KITSAP COUNTY, WASHINGTON
ORDINANCE NO. 151-A

LOCAL WHISTLEBLOWER ORDINANCE

AN AMENDMENT TO ORDINANCE NO. 151 which expands the definition of retaliatory action.

WHEREAS, the Kitsap County Board of Commissioners enacted Ordinance No. 151 on April 26, 1993; and

WHEREAS, said resolution is codified in Kitsap County Code 3.68 et seq.; and

WHEREAS, SHB 1159 expanded the definition of retaliatory action for local government to include hostile actions by other employees that were encouraged by a supervisor or senior manager or official;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Kitsap County, State of Washington that the definition of retaliatory action is amended as follows:

“Retaliatory action means (a) Any adverse change in a local government employee’s employment status, or the terms and conditions of employment, including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal or any other disciplinary action; or (b) hostile actions by another employee towards a local government employee that were encouraged by a supervisor or senior manager or official.”

Enacted this 13th day of March, 1995.

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

/s/Win Granlund
WIN GRANLUND, Chairman

/s/Matt Ryan
MATT RYAN, Commissioner

/s/Phil Best
PHIL BEST, Commissioner

ATTEST:

/s/Holly Anderson
HOLLY ANDERSON,
Clerk of the Board
WHEREAS, RCW 42.41. et seq. establishes the definitions and the procedures for employee, good faith reporting of improper governmental action by the officials and employees; and the protection from retaliation for such reporting in accordance with the procedures, and

WHEREAS, RCW 42.41.030(2) mandates that the county adopt said procedures and inform its employees, now, therefore,

BE IT ORDAINED by the Kitsap County Board of Commissioners:

Section 1. POLICY. It is the policy of Kitsap County to encourage reporting by its employees of improper governmental action by officials and employees of Kitsap County; an to protect Kitsap County employees who have reported improper governmental actions in accordance with Kitsap County policies and procedures. Elected officials, department heads and employees of Kitsap County are prohibited from taking retaliatory action against an employee because the employee has, in good faith, reported alleged improper governmental action in accordance with Kitsap County policies and procedures. A Kitsap County employee failing to follow this policy and procedure in reporting improper governmental action shall not be eligible for the protections outlined.

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

1. "Improper governmental action" means any action by an official or employee of Kitsap County:
   a. That is undertaken in the performance of the official’s or employee’s official duties, whether or not the action is within the scope of the employee’s employment; and
   b. 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.

"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, reprimands or any action that may be taken under Chapter 41.08, 41.12, 41.14, 41.56, 41.59 or 53.18, Revised Codes of Washington (RCW) or RCW 54.04.170 and 54.04.180.
Appendix O

2. "Retaliatory action" means any adverse change in a local government employee's employment status, or the terms and conditions of employment, including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal or any other disciplinary action.

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

Section 3. PROCEDURES FOR REPORTING IMPROPER GOVERMENTAL ACTION

1. Persons or Officials to report to:
   a. Kitsap County employees who become aware of improper governmental actions should raise the issue first with their department head or elected official
   b. Where the employee reasonably believes the improper governmental action involves his/her department head or elected official, the employee may raise the issue directly with the Kitsap County Board of Commissioners or the Kitsap County Prosecuting Attorney.

2. The employee shall submit a written report to the department head or elected official and the Board of Commissioners stating in detail the basis for the employee’s belief that an improper governmental action has occurred.

3. 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.

4. Kitsap County employees may report information about improper governmental actions directly to the appropriate government agency provided that a written report has been submitted to the Board of Commissioners and the employee reasonably believes that the insufficient action of the county has not addressed the improper governmental action or that for other reasons it is likely to recur. All attempts to resolve the improper governmental action through the Kitsap County procedures should be exhausted before reporting the improper governmental action to an outside agency. A list of appropriate government agencies is attached.

5. Kitsap County employees who fail to make a good faith attempt to follow Kitsap County’s procedures in reporting improper governmental actions shall not receive the protection provided by Kitsap County in these procedures.
Section 4. PROTECTION AGAINST RETALIATORY ACTION.

1. Kitsap County officials and employees are prohibited from taking retaliatory actions against a Kitsap County employee because he/she has in good faith reported an improper governmental action in accordance with these policies and guidelines.

   a. Employees who believes that they have been retaliated against for reporting an improper governmental action shall provide written notice of the charge to the Board of County Commissioners no later than thirty (30) days after the occurrence of the alleged retaliatory action.
   b. The written notice shall state:
      (1) The specific retaliatory action(s), and
      (2) The specific relief requested.
   c. The county shall respond to the written notice no later than thirty (30) days.

3. Request for administrative hearing.
   a. Purpose of hearing.
      (1) Retaliatory action occurred, and
      (2) To obtain appropriate relief as provided by law.
   b. Employee cannot request an administrative hearing until:
      (1) After receiving the response of Kitsap County, or
      (2) Thirty (30) days after the delivery of the charge of retaliation to Kitsap County.
   c. Employee seeking a hearing shall deliver the request for hearing to the Kitsap County Board of Commissioners within:
      (1) Fifteen (15) days of delivery of the county response to the charge of retaliation or
      (2) Forty-five (45) days of the delivery of the charge of retaliation to Kitsap County provided no response was issued.
   d. Upon receipt of the request for a hearing, Kitsap County shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge to:
Office of Administrative Hearings  
P.O. Box 42488, 4224 Sixth S.E.  
Rowe Six, Bldg 1  
Lacey, WA 98504-2488  
(206) 664-8717

e. The employee must prove his/her claim by a preponderance of the evidence.

f. The final decision of the administrative law judge is subject to judicial review.

g. Relief ordered by the administrative law judge may be enforced by petition to superior court.

Section 5. CONSTRUCTION. This ordinance shall be liberally interpreted and construed, and the rules of strict construction shall have no application.

Section 6. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is held invalid, the remainder or application to other persons or circumstances shall not be affected.

List of Agencies
Following is a list of agencies responsible for enforcing federal, state and local laws and investigating other issues involving improper governmental actions.

KITISAP COUNTY

Kitsap County Administrative Services  
614 Division Street  
Port Orchard, WA  
(206) 876-7150

Kitsap County Health District  
Environmental Health  
109 Austin Drive  
Bremerton, WA  
(206) 478-5285

Kitsap County Prosecuting Attorney  
614 Division Street  
Port Orchard, WA  
(206) 876-7174

Kitsap County Risk Manager  
614 Division Street  
Port Orchard, WA  
(206) 895-3706

Puget Sound Air Pollution Agency  
(206) 296-7330

STATE OF WASHINGTON

Fraud Complaints  
(800) 562-6025

Attorney General’s Office  
Fair Practices Division  
2000 Bank of California Center  
900 Fourth Avenue  
Seattle, WA  
(206) 464-6684  
(800) 551-4636

State 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 98008-5852  
(206) 649-7000
<table>
<thead>
<tr>
<th>Department of Health</th>
<th>Alcohol, Tobacco and Firearms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health Consumer Assistance</td>
<td></td>
</tr>
<tr>
<td>P.O. Box 4789</td>
<td></td>
</tr>
<tr>
<td>Olympia, WA 98504-7891</td>
<td></td>
</tr>
<tr>
<td>(800) 525-0127</td>
<td>(206) 553-4485</td>
</tr>
</tbody>
</table>

| Human Rights Commission                  |                               |
| 402 Evergreen Plaza Bldg, FJ-41         |                               |
| 711 South Capitol Way                    |                               |
| Olympia, WA 98504-2490                   |                               |
| (206)                                   |                               |

| 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                       |                               |
| (206) 825-1631                           |                               |

| Puget Sound Water Quality Authority      |                               |
| P.O. Box 40900                           |                               |
| Olympia, WA 98504                        |                               |
| (206) 493-9300                           |                               |

| Department of Social and Health Services|                               |
| Special Investigation Office            |                               |
| 5200 Southcenter Blvd, Suite 23         |                               |
| Tukwila, WA                             |                               |
| (206) 764-3048                          |                               |

| UNITED STATES                            |                               |

| Department of Agriculture                |                               |
| Office of Inspector General              |                               |
| 915 Second Avenue                        |                               |
| Seattle, WA                              |                               |
| (206)                                   |                               |

| 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) 553-0801                           |                               |

| Consumer Product Safety Commission       |                               |
| Hotline                                 |                               |
| (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              |                               |
| Audits/Investigations                    |                               |
| 2815 Second Avenue, Suite 500            |                               |
| Seattle, WA                              |                               |
| (206) 553-0657 (206) 553-1482            |                               |

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

| Equal Employment Opportunity Commission  |                               |
| 2815 Second Avenue, Suite 500            |                               |
| Seattle, WA                              |                               |
| (206) 553-0968                           |                               |

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

---

Kitsap County Personnel Manual

Ordinance No. 151-A—Local Whistleblower Ordinance, Enacted April 26, 1993
Federal Trade Commission
915 Second Avenue
Seattle, WA
(206) 553-4656

General Services Administration
Office of Inspector General
915 Second Avenue
Seattle, WA
Audits (206) 931-7650
Investigations (206) 931-7654
Law Enforcement (206) 553-0290

Government Accounting Office
Fraud Hotline
(800) 424-5454

Department of Health and Human Services
Food and Drug Administration
22201 23rd Drive S.E.
Bothell, WA
Trade Complaints (206) 483-4949
Office of the Regional Secretary
Audits (206) 553-0452
Investigations (206) 553-0229

Department of Housing and Urban Development
Office of Counsel
1321 Second Avenue
Seattle, WA
(206) 553-4976
Office of Inspector General
Audits (206) 553-0270
Investigations (206) 553-0272

Interstate Commerce Commission
915 Second Avenue, Room 1894
Seattle, WA 98174
(206) 553-5421

Department of Interior
US Fish and Wildlife Service
Division of Law Enforcement
121 107th N.E.
Bellevue, WA
(206) 553-5543

Department of Justice
Drug Enforcement Administration
220 West Mercer, Suite 300
Seattle, WA
(206) 553-5443

Department of Labor
Occupational Safety and Health (OSHA)
1111 Third Avenue, Suite 715
Seattle, WA 98101-3212
(206) 553-5930
Office of Inspector General
Audits
1111 Third Avenue, Suite 780
Seattle, WA 98101-3212
(206) 553-4880
Investigations
1111 Third Avenue, Suite 785
Seattle, WA 98101-3212
Office of Women’s Bureau
1111 Third Avenue, Suite 885
Seattle, WA 98101-3212
(206) 553-7037

Mine Safety and 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
(510) 975-0200

Securities and Exchange Commission
915 Second Avenue
Seattle, WA 98175
(206) 553-7990

Department of Transportation
Office of Inspector General
915 Second Avenue
Seattle, WA 98178
(206) 553-5720

Department of Treasury
Bureau of Alcohol, Tobacco and Firearms
Law Enforcement Division
915 Second Avenue, Room 806
Seattle, WA 98174

Department of Veteran’s Affairs
Office of Inspector General
915 Second Avenue
Seattle, WA 98174
Fraud/Waste/Abuse Hotline
(800) 488-8244

Kitsap County Personnel Manual
Appendix O-7
Ordinance No. 151-A—Local Whistleblower Ordinance, Enacted April 26, 1993
Section 7  EFFECTIVE DATE. This ordinance shall be of full force and effect immediately upon passage.

ENACTED this 26th day of April, 1993.

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY

/s/ Win Granlund
WIN GRANLUND, CHAIRMAN

/s/John Horsley
JOHN HORSLEY, COMMISSIONER

/s/Billie Eder
BILLIE EDER, COMMISSIONER

HOLLY ANDERSON
CLERK OF THE BOARD

ATTEST:

/s/ Holly Anderson