

Key Peninsula Metropolitan Park District
Dba Key Pen Parks



Resolution No R 2024-03

A RESOLUTION OF THE BOARD OF PARK COMMISSIONERS OF THE KEY PENINSULA METROPOLITAN PARK DISTRICT TO ADOPT A WHISTLEBLOWER POLICY

WHEREAS the Board of Park Commissioners of the Key Peninsula Metropolitan Park District (“Key Pen Parks”) desires to comply with the requirements laid out in RCW 42.41; and,

WHEREAS the Board of Park Commissioners of Key Pen Parks previously had information on whistleblowers included in the Employee Handbook but now desires to create a standalone policy for clarity as recommended by the Human Resources Committee.

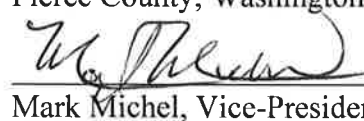
NOW THEREFORE, BE IT RESOLVED by the Board of Park Commissioners of Key Pen Parks that the Whistleblower Policy (Attachment “A”) is hereby adopted.


PASSED AND ADOPTED by the Board of Park Commissioners of Key Pen Parks at a Regular Meeting held at Key Peninsula Fire District Station 47, 1921 Key Peninsula Hwy NW, Home WA, held this 8th day of April 2024.

Attest:

Key Pen Parks
Board of Park Commissioners
Pierce County, Washington


Linda Parry, President


Mark Michel, Vice-President



Kip Clinton, Clerk


Shawn Jensen, Member-at-Large


Edward Robison, Member-at-Large

Ayes: Parry, Jensen, Michel, Robison, Clinton
Nays:

Absent:
Abstain:


Kip Clinton, Clerk of the Board


Tracey Perkosky, Executive Director



Key Peninsula Metropolitan Park District

Whistleblower Policy

Policy

It is the policy of Key Peninsula Metropolitan Park District (Key Pen Parks) to encourage Key Pen Parks employees to report improper governmental action by Key Pen Parks employees or officials and to protect Key Pen Parks employees who have reported improper government actions in accordance with this policy from retaliation.

Definitions

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

- A. "Emergency" means a circumstance that if not immediately changed may cause harm or injury to persons or property.
- B. "Improper governmental action" means any action by a Key Pen Parks officer or employee:
 - 1. 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
 - 2. That is in violation of any federal, state or local law or rule; is an abuse of authority with substantial adverse impact to the public interest; is a substantial and specific danger to the public health or safety; or 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, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of applicable collective bargaining and civil service laws, alleged labor agreement violations, reprimands, or any other personnel action taken under authority of state law.

- C. "Retaliatory action" means any (a) adverse change in a Key Pen Parks employee's employment status or terms and conditions of employment including denial of adequate staff to perform duties,

Attachment "A"

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 toward a KEY PEN PARKS employee that were encouraged by a supervisor or senior manager or official.

Procedures for Reporting Improper Government Action

A. Key Pen Parks employees who become aware of improper governmental actions shall follow the procedures set forth in this policy.

Key Pen Parks employees who become aware of improper governmental action should bring the matter to the attention of the Executive Director, preferably in writing. Where the employee reasonably believes the improper governmental action involves the Executive Director, the employee may raise the issue with a member of Key Pen Parks' Human Resource (HR) Committee. If requested by the Executive Director or a member of the HR Committee, the employee shall submit a written report describing in detail the basis for the employee's belief that an improper governmental action has occurred.

B. In the case of an emergency, an employee may report the improper governmental action directly to the appropriate government agency responsible for investigating the improper action, or to the Pierce County Prosecutor. A list of outside governmental agencies and their contact information is contained in the attached Appendix A. In all other cases, an employee must first follow the reporting procedure above.

C. The individual to whom the improper governmental action is reported shall take prompt action to assist Key Pen Parks in properly investigating the report of improper governmental action. After an investigation has been completed, the reporting employee shall be given a written summary of the results of the investigation.

D. Key Pen Parks employees who fail to make a good faith attempt to follow this policy in reporting improper governmental action shall not receive the protections provided under this policy or the Local Government Whistleblower Act (Chapter 42.41 RCW).

E. The identity of a reporting employee shall be kept confidential to the extent possible under the law, unless the employee authorizes the disclosure of their identity in writing.

F. Key Pen Parks officials, administrators, supervisors and employees are prohibited from taking retaliatory action against a KEY PEN PARKS employee because they provided information in good faith in accordance with this policy that an improper governmental action has occurred.

Attachment "A"

Procedures for Seeking Relief Against Retaliation

- A. Employees who believe they have been retaliated against for reporting an improper governmental action shall notify the Executive Director or a member of the HR Committee in writing, within 30 days after the occurrence of the alleged retaliatory action. Such written notice must specify the alleged retaliatory action and the relief requested.
- B. Key Pen Parks shall respond within 30 days to the charge of retaliatory action and request for relief.
- C. After receiving Key Pen Parks' response, a Key Pen Parks employee may request a hearing to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. The request for hearing must be delivered to the Executive Director or a member of the HR Committee within the earlier of either 15 days of delivery of Key Pen Parks' response to the charge of retaliatory action or 45 days of delivery of the written notice of alleged retaliatory action.
- D. Within five working days of receipt of a request for hearing, Key Pen Parks shall apply to the state office of administrative hearings for an adjudicative proceeding before an administrative law judge. At the hearing, the employee must prove their claim by a preponderance of the evidence. The administrative law judge will issue a final decision consisting of findings of fact, conclusions of law, and judgment no later than 45 days after the date of the request for hearing, unless an extension is granted as allowed by law. The administrative law judge may grant relief as provided by law. The final decision of the administrative law judge is subject to judicial review under the arbitrary and capricious standard. Relief ordered by the administrative law judge may be enforced by petition to superior court.

Policy Implementation

Key Pen Parks will permanently post this policy where all employees will have reasonable access to it, make the policy available to any employee upon request, and provide the policy to all newly hired employees. Key Pen Parks supervisors and administrators are responsible for ensuring this policy is fully implemented within their areas of responsibility.

APPENDIX A

Pierce County Prosecuting Attorney's Office

Room 946
930 Tacoma Avenue S
Tacoma, WA 98402
1-800-992-2456

State Auditor's Office

Insurance Building
Capitol Campus
302 Sid Snyder Ave. SW
Olympia WA 98504-0021
866-902-0370

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

State Department of Labor and Industries

PO Box 44000
Olympia, WA 98504-4000
360-902-5800

Attachment "A"

State Department of Transportation

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

Department of Treasury Internal Revenue Service

(Local Office)
915 Second Ave.
Seattle, WA 98174
1-800-772-1213

Equal Employment Opportunity Commission

Federal Office Building
909 First Avenue, Suite 400
Seattle, WA 98104-1061
1-800-669-4000

Federal Emergency Management Agency

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