



Business Process: Ethics Complaint

1. Purpose

To establish procedures for ethics complaints in accordance with the Clark County Charter, Clark County Code, Human Resources Policy and Revised Code of Washington (RCW).

2. General

The Clark County Charter, Clark County Code, Human Resources Policies and RCW defines and outlines ethics standards, including, but not limited to:

- a) Charter Section 8
- b) Clark County Code 2.07
- c) Human Resources Policy 13 – Employment Standards
- d) RCW 42.52

3. Filing Complaints

An ethics complaint should address how the conduct complained of violates the county's ethics standards. Members of the public, including employees of Clark County, can file an ethics complaint in the following ways:

- a) Calling the ethics phone number at 564-397-2525
- b) Emailing the complaint to CCEthicsVM@clark.wa.gov
- c) Delivering a written complaint in person, to the County Manager's office located at 1300 Franklin St., Suite 681, Vancouver, WA, 98666.
- d) Mailing a written complaint to the County Manager's office at PO Box 5000, Vancouver, WA 98666-5000.
- e) Elected or appointed Superior Court Judges and Commissioners and District Court Judges and Commissioners are exempt from the Ethics Complaint Process and any concerns should be sent to the State of Washington Commission on Judicial Conduct.

4. Ethics Complaint Process – Elected Officials and Advisory Boards and Commissions

Elected officials include, the Clark County Council, separate elected officials (e.g. Treasurer, Sheriff, Auditor, etc.), and any Clark County Advisory Boards and Commissions (e.g. Planning Commission, Development and Engineering Advisory Board, Parks Advisory Board, etc.). Elected or appointed Superior Court Judges and Commissioners and District Court Judges and Commissioners are exempt from the Ethics Complaint Process.

When a complaint is received, the following steps will be taken:

- a) A complaint memorandum (memo), to include a copy of the original complaint, will be sent acknowledging receipt of the complaint and explaining the next steps to the following recipients:
 - The person filing the complaint.
 - The individual about whom the complaint was made.
 - The Ethics Review Commission (Commission) Members.



- b) The Clark County Human Resources (HR) Director will conduct an initial review to determine if the allegations outlined in the complaint may constitute an ethics violation as defined by policy and/or state law (e.g. unprofessional behavior versus using their position for personal gain).
- c) During the next regularly scheduled meeting, the HR Director will provide an overview of the complaint and initial determination memo to the Commission in Executive Session in accordance with RCW 42.30.110 for complaints received fifteen (15) or more business days prior to the scheduled meeting. Complaints received within fifteen (15) business days of a regularly scheduled meeting will be reviewed at the next regularly scheduled meeting.
- d) The Commission will return to the open public meeting from Executive Session and consider a motion to rule either that the allegations do not constitute an ethics violation or that there is sufficient cause to warrant an investigation.
- e) If the Commission rules that the allegations do not constitute an ethics violation, the matter is closed. The HR Director will send a conclusion memo with the Commission's decision to the Commission, the complainant, and the individual about whom the complaint.
- f) If the Commission rules that there is sufficient cause to warrant an investigation, the Commission will ask the HR Director to contract with an outside third-party investigator to conduct the investigation.
 - (i) Upon conclusion of the investigation, the outside investigator will provide a report that recommends ruling either that the allegations do not constitute an ethics violation or that a violation may have occurred. The investigation report and recommendation will be provided to the HR Director, who will present the report and recommendation to the Commission in Executive Session.
 - (ii) The Commission will return to the open public meeting from Executive Session and consider a motion to rule either that the allegations do not constitute an ethics violation or that a hearing will be held on the complaint.
 - (iii) If the Commission rules that the allegations do not constitute an ethics violation, the matter is closed. The HR Director will send a conclusion memo with the Commission's decision to the Commission, the complainant, and the individual about whom the complaint was made.
 - (iv) If the Commission rules that a hearing will be held, the Commission will set the matter for a future hearing during an open public meeting.
 - A. Notice of the hearing will be provided to the complainant and the individual about whom the complaint was made.
 - B. At the hearing, the complainant and the individual about whom the complaint was made may provide testimony, call witnesses, cross-examine witnesses and offer evidence to the Commission.
 - C. After the complainant and individual about whom the complaint was made have finished providing evidence, the Commission will adjourn to evaluate the evidence presented in Executive Session. The Commission will return to the open public meeting from Executive Session and consider a motion to continue the hearing or to rule on the complaint and what action it deems appropriate as provided under Clark County Code § 2.07.020.

5. Ethics Complaint Process – County Employees*

County Employees include regular full time and part time employees, project employees, temporary employees, contract employees, volunteers and contractors doing business with or on the behalf of Clark County.

*Clark County and the following represented groups are currently bargaining the impacts of this business process; therefore, are not subject to this business process: Deputy Sheriff's Guild, Sheriff's Administrators Association, and Sheriff's Office Support Guild.

When a complaint is received, the following steps will be taken:

- a) A complaint memo, to include a copy of the original complaint, will be sent acknowledging receipt of the complaint and explaining the next steps to the following recipients:
 - The person filing the complaint.
 - The employee about whom the complaint was made.
 - The Ethics Review Commission Members.
- b) The Clark County HR Director will conduct an initial review to determine if the allegations outlined in the complaint may constitute an ethics violation as defined by policy and/or state law (e.g. unprofessional behavior versus using their position for personal gain).
- c) During the next regularly scheduled meeting, the HR Director will provide an overview of the complaint and initial determination memo to the Commission in Executive Session in accordance with RCW 42.30.110 for complaints received fifteen (15) or more business days prior to the scheduled meeting. Complaints received within fifteen (15) business days of a regularly scheduled meeting will be reviewed at the next regularly scheduled meeting.
- d) The Commission will then return to the regular open public meeting from Executive Session and consider a motion to rule either that the allegations do not constitute an ethics violation or that there is sufficient cause to warrant an investigation.
- e) If the Commission rules that the allegations do not constitute an ethics violation, the matter is closed. The HR Director will send a conclusion memo with the Commission's decision to the Commission, the complainant, and the employee about whom the complaint was made.
- f) If the Commission rules that there is sufficient cause to warrant an investigation, the Commission will ask the HR Director to send the allegations to a qualified investigator to conduct the investigation.
 - The HR Director will determine if there are qualified staff who have capacity to conduct the investigation, or the HR Director, with the approval of the County Manager, may contract with an outside third-party investigator to conduct the investigation.
 - Upon conclusion of the investigation, the investigator will provide a report that recommends ruling either that the allegations do not constitute an ethics violation or that a violation may have occurred. The investigation report and recommendation will be provided to the HR Director, who will present the report and recommendation to the Commission in Executive Session.
 - The Commission will return to the open public meeting from Executive Session to consider a motion to rule either that the allegations do not constitute an ethics violation or that a hearing will be held on the complaint.
 - If the Commission rules that the allegations do not constitute an ethics violation, the matter is closed. The HR Director will send a conclusion memo with the Commission's decision to the Commission, the complainant and the employee about whom the complaint was made.
 - If the Commission rules that a hearing will be held, the Commission will set the matter for a future hearing during an open public meeting.
 - A. Notice of the hearing will be provided to the complainant and the employee about whom the complaint was made.

*Clark County and the following represented groups are currently bargaining the impacts of this business process; therefore, are not subject to this business process: Deputy Sheriff's Guild, Sheriff's Administrators Association, and Sheriff's Office Support Guild.

- B. At the hearing, the complainant and the employee about whom the complaint was made may provide testimony, call witnesses, cross-examine witnesses and offer evidence to the Commission.
- C. After the complainant and employee have finished providing evidence, the Commission will adjourn to evaluate the complaint in Executive Session. The Commission will return to the open public meeting from Executive Session and consider a motion to continue the hearing or to rule on the complaint and what action it deems appropriate as provided under Clark County Code § 2.07.020.
- D. If the Commission rules that an ethics violation has occurred, the HR Director will work with the employee's supervisor and will follow appropriate steps in accordance with HR Policy and Collective Bargaining Agreements, if applicable.

*Clark County and the following represented groups are currently bargaining the impacts of this business process; therefore, are not subject to this business process: Deputy Sheriff's Guild, Sheriff's Administrators Association, and Sheriff's Office Support Guild.