

Seattle Ethics and Elections Commission Special Meeting

September 18, 2013

The Seattle Ethics and Elections Commission met on September 18, 2013 in Room 4080 of the Seattle Municipal Tower, 700 Fifth Avenue. Commission Chair Bill Sherman called the meeting to order at 4:00 p.m. Vice-Chair Richard Cohan, Commissioners Brad Axel, Bruce Carter, David Mendoza and Kendee Yamaguchi were also in attendance. Commissioner Lorena González was not in attendance. Executive Director Wayne Barnett and staff members Anthony Adams, Polly Grow, Kate Flack and Gary Keese were present. Assistant City Attorney Jeff Slayton was also in attendance.

1) Public Comment

There was no public comment.

Action Items

2) Opinion Request from Councilmember Sally Bagshaw

Vice-Chair Cohan said that he believed that the opinion accurately reflected the Commission's oral advice to Councilmember Bagshaw at the August meeting. The Chair said that he had received an e-mail from Councilmember Bagshaw stating that she was pleased to have the Commission's guidance, and that she would follow it.

Vice-Chair Cohan moved to adopt the Advisory Opinion with minor edits from Mr. DiJulio, and Commissioner Yamaguchi seconded. The motion to issue the Advisory Opinion carried unanimously.

3) Briefing and possible Commission action regarding proposed change to the Whistleblower Protection Code

The Executive Director summarized the four outstanding issues that the City Council was working to resolve: (1) who should bear the burden of proving retaliation; (2) whether an employee could go to court without a reasonable cause determination first being issued by the Executive Director; (3) whether or not there should be a private cause of action, and what remedies should be available in such a proceeding; and (4) whether an employee could prevail on a showing that retaliation was a contributing factor in some adverse employment action, or whether retaliation would need to be a substantial factor.

The Chair thanked the Executive Director for the update, and told his fellow commissioners that he'd written the Council a brief letter advocating for a streamlined administrative proceeding coupled with a robust private cause of action that would serve employees who couldn't effectively be served in the administrative process.

Discussion Items

4) Executive Director's Report

There was no Executive Director's Report.

The Special Commission meeting for September 18, 2013 adjourned at 4:25 p.m.

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