

CITY OF GRANITE FALLS

RESOLUTION NO. 93-5

A RESOLUTION OF THE CITY OF GRANITE FALLS  
SETTING POLICY FOR REPORTING IMPROPER GOVERNMENTAL  
ACTION AND PROTECTING EMPLOYEES AGAINST RETALIATION  
AS DEFINED IN THE WHISTLEBLOWER ACT.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANITE  
FALLS AS FOLLOWS:

Section 1. Policy Statement. It is the policy of the City of Granite Falls (1) to encourage reporting by its employees of improper governmental action taken by City of Granite Falls officers or employees and (2) to protect City of Granite Falls employees who have reported improper governmental actions in accordance with the City of Granite Falls policies and procedure(s).

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

1. "Improper governmental action" means any action by a City of Granite Falls officer or employee:
  - a. That is undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee'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 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 or reprimands.

2. "Retaliatory action" means any adverse change in the terms and conditions of the City of Granite Falls employee's employment.
3. "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property.

Section 3. Procedures for Reporting. City of Granite Falls employees who become aware of improper governmental actions should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, to some person designated by the supervisor, stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the City of Granite Falls Mayor or such other person as may be designated by the City of Granite Falls Mayor to receive reports of improper governmental action.

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.

The supervisor, the City of Granite Falls Mayor or the City of Granite Falls Mayor's designee, as the case may be, shall take prompt action to assist the City of Granite Falls in properly investigating the report of improper governmental action. The City of Granite Falls officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identify in writing. 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, except that personnel actions taken as a result of the investigation may be kept confidential.

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

City of Granite Falls employees who fail to make a good-faith attempt to follow the City of Granite Falls procedures in reporting improper governmental action shall not receive the protections provided by the City of Granite Falls in these procedures.

Section 4. Protection Against Retaliatory Actions. City of Granite Falls officials and employees are prohibited from taking retaliatory action against a City of Granite Falls employee because he or she has in good faith reported an improper governmental action in accordance with these policies and procedures.

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor, the City of Granite Falls Mayor or the City of Granite Falls Mayor's designee. City of Granite Falls officials and supervisors shall take appropriate action to investigate and address complaints of retaliation.

If the employee's supervisor, the City of Granite Falls Mayor, or the City of Granite Falls Mayor's designee, as the case may be, does not satisfactorily resolve a City of Granite Falls employee's complaint that he or she has been retaliated against in violation of this policy, the City of Granite Falls employee may obtain protection under this policy and pursuant to state law by providing a written notice to the City of Granite Falls Council that:

- a. Specifies the alleged retaliatory action and
- b. Specifies the relief requested

City of Granite Falls employees shall provide a copy of their written charge to the City of Granite Falls Mayor no later than thirty (30) days after the occurrence of the alleged retaliatory action. The City of Granite Falls shall respond within thirty (30) days to the charge of retaliatory action.

After receiving either the response of the City of Granite Falls or thirty days after the delivery of the charge to the city of Granite Falls, the City of Granite Falls employee 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. An employee seeking a hearing should deliver the request for the hearing to the City of Granite Falls manager within the earlier of either fifteen (15) days of delivery of the City of Granite Falls response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to the City of Granite Falls for response.

Upon receipt of request for hearing, the City of Granite Falls 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, 4224 Sixth S.E.  
Rowe Six, Bldg. 1  
Lacey, WA 98504-2488  
(206)459-6353

The City of Granite will consider any recommendation provided by the administrative law judge that the retaliator be suspended with or without pay, or dismissed.

Section 5. Responsibilities. The Mayor or the Mayor's designee is responsible for implementing the City of Granite Falls policies and procedures (1) for reporting improper governmental action and (2) for protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures (1) are permanently posted where all employees will have reasonable access to them, (2) are made available to any employee upon request and (3) are provided to all newly-hired employees. Officers, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility.

Section 6. List of Agencies. Following is a list of agencies responsible for enforcing federal, state and local laws and investigating other issues involving improper governmental action. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact the City of Granite Falls Mayor.

**SNOHOMISH COUNTY:**

**Snohomish County Health District**  
Environment, Environmental Health, Illegal  
Dumping  
Snohomish County Courthouse  
Everett, WA 98201  
(206) 339-5250

**Snohomish County Prosecuting Attorney**  
Snohomish County Courthouse  
Everett, WA 98201  
(206) 388-3333

**Puget Sound Air Pollution Control**  
1-800-552-3565

STATE OF WASHINGTON:

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

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

State Auditor's Office  
Legislative Building  
P.O. Box 40021  
Olympia, WA 98504-0021  
(206) 753-5280

Department of Social  
and Health Services  
Special Investigation  
Office  
5200 Southcenter Blvd  
Suite 23  
Tukwila, WA  
(206) 764-4048

State Department of Ecology  
3190 - 160th S.E.  
Belleuve, WA 98008-5852  
(206) 649-7000

Fraud Complaints  
800-562-6025

Human Rights Commission  
402 Evergreen Plaza Bldg.,  
FJ-41  
711 South Capitol Way  
Olympia, WA 98504-2490

State Department of Health  
Health Consumer Assistance  
P.O. Box 4789  
Olympia, WA 98504-7891  
800-525-0127

Department of Labor & Industries  
300 West Harrison, Room 201  
Seattle, WA  
(206) 281-5400

State Liquor Control Board  
Enforcement Office  
2101 Sixth Avenue  
Seattle, WA  
(206) 464-9094

Department of Natural Resources  
P.O. Box 68  
Enumclaw, WA 98022  
(206) 825-1631

UNITED STATES:

Department of Agriculture  
Office of Inspector General  
915 Second Avenue  
Seattle, WA

Supervisor Auditor  
(206) 553-8290

Supervisor Special Agent  
Investigation  
(206) 553-8286

Alcohol Tobacco & Firearms  
Criminal Enforcement  
915 Second Avenue  
Seattle, WA  
(206) 553-4485

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

Government Account Office  
Fraud Hot Line 800-424-5454

Consumer Product Safety Comm.  
Hot Line  
800-638-2772

U.S. Customs Service  
Office of Enforcement  
909 First Avenue  
Seattle, WA  
(206) 553-7531

U.S. Dept. of Education  
Office of Inspector  
General  
915 Second Avenue  
Seattle, WA

Audits  
(206) 553-0657

Investigations  
(206) 553-1482

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

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

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

Federal Trade Commission  
915 Second Avenue  
Seattle, WA  
(206) 553-4656

General Services Admin.  
915 Second Avenue  
Seattle, WA

Office of Inspector Gen.

Audits  
(206) 931-7650

Law Enforcement  
(206) 553-0290

Investigations  
(206) 931-7654

Dept. of Health & Human  
Services  
Food & Drug Admin.  
22201 23rd Dr. S.E.  
Bothell, WA

Trade Complaints  
(206) 483-4949

Office of the Regional  
Secretary  
General Counsel's Office  
Inspector General

Audits  
(206) 553-0452

Investigations  
(206) 553-0229

Department of Housing &  
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 Comm.  
915 Second Avenue  
Room 1894  
Seattle, WA 98174  
(206) 553-5421

Department of Interior  
U.S. Fish & Wildlife  
Division of Law Enforce.  
121 107th N.E.  
Bellevue, WA  
(206) 553-5543

Department of Labor  
Occupational Safety & Health  
1111 Third Ave., Suite 715  
Seattle, WA 98101-3212  
(206) 553-5490

Office of Inspector  
General

Audits  
1111 Third Ave.  
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

Mine Safety & Health  
Administration  
117 107th N.E.  
Bellevue, WA  
(206) 553-7037

National Transportation  
Safety Board  
19518 Pacific Highway S.  
Seattle, WA  
(206) 764-3782

Nuclear Regulatory Comm.  
(510) 975-0200

Securities and Exchange  
Commission  
915 Second Avenue  
Seattle, WA 98174  
(206) 553-7990

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

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

Department of Veterans Affairs  
Office of Inspector General  
915 Second Avenue  
Seattle, WA 98174

Fraud/Waste/Abuse Hot Line  
800-488-8244

Passed by the City Council of the City of Granite Falls in  
open session this 24 day of February, 1993.

  
\_\_\_\_\_  
Mayor

Attest:

  
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Clerk