

VI. Reporting Retaliation

Reports of retaliation should be made, in writing and within 30 days of the occurrence alleged to constitute retaliation, to the Ombudsman. The complaint must be signed and must specify the alleged act of retaliation and any relief requested.

The code requires the Ombudsman to immediately forward the retaliation report to the head of the branch or department in which the retaliation is alleged to have occurred. The department has 30 days to respond to a report of retaliation. The department responds directly to the employee (complainant), and is allowed one 45-day extension which is initiated by notifying the complainant.

VII. Appeal Procedures

If the department fails to respond to a report of retaliation within 45 days, or if the complainant is dissatisfied with the response, the complainant may request a hearing with the State Office of Administrative Hearings. The complainant has 15 days to deliver a request for a hearing to the head of the branch in which the alleged retaliation occurred.

For more information or questions about whistle blowing or reporting retaliation, or to inquire about training on the Whistleblower Protection Code for departments and employees, contact the Ombudsman's Office at 206.263.9242.

This brochure summarizes the Whistleblower Protection Code. The entire law is available on our website at www.kingcounty.gov/ombudsman. Copies are also available by contacting the Ombudsman's Office.

The Office of Citizen Complaints-Ombudsman also investigates citizen complaints about the operations of King County government, and alleged violations of the King County Employee Code of Ethics. KCC 2.52 and KCC 3.04.

Complaint forms are available online at: www.kingcounty.gov/ombudsman.

Alternate formats available upon request.

Office of Citizen Complaints — Ombudsman
401 Fifth Ave, Suite 135 • Seattle, WA 98104
206.263.9242 V/TTY • 206.296.0948 Fax
ombudsman@kingcounty.gov
www.kingcounty.gov/ombudsman

Rev. 9/07



King County Office of
Citizen Complaints
Ombudsman

Whistleblower
Protection Code



King County

An independent agency of the
Metropolitan King County Council

King County Whistleblower Protection Code

King County Code 3.42

The King County Whistleblower Protection Code encourages employees to report, in good faith, governmental activities they believe are wrong. It also protects employees who make these reports.

I. Improper governmental action

Improper governmental action is defined as any action by a county officer or employee undertaken in the performance of official duties which:

- A. Violates any state or federal law or rule or county ordinance or rule, or
- B. Constitutes an abuse of authority, or
- C. Creates a substantial or specific danger to the public health or safety, or
- D. Results in a gross waste of public funds.

II. Limitations

Improper governmental action does not include personnel actions or authorized action to which an employee or the investigating authority dissents.

Employees may not report privileged information or information that is legally protected from disclosure. Also, the report of an employee's own improper governmental action does not provide immunity from discipline.

A properly authorized county program or activity does not become an "improper governmental action" because an employee dissents from the county policy or considers the expenditures to be unwise.

III. Where to report

Improper governmental action, based on type and location, should be reported in writing to:

- A. **Sexual harassment:** supervisor, department director, or other agency as specified in county's adopted procedures for reporting sexual harassment.
- B. **Employment discrimination:** supervisor, department director, or the Office of Civil Rights.
- C. **Judicial misconduct:** the State Commission on Judicial Conduct.
- D. **Police misconduct:** the Sheriff's Internal Investigations Unit.
- E. **Misconduct within District Court administration:** Presiding Judge of District Court.
- F. **Misconduct within Superior Court administration:** Presiding Judge of Superior Court.
- G. **Misconduct within Judicial Administration:** Director/Clerk of Superior Court or the Ombudsman.
- H. **Misconduct within the legislative branch:** Chair of the County Council.
- I. **Misconduct within the executive branch:** the King County Executive, the agency's department director, or the Ombudsman.
- J. **Misconduct within the Department of Assessments:** the Assessor or the Ombudsman.
- K. **Violations of criminal laws:** King County Prosecuting Attorney.
- L. **Violations of the Ethics Code:** Ombudsman.

IV. Protection for reporting

Employees who act in good faith and in compliance with the law, are protected from retaliation for reporting improper governmental action or cooperating in a resulting investigation. To the extent allowed by law, the identity of employees reporting and providing information about improper governmental action shall remain confidential, unless the employee waives that right, in writing (KCC 3.42.040).

V. Retaliation is prohibited

County officers or employees are prohibited from retaliating against any employee, who in good faith and in accordance with the law, reports improper governmental action. Retaliation means to make any unwarranted adverse change in an employee's employment status, terms or conditions.

Retaliation includes: denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unsubstantiated letters of reprimand or unsatisfactory performance evaluations; demotion; reduction in pay; denial of promotion; transfer or reassignment; suspension or dismissal or other unwarranted disciplinary action.

Retaliation also includes hostile actions by one employee towards another that are encouraged by a supervisor, senior manager, or official.