REPORTING IMPROPER GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST RETALIATION POLICY

It is the policy of the District (1) to encourage reporting by its Members of improper governmental action taken by District officers or Members and (2) to protect District Members who have reported improper governmental actions in accordance with the District's policies and procedures. This policy is established to meet the intent of the Local Government Whistleblower Act, chapter 42.41 RCW.

Definitions

As used in this policy, the following terms shall have the meanings indicated:

1. "Improper governmental action" means any action by a District Member:
   a. That is undertaken in the performance of the officer's or Member's official duties, whether or not the action is within the scope of Member's employment; and
   b. That (i) is in violation of any federal, state, or local law or rule, (ii) is an abuse of authority, (iii) is of substantial and specific danger to the public health or safety or (iv) is a gross waste of public funds.

"Improper governmental action" does not include personnel actions, including Member 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.

2. "Retaliatory action" means any adverse change in the terms and conditions of a District Member's employment.

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

4. “Member” means an elected official, employee (part or full time) or volunteer of the District.
Procedures for Reporting

District Members who become aware of improper governmental actions should raise the issue first with the Fire Chief. If requested by the Fire Chief, the Member shall submit a written report to the Fire Chief, or to some person designated by the Fire Chief, stating in detail the basis for the Member's belief that an improper governmental action has occurred.

Where the Member reasonably believes the improper governmental action involves the Fire Chief of the District, the Member may raise the issue directly with the Board of Commissioners of the District or such person as may be designated by the Board of Commissioners to receive reports of improper governmental action. To raise the issue with the Board of Commissioners the Member shall submit the written report to the Secretary of the Board of Commissioners.

In the event of an emergency, where the Member believes that damage to persons or property may result if action is not taken immediately, the Member may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.

The Fire Chief or the Fire Chief's designee, as the case may be, shall take prompt action to assist the District in properly investigating the report of improper governmental action. District officers and Members involved in the investigation shall keep the identity of reporting Members confidential to the extent possible under law, unless the Member authorizes the disclosure of his or her identity in writing.

After an investigation has been completed, the Member 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.

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

Members who fail to make a good-faith attempt to follow the District's procedures in reporting improper governmental action shall not receive the protections provided by the District in these procedures or the protections provided by chapter 42.41 RCW.
Protection From Retaliatory Actions

Members are prohibited from taking retaliatory action against a Member because he or she has in good faith reported an improper governmental action in accordance with these policies and procedures.

Members who believe that they have been retaliated against for reporting an improper governmental action should advise the Fire Chief or the Fire Chief's designee. Where the Member reasonably believes the retaliation action involves the Fire Chief of the District, the Member may report the issue directly to the Board of Commissioners of the District or such person as may be designated by the Board of Commissioners to receive reports of improper governmental action. To report the retaliation to the Board of Commissioners the Member shall submit the written report to the Secretary of the Board of Commissioners.

The District shall take appropriate action to investigate and address complaints of retaliation.

If the Fire Chief, or the Fire Chief's designee as the case may be, does not satisfactorily resolve a Member's complaint that he or she has been retaliated against in violation of this policy, or if the complaint is initially directed to the Board, the Member may obtain protection under this policy and pursuant to state law by providing a written notice to the District Board of Commissioners that:

a. Specifies the alleged retaliatory action and

b. Specifies the relief requested.

District Members shall provide a copy of their written charge to the Board of Commissioners no later than thirty (30) days after the occurrence of the alleged retaliatory action. The Board shall respond within thirty (30) days to the charge of retaliatory action.

After receiving either the response of the Board of Commissioners or thirty days after the delivery of the charge to the Board, the District Member 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. A Member seeking a hearing should deliver the request for hearing to the District Secretary within the earlier of either fifteen (15) days of delivery of the Board's response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to the Board for response.

Upon receipt of request for hearing, the District Secretary shall apply within five (5) 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
Olympia, WA 98504-2488
The Board of Commissioners will consider any recommendation provided by the administrative law judge that the retaliator be suspended with or without pay, or dismissed.

**Responsibilities**

The Chief or the Chief’s designee is responsible for implementing the District's policies and procedures (1) for reporting improper governmental action and (2) for protecting Members against retaliatory actions. This includes ensuring that this policy and these procedures (1) are permanently posted where all Members will have reasonable access to them, (2) are made available to any Member upon request and (3) are provided to all newly-hired Members. Officers 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.

**List of Agencies**

**LIST CURRENT AS OF 2014**

**CONTACT INFORMATION SHOULD BE UPDATED AT TIME OF POLICY ADOPTION**

Following is a list of agencies responsible for enforcing federal, state and local laws and investigating other issues involving improper governmental action. Members having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact the Chief.

[county] COUNTY

[county] County Ombudsman (General Complaints) [county] Environmental Division Code Enforcement [county ombudsman address] [county envir. div. address] [county ombudsman phone] [county envir. div. phone]

[county] County Health Center Chemical and Physical Hazards Line
[county health ctr address] [county] County Prosecuting Attorney [county health ctr phone] [county attny address] Criminal Division, [criminal div phone] Fraud Division, [fraud div phone] Civil Division, [civil div phone]

[county] County Health Services Hazardous Waste [county health haz waste address] [county health haz waste phone]
## STATE OF WASHINGTON

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<thead>
<tr>
<th>Department</th>
<th>Address</th>
<th>Contact Information</th>
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<tbody>
<tr>
<td>Attorney General's Office</td>
<td>1125 Washington St SE, Olympia, WA 98501</td>
<td>(360) 753-6200</td>
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<tr>
<td>Washington State Auditor’s Office</td>
<td>P.O. Box 40021, Olympia WA 98504-0031</td>
<td>866) 902-3900</td>
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<tr>
<td>State Department of Ecology</td>
<td>3190 160th S.E., Bellevue, WA 98008-5852</td>
<td>(206) 649-7000</td>
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<tr>
<td>Human Rights Commission</td>
<td>402 Evergreen Plaza Bldg., FJ-41, Olympia, WA 98504-2490</td>
<td>(888) 811-5974</td>
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<td>State Department of Health</td>
<td>Health Consumer Assistance, P.O. Box 4789, Olympia, WA 98504-7891</td>
<td>(800) 525-0127</td>
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<td>Department of Labor &amp; Industries</td>
<td>Fraud Prevention and Compliance, P.O. Box 44278, Olympia, WA 98504-4278</td>
<td>(888) 811-5974</td>
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<tr>
<td>State Liquor Control Board</td>
<td>Enforcement Customer Service, P.O. Box 68, Enumclaw, WA 98022</td>
<td>(206) 825-1631</td>
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<td>Department of Natural Resources</td>
<td>Puget Sound Water Quality Authority, P.O. Box 40900, Olympia, WA 98504</td>
<td>(206) 493-9300</td>
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<tr>
<td>Department of Social &amp; Health Services</td>
<td>Special Investigation Office, 5200 Southcenter Blvd., Suite 23, Tukwila, WA</td>
<td>(206) 764-4048</td>
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<tr>
<td>Puget Sound Water Quality Authority</td>
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<td>Fraud Complaints - (800) 562-6906</td>
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## UNITED STATES

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<tr>
<td>Department of Agriculture</td>
<td>Office of Inspector General, 915 Second Avenue, Seattle, WA</td>
<td>(206) 553-8290</td>
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<td>Alcohol Tobacco &amp; Firearms</td>
<td>Criminal Enforcement, 915 Second Avenue, Seattle, WA</td>
<td>(206) 553-4485</td>
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