.O. Box 40021

Olympia, WA 98504-0021

360-902-0369

State Department of Ecology

3190 160th S.E.

Bellevue, WA 98008-5852

425-649-7000

Human Rights Commission

402 Evergreen Plaza Bldg. FJ-41

711 South Capitol #402

Olympia, WA 98504-2490

1-800-662-2755

State Department of Health

Health Consumer Assistance

P.O. Box 47890

Olympia, WA 98504-7891

800-525-0127

Department of Labor and Industries

300 West Harrison, Room 201

Seattle, WA

206-281-5400

State Liquor Control Board

Enforcement Office

2101 Sixth Avenue

Seattle, WA

206-464-6094

Department of Natural Resources

P.O. Box 68

Enumclaw, WA 98022

360-825-1631

Puget Sound Water Quality Authority

P.O. Box 4090

Olympia, WA 98504

360-407-7300

Depart of Social and Health Services

Special Investigations Office

5200 Southcenter Blvd., Suite 23

Tukwila, WA

206-438-8111

(Res. 77-99 § 9.2, 1999).