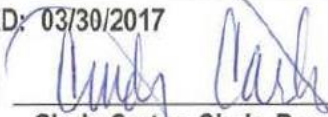


Grant County Personnel Policy

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APPROVED:


Cindy Carter, Chair, Board of County Commissioners

03-27-17
Date Signed

LAST REVISED: 03/15/2017

CONTACT: Human Resources

208 – Whistleblower Act

208.1 Specifics

It is the policy of Grant County to provide an avenue for employees to report suspected improper governmental actions, to provide a mechanism for investigating such reports, and to provide those employees protection from retaliation for making such reports.

208.2 Definitions

208.2.1 Improper governmental action:

(a) For the purpose of this policy, improper governmental action means any action by a Grant County official or employee:

(1) That is undertaken in the performance of official duties, whether or not the action is within the scope of the employee's employment; and

(2) That: (a) is in violation of any federal, state or local law or rule; (b) is an abuse of authority; (c) is of substantial and specific danger to the public; or (d) is a gross waste of public funds.

(b) For the purpose of this policy, improper governmental action does not include personnel actions, which include employee grievances and complaints, appointments, promotions and transfers, reductions in pay, dismissals, suspensions, demotions, and violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands, among others.

208.2.2 Retaliation: For the purpose of this policy, retaliation means any adverse change in the terms and conditions of a Grant County employee's employment from a Whistleblower complaint.

208.2.3 Emergency: For the purpose of this policy, emergency means a circumstance that, if not immediately changed, may cause damage to person or property.

208.2.4 Employee: Any individual employed or holding office in any office or department of Grant County government.

Grant County Personnel Policy

208.2.5 Good faith: For the purpose of this policy, good faith means a reasonable basis in fact for the report. Good faith is lacking when the employee knows or reasonably ought to know that the report is malicious, false, or frivolous.

208.2.6 Commissioner's Designee: For the purpose of this policy, Commissioner's Designee means the Administrative Services Coordinator unless substituted.

208.3 Implementation of Policy

208.3.1 The Commissioner's Designee is responsible for implementing Grant County's policies and procedures regarding reporting improper governmental action and protecting employees against retaliatory actions. This includes ensuring that policies and procedures are:

- (a) Posted where employees will have reasonable access to them;
- (b) Made available to any employee upon request; and
- (c) Provided to all new employees.

208.3.2 Elected Officials, Department Heads, managers and supervisors are responsible to ensure that the policies and procedures are fully implemented within their areas of responsibility.

208.4 Procedures for Reporting

208.4.1 The County safeguards legitimate employer interests by encouraging employees to report first to Grant County.

- (a) Employees should raise the issue first with their supervisor, providing in detail the basis for the belief that an improper governmental action has occurred.
 - (1) The supervisor to whom the report is made shall immediately inform the Board of County Commissioners or the Commissioner's Designee and request prompt action to properly investigate the report.
- (b) Where the employee reasonably believes the suspected improper governmental action may involve his/her supervisor, the employee may raise the issue directly with the Board of County Commissioners or the Commissioner's Designee.

Grant County Personnel Policy

208.4.2 Employees may report the suspected improper governmental action directly to the Office of the State Auditor for any reason.

208.4.3 No employee shall interfere with the right of any other employee to report or cause to be reported a suspected improper governmental action.

208.5 Procedures for Investigating

208.5.1 Grant County will investigate, or cause to be investigated, any report of suspected improper governmental action.

(a) All employees involved in the investigation shall keep the identity of the reporting employee(s) confidential to the extent possible under law, unless the employee authorizes the disclosure of his/her identity in writing.

(b) 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; personnel actions taken as a result of the investigation may be kept confidential.

208.6 Protection from Retaliation

208.6.1 Employees who report suspected improper governmental action in accordance with these policies and procedures are protected from retaliation by an employee of the County.

(a) Employees who believe that they have been retaliated against for making a report should advise their supervisor, the Board of County Commissioners, or the Commissioner's Designee. Grant County officials and supervisors shall take immediate and appropriate action to investigate and address complaints of retaliation.

(b) If the employee does not believe that the complaint of retaliation has been properly investigated or resolved, the employee may obtain protection under this policy and pursuant to state law, by providing written notice to the Board of County Commissioners that specifies the alleged retaliatory action and specifies the relief requested.

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Grant County Personnel Policy

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- (b) If the employee does not believe that the complaint of retaliation has been properly investigated or resolved, the employee may obtain protection under this policy and pursuant to state law, by providing written notice to the Board of County Commissioners that specifies the alleged retaliatory action and specifies the relief requested.
 - (1) Employees shall provide a copy of their written notice to the Board of County Commissioners no later than thirty (30) days after the occurrence of the alleged retaliatory action. The Board of County Commissioners shall respond within thirty (30) days to the charge of retaliatory action.
 - (2) After either receiving the response of Grant County or thirty (30) days after the delivery of the charge to Grant County, the employee may request a hearing before a state administrative law judge to establish that retaliatory action occurred and to obtain appropriate relief provided by law.
 - i. An employee seeking a hearing should deliver the written request for hearing to the Board of County Commissioners within the earlier of fifteen (15) days of delivery of Grant County's response to the charge of retaliatory action or forty-five (45) days of delivery of the charge of retaliation to the Board of County Commissioners for response.
 - ii. Upon receipt of a request for hearing, Grant County shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge. Grant County will consider any recommendation provided by the administrative law judge that the retaliator is suspended with or without pay, or dismissed.

Grant County Personnel Policy

208.6.2 Violations of the policy prohibiting retaliation may result in personal liability against the retaliator as set forth in RCW 42.41.040(8) and/or the imposition by the administrative law judge of the relief as set forth in RCW 42.41.040(7).

208.7 Additional Resources

A list of agencies responsible for enforcing federal, state and local laws and investigating other issues involving improper governmental action is available by request from the Human Resources department.