

Changes to SMC 4.20.800

Implement Best Practices –
Update an ordinance last reviewed in 1994



Clearly state Employee rights and
responsibilities



Provide Independent Investigations of
Retaliation Complaints



Strengthen Enforcement and Remedies
available to Employees who have suffered
retaliation

Clarity

- 7 “Auditing Officials”



All reports can be made to SEEC

- “Gross waste of public funds” – not currently defined

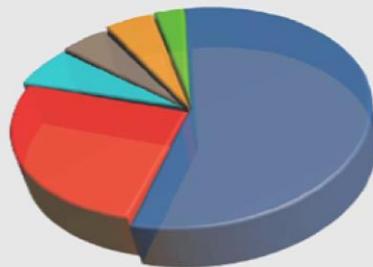


Now defined: as a gross deviation from the standard of care used by a reasonable person in the same situation.

SUPERVISORS MOST LIKELY TO RECEIVE FIRST REPORTS

Year	Percent of Reports Made First to Supervisors
2007	43%
2009	46%
2011	56%

SUPERVISORS RECEIVE MAJORITY OF 1ST REPORTS



- 56% Your Supervisor
- 26% Higher Management
- 6% Other
- 5% Hotline/Help Line
- 5% Other Responsible Person Including Ethics Officer
- 3% Someone Outside Your Company

MORE SECONDARY REPORTS MADE TO HIGHER MANAGEMENT



- 22% Your Supervisor
- 30% Higher Management
- 6% Other
- 9% Hotline/Help Line
- 23% Other Responsible Person Including Ethics Officer
- 11% Someone Outside Your Company

RETALIATION AGAINST WHISTLEBLOWERS



“At KPMG we believe that retaliation is at war with a strong ethical culture. Accordingly, every effort must be made to prevent retaliation for good faith reporting ...”

“ERC’s research confirms our view that this should be a top priority for all organizations. No organization can expect employees to come forward with concerns if they do not trust that the corporate culture and processes will protect them.”

Sven Erik Holmes, Vice Chairman -- Legal, Risk and Regulatory at KPMG LLP.

Retaliation – The Claim

STEP 1

- Screening

STEP 2

- Investigation
 - Independent, Objective and Neutral

STEP 3

- Findings
 - Reasonable Cause Finding
 - Department Comment Period
 - Settlement Conference

Retaliation – Enforcement & Remedies

STEP 4

- Enforcement
- Remedies

Hearing Examiner:

Actual Damages;

Other relief to effectuate chapter; secure future compliance

Relief that could be ordered by Court

Attorney fee \leq \$20,000

Emotional Damages \leq \$20,000

RCW 49.60.250(5) – in part
SMC 14.04.180(c) – in part

Private Cause of Action:

Injunction

Actual damages

Attorney fees and “other appropriate remedy under this chapter.”

Cooperating Employee = Whistleblower

Cooperating Employee – Definition of an employee who qualifies for inclusion under the ordinance.

- Makes a Good Faith Report
- Cooperates in an investigation or testifies in a proceeding resulting from a report
- Perceived to Have Reported, Cooperated

RCW 42.40.020(10)(a)(ii)