

**CITY OF MONROE
RESOLUTION NO. 2024-019**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MONROE, WASHINGTON, ADOPTING THE UPDATED
REPORTING OF IMPROPER GOVERNMENTAL ACTION POLICY**

WHEREAS, The Reporting of Improper Governmental Action Policy, originally effective October 26, 1992, has not undergone substantial updates since February 18, 2003; and

WHEREAS, HR staff conducted a personnel audit in collaboration with our risk pool, recommending updates to ensure compliance with RCW 42.41.030, which mandates the inclusion of procedures for reporting improper governmental action; and

WHEREAS, the updated policy aligns with best practices and state code, enhancing transparency and accountability within the workforce and includes an updated list of agencies to ensure employees have access to essential reporting resources; and

WHEREAS, the City aims to reinforce public trust and uphold the highest standards of legality and ethics in local governance through these updates.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Adoption of the updated Reporting of Improper Governmental Action Policy. The Reporting of Improper Governmental Action Policy, defines, describes, and delineates the applicability of various rules and laws related to whistleblowing at the City of Monroe, and is hereby adopted in the form and content provided in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full. It supersedes and replaces the City's previously adopted whistleblowing policy.

Section 2. Effective Date. This resolution shall take effect immediately upon passage.

ADOPTED by the City Council of the City of Monroe, at its regular meeting thereof, and APPROVED by the Mayor this 12th day of November, 2024.

Resolution No. 2024-019
Approved: 11/12/2024
Effective: 11/12/2024

ATTEST:


Jodi Wycoff (Nov 14, 2024 07:56 PST)

Jodi Wycoff, City Clerk

CITY OF MONROE, WASHINGTON:


Geoffrey Thomas (Nov 13, 2024 21:23 PST)

Geoffrey Thomas, Mayor

APPROVED AS TO FORM:


Zach Lell (Nov 13, 2024 09:42 PST)

J. Zachary Lell, City Attorney

EXHIBIT A



Administrative Policy Reporting of Improper Governmental Actions Human Resources

Policy Record

Approval Date	Effective Date	Approved By
11/12/2024	11/12/2024	City Council

Last Review:	Policy Number: 2024-019
Next review:	Replaces: 92-039
	Superseded By:
Policy Administrator: Human Resources	

Policy Statement

It is the policy of the City of Monroe to encourage reporting by its employees of improper governmental action taken by City of Monroe appointed and elected officials and employees; and (2) to protect City of Monroe employees who have reported improper governmental actions in accordance with the law and the City of Monroe's policies and procedures.

Definitions

As used in this policy, the following terms shall have the meanings indicated:

- A. "Improper governmental action" means any action by a City of Monroe official, or employee:
 - a. That is undertaken in the performance of the official's, or employee's official duties, whether or not the action is within the scope of employment; and
 - b. That is in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to public health or safety or is a gross waste of public funds.
 - c. "Improper governmental action" does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands.

Employees who seek to report unlawful harassment or discrimination shall follow the complaint reporting procedures set forth in the City of Monroe's anti-discrimination and anti-harassment policies.

- B. "Local government" includes cities, counties, school districts and special purpose districts.
- C. "Retaliatory action" means (a) any adverse change in a local government employee's employment status, or the terms and conditions of employment including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal, or any other disciplinary action; or (b) hostile actions by another employee towards a local government employee that were encouraged by a supervisor or senior manager or official.
- D. "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property.

Policy

Any City of Monroe employees who become aware of improper governmental actions should raise the issue first with their supervisor. The supervisor shall request the employee to submit a written report to the City Administrator stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves their supervisor, the employee may raise the issue directly with the department director, Human Resources or City Administrator. IF the employee believes that the City Administrator is involved, they shall inform the Mayor.

The supervisor, director, Human Resources, City Administrator, or Mayor, as the case may be, shall take prompt action in properly investigating the report of improper governmental action.

In the case of an emergency, the employee may report the improper governmental action directly to the appropriate outside government agency with responsibility for investigating the improper action. A comprehensive list of outside government agencies is attached hereto.

City of Monroe officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law unless the employee authorizes the disclosure of their identity in writing.

After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

City of Monroe employees who fail to make a good faith attempt to follow the procedures in reporting improper governmental action shall not receive the protections provided by RCW 42.41 in these procedures.

City employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the City employee reasonably believes that an adequate investigation was not undertaken by the City to determine whether an improper governmental action occurred, or that insufficient action has been taken by the City to address the improper governmental action or that for other reasons the improper governmental.

Protection Against Retaliatory Actions

City of Monroe officials and employees are prohibited from taking retaliatory action against a City employee because they have in good faith reported an improper governmental action in accordance with these policies and procedures.

If a City of Monroe employee believes that they have been retaliated against for reporting an improper governmental action should advise the City Administrator. The City Administrator, or the Mayor, if the allegation is against the City Administrator, shall take appropriate action to investigate and address complaints of retaliation. Represented employees may elect to pursue such issues through the labor agreement grievance process, in which case the procedures that follow would not apply.

City of Monroe employees shall provide a copy of their written charge to the Human Resources department, City Administrator, or Mayor no later than thirty (30) days after the occurrence of the alleged retaliatory action. The City of Monroe shall respond within thirty (30) days to the charge of retaliatory action.

If the City Administrator, or Mayor, as the case may be, does not satisfactorily resolve a City of Monroe employee's complaint that he or she was retaliated against in violation of this policy, the City of Monroe employee may obtain protection under this policy and pursuant to state law provide a written notice to the City of Monroe Council that:

- 1) Specifies the alleged retaliatory action, and
- 2) Specifies the relief requested.

The City of Monroe employees shall provide a copy of their written notice to the City Administrator no later than thirty (30) days after the occurrence of the alleged retaliatory action. The City of Monroe shall respond within thirty (30) days to the charge of retaliatory action.

After receiving either the response of the City of Monroe or thirty (30) days after the delivery of the charge to the City of Monroe, the City of Monroe employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the City Administrator within the earlier of either fifteen (15) days of delivery of the City of Monroe's response to the charge of retaliatory action or forty-five (45) days of delivery of the charge of retaliation to the City of Monroe for response. To determine which Administrative Hearing Office is nearest to the City of Monroe's location, contact the Office of Administrative Hearings Headquarters at (360) 407-2700.

The City of Monroe's will consider any recommendation provided by the administrative law judge that the retaliator be suspended with or without pay or dismissed. The City of Monroe may request a judicial review of the final decision of the Administrative Law Judge.

Responsibilities

The City Administrator is responsible for implementing the City of Monroe's policies and procedures (1) for reporting improper governmental action; and (2) for protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures (1) are permanently posted where all employees will have reasonable access to them; (2) are made available to any employee upon request; and (3) are provided to all newly hired employees. Directors, managers, and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility. Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including dismissal.

List of Agencies:

The following is a list of agencies responsible for enforcing Federal, State, and local laws and investigating other issues involving improper governmental action. Employees having questions about the agencies or the procedures for reporting improper governmental action are encouraged to contact human resources.

City Attorney's Office
Ogden Murphy Wallace
701 5th Avenue #5600
Seattle, WA 98104-7045
206-447-7000

State Auditor's Office
302 Sid Snyder Ave. SW
Olympia, WA
98504-0021
866-902-0370

Department of Transportation
Washington Division Office
310 Maple Park Avenue SE
P.O. Box 47300
Olympia, WA 98504-7300
360-705-7000

Snohomish County
Prosecuting Attorney
3000 Rockefeller Avenue,
M/S 504
Everett, WA 98201
425-388-3333

Department of Treasury
Internal Revenue Service
(Local Office)
915 Second Ave.
Seattle, WA 98174

Washington State Department
of Labor & Industries
PO Box 44000
Olympia, WA 98504-4000
360-902-5800

Office of the Attorney General
1125 Washington Street SE
PO Box 40100
Olympia, WA. 98504
360-753-6200

State Department of
Ecology
3190 160th Ave. SE
Bellevue, WA 98008
425-649-7000

State Department of Health
PO BOX 47877
Olympia, Washington
98504-7877
360-236-4700

Equal Employment
Opportunity Commission
Federal Office Building
909 First Avenue, Suite 400
Seattle, WA 98104-1061
800-669-4000

Federal Emergency
Management Agency
Federal Regional Center
130 228th Street SW
Bothell, WA 98021-9796
425-487-4600

Resolution 2024-019 Updated Reporting of Improper Governmental Action Policy

Final Audit Report

2024-11-14

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