



**King County**

**King County Office of the Ombuds**

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## **Whistleblower Protection Code Summary**

*Please review this summary and the Whistleblower Protection Code (KCC 3.42) before completing a complaint form. We encourage employees to contact the Ombuds Office before filing a whistleblower or retaliation complaint.*

King County encourages employees to report significant wrongdoing, called "improper governmental action," so problems can be identified and corrected. The Whistleblower Protection Code creates a reporting process for employees, and protects employees from retaliation for reporting improper governmental action or cooperating in investigations.

### **Improper Governmental Action**

**Who may report improper governmental action:** Every county employee has the right to report, in good faith, any information concerning an improper governmental action.

**What improper governmental action is:** "Improper governmental action" means any action by a county employee while performing official duties, that: violates any state or federal law or rule or county ordinance or rule; or constitutes an abuse of authority; or is gross mismanagement; or creates a substantial and specific danger to the public health or safety; or results in a gross waste of public funds; or prevents the dissemination of scientific opinion or alters technical findings without scientifically valid justification, unless disclosure is legally prohibited.

**What improper governmental action is not:** Improper governmental action does not include violations of anti-discrimination laws or collective bargaining agreements. County actions do not become improper governmental action solely because an employee disagrees with a county policy or expenditure. Employees do not have a right to report privileged or legally protected information. The report of an employee's own improper governmental action does not protect the employee from discipline.

**Reporting improper governmental action:** Employees are encouraged, but not required, to submit a written report of the improper governmental action. In many cases, reports may be made directly to the Ombuds or to department directors. Some kinds of reports must be made to other officials. *Employees should consult with the Ombuds Office about where to report improper governmental action.*

**Investigation Process:** If a complaint meets the definition of improper governmental action, the employee can expect to receive from the Ombuds or other investigating official:

1. A written report within thirty days of when the complaint was received. The investigator may issue either a final or preliminary report. A preliminary report will include a summary of the investigation to date, information obtained so far and matters for further investigation.
2. A final report within one year of receipt of the complaint. If the final report concludes that there was improper governmental action, it will include the department's action plan for addressing it and a reasonable timeline to complete corrective actions.

## **Retaliation**

***Protection for reporting:*** Employees who report improper governmental action in good faith and in compliance with the law, or who cooperate in a whistleblower investigation, are protected from retaliation.

***Retaliation is prohibited:*** County employees are prohibited from retaliating against any employee, who in good faith and in accordance with the law, reports improper governmental action. “Retaliation” means any unwarranted, negative change in an employee’s employment status, terms or conditions, and includes threats or attempts. Contact the Ombuds Office if you believe you have suffered retaliation.

***Reporting retaliation:*** An employee who believes he or she has experienced retaliation must submit a signed written complaint within six months of when the retaliation occurred or within six months of when the employee reasonably should have known of the retaliation. The complaint must be filed with the Ombuds Office and must specify the type of retaliation that occurred. The Ombuds is the sole investigator for most retaliation complaints, and has 135 days to complete retaliation investigations.

***Appeals:*** An employee who has filed a retaliation complaint and is dissatisfied with the progress of the investigation or the response may request a state hearing within one year of the retaliation or when the employee reasonably should have known of it, or ninety days from receipt of the department’s response, whichever is more.

## **Mediation**

Many complaints can be resolved informally through confidential, voluntary dispute resolution. This may avoid the need for an investigation and public findings, and can often result in better workplace relationships. If mediation does not resolve the issue, an investigation can still take place, and employees are still protected from retaliation.

## **Confidentiality**

The identity of an employee alleging or providing information about improper governmental action is confidential to the extent allowed by law, unless the employee waives confidentiality in writing. The identity of an employee alleging retaliation is not confidential. Mediation is confidential.

*For more information or questions about whistleblowing or reporting retaliation, please contact the Ombuds Office.*