

<p>SMC 4.20.830 Investigation.</p> <p><u>A) Investigation: In order to be investigated, an assertion of improper governmental conduct must be reported within twenty four (24) months of the occurrence of the alleged improper governmental action.</u></p> <ul style="list-style-type: none"> • <u>AB. Referral or Retention Required.</u> The Executive Director of the Ethics and Elections Commission, upon receiving a report alleging improper governmental action <u>in the following circumstances</u>., shall refer the complainant to the appropriate auditing official listed in Section 4.20.850 A if the Executive Director is not the appropriate auditing official. If the Executive Director is the appropriate auditing official, and theas follows: <u>Reports of 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;</u> • <u>Reports of violations of the Fair Employment Practices ordinance to the Office for Civil Rights;</u> • <u>Reports of police misconduct to the Seattle Police Office of Professional Accountability;</u> • <u>Reports of violations of the Code of Judicial Conduct by Municipal Court judges to the Washington State Commission on Judicial Conduct;</u> • <u>Reports of violations of criminal laws to the appropriate county prosecuting attorney.</u> <p><u>C. Discretionary Referral.</u> The Executive Director <u>may retain all reports of improper governmental conduct not required to be referred, for either investigation or referral to</u></p>	<p>SMC 4.20.830 Referral, Retention and Investigation of Reported Governmental Misconduct by the Executive Director.</p> <p>A) Investigation: In order to be investigated, an assertion of improper governmental conduct must be reported within twenty four (24) months of the occurrence of the alleged improper governmental action.</p> <p>B. Referral Required. The Executive Director upon receiving a report alleging improper governmental conduct in the following circumstances, shall refer the City employee initiating the complaint as follows:</p> <ul style="list-style-type: none"> • Reports of 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; • Reports of violations of the Fair Employment Practices ordinance to the Office for Civil Rights; • Reports of police misconduct to the Seattle Police Office of Professional Accountability; • Reports of violations of the Code of Judicial Conduct by Municipal Court judges to the Washington State Commission on Judicial Conduct; • Reports of violations of criminal laws to the appropriate county prosecuting attorney. <p>C. Discretionary Referral. The Executive Director may retain all reports of improper governmental conduct not required to be</p>
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the chief elected official of the branch of government implicated in the allegation, the head of the City department implicated in the allegation or to other governmental agencies that may be better suited to investigate the allegation. In all instances, the identity of the City employee who initiated the report is to be kept confidential pursuant to SMC 4.20.XXX.

- When the Executive Director decides to refer the complaint of improper governmental conduct the City Employee who initiated the report shall be notified before the referral is made.
- Within thirty (30) days after a referral is made by the Executive Director to a City department, the City department receiving the referral shall report to the Executive Director and to the City Employee who initiated the complaint if the employee has waived confidentiality pursuant to SMC 4.20.XXX, as to actions taken by the department or agency

D. Retention and Investigation by the Executive Director.

- Within thirty (30) days after receiving and retaining a report of possible improper governmental action from a City employee, the Executive Director shall conduct a preliminary inquiry, and communicate the results of this inquiry to the City Employee who initiated the report.
- If, after making a preliminary inquiry, the Executive Director has reason to believe that improper governmental action has taken place, the Executive Director may open an investigation or make a discretionary referral.
- When the Executive Director investigates a report alleging a violation of the Elections Code, the Executive Director shall handle that allegation according to SMC 2.04.070 and the

referred, for either investigation or referral to the chief elected official of the branch of government implicated in the allegation, the head of the City department implicated in the allegation or to other governmental agencies that may be better suited to investigate the allegation. In all instances, the identity of the City employee who initiated the report is to be kept confidential pursuant to SMC 4.20.XXX.

- When the Executive Director decides to refer the complaint of improper governmental conduct the City Employee who initiated the report shall be notified before the referral is made.
- Within thirty (30) days after a referral is made by the Executive Director to a City department, the City department receiving the referral shall report to the Executive Director, and to the City Employee who initiated the complaint if the employee has waived confidentiality pursuant to SMC 4.20.XXX, as to actions taken by the department or agency

D. Retention and Investigation by the Executive Director.

- Within thirty (30) days after receiving and retaining a report of possible improper governmental action from a City employee, the Executive Director shall conduct a preliminary inquiry, and communicate the results of this inquiry to the City Employee who initiated the report.
- If, after making a preliminary inquiry, the Executive Director has reason to believe that improper governmental action has taken place, the Executive Director may open an investigation or make a discretionary referral.
- When the Executive Director investigates a report alleging a violation

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Ethics and Election Commission’s Administrative Rules. If the Executive Director investigates a report alleging a violation of the Ethics Code, the Executive Director shall handle that allegation according to SMC 4.16.090 and the Ethics and Election Commission’s Administrative Rules.

- Investigations of improper governmental action that do not allege violations of the Ethics or Election Code shall be completed within a period of six (6) months. If an investigation cannot be completed within that time the Executive Director must inform the City Employee who initiated the complaint as to the reason why and estimate the completion date of the investigation

~~report alleges a violation of the Elections Code or the Code of Ethics, the Executive Director shall handle that allegation according to the ordinances and rules applicable to the code alleged to have been violated. If the Executive Director is the appropriate auditing official and the report alleges improper governmental action that does not fall within the prohibitions of the Ethics Code or the Elections Code, the Executive Director may refer the report to the chief elected official of the branch of government implicated in the allegation, who shall ensure that the appropriate officer or agency responds to the complainant in writing within thirty (30) days of receipt of the report by the appropriate auditing official, with a copy of the response to the Executive Director. If the Executive Director does not refer the report to another official, or if the other official's response is not timely or satisfactory to the Executive Director, the Executive Director may conduct an investigation. The procedures in subsections B through E of Section 4.20.830 shall apply only to the Executive Director of the Ethics and Elections Commission when he or she is investigating an improper governmental action that does not fall within the prohibitions of the Ethics Code or~~

of the Elections Code, the Executive Director shall handle that allegation according to SMC 2.04.070 and the Ethics and Election Commission’s Administrative Rules. If the Executive Director investigates a report alleging a violation of the Ethics Code, the Executive Director shall handle that allegation according to SMC 4.16.090 and the Ethics and Election Commission’s Administrative Rules.

- Investigations of improper governmental action that do not allege violations of the Ethics or Election Code shall be completed within a period of six (6) months. If an investigation cannot be completed within that time the Executive Director must inform the City Employee who initiated the complaint as to the reason why and estimate the completion date of the investigation.

E. Completion and Reports. Upon completion of the investigation, the Executive Director shall notify the City Employee who initiated the complaint in writing of any determinations made. If the Executive Director determines that an improper governmental action has occurred, the Executive Director shall report the nature and details of the activity to the City Employee who initiated the complaint; to the head of the department with responsibility for the action; and if a department head is implicated, to the Mayor and City Council; and to such other governmental officials or agencies as the Executive Director deems appropriate. If satisfactory action to follow up the report is not being taken within a reasonable time, the Executive Director shall report his or her determination to the Mayor and advise the City Council.

F. At any stage in an investigation of an alleged improper governmental action, the Executive Director may issue subpoenas, administer oaths, examine witnesses, compel the production of documents or other

~~the Elections Code and that should not have been referred to another auditing official under the first sentence of this subsection; other auditing officials investigating allegations of improper governmental action appropriately referred to them are not bound by these procedures.~~

B. Executive Director's Investigation. At any stage in an investigation of an alleged "improper governmental action," the Executive Director of the Seattle Ethics and Elections Commission may issue subpoenas, administer oaths, examine witnesses, compel the production of documents or other evidence, enlist the assistance of the City Attorney, the City Auditor, or the Chief of Police, refer the matter to the State Auditor or law enforcement authorities, and/or issue reports, each as deemed appropriate.

Within thirty (30) days after receiving information about an "improper governmental action" from a City employee, the Executive Director shall conduct a preliminary investigation, and provide the complainant with a written report of the general status of the investigation which may include matters for further research or inquiry.

C. Completion and Reports. Upon completion of the investigation, the Executive Director shall notify the complainant in writing of any determinations made. If the Executive Director determines that an improper governmental action has occurred, the Executive Director shall report the nature and details of the activity to the complainant; to the head of the department with responsibility for the action; and if a department head is implicated, to the Mayor and City Council; and to such other governmental officials or agencies as the Executive Director deems appropriate. If satisfactory action to follow up the report is not being taken within a reasonable time, the Executive Director shall report his or her determination to the Mayor and advise the

evidence, enlist the assistance of the City Attorney, the City Auditor, or the Chief of Police, refer the matter to the State Auditor or law enforcement authorities, and/or issue reports, each as deemed appropriate

G. Closure. Notwithstanding the foregoing, the Executive Director may close an investigation at any time he or she determines that no further action is warranted and shall so notify the City Employee who initiated the complaint. Decisions of the Executive Director under this section are not appealable to the Ethics and Elections Commission.

<p>City Council.</p> <p>D. Closure. The Executive Director may close an investigation at any time he or she determines that no further action is warranted and shall so notify the complainant.</p> <p>E. Decisions of the Executive Director under this section are not appealable to the Ethics and Elections Commission.</p>	
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