



MASON COUNTY FIRE DISTRICT #4

TITLE: WHISTLE BLOWER POLICY AND PROCEDURES

CHAPTER: 2000 NUMBER: 2390 APPROVED: 10-07-2008

APPROVED: Signature on file Bob Burbridge, Chief

It is the policy of Mason County Fire protection District #4 (1) to encourage reporting by its employees of improper governmental action taken by District 4 officers or employees and (2) to protect District #4 employees who have reported improper governmental actions in accordance with the District's policies and procedures.

DEFINITIONS

1. "Improper governmental action" means any action by a District 4 officer or employee: That is undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment: and That (1) is in violation of any federal, state, or local law or rule, (2) is an abuse of authority, (3) is of substantial and specific danger to the public health or safety or (4) is a gross waste of public funds. "Improper governmental action" does not include personnel actions, including employee grievances, complaints, appointments, transfers, assignments, reassignments, promotions, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violation of collective bargaining or civil service laws, alleged violations of labor agreements, or reprimands.
2. "Retaliatory action" means any adverse change in the terms and conditions of a District 4 employee's employment.
3. "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property.

PROCEDURES FOR REPORTING

District 4 employees who become aware of improper governmental actions should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee's belief that an improper governmental action has occurred. When the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the District Chief or such other person as may be designated by the Chief to receive reports of improper governmental action.

The supervisor, the District Chief, or the Chief's designee, as the case may be, shall take prompt action to assist District 4 in properly investigating the report of improper governmental action. District 4 officers and employees shall keep the identity of reporting employees confidential to



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the extent possible under law, unless the employee authorized the disclosure of his or her 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.

District 4 employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the District employee reasonably believes that a adequate investigation was not undertaken by the District to determine whether an improper action has occurred, or that insufficient action has been taken by the District to address the improper governmental action is likely to recur.

District 4 employees who fail to make a good-faith attempt to follow the District's procedures in reporting improper governmental action shall not receive the protections provided by the District in these procedures.

PROTECTION AGAINST RETALIATORY ACTIONS

District 4 officials and employees are prohibited from taking retaliatory action against a District employee because he or she has in good faith reported an improper governmental action in accordance with these policies and procedures.

Employees who believe they have been retaliated against for reporting an improper governmental action should advise their supervisor, the District chief, or the Chief's designee. District 4 officials and supervisors shall take appropriate action to investigate and address complaints of retaliation. If the employee's supervisor, the district chief, or the chief's designee, as the case may be, does not satisfactorily resolve a District 4 employee's complaint that he or she has been retaliated against in violation of this policy, the District 4 employee may obtain protection under this policy and pursuant to state law by providing a written notice to the District 4 Board of Commissioners that:

Specifies the alleged retaliatory action and

Specifies the relief requested.

District 4 employees shall provide a copy of their written charge to the District Chief no later than thirty (30) days after the occurrence of the alleged retaliatory action. District 4 shall respond within thirty (30) days to the charge of retaliatory action.

After receiving either the response of District 4 or thirty days after the delivery of the charge to District 4, the District 4 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 District Chief within the earlier of either fifteen (15) days of delivery of the District's response to the charge of retaliatory action, for forty-five (45) days of delivery of the charge of retaliation to District 4 for response.

Upon request for hearing, District 4 shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge:
Office of Administrative Hearings



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P.O. Box 42488, 4224 Sixth SE
Rowe Six, Building 1
Lacey, Wa. 98504-2488
(360) 459-6353

District 4 will consider any recommendation provided by the administrative law judge that the retaliatory be suspended with or without pay, or dismissed.

The District Chief is responsible for implementing Fire District 4'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. Officers, 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 disciplinary action, up to and including dismissal.