



# BENTON COUNTY

## WHISTLEBLOWER PROTECTION POLICY

October 2023

### I. Policy

It is the policy of Benton County to (1) encourage reporting by its employees of improper governmental action taken by Benton County officers or employees, and (2) protect Benton County employees who have reported improper governmental actions in accordance with Benton County's policies and procedure(s). Elected Officials, Department Managers, and employees of Benton County are prohibited from taking retaliatory action against an employee because the employee has, in good faith, reported alleged improper governmental actions in accordance with Benton County policies and procedures. A Benton County employee failing to follow this policy and procedure in reporting improper governmental action shall not be eligible for the protections outlined.

### II. Definitions

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

**Improper governmental action** - Any action by a Benton County officer or employee:

- a. That is undertaken in the performance of the official's, officer's, or employee's official duties, whether or not the action is within the scope of the employee's employment; and
- b. That (i) is in violation of any federal, state, or local law or rule, (ii) is an abuse of authority, (iii) is of substantial and specific danger to the public health or safety or (iv) is a gross waste of public funds.

Improper governmental action does not include personnel actions, including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands, or any action that may be taken under chapters, 41.14, 41.56, or 53.18 RCW; or RCW 54.05.170 and 54.04.180.

**Retaliatory actions** - (i) Any adverse change in a Benton County employee's employment status or; (ii) 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 (iii) hostile actions by another employee that was encouraged by a supervisor.

**Emergency** - A circumstance that if not immediately changed may cause damage to persons or property.

**Benton County Management** - An individual Benton County employee's supervisor, up to and including Department Manager or Elected Official.

### III. Procedures for Reporting

Benton County 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 employees' belief that an improper governmental action has occurred. The employee is not responsible for investigating the activity or for determining fault or corrective measures. Where the employee reasonably believes the improper governmental action involves their supervisor, the employee may raise the issue directly with their respective Elected Official or Department Manager or such other person as may be designated by their respective Elected Officials or Department Manager to receive reports of improper governmental action.

If the employee works for a department under the County Administrator, and the employee believes the improper governmental action involves a County Commissioner, the County Administrator, or the Deputy County Administrator, the employee should raise the issue directly with the Prosecuting Attorney.

In the case of emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, or if the employee believes the improper governmental action involves an Elected Official, the employee may bypass the above notification procedure and report the improper governmental action directly to the appropriate government agency from the listing in Section IX of this policy.

Benton County Management shall take prompt action in investigating the report of improper governmental action. Benton County 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 findings of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

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

Benton County employees who fail to make a good faith attempt to follow Benton County's procedures in reporting improper governmental action shall not receive the protection provided by Benton County in these procedures.

### IV. Protection Against Retaliatory Actions

Benton County Management and employees are prohibited from taking retaliatory action against a Benton County employee because they have in good faith reported an improper governmental action in accordance with these policies and procedures.

V. Procedure For Reporting Retaliation

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their respective Elected Official or Department Manager within seven calendar days of the alleged retaliatory action. Benton County Management shall take appropriate action to timely investigate and address complaints of retaliation. The retaliation would typically occur within a reasonable time period after the reporting and must be an unjustified adverse employment status or hostile action encouraged by a supervisor, as defined in this policy. Protection against retaliatory actions does not protect an employee from justified employment actions.

If Benton County Management does not satisfactorily resolve a Benton County employee's complaint of retaliation against in violation of this policy, the Benton County employee may obtain protection under this policy and pursuant to state law by providing a written notice to the Benton County Commissioners that:

1. Specifies the alleged retaliatory action; and
2. Specifies the relief requested.

Benton County employees shall provide a copy of their written charge to the Benton County Commissioners no later than 30 days after the occurrence of the alleged retaliatory action. Benton County Commissioners shall respond within 30 days to the charge of retaliatory action.

VI. Request For Administrative Hearing

Upon receipt of either the response of the Benton County Commissioners or after the last day upon which they could respond, the Benton County employee may request a hearing to establish that a retaliatory action occurred and to obtain appropriate relief as defined in this policy. The request for a hearing shall be delivered to the Benton County Commissioners within 15 days of delivery of the response from Benton County, or within 15 days of the last day on which Benton County could respond. An employee cannot request an administrative hearing until after: (1) 15 days of delivery of the Benton County response to the charge of retaliation; or (2) 45 days of the delivery of the charge of retaliation to Benton County, provided no response was issued.

Upon receipt of request for hearing, Benton County shall apply within five working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge:

Office of Administrative Hearings  
PO Box 42488  
Olympia, WA 98504-2488  
(360) 407-2700

The appropriate Benton County official will consider any recommendation provided by the administrative law judge that the retaliator be suspended with or without pay or dismissed.

VII. Prohibition on Intimidation

Benton County Elected Officials and employees are prohibited to use their official authority or influence, directly or indirectly, to threaten, intimidate, or coerce an employee for the purpose of interfering with the employee’s right to disclose information concerning an improper governmental action.

VIII. Responsibilities

Benton County is responsible for implementing Benton County’s policies and procedures (1) for reporting improper governmental action and (2) for protecting employees against retaliatory action. 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 new employees. Elected Officials, Department 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 termination.

IX. List of Agencies

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 these agencies or the procedures for reporting improper governmental action are encouraged to contact their supervisor.

**BENTON COUNTY:**

<b>Clean Air Authority</b>	<a href="http://www.bentoncleanair.org">www.bentoncleanair.org</a>
<b>Benton County Prosecuting Attorney</b>	<a href="http://www.co.benton.wa.us/pview.aspx?id=712&amp;catid=47">www.co.benton.wa.us/pview.aspx?id=712&amp;catid=47</a>
<b>Benton County Sheriff</b>	<a href="http://www.co.benton.wa.us/pview.aspx?id=714&amp;catid=47">www.co.benton.wa.us/pview.aspx?id=714&amp;catid=47</a>
<b>Benton Franklin Health District</b>	<a href="http://www.bfhd.wa.gov">www.bfhd.wa.gov</a>

**STATE OF WASHINGTON:**

<b>Attorney General</b>	<a href="http://www.atg.wa.gov">www.atg.wa.gov</a>
<b>Department of Ecology</b>	<a href="http://www.ecology.wa.gov">www.ecology.wa.gov</a>
<b>Department of Health</b>	<a href="http://www.doh.wa.gov">www.doh.wa.gov</a>
<b>Department of Labor &amp; Industries</b>	<a href="http://www.lni.wa.gov">www.lni.wa.gov</a>
<b>Department of Natural Resources</b>	<a href="http://www.dnr.wa.gov">www.dnr.wa.gov</a>
<b>Department of Social and Health Services</b>	<a href="http://www.dshs.wa.gov">www.dshs.wa.gov</a>
<b>Human Rights Commission</b>	<a href="http://www.hum.wa.gov">www.hum.wa.gov</a>
<b>Liquor and Cannabis Board</b>	<a href="http://www.lcb.wa.gov">www.lcb.wa.gov</a>
<b>State Auditor’s Office</b>	<a href="http://www.sao.wa.gov">www.sao.wa.gov</a>

**UNITED STATES**

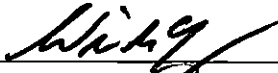
<b>Alcohol, Tobacco, Firearms and Explosives</b>	<a href="http://www.atf.gov">www.atf.gov</a>
<b>Consumer Product Safety Commission</b>	<a href="http://www.CPSC.gov">www.CPSC.gov</a>
<b>Department of Agriculture</b>	<a href="http://www.usda.gov">www.usda.gov</a>
<b>Department of Commerce Office</b>	<a href="http://www.commerce.gov">www.commerce.gov</a>
<b>Occupational Safety and Health Administration</b>	<a href="http://www.osha.gov">www.osha.gov</a>
<b>Department of Housing and Urban Development</b>	<a href="http://www.hud.gov">www.hud.gov</a>
<b>Drug Enforcement Administration</b>	<a href="http://www.dea.gov">www.dea.gov</a>
<b>Department of Transportation</b>	<a href="http://www.transportation.gov">www.transportation.gov</a>
<b>Department of Veterans Affairs</b>	<a href="http://www.va.gov">www.va.gov</a>
<b>Environmental Protection Agency</b>	<a href="http://www.epa.gov">www.epa.gov</a>
<b>Equal Employment Opportunity Commission</b>	<a href="http://www.eeoc.gov">www.eeoc.gov</a>
<b>Federal Emergency Management Agency</b>	<a href="http://www.fema.gov">www.fema.gov</a>
<b>Federal Trade Commission</b>	<a href="http://www.ftc.gov">www.ftc.gov</a>
<b>Food &amp; Drug Administration</b>	<a href="http://www.fda.gov">www.fda.gov</a>
<b>General Services Administration</b>	<a href="http://www.gsa.gov">www.gsa.gov</a>
<b>Government Accountability Office</b>	<a href="http://www.gao.gov">www.gao.gov</a>
<b>Mine Safety &amp; Health Administration</b>	<a href="http://www.msha.gov">www.msha.gov</a>
<b>National Transportation Safety Board</b>	<a href="http://www.nts.gov">www.nts.gov</a>
<b>Nuclear Regulatory Commission</b>	<a href="http://www.nrc.gov">www.nrc.gov</a>
<b>Securities and Exchange Commission</b>	<a href="http://www.sec.gov">www.sec.gov</a>
<b>U.S. Attorney</b>	<a href="http://www.justice.gov/usao">www.justice.gov/usao</a>
<b>U.S. Customs and Border Protection</b>	<a href="http://www.cbp.gov">www.cbp.gov</a>
<b>U.S. Fish &amp; Wildlife Service</b>	<a href="http://www.fws.gov">www.fws.gov</a>

X. Repealer

As of the date of adoption of this Whistleblower Protection Policy by the Board of County Commissioners, any and all prior Whistleblower Policies are hereby repealed and superseded by this Whistleblower Protection Policy.

Approved and accepted by the undersigned Benton County Elected Officials:

**BENTON COUNTY  
BOARD OF COMMISSIONERS**


  
\_\_\_\_\_  
Will McKay, Chair

  
\_\_\_\_\_  
Jerome Delvin, Commissioner


  
\_\_\_\_\_  
Michael Alvarez, Commissioner

Date:

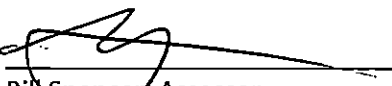
**SUPERIOR COURT**

  
\_\_\_\_\_  
Hon. Jacqueline Shea-Brown, Presiding Judge  
Date: 10.12.2023


**DISTRICT COURT**

  
\_\_\_\_\_  
Hon. Dan Kathren, Presiding Judge  
Date: 10.11.2023

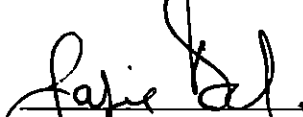
**ASSESSOR'S OFFICE**

  
\_\_\_\_\_  
Bill Spencer, Assessor  
Date: 10.11.2023

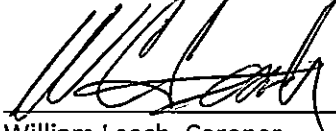
**AUDITOR'S OFFICE**

  
\_\_\_\_\_  
Brenda Chilton, Auditor  
Date: 10.11.2023


**CLERK'S OFFICE**

  
\_\_\_\_\_  
Josie Delvin, Clerk  
Date:


**CORONER'S OFFICE**

  
\_\_\_\_\_  
William Leach, Coroner  
Date: 10.11.2023

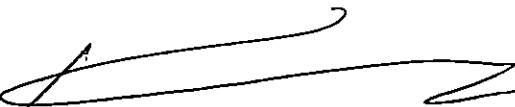
**PROSECUTING ATTORNEY'S OFFICE**

  
\_\_\_\_\_  
Eric Eisinger, Prosecuting Attorney  
Date: 10.11.2023

**SHERIFF'S OFFICE**

  
\_\_\_\_\_  
Tom Croskrey, Sheriff  
Date: 10.11.2023

**TREASURER'S OFFICE**

  
\_\_\_\_\_  
Kenneth Spencer, Treasurer  
Date: 10.11.2023