

# **2014 City of Seattle Whistleblower Protection Code**

## **Training Plan (5/2/2014 DRAFT)**

**Seattle Dept. of Human Resources/Personnel**

**Seattle Ethics and Elections Commission**

### **Introduction**

The City of Seattle's new Whistleblower Protection Code took effect on January 15, 2014. The SEEC had identified reform of the City's Whistleblower Code as a Commission priority, the Commission and SEEC staff developed a draft ordinance, and the Commission recommended the draft ordinance to the City Council. The City Council made a few changes and passed the ordinance on December 9, 2013. The Mayor signed it on December 16, 2013 and the City's new Whistleblower Protection Code took effect on January 15, 2014.

The new ordinance mandates City Personnel/HR Department<sup>i</sup> and the SEEC to adopt a training plan to implement several specific whistleblower training goals.<sup>ii</sup> This document is that plan.

### **Ordinance Objectives**

The Ordinance identifies several policy purposes, which are the starting point for developing the training plan designed to help effectively implement the ordinance.

- Encourage City employees to report in good faith assertions of improper governmental action and to provide employees with a clear process for making reports;
- Provide City employees protection from retaliatory action for making a good faith report or being perceived as making a report, or cooperating or being perceived as cooperating in any subsequent inquiry or investigation;
- Provide for an independent investigation of reports to inform the operation of City government and promote the public confidence;
- Provide for an independent investigation and determination of alleged retaliation;
- Provide an administrative forum in which to address the harm caused by retaliatory behavior; and,
- Provide for the assessment of penalties against individuals who retaliate against a City employee.

## **Mandatory Training: Employee Groups and Specific Timing Goals**

- The ordinance specifies goals regarding which employees should be provided whistleblower (WB) training and by when.<sup>iii</sup>
- Train all current employees who exercise supervisory duties by January 2015;
- Train all new supervisory employees within six months after assuming supervisory duties;
- Train all new City employees within six months after their hire date; and,
- Annually provide all City employees with a written summary of the Whistleblower Code.

## **Curriculum Development**

SEEC staff identified City human resources professionals as the key to successfully implementing the new WB ordinance. The City has HR professionals in both the City-wide Personnel/HR Department and in the larger departments. HR professionals work regularly with supervisory personnel and are both a unique source of information about what supervisors need to implement the WB ordinance and a main conduit for getting that information to supervisors.

SEEC and Law Department staff conducted a series of 2-3 hour information sessions with HR professionals from virtually every City department in order to identify: 1) what supervisors need to know; and, 2) how best to get the needed information to them.

## **Curriculum Content**

Based in large part on feedback from the WB information sessions, SEEC staff identified key curriculum content for both general employees and for supervisory employees.

- General City Employees. WB training (live and online) for general audiences of City employees will focus on the rights and responsibilities of employees under the WB Code:

- Employees have the legal right to report improper governmental actions;
  - Employees may report either within their department, to the SEEC, or (under certain circumstances) to other governmental agencies;
  - Retaliation is prohibited;
  - Employees may report retaliation concerns directly to the SEEC;
  - The SEEC will conduct an independent investigation of alleged retaliation; and,
  - The City Hearing Examiner may order departments to remedy harm an employee suffers as a result of retaliation.
- Supervisory Personnel. In addition to the general audience items, WB training for supervisory personnel will also focus on the special responsibilities of supervisors:
    - What to do if an employee reports to you; and,
    - Best practices to avoid/minimize retaliation complaints.

### **Implementation Strategy**

A key component of this Training Plan is how best to inform all City employees about the new WB ordinance, the training requirement, and the available training options. We plan to use a variety of methods to get this information to as many employees as possible.

- SEEC ED letter. The Executive Director sent all department heads a letter before the ordinance's effective date summarizing the key features of the new ordinance (including the training requirement) and asking for their support in implementing the ordinance;
- City-wide email from the Mayor's Office or Personnel Director;
- SEEC Inweb. (Some WB information has already been added to the SEEC web site. Additional work on SEEC webpages will be done Summer/Fall 2014 as the City implements a new web management system);
- Citywide Inweb and Departmental Inwebs and newsletters. (SEEC staff will work with departments to add WB information to their departmental in-web sites and newsletter;
- Personnel Department training website;
- Human Resources professionals in each department;
- Training Coordinators in each department; and,
- Promoting additional training options at all live training appearances.

## **Training Methods**

- **Live Training.**
  - Beginning on the ordinance's January 15, 2014 effective date, all SEEC live training has included both Ethics and WB content.
  - All General Audience Classes (for all City employees). Currently, two hours of interactive scenario-based training includes at least 30 minutes of WB content.
  - All Specialized Classes (e.g. for employees with supervisory responsibilities; or for employees who participate in regulatory or contractual decisions). Currently two hours of interactive scenario-based training includes at least 30 minutes of WB content.
  - SEEC staff informational sessions. SEEC staff is also often invited to attend employee staff meetings in various departments. All such sessions now include WB training.
- **Online Training**
  - General Audience Online Class. SEEC and Personnel staff have completed an approximately 20-minute interactive scenario-based online training session devoted exclusively to WB issues. Emphasis is on general employees' rights and responsibilities under the WB ordinance.
  - Managers and Supervisors Online Class. SEEC and Personnel staff are developing a version of the interactive scenario-based online training session devoted exclusively to WB issues. Emphasis is on the special responsibilities supervisory employees have under the WB ordinance.
- **New WB brochure.** SEEC staff is working with a City contractor to develop a new WB brochure to replace the now-obsolete one. The contractor has obtained rights to use artwork from the prior brochure in the new one.

## **Approximate Numbers of Employees and Timeline Goals**

- Current Supervisory Employees. Approximately 2000 employees have, at least periodically, some supervisory responsibilities.
  - Online. We expect online training to be the primary way we reach these employees. We expect the online WB training class for supervisors to be available for use by summer 2014.

- Live. We expect live classes (see above) to be a secondary way to reach these employees).
- New Supervisory Employees. Approximately 150-200 new supervisory employees per year at current rates.
  - Online. We expect the online training to be the primary way we reach these employees. We expect on-line WB training class for supervisors to be available for use by summer 2014.
  - Most new supervisors take a live orientation that covers a wide variety of issues and areas. The SEEC currently has a 30-minute spot to briefly cover both Ethics and WB issues.
- New employees. The City is currently hiring approximately 50 new employees per month.
  - Live training. Most new employees attend a live orientation that covers a wide variety of City matters, including about 20 minutes for Ethics and WB matters.
  - Online training. We expect the general audience version of the on-line training to be the primary way we reach new City employees with additional Ethics and WB content.

### **Accountability/Record Keeping**

Accountability is one of the main challenges in this project. Because of the numbers of employees to be trained, on-line learning will necessarily play a key role. However, the City's current training record-keeping system does not work well for on-line classes. Attendance at live classes is documented through a combination of on-line registration and an "at the event" sign-in. That system does not work for documenting which employees have completed on-line classes.

The City is currently in the process of acquiring new learning management system software that will improve record-keeping for live classes and will integrate effective record keeping for on-line classes. The City just decided on a probable vendor for the system. However, that system is not expected to be operational until 2015.

In the meantime, SEEC, Personnel/HR, and Information Technology staffs are developing an interim system for tracking online training. The interim system will prompt employees at the conclusion of the on-line class to certify that they have completed the course. That information can then be compiled to show who has completed the course. We expect to be able to

incorporate the data collected during the interim system into the learning management system when it is up and running.

## **Conclusion**

SEEC staff is already training employees, both supervisory and general employees, about the new WB ordinance. An online class for general employees is complete and ready to launch. We are working on an online class for supervisory employees. We are optimistic that we can meet (and hopeful beat) the ordinance's goal dates for providing WB training for the various categories of City employees described in the WB ordinance.

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<sup>i</sup> The City is in the process of renaming the Personnel Department to be called the Human Resources Department. The department will be referred to as "Personnel/HR" In this training plan.

<sup>ii</sup> **SMC 4.20.880 Annual restatement and training**

The Seattle Ethics and Election Commission and City Personnel shall, within six months of the effective date of this ordinance, develop and present a plan for adoption by City Personnel and the Seattle Ethics and Elections Commission that reaches the following goals ensuring:

- A. City employees attend a Whistleblower Protection Code training offered by the Seattle Ethics and Elections Commission within six months of entering City service;
- B. All City employees who are acting in a management or supervisory capacity at the time this ordinance becomes effective will, within one year of the effective date attend a Whistleblower Protection Code training offered by the Seattle Ethics and Elections Commission;
- C. Every City employee who acts within a supervisory capacity will, within six months of undertaken supervisory responsibilities, attend a Whistleblower Protection Code training offered by the Seattle Ethics and Elections Commission; and,
- D. On annual basis each City employee receives a written summary of this chapter as prepared by the Ethics and Elections Commission.