

Section I - Proposed Amendments to the City of Seattle Whistleblower Protection Code –

4.20.800 Policy -- Purpose.

- A. Encourage good faith reporting by City Employees of improper governmental action to the appropriate City or other government official;
- B. Provide Employees with a process for reporting improper governmental action;
- C. Provide for a independent investigation of reports for the purpose of informing City government;
- D. Protect City Employees from retaliatory action and provide non-exclusive remedies to address retaliation;
- E. Provide for the assessment of penalties for those who retaliate against a City Employee who acts in accordance with this chapter, and,
- F. Implement RCW 42.41.050.

4.20.810 Reporting improper governmental action – Rights, Responsibilities, Limitations and Protected Conduct.

A. Employee Rights.

1. Right to Report: Every City employee shall have the right to report in good faith information concerning an improper governmental action.
2. Freedom from Retaliation: Every City Employee making a good faith report pursuant to this subchapter or cooperating in an investigation or prosecution based on a good faith report, shall be free from retaliation.
3. Confidentiality: The identity of a City Employee who makes a good faith report of alleged improper governmental action or who cooperates in an investigation initiated by the report shall , **to the extent provided by law**, not be disclosed unless:
 - a. the City Employee in writing waives confidentiality and consents to disclosure, or
 - b. The City employee waives confidentiality through a claim of retaliation based on the reporting of improper governmental conduct.

B. Limitations.

1. **A City employee is not authorized to disclose information otherwise protected by law.**
2. An employee's reporting of his or her own improper action does not result in the employee being free from discipline or termination under SMC 4.04.230 or 4.08.100 if his or her improper action would be cause for such actions.

C. Protected Conduct- Reporting :

1. The following conduct by City employees is protected if carried out in good faith and in accordance with this subchapter:
 - a. Reporting in good faith any assertion of improper government action to the Executive Director including, but not limited to, a violation of the City Ethics, Lobbying or Election codes;

- b. **Reporting to other than a City employee if;**
 - i. **The City employee is, in good faith, seeking advice, counsel or opinion on their rights and responsibilities under this subchapter or determining whether to report the alleged improper governmental action, or**
 - ii. **Thirty days (30) days have passed since the written report of alleged improper governmental conduct has been delivered to the Executive Director.**
- c. Cooperating in an investigation resulting from a report of "improper governmental action"; and/or testifying in a proceeding or prosecution arising out of an "improper governmental action."
- d. Reporting in an emergency where the employee believes in good faith that substantial damage to persons or property will result, to any person who the employee believes can prevent the damage to persons or property. No emergency under this subsection exists where prompt attention and reporting under this subchapter by the employee could have avoided the perceived need to report immediately.
- e. When the City Employee believes in good faith that a crime is about to be committed or has been committed, reporting to any supervisor, manager or head of a department.

D The following conduct by a City employee is also protected if carried out in good faith and in accordance with this subchapter:

- a. Reporting sexual harassment to the employee's supervisor, EEO officer, department head, or other government official as set out in the City's adopted procedure for reporting sexual harassment complaints;
- b. Reporting violations of the Fair Employment Practices ordinance to the Office for Civil Rights;
- c. Reporting police misconduct to the Police Department's Internal Investigation Section;
- d. Reporting violations of the Code of Judicial Conduct by Municipal Court judges to the Washington State Commission on Judicial Conduct;
- e. Reporting violations of criminal laws to the appropriate county prosecuting attorney;
- f. Reporting violations of the Elections Code to the Executive Director.

E. Notice of Report to Executive Director - Any employee supervisor, EEO officer, department head, manager, or other City employee who receives a report of alleged improper governmental action shall, within fifteen days of receiving the initial report, disclose to the Executive Director the nature of the allegation and the name of the reporting person, if known. The individual receiving the initial report shall also make available any documentation or other evidence submitted by the reporting City employee if requested by the Executive Director.