



King County

King County Ombudsman's Office

Whistleblower Program Annual Report

March 31, 2010

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King County

King County Ombudsman's Office

Authority

The King County Ombudsman's Office was created by the voters of King County in the County Home Rule Charter of 1968 and operates as an independent office within the legislative branch of King County government. The Office investigates the administrative conduct of King County agencies in response to complaints received from the public, or on its own initiative. KCC 2.52. The office informally resolves many issues. The Ombudsman's Office also investigates alleged violations of the Employee Code of Ethics (KCC 3.42), the Lobbyist Disclosure code (KCC 1.07), and reports of improper governmental action and retaliation under the Whistleblower Protection Code (KCC 3.42).

Mission

To promote public confidence in King County government by responding to citizen complaints in an impartial, efficient and timely manner, and to contribute to the improved operation of County government by making recommendations based upon the results of complaint investigations.

Guiding Principles

- ❖ We listen respectfully to the concerns of individuals and work to resolve their issues quickly and informally.
- ❖ We examine governmental actions with a neutral eye and an independent voice to ensure they are fair and proper.
- ❖ We encourage improvements that promote public confidence and increase efficiencies.

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EXECUTIVE SUMMARY

The 2009 amendments to the Whistleblower Protection Code made significant changes to the law. In response, the Ombudsman's Office has produced new explanatory materials (see Appendix A) and conducted outreach and education throughout county government. During 2009, the Ombudsman's Office opened and completed 15 improper governmental action cases, and 8 whistleblower retaliation cases.

While the new obligations imposed on the Ombudsman's Office by the amendments have the potential to significantly impact resource allocation within the office, so far no problems have materialized. In the meantime, the office has re-shaped its role in the whistleblower process to be a conduit for all such complaints, and has intensified its individualized counseling and coaching role for employees who are considering filing complaints.

One county department has suggested that the code be amended with a time limit within which an employee must file a whistleblower complaint. However, we believe it is premature to act on that suggestion and will monitor the underlying concerns.

The Ombudsman's Office conducted a survey of people involved in the submission of whistleblower complaints during 2009. The results were generally favorable and are reported in Appendix B of this report.

STATUS OF THE WHISTLEBLOWER PROGRAM

A. Background

The King County Council passed amendments to the Whistleblower Protection Code on June 26, 2009 (Ordinance 16580). The Executive signed the ordinance on July 10, 2009.

The most significant changes made to the code were:

- Broadening the definitions of improper governmental action and retaliation;
- Increasing the range of protected conduct to include cooperating in any official investigation (not just King County investigations);
- Allowing first written reports to be made to anyone and still be protected by this chapter (instead of requiring the report to first go to the appropriate designated official);
- Creating a more detailed investigation process with opportunities for rebuttal;
- Having the Ombudsman conduct retaliation investigations (instead of the department head);
- Giving employees more time to bring a retaliation claim or request an administrative hearing;
- Creating a departmental fine option of \$10,000; and

- Creating an annual reporting mechanism to the Council and Executive.¹

The annual reporting mechanism states:

By March 31 of each year, the ombudsman shall submit an annual report on the status of the whistleblower program from the previous year, including summarizing improper governmental action and retaliation claims processed the previous year, case outcomes from all claims investigated by King County officials, resource issues, any concerns raised by whistleblowers about the process and any recommendations for program improvements. The ombudsman is encouraged to seek feedback from participants in the whistleblower process when preparing the report. Three copies of the report shall be filed with the clerk of the council for distribution to the chair of the council and the executive.

KCC 3.42.070.

This is the inaugural annual report required by Ordinance 16580. It covers all of 2009. Given that Ordinance 16580 was in effect for only half of the year, future annual reports will likely portray an evolving picture of the whistleblower program.

B. New Materials

Since passage of Ordinance 16580, the Ombudsman's Office has produced new explanatory materials including:

- Tri-fold brochure briefly summarizing the Whistleblower Protection Code;
- Two-page Whistleblower Protection Code Summary for employees;
- New improper governmental action complaint form;
- New retaliation complaint form; and
- One-page guide for employees entitled, "Should I blow The Whistle?"

Copies of those items are attached to this report as an Appendix A, and the Ombudsman's website has been updated with them, as well.

Finally, after conducting independent legal research concerning the meanings of various terms added to the code and consulting with counsel about various provisions, the Ombudsman's Office has produced new investigative frameworks and checklists for internal use to aid the investigative process.

C. Outreach and Education

As required by the Whistleblower Protection Code,² the Ombudsman's Office worked with the Executive's Office to produce messages to all county employees summarizing the new

¹ Staff Report of the Government Accountability and Oversight Committee, Metropolitan King County Council, Proposed No. 2009-0346, prepared by Amy Tsai, June 16, 2009.

² KCC 3.42.030(H).

Whistleblower Protection Code provisions and referring employees to the Ombudsman’s website for further guidance. The information was contained in an edition of the Executive’s regular “Employee News” email, and was sent separately in a stand-alone email from the Executive to all employees.

The Ombudsman’s Office has contacted all county departments to alert them to key features of the Whistleblower Protection Code. The Ombudsman’s Office has produced a PowerPoint presentation summarizing the amendments, key definitions, departmental obligations, and the Ombudsman’s role in the whistleblower program. Versions of the presentation have so far been given to the King County Human Resources Community Forum, comprised of human resources professionals from all county departments, as well as to senior managers in two executive departments. The Ombudsman’s Office’s outreach efforts regarding the Whistleblower Protection Code are ongoing.

SUMMARIES OF IMPROPER GOVERNMENTAL ACTION AND RETALIATION CLAIMS

The following chart summarizes all improper governmental action and retaliation cases opened and closed by the Ombudsman’s Office during 2009. During 2009, the Ombudsman’s Office opened and completed 15 improper governmental action cases, and 8 whistleblower retaliation cases.³ An additional two cases opened in 2009 remain open and are therefore not included in these totals.

Improper governmental action and retaliation cases received in 2009 were resolved within an average of 32 days. The table below depicts the length of time to resolution for improper governmental action and whistleblower retaliation cases.

Table A
Whistleblower and Retaliation Case Disposition

Days Open	IGA and Retaliation Cases	Percent of Total
0-30	13	56%
31-60	5	22%
61-90	2	9%
>91	3	13%
Total	23	100%

The nature and circumstances of whistleblower complaints varies widely. The summaries below provide as much detail as is either available from Ombudsman’s Office records, or as is appropriate given the sensitivity of the allegations and the employees’ concerns

³ The Ombudsman’s Office made inquiries of all county departments for their 2009 whistleblower case outcomes. No department reported having received or independently investigated any whistleblower complaints other than those referred for initial response by the Ombudsman’s Office. In discussing this with several senior agency officials it became apparent that agency managers needed an updated understanding of the Whistleblower Protection Code. As discussed above, the Ombudsman’s Office is in the midst of an outreach and training effort for all departments in this regard.

about confidentiality and possible retaliation. The level of detail provided in the allegation and closing descriptions below accordingly varies.

Improper Governmental Action and Whistleblower Retaliation Cases – 2009

Case Number	Agency	Allegation	Closing
2009-00071	Animal Control	Animal cruelty and neglect, false reports by Animal Control supervisors, ethics complaint against Executive	Conducted intake with complainant representing the interests of animal protection organization and of an employee who is contemplating coming forward as a whistleblower. Complainant considered allegations of whistleblower improper governmental action, whistleblower retaliation, and ethics code violation and we explained her options under the various code provisions. Complainant chose to consider options and inform the potential employee whistleblower. Complainant did not pursue filing of complaint.
2009-02037	Licensing	Employee alleges improper governmental action and retaliation for past reports of incompetence and corruption.	Intake with complainant, who made numerous allegations of management incompetence. Provided information to complainant about improper governmental action and whistleblower retaliation complaint bases and processes. Complainant considered allegations of whistleblower improper governmental action and whistleblower retaliation. Complainant believes her allegations of management incompetence would meet the criteria for gross mismanagement. Complainant indicated her plans to submit complaint, but did not pursue filing.

Case Number	Agency	Allegation	Closing
2009-02500	DNRP Solid Waste	Employee alleges harassment by supervisor constitutes improper governmental action.	Discontinued (whistleblower); unsupported (KCC 2.52 investigation). Complainant alleged that supervisor required doctor's note to use restroom, and that supervisor later followed complainant on highway. Determined that whistleblower allegation was not jurisdictional but transmitted complaint to the department based on Ombudsman's general authority. Reviewed department's investigation report and found that manager communicated expectation regarding schedule and did not impose punitive restriction of bathroom use. Also found that manager had a legitimate reason for travelling on the same highway as complainant, no basis for further inquiry.
2009-02622	DOT Road Services Division	Complainant reports receiving a write up that is in retaliation for a whistleblower complaint.	Information provided about whistleblower retaliation complaint process. Complainant did not follow up to file complaint.
2009-02774	DES Records and Licensing Services Division	Complainant allegations numerous instances of improper governmental action and whistleblower retaliation.	Conducted intake, provided information and counseling about bases for whistleblower allegations, retaliation protection, our investigative process. Employee did not return to file complaint.
2009-02909	DNRP Parks and Recreation Division	Employee alleges abuse of authority and mismanagement, including regarding a classification dispute.	Communicated with councilmember's staff and executive's Customer Service Division to clarify nature of complaint and coordinate response. Conducted intake meeting with multiple potential complainants. Complainants considered filing whistleblower complaint of improper governmental action based on gross mismanagement (re classification issues and operation of a county facility that not managed to generate maximum revenue) and violation of law (regarding obligations imposed by levy), later also whistleblower retaliation allegation. Initial research indicated no basis for investigation, communicated results to complainants.

Case Number	Agency	Allegation	Closing
2009-02913	DNRP Parks and Recreation Division	Employee alleges mismanagement and fraud related to management of levy funds.	Conducted intake with complainant. Complainant considered filing whistleblower complaint of improper governmental action based on gross mismanagement (re poor management and personnel decisions), also whistleblower retaliation allegation. Advised complainant that disagreement with policy not sufficient basis for improper governmental action allegation. Coordinated with executive's Customer Service Division. Complainant decided not to file improper governmental action or whistleblower retaliation
2009-01112	DOT Road Services Division	Requests information about whistleblower retaliation complaint process.	Provided information to complainant contemplating filing a whistleblower retaliation complaint. Complainant did not pursue filing of complaint.
2009-01375	DOT Road Services Division	Alleges discipline was unfair and due to involvement as witness in whistleblower complaint filed with this office.	Provided information to complainant contemplating filing a whistleblower retaliation complaint. Ombudsman agreed to investigate though complainant not a signatory to filed whistleblower complaint. Complainant did not pursue filing of complaint.
2009-01580	DOT Road Services Division	Alleges letter of corrective counseling constitutes whistleblower retaliation for filing previous report of improper governmental action.	Transmitted to department. Conducted intake with complainant, and sent complaint to department for their investigation. Provided information to complainant on complaint and appeal process. Reviewed department's investigation report, determined no basis for further involvement.
2009-01733	DNRP Solid Waste Division	Alleges department investigation of employee constitutes retaliation for previous whistleblowing.	Complainant alleges that he has been retaliated against and wanted to schedule intake meeting. When he learned that his department would not pay for his time in this initial meeting, he decided to cancel it, but he says he still plans to file once he has compiled information on his case.

Case Number	Agency	Allegation	Closing
2009-02091	DOT Road Services Division	Requests information on whistleblower retaliation complaint process.	Provided information to complainant contemplating filing a whistleblower retaliation complaint. Complainant did not pursue filing of complaint.
2009-02303	DOT Road Services Division	Alleges written reprimand constitutes retaliation for previous reports of improper governmental action.	Employee received first formal discipline and believes it is due to their whistleblower reporting. Met with complainant and provided briefing on code, procedures. Complainant decided not to proceed with filing complaint at this point.
2009-02459	DAJD Juvenile Division	Complainant was a witness to a previous discrimination investigation and believes that investigation was not handled properly. Complainant expresses concern about being subject to retaliation due to involvement in investigation.	Provided information to complainant about improper governmental action and whistleblower retaliation complaint bases and processes. Coached complainant on options for pursuing concerns, including referral to alternate complaint channel, which complainant choose to use.
2009-01388	Executive Branch	County supervisor alleges that subordinates are harassing and abusive. Also alleges the upper management has not responded to issue in accordance with County's Workplace Violence Prevention Policy. Note: County employee did not disclose name or department during discussion with Ombudsman.	Discussed employee whistleblower complaint process, and other options. Complainant will consider options.
2009-02489	Animal Control	Alleges great risk of retaliation for having filed whistleblower allegations of inhumane treatment and conditions within county animal shelters. Seeks Ombudsman request to department for temporary preventive action pursuant to section 3.42.060.F.1 of the Whistleblower Protection Code	Resolved. Following consideration of the employee's request and informal time-limited inquiry by the Ombudsman's Office, the Ombudsman did not find sufficient evidence of a "great risk of retaliation" under KCC 3.42.060.F.1, but under the facts and circumstances requested by letter that the director of DES consider the employee's request. In response, the director of DES ordered the employee to be transferred to another section within DES.

Case Number	Agency	Allegation	Closing
2009-00563	Public Health	Employee questions hiring practice.	Referred employee to whistleblower complaint process.
2009-01068	County Council	Employee alleges retaliation in their workplace. Requests information about retaliation complaint process.	Employee was provided information on the Whistleblower Protection Act and the process for submitting retaliation complaints.
2009-01199	DNRP Solid Waste	Inquiry from employee regarding whistleblower complaint and allegation of retaliation surrounding alleged receipt of free property from county contractor.	Complainant did not follow through with complaint submission. Ombudsman's Office has insufficient information to proceed with complaint.
2009-02004	Licensing	Alleges co-workers arrive at work late and do not accurately record times on time cards.	Discussed matter with administration in department to raise profile of complaint and provide information to support an internal resolution.
2009-02150	Animal Control	Alleges inhumane conditions and practices in county animal shelters.	Declined following preliminary review. County employee alleged serious continuing problems with animal shelters including violations of law, abuse of authority and gross waste of public funds. Employee wished identity to remain confidential and feared se
2009-02856	Dot Transit Division	Concerns about possible retaliation under the Whistleblower Protection Code, KCC 3.42	Discussed situation and options with complainant.
2009-02868	DDES Land Use Services	Sought information and counseling concerning allegations of improper governmental action and retaliation under the Whistleblower Protection Code, stemming from workgroup tension regarding earlier disclosure of irregular practice in a sector of workgroup operations.	Assisted complainant in analyzing allegations, evidentiary burdens, potential cost and benefits of filing a retaliation complaint.

RESOURCE ISSUES

In addition to its obligations under the Whistleblower Protection Code, the Ombudsman's Office has broad authority to investigate almost any administrative act of executive branch agencies (KCC 2.52), and alleged violations of the county employee ethics (KCC 3.04) and lobbyist disclosure codes (KCC 1.07). Moreover, the Ombudsman's Office uses informal means to annually resolve thousands of issues between county agencies and county residents and employees. Thus, when Ordinance 16580 was proposed, there was some question about the additional workload that might be imposed by the legislation's new requirements.

Since passage of Ordinance 16580, the Ombudsman's Office has devoted significant resources to fully understanding its own and county departments' obligations under the Whistleblower Protection Code, producing high-quality explanatory materials, and conducting outreach to key stakeholders. Perhaps more significantly, in response to the new legislation⁴ the Ombudsman's Office has re-shaped its role in the whistleblower process to act as a conduit for all potential whistleblower and whistleblower retaliation complaints. When employees now contact the Ombudsman's Office with concerns, we provide more intensive individualized education, counseling and coaching concerning the best way to approach employee concerns than in the past.

These expanded activities have impacted the timelines of the Ombudsman's Office's other obligations. However, given the relatively small number of whistleblower investigations conducted each year by the Ombudsman's Office, we expect the impact to be reduced in the coming year since the Ombudsman's Office's new systems for administering the whistleblower program are now in place.

A specific concern at the time of passage was that adding responsibility for retaliation complaint investigation to the Ombudsman's portfolio had the potential to impose an intense resource burden, particularly because the ordinance requires that the Ombudsman complete retaliation investigations within 135 days. To date, that burden has not materialized, as eight whistleblower retaliation issues have been handled since passage of Ordinance 16580, a relatively small fraction of the office's overall workload. It is possible, however, that the resource burden of retaliation investigations may increase in the future given that retaliation investigations have the potential to become intensive and complex, and that retaliation complaints may be received in batches from employees in troubled work units. The Ombudsman's Office will continue to monitor the resource question and address it again in next year's annual report.

IDEAS FOR PROGRAM IMPROVEMENT

Officials in one county department have expressed concern that the Whistleblower Protection Code provides no time limitation for reports of improper governmental action commensurate with the six-month period for reporting retaliation. Thus, an employee

⁴ See, e.g., KCC 3.42.030(B), encouraging employees to consult with the Ombudsman to determine the appropriate place to file a complaint; KCC 3.42.057(H) and .060(F), affording the Ombudsman discretion to seek resolution of complaints through mediation.

could report a years-old improper governmental action at any time, thereby triggering an investigation and retaliation protection. In turn, the department asserts, such a scenario could chill management's ability to take a needed adverse employment action, which is viewed as *prima facie* evidence of retaliation if management acts in close temporal proximity to the improper governmental action report.

We believe a central policy underlying the Whistleblower Protection Code is to promote early identification and resolution of problems in county administration. A time limitation for improper governmental action complaints could advance this policy by encouraging employees who know of wrongdoing to come forward sooner rather than later. The state law protecting state employee whistleblowers imposes a one-year time limit for reports of improper governmental action.⁵

However, employees may sometimes be aware of problems but not come forward for significant periods of time out of fear or other reasons, despite prohibitions against retaliation. Some problems that have persistent negative impacts may not be revealed for years. Moreover, part of the expressed intent of councilmembers in passing Ordinance 16580 was to provide greater employee protections than state law provides for state employees.

In view of the all of these considerations, and since the amendments to the ordinance are still relatively new, we recommend that the County Council not amend the Whistleblower Protection Code with a time limit for reports of improper governmental action at this time. The Ombudsman's Office will continue to study this issue and will address it in a future report as needed.

FEEDBACK AND CONCERNS FROM PARTICIPANTS

In order to better understand the experience of county employees who brought whistleblower complaints to the Ombudsman's Office, the office conducted a survey of people involved in the submission of whistleblower complaints during 2009.

The results show that whistleblowers:

- heard about the whistleblower process from a variety of sources;
- mostly felt the Ombudsman's Office was helpful in resolving their issue or providing guidance about their options;
- mostly felt the Ombudsman's Office responded in a timely manner; and
- felt most-helped by the Ombudsman's Office's ability to describe the process.

Complete survey results, including comments from whistleblowers, are included as Appendix B to this report.

⁵ RCW 42.40.040(1)(a).

Whistleblower Program Annual Report

March 31, 2010

Appendix A

New Materials



King County Ombudsman's Office
401 5th Avenue, Room 135
Seattle, WA 98104
206-263-9242 v/tty 206-296-0948 fax

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 Ombudsman's 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 Ombudsman or to department directors. Some kinds of reports must be made to other officials. *Employees should consult with the Ombudsman's 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 Ombudsman 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 Ombudsman's 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 Ombudsman's Office and must specify the type of retaliation that occurred. The Ombudsman 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 Ombudsman's Office.



King County

Should I Blow the Whistle?

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

Still, the decision to blow the whistle is personal and could affect your life in ways you don't anticipate, so it's best to make your decision carefully.

BEFORE blowing the whistle...

- ❖ ***Talk to the Ombudsman's Office.*** Talk to us before you file a complaint. We can help figure out whether your complaint is covered by the Whistleblower Protection Code, to whom you should report the wrongdoing, whether you realistically can or should try to conceal your identity, and how to protect yourself from retaliation. In some cases, we can suggest ways to fix problems without a formal whistleblower complaint.
- ❖ ***Talk to your family and close friends.*** You will need their support. You and they need to be ready for the emotional roller coaster that whistleblowing can be.
- ❖ ***Don't burn bridges.*** It can be frustrating when others don't see the problems you see, or don't think they are as important as you do. Remain civil and polite with co-workers and managers, even if you feel they aren't.
- ❖ ***Think about whether you can change things within the chain of command.*** Managers may not know about problems on the job. If given a chance, many managers will be grateful for the information and may fix things without a dispute.
- ❖ ***Think about whether and how you can prove your allegations.*** Are there documents, emails, photos? How will the agency respond to these? Are there witnesses who can vouch for what you're saying? Do the witnesses see the problem the same way you do? You may want to consider getting the advice of a lawyer who specializes in employment law.
- ❖ ***Write it down!*** Keep careful records of your conversations with co-workers and managers concerning the wrongdoing, every step of the way. Use email to confirm your understandings. If you think you are facing or are about to face retaliation, document the details and call the Ombudsman's Office.



King County Ombudsman's Office

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Seattle, WA 98104
206-263-9242 v/tty 206-296-0948 fax

Whistleblower Improper Governmental Action Complaint

(# _____ office use only)

Please review the Whistleblower Protection Code Summary and the Whistleblower Protection Code (KCC 3.42) before completing this complaint form. We encourage employees to contact the Ombudsman's Office before filing a whistleblower complaint.

Pursuant to the Whistleblower Protection Code (KCC 3.42), I am reporting what I believe to be improper governmental action.

I am currently employed by King County: Yes _____ No _____

Name, position, and department of person(s) I believe to have engaged in improper governmental action:

Type of Improper Governmental Action:

Which type of improper governmental do you believe has occurred? Please check all that apply. If you know the particular law that has been violated, please provide it.

_____ Violation of state or federal law or rule or county ordinance or rule

_____ Please cite applicable state or federal law or rule, or county ordinance or rule

_____ Abuse of authority

_____ Gross mismanagement

_____ Substantial or specific danger to the public health or safety

_____ Gross waste of public funds

_____ Preventing dissemination of scientific opinion or altering technical findings without scientifically valid justification

Basis for reporting:

How do you know the information you are reporting?

_____ Personal or direct knowledge

_____ Others have told me about the situation

_____ Other (please explain):

Allegation of Improper Governmental Action:

Describe the alleged improper governmental action. Please be specific and include details and examples (who, what, when, where, how). What is the frequency of alleged improper governmental action? Attach an additional piece of paper as necessary.

Whistleblower Complaint # _____

Names and positions of those who may have witnessed the alleged improper governmental action:

Please list any additional evidence or documentation that would support your allegation of improper governmental action, and indicate whether you can personally provide that information. (You may provide us with supporting evidence when you file this report. If you are not supplying us supporting evidence at this time, please indicate when and how you plan to do so.)

Complainant Declaration

I declare under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

Signature _____ Date and Place (city, state) _____

Name (please print) _____

Home Address _____

City _____ State _____ Zip Code _____

Contact phone number(s) _____

Contact email address _____

Whistleblower Complaint # _____

Confidentiality

The whistleblower code protects the identity of an employee who reports improper governmental action to the extent allowed by law, *unless* that employee consents in writing to have his or her identity revealed.

If you do not wish to have your identity kept confidential, please sign below.

I hereby waive the confidentiality provision of KCC 3.42.040 and consent to having my identity revealed.

Complainant's signature

Date

Whistleblower Protection Code Summary

We request that you read the Whistleblower Protection Code Summary and sign below before filing your complaint.

I acknowledge that I have read the Whistleblower Protection Code Summary and I understand its contents.

Employee Signature

Date



King County

Office of Citizen Complaints – Ombudsman

401 5th Avenue, Room 135

Seattle, WA 98104

206-236-9242 v/tty 206-296-0948 fax

Whistleblower Retaliation Complaint

(# _____ *office use only*)

Please review the Whistleblower Protection Code Summary and the Whistleblower Protection Code (KCC 3.42) before completing this complaint form.

Pursuant to the Whistleblower Protection Code (KCC 3.42), I am reporting retaliation related to a reported improper governmental action.

Name, position, and agency of person(s) who has committed act of retaliation:

Initial Report of Improper Governmental Action:

What improper governmental action was reported that resulted in the alleged retaliation?

I believe I was retaliated against because: (Check all that apply)

- I reported this alleged improper governmental action
- I cooperated in an investigation related to this alleged improper governmental action
- I gave testimony arising out of this alleged improper governmental action

Whistleblower Retaliation Complaint _____

If you were the reporter, to whom did you make your report of improper governmental action? What was the date of the report?

If your complaint was made in writing, please provide a copy of your report.

Allegation of Retaliation:

Describe the alleged retaliation. (Retaliation is defined as "any unwarranted adverse change in employment status or the terms and conditions of employment.") Please include specific details. Attach an additional piece of paper, if necessary.

When did the alleged retaliation occur? Please also state the date you learned of the alleged retaliation, if different. (Retaliation must be reported within six months.)

Names and positions of those who may have witnessed the retaliation:

Whistleblower Retaliation Complaint _____

Please list any evidence or documentation that would support your allegation of retaliation, and indicate whether you can personally provide that information. (You may provide us with supporting evidence when you file this report. If you are not supplying us such supporting evidence at this time, please indicate when you plan to do so.)

Relief from Retaliation:

Please state what you believe should happen to resolve your complaint.

Complainant Declaration

I declare under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

Signature Date and Place (city, state)

Name (please print)

Address

City State Zip Code

Contact phone number(s)

Contact email address

Confidentiality

The identity of an employee who reports *improper governmental action* is protected unless that employee consents in writing to have his or her identity revealed. This confidentiality protection does **not** apply, however, to employees who are alleging whistleblower *retaliation* because in order to conduct an investigation it is usually necessary to reveal the identity of the person claiming retaliation.

If you have concerns about having your identity revealed, please let us know and we will work with you to address those concerns to the extent possible.

Whistleblower Protection Code Summary

We request that you read the Whistleblower Protection Code Summary and sign below before filing your complaint.

I acknowledge that I have read the Whistleblower Protection Code Summary and I understand its contents.

Employee Signature

Date

Whistleblower Program Annual Report

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Appendix B

Ombudsman's Office 2009 Survey
A Closer Look at the Whistleblower Experience

Ombudsman's Office 2009 Survey

A Closer Look at the Whistleblower Experience

INTRODUCTION

Since the creation of the King County Ombudsman's Office in 1968, the office has received and addressed a wide array of complaints. Previous surveys conducted by the Ombudsman's Office have focused on this diversity of complaints to ensure that the office is fulfilling its charter obligations and effectively serving the public. In the wake of recent changes to the County Code which formalize the Ombudsman's Office as the primary recipient of whistleblower complaints, the office decided to conduct a survey that focused solely on this type of complaint. The survey was developed to better understand the experience of county employees who brought whistleblower complaints to the Ombudsman's Office in 2009.

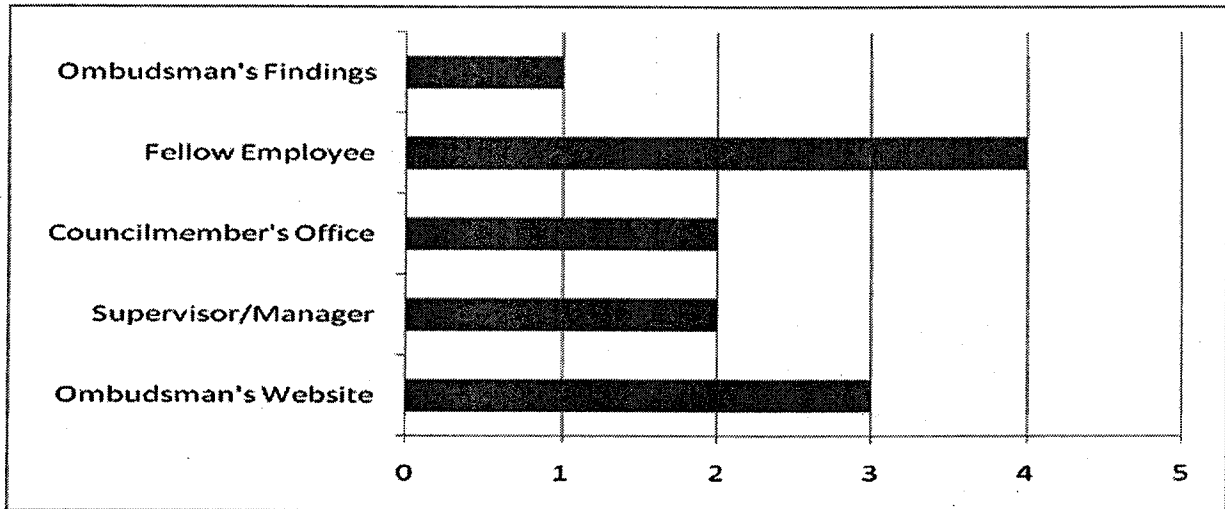
The Ombudsman's Office conducted a qualitative survey of 18 people involved in the submission of whistleblower complaints during the 2009 calendar year. Of the 18 people contacted, 11 or 61% agreed to complete a phone survey that was conducted by an Ombudsman's Office staff member.

The respondents were informed that the survey results would be used to evaluate the current process and map the future of the office's whistleblower program. The respondents were also told that their responses would be confidential and for that reason this report contains no identifying information.

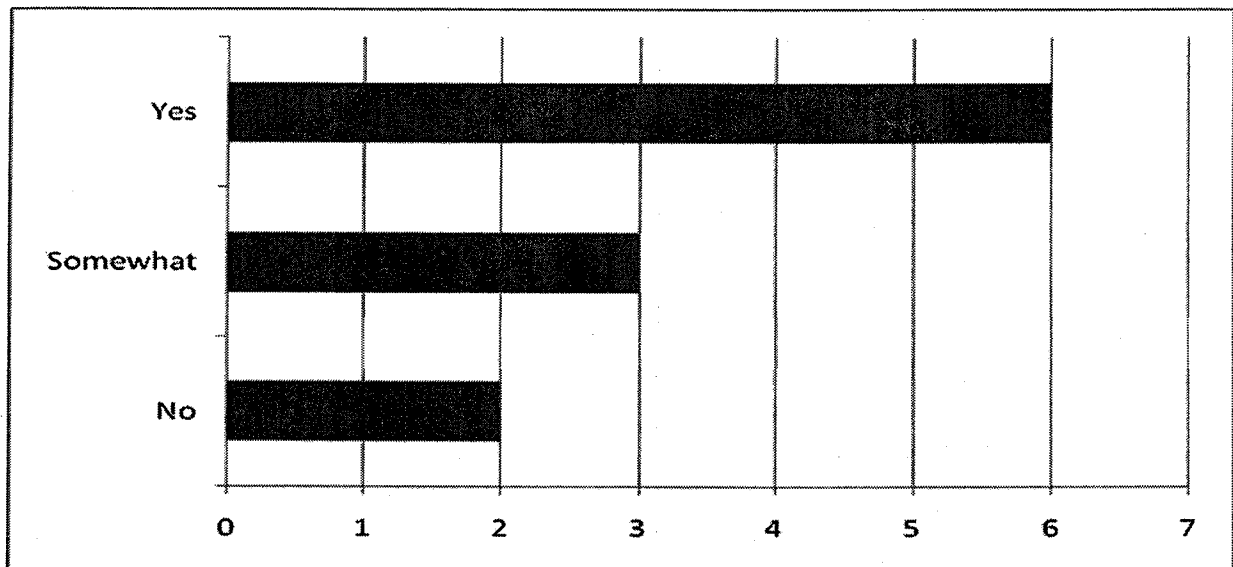
SURVEY RESULTS

The five survey questions focused on the respondents experiences with the Ombudsman's Office and also offered an opportunity for the respondents to share their ideas for future improvement. The survey questions were designed to be open-ended and to facilitate an interview process that fostered discussion. The questions and responses are displayed in the following tables.

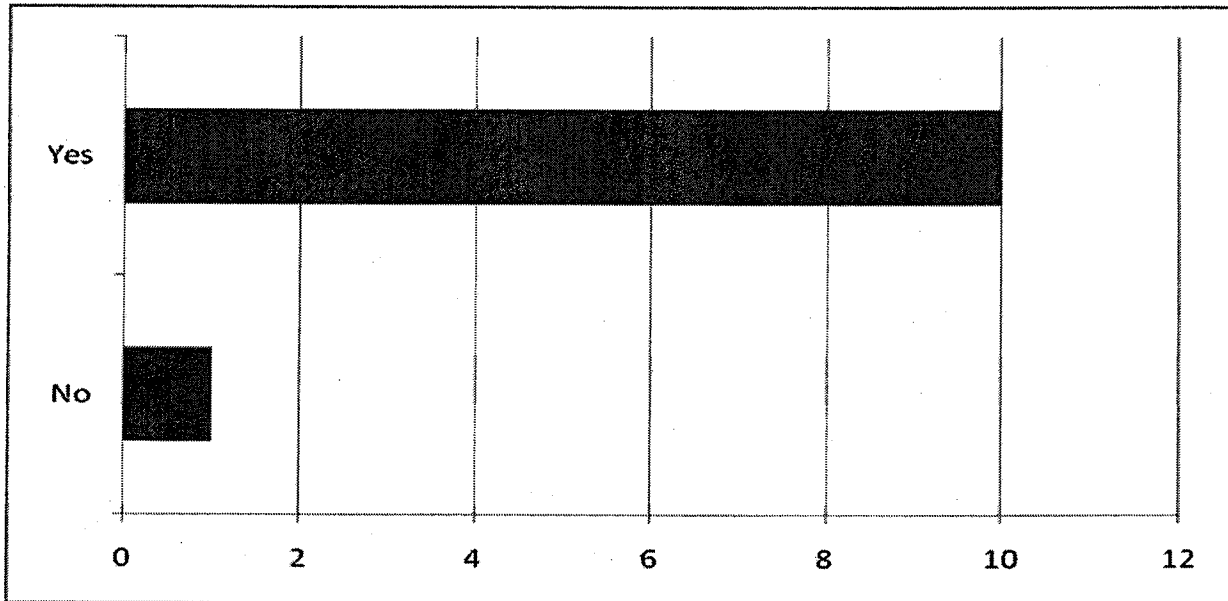
Question 1: *How did you hear about the Ombudsman's Office?*



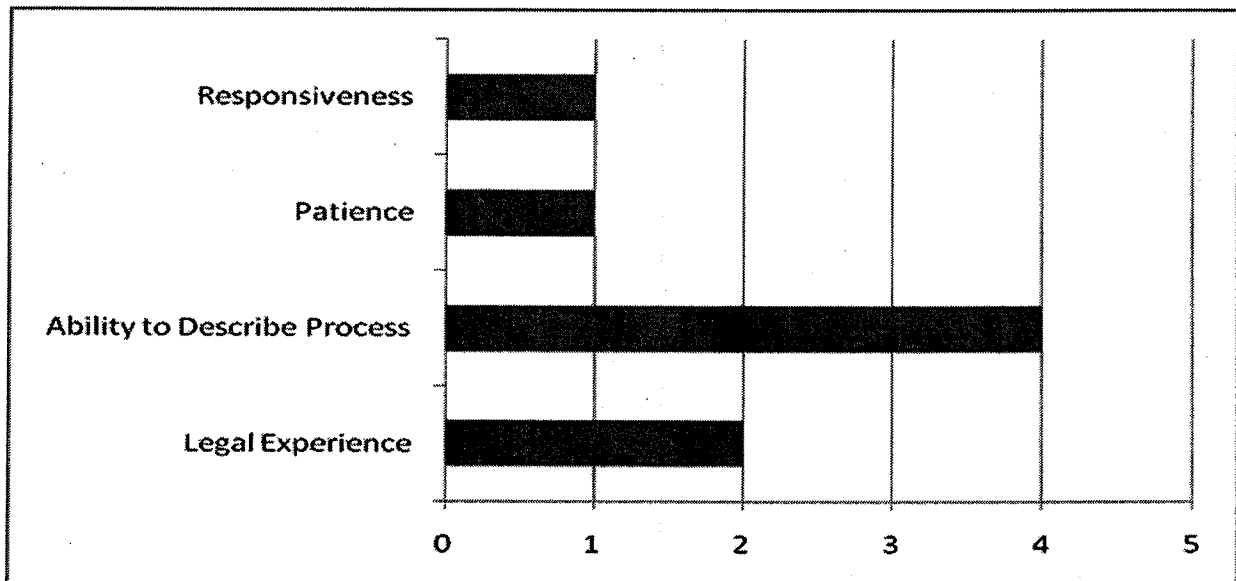
Question 2: *Was the Ombudsman's Office helpful in resolving your issue or providing guidance about your options?*



Question 3: *Did the Ombudsman's Office respond to you in a timely manner?*



Question 4: What was the most helpful part of your interaction with our office?



Question 5: What are some areas that you think we can improve in the future?

“Ask more follow-up questions to understand the county’s role”

“Get back to them (complainants) as often as possible with status updates and be honest about your limitations”

“Be fully aware of the ramifications for the employee when they bring issues forward – nothing is really confidential”

“None – at least without the office becoming independent of the county”

“Try to get information from as high up within the department as possible”