

RESOLUTION NO. 26

A RESOLUTION OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, ESTABLISHING POLICIES AND PROCEDURES TO ENCOURAGE EMPLOYEES TO REPORT IMPROPER GOVERNMENTAL ACTION AND TO PROTECT EMPLOYEES WHO HAVE REPORTED IMPROPER GOVERNMENTAL ACTION IN ACCORDANCE WITH THE CITY'S POLICIES AND PROCEDURES.

WHEREAS, Chapter 42.41 RCW requires local governments to adopt policies and procedures to encourage employees to report improper governmental action and to protect employees who report improper governmental action; and

WHEREAS, the public interest is served by adopting such policies and procedures; now, therefore,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON DOES RESOLVE AS FOLLOWS:

Section 1. Policy Statement. It is the policy of the City (1) to encourage reporting by its employees of improper governmental action taken by City officers or employees and (2) to protect City employees who have reported improper governmental actions in accordance with the City's policies and procedures.

Section 2. Definitions. As used in this policy, the following terms shall have the meanings indicated:

- A. "Improper governmental action" means any action by a City officer or employee:
1. Undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the officer's or employee's employment; and
 - (a) in violation of any federal, state, or law or rule;
 - (b) an abuse of authority;
 - (c) of substantial and specific danger to the public health or safety; or
 - (d) a gross waste of public funds.
 2. "Improper governmental action" does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective

bargaining or civil service laws, alleged violations of labor agreements or reprimands.

- B. "Retaliatory action" means any adverse change in the terms and conditions of a City employee's employment, or hostile actions by another employee towards a City employee that were encouraged by a supervisor or senior manager or official.
- C. "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property.

Section 3. Procedures for Reporting. Employees who become aware of improper governmental actions should 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 the employee's supervisor, the employee may raise the issue directly with the City Manager or such other person as may be designated by the City Manager to receive reports of improper governmental action.

In 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 City Manager or the City Manager's designee, as the case may be, shall take prompt action to assist the City in properly investigating the report of improper governmental action. 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 the employee's 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.

Employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the employee reasonably believes that (1) an adequate investigation was not undertaken by the City to determine whether an improper governmental action occurred, (2) insufficient action has been taken by the City to address the improper governmental action, or (3) for other reasons the improper governmental action is likely to recur.

Employees who fail to make a good-faith attempt to follow the City's procedures in reporting improper governmental action shall not receive the protection provided by the City in these procedures.

Section 4. Protection Against Retaliatory Actions. Officials and employees are prohibited from taking retaliatory action against an employee because the employee 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 should advise their supervisor, the City Manager or the City Manager's designee. Officials and supervisors shall take appropriate action to investigate and address complaints of retaliation.

If the employee's supervisor, the City Manager, or the City Manager's designee, as the case may be, does not satisfactorily resolve an employee's complaint that the employee has been retaliated against in violation of this policy, the employee may obtain protection under this policy and pursuant to state law by providing a written notice to the City Council that specifies the alleged retaliatory action and specifies the relief requested.

Employees shall provide a copy of their written charge to the City Manager no later than 30 days after the occurrence of the alleged retaliatory action. The City shall respond within 30 days to the charge of retaliatory action.

After receiving either the response of the City or 30 days after the delivery of the charge to the City, the 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 should deliver the request for hearing to the City Manager within the earlier of either 15 days of delivery of the City response to the charge of retaliatory action, or 45 days of delivery of the charge of retaliation to the City for response.

Upon receipt of the request for hearing, the City shall apply within five working days to the State Office of Administrative Hearings 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, WA 98504-2488
(206) 459-6353

The City will consider any recommendation provided by the administrative law judge that the retaliator be suspended with or without pay, or dismissed.

Section 5. Protection Against Intimidation or Coercion. Officials and employees are prohibited from using their official authority or influence, directly or indirectly, to threaten, intimidate, or coerce an employee for the purpose of interfering with that employee's right to disclose information concerning an improper governmental action in accordance with these policies and procedures. Nothing in this section authorizes an employee to disclose information prohibited by law.

Section 6. Responsibilities. The City Manager is responsible for implementing the City policies and procedures for reporting improper governmental action and for

protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures (1) are permanently posted where employees will have reasonable access to them, (2) are made available to any employee upon request and (3) are provided to all newly-hired employees. 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.

Section 7. List of Agencies. The following is a list of agencies responsible for enforcing federal, 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 City Manager.

PIERCE COUNTY

Pierce County Council

(General Complaints)

Phone: 591-7777

930 Tacoma Ave. S. #1046

Tacoma, WA 98402

Pierce County Department of Planning and Land Services

Phone: (206) 591-7272

2401 S. 35th

Tacoma, WA 98409

Pierce County Prosecuting Attorney

Civil Division Phone: 596-6732

Criminal Division Phone: 591-7400

Fraud Division Phone: 591-7400

946 Tacoma Ave. S.

Tacoma, WA 98409

Puget Sound Air Pollution Control Agency

110 Union Street, Suite 500

Seattle, WA 98101

(206) 343-8800

STATE OF WASHINGTON

Attorney General's Office

Consumer Protection Division

2000 Bank of California Center

900 Fourth Avenue, Suite 2000

Seattle, WA 98164-1012

(206) 464-6684

Auditor's Office

Legislative Building

P.O. Box 40021

Olympia, WA 98504-0021

(206) 753-5280

Department of Ecology

3190 160th S.E.

Bellevue, WA 98008-5452

(206) 649-7000

Human Rights Commission

1511 Third Avenue
Seattle, WA 98101
(206) 464-6500

Department of Health

Health Consumer Assistance
P.O. Box 47890
Olympia, WA 98504-7890
800-525-0127

Department of Labor & Industries

300 West Harrison, Second Floor
Seattle, WA 98119-4081
(206) 281-5400

Liquor Control Board

Enforcement Office
2101 Sixth Avenue
Seattle, WA 98121
(206) 464-6094

Department of Natural Resources

P. O. Box 68
Enumclaw, WA 98022-0068
(206) 825-1631

Puget Sound Water Quality Authority

P. O. Box 40900
Olympia, WA 98504-0900
(206) 493-9300

**Department of Social and Health
Services**

Special Investigation Office
5200 Southcenter Blvd., Suite 23
Tukwila, WA 98188
(206) 764-4048

Bellevue Office

15821 NE 8th
Bellevue, WA 98008
(206) 649-4000

UNITED STATES

Department of Agriculture
Office of Inspector General
915 Second Avenue
Seattle, WA

Supervisor Auditor
(206) 220-7490

Supervisor Special Agent
Investigation
(206) 220-7991

Alcohol Tobacco & Firearms
Criminal Enforcement
915 Second Avenue
Seattle, WA
(206) 220-6440

U. S. Attorney
800 Fifth Avenue
Seattle, WA
(206) 553-7970

Department of Commerce
Office of Inspector General
Office of Audits
915 Second Avenue
Seattle, WA
(206) 220-7970

Government Accounting Office
Fraud Hot Line 800-424-5454

Consumer Product Safety
Commission
Hot line
800-638-2772

U.S. Customs Service
Office of Enforcement
909 First Avenue
Seattle, WA
(206) 553-7531

U.S. Department of Education
Office of Inspector General
915 Second Avenue
Seattle, WA

Audits/Investigations
(206) 220-7860 (206) 220-7876

Environmental Protection Agency
Criminal Investigations
1200 Sixth Avenue
Seattle, WA
(206) 553-8306

**Equal Employment Opportunity
Commission**
2815 Second, Suite 500
Seattle, WA
(206) 220-6883

**Federal Emergency Management
Agency**
130 228th Street S.W.
Bothell, WA
(206) 487-4600

Federal Trade Commission
915 Second Avenue
Seattle, WA
(206) 220-6363

General Services Administration
915 Second Avenue
Seattle, WA

Office of Inspector General
Audits Investigations
(206) 931-7650 (206) 931-7654

**Department of Health & Human
Services**
Food & Drug Administration
22201 23rd Drive S.E.
Bothell, WA
Consumer/Trade Complaints
(206) 483-4949

Office of the Regional Secretary
General Counsel's Office, Inspector General

Audits/Investigations
(206) 615-2252 (206) 615-2259

**Department of Housing and Urban
Development**

Office of Counsel
909 First Avenue, Suite 190
Seattle, WA
(206) 220-5192

Office of Inspector General

Audits/Investigations and Fraud
(206) 220-5360 (206) 220-5380

Interstate Commerce Commission

915 Second Avenue, Room 1894
Seattle, WA 98174
(206) 220-6424

Department of Interior

U.S. Fish & Wildlife Services
Division of Law Enforcement
121 107th N.E.
Bellevue, WA
(206) 553-5543

Department of Justice

Drug Enforcement Administration
220 West Mercer, Suite 104
Seattle, WA
(206) 553-5443

Department of Labor

Occupational Safety & Health (OSHA)
1111 Third Avenue, Suite 715
Seattle, WA 98101-3212
(206) 553-5930

Office of Inspector General

Audits
1111 Third Avenue, Suite 600
Seattle, WA 98101-3212

(206) 553-4880

Investigations
1111 Third Avenue, Suite 785
Seattle, WA 98101-3212
(206) 553-4504

Office of Womens Bureau
1111 Third Avenue, Suite 885
Seattle, WA 98101-3212
(206) 553-1534

Mine Safety & Health Administration
117 107th N.E.
Bellevue, WA
(206) 553-7037

National Transportation Safety Board
19518 Pacific Highway South
Seattle, WA
(206) 764-3782

Nuclear Regulatory Commission
(800) 882-4672

**Securities and Exchange
Commission**
915 Second Avenue
Seattle, WA 98174
(206) 220-7500

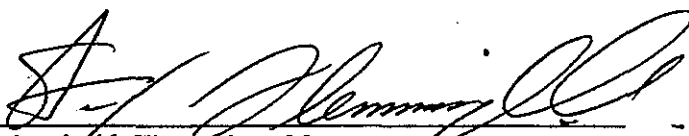
Department of Transportation
Office of Inspector General
915 Second Avenue
Seattle, WA 98178
(206) 220-7754

Department of Treasury
Bureau of Alcohol, Tobacco & Firearms
Law Enforcement Division
915 Second Avenue, Room 806
Seattle, WA 98174
(206) 220-6440

Department of Veterans Affairs
Office of Inspector General
915 Second Avenue
Seattle, WA 98174

Fraud/Waste/Abuse Hot Line
800-488-8244

ADOPTED BY THE CITY COUNCIL ON JULY 5, 1995.


Stanley L. K. Flemming, Mayor

ATTEST:


Susan Matthew, Interim City Clerk