



King County

Tri-Annual Report

King County Ombudsman's Office

Ombudsman's Office Tri-Annual Report
January 1 to April 30, 2011

May 16, 2011

Background

The King County Ombudsman's Office was created by the voters of King County in the County Home Rule Charter of 1968, and operates as an independent office within the legislative branch of county government. The Ombudsman's Office resolves issues informally where possible, and investigates county agency conduct in response to complaints received from the public, county employees, or on its own initiative. This includes investigating alleged violations of the Employee Code of Ethics (KCC 3.04), Lobbyist Disclosure Code (KCC 1.07), and the Whistleblower Protection Code (KCC 3.42). In addition, the Tax Advisor section of the Ombudsman's Office provides property owners with information regarding all aspects of the property tax assessment process, and offers specific guidance for those who are considering an appeal of their assessment.

The Ombudsman's Office reports to the Metropolitan King County Council on the 15th of January, May, and September of each year on the activities of the Office for the preceding calendar period, per KCC 2.52.150. This report summarizes Office activities for January 1 through April 30, 2011.

Complaints Received

The Ombudsman's Office received 749 complaints and inquiries from citizens and county employees between January 1 and April 30, 2011. Our office is projected to receive 2,247 complaints and inquiries in 2011.

A review of our case statistics revealed the following trends:

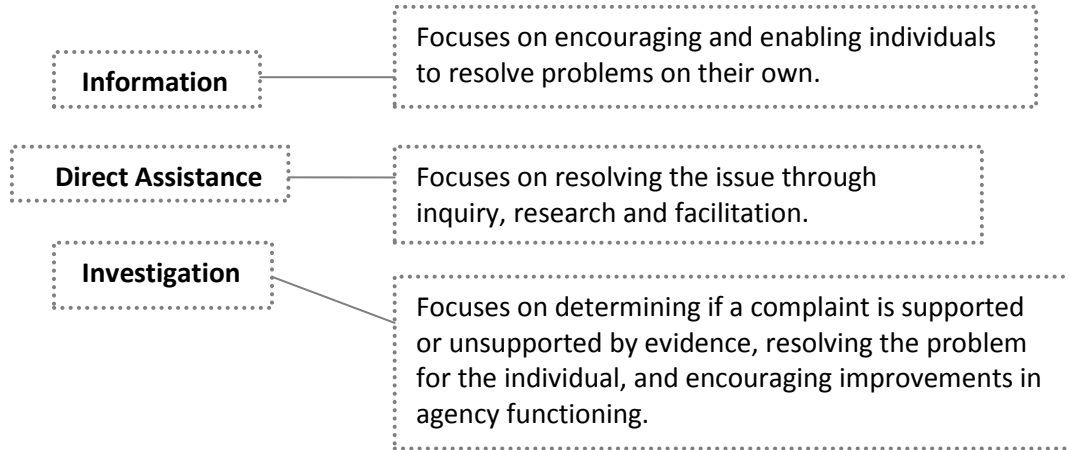
- The Ombudsman's Office has seen a steady increase over the past year in the number of employee whistleblower and retaliation complaints. We expected these results in light of expanded whistleblower protections and the difficult cycle of layoffs prompted by reduced county revenues. These cases are often high-stakes for both the complainant and the County. Typically, they are also complex and nuanced, and thus they are resource-intensive for our staff, whether the cases are resolved informally or through an investigation.
- While King County jail inmates have access to our office through a dedicated phone line, we received fewer complaints from Department of Adult and Juvenile Detention (DAJD) facilities than we have in previous periods. Over the first four months of 2011, our office received 27% fewer inmate complaints than in 2010.

Contact the King County Ombudsman's Office:

516 Third Avenue, Room W-1039
Phone: 206.205.6338
Email: ombudsman@kingcounty.gov
Website: <http://www.kingcounty.gov/operations/Ombudsman.aspx>

Response to Complaints

The Ombudsman's Office reviews each complaint individually, to determine the appropriate response. In addition to addressing individual concerns, our office also focuses on complaint patterns which may indicate a systemic issue. Once we fully understand the complainant's issue, our office responds in one, several, or all of the following three ways:

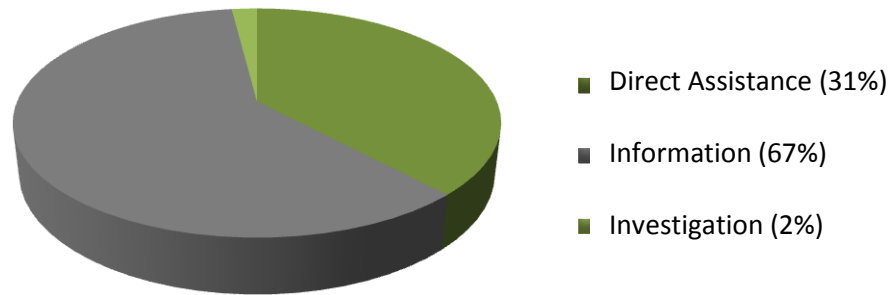


Complaint Disposition

The graph below shows the number of Ombudsman's Office cases associated with each county agency, and reveals how we responded to the 749 complaints and inquiries we received in the first four months of 2011:

Department	Direct			Total
	Assistance	Investigation	Information	
Adult and Juvenile Detention	79	2	210	291
Community and Human Services	1	0	10	11
Development and Environmental Services	12	2	13	27
District Court	1	0	9	10
King County Executive	0	0	2	2
Executive Services	16	4	20	40
Natural Resources and Parks	4	1	8	13
Ombudsman's Office / Tax Advisor	14	0	27	41
Prosecuting Attorney's Office	2	0	5	7
Public Health	95	0	25	120
Sheriff's Office	1	5	13	19
Superior Court	0	0	22	22
Transportation	7	1	18	26
Non-Jurisdictional	1	0	119	120
Total	233	15	501	749

From January through April, as in previous periods, the majority of public contacts to our office required either direct assistance or information. In addition to these cases, the Ombudsman’s Office also opened 15 investigations.



Case Summaries

The nature and circumstances of the issues people bring to our office vary widely. The case summaries below describe how our office resolved some of the complaints we received during the first four months of 2011:

Complaint	Resolution
County employee alleged a supervisor in the Department of Executive Services (DES) falsified his timesheet and violated the county’s leave policy.	The Ombudsman’s Office discovered two payroll errors in the course of this investigation. These errors appeared to be based on a one-time miscommunication, and those errors were corrected by DES. Ombudsman did not find a pattern of the respondent abusing his exempt status or evidence that he incorrectly reported his time to avoid using sick leave. Allegation unsupported.
County employee in DES alleged that due to her whistleblower report, she experienced retaliation, including: changing work hours; job duties and title; poor performance review; blocked email access during maternity leave; and proposed layoff.	Following extensive investigation, Ombudsman found complainant’s reports of alleged wrongdoing likely qualified the employee for retaliation protections. However, as we explained in detailed findings provided to the employee and managers, the evidence was insufficient to support the claim that managers retaliated in any of the ways alleged in the complaint. Allegation unsupported.
Alleged mismanagement of a county employee’s benefits claim by DES.	Ombudsman’s Office staff met with the complainant and discussed their situation with the benefits official in DES. The department revisited the complainant’s request and ultimately approved her appeal.
Alleged violation of the Employee Ethics Code by an employee in the Department of Transportation (DOT).	Interviewed the complainant, respondent, and also reviewed relevant documents. The Ombudsman neither found, nor was directed to, any evidence to support the allegation that the respondent used the vacation condo of a county contractor. Allegation unsupported.

Complaint	Resolution
<p>Alleged violation of the Employee Code of Ethics by a Department of Development and Environmental Services (DDES) employee who failed to recuse himself from a matter in which he held a personal financial interest.</p>	<p>The Ombudsman’s Office interviewed the complainant, respondent, and other witnesses. Additionally, the Ombudsman reviewed the respondent’s submissions, department investigation reports, relevant land use codes and property records, and Ethics Board opinions. The Ombudsman determined that the respondent recused himself from the matter as directed by the ethics code and did not improperly use his authority to coerce any entity to provide him with a personal benefit. Allegation unsupported.</p>
<p>Inmate alleged that the Department of Adult and Juvenile Detention (DAJD) interfered with mail delivery and made unfair decisions related to housing classification. Further, the inmate alleged that he had been threatened with pepper spray if he complained about the above issues.</p>	<p>The Ombudsman’s Office reviewed DAJD’s complete, un-redacted investigation file. The Ombudsman found the allegations unsupported. However, our office also identified a potential risk in situations where inmates were asked to sign contracts in the presence of corrections officers with weapons. The Ombudsman pointed out to DAJD that these situations may appear to be coercive. DAJD agreed to review its process.</p>
<p>Inmate alleged misconduct by Jail Health Services (JHS) and retaliation for previous complaints.</p>	<p>The Ombudsman’s Office transmitted the allegations in two parts to JHS and asked for a response to all allegations. JHS responded with a detailed memorandum addressing each allegation with information from the inmate’s medical record, employee interviews, witness interviews, and DAJD deck logs. The Ombudsman’s Office reviewed the response, medical records, and the information given by the inmate. The Ombudsman found the records did not correspond to the complainant’s assertions. Allegation unsupported.</p>
<p>Complainant who had previously reported improper governmental action in DOT was concerned that he/she was experiencing retaliation as a result of their report.</p>	<p>With the complainant’s consent, the Ombudsman transmitted the concerns to the department. The complainant contacted the Ombudsman’s Office after the transmittal to report that he/she believed the notice to DOT caused the department to act on the issue of concern and resolve it.</p>
<p>In two related complaints, a DOT employee alleged that managers retaliated because of the employee’s previous Ombudsman Office complaints and lawsuit against King County.</p>	<p>After a thorough investigation, the Ombudsman found the employee’s performance appraisal (PA) appeal process was delayed and written work expectations were not provided. However, as explained in detailed findings provided to the employee and managers, the employee ultimately won the PA appeal and the feedback he received was typical for the workgroup. There was also insufficient evidence supporting the employee’s other allegations that managers removed his primary area of work, engaged in a campaign of harassment, and created a hostile work environment. Insufficient evidence of retaliation.</p>

Complaint	Resolution
<p>Allegation that DOT improperly authorized administrative leave for one of their supervisors.</p>	<p>The Ombudsman’s Office conducted a preliminary investigation of this complaint that included: interviewing the complainant, interviewing representatives of DOT, and reviewing relevant county policies. The Ombudsman found that administrative leave is being properly administered in this situation and there is no evidence to support this allegation. Allegation is unsupported.</p>
<p>Unprofessional behavior by staff at a Public Health Seattle King County (PHSKC) clinic.</p>	<p>Conducted an investigation and found considerable disagreement between the complainant and county staff in terms of what was said during a clinic visit. There was no independent evidence; e.g. uninvolved witness accounts, recordings of the incident, etc. to substantiate the allegations. The Ombudsman found insufficient evidence to corroborate the complainant's allegations against PHSKC. Allegation is unsupported.</p>
<p>Allegation that DES employee showed favoritism towards one applicant during an interview for employment.</p>	<p>This complaint was originally filed as an ethics complaint but later converted to an inquiry of general jurisdiction. The Ombudsman’s Office conducted an intake with the complainant, requested and reviewed the departmental response, reviewed input from another panel member, and interviewed the departmental investigator. The Ombudsman determined that the evidence does not support the allegation of a biased interview process.</p>
<p>Multiple inmates complained that the DAJD phone system was not working.</p>	<p>The Ombudsman’s Office notified DAJD, described the complaints we had received from inmates, and asked them to address this matter. After a week of service interruption, DAJD was able to repair the phone system.</p>

Tax Advisor Statistics

The Tax Advisor Office, a section of the Ombudsman’s Office, provides property owners with information and resources regarding all aspects of the property tax assessment process, and offers specific guidance for those who are considering an appeal of their assessment.

The assistance we provide helps support fair and equitable taxation, especially in cases where the King County Assessor may not have known or considered significant new property information during the valuation process. To facilitate this process, we regularly provide:

- Comparable sales searches,
- Reviews of GIS and other mapping resources,
- Records and deed research,
- Information on property tax exemptions for seniors and disabled persons,
- Home improvement, current use and open space exemptions,
- Segregation or merger for multiple parcels, and
- Assistance resolving complaints about other departments.

Resident Contacts

The Tax Advisor Office responded to 2430 residents from January 1 to April 30, 2011. A signature function of our office is assisting citizens with their property tax appeals. In the first four months of 2011, we provided sales research to 236 (10%) of our contacts.

	Information	Research	Total
January	246	42	288
February	729	50	779
March	520	85	605
April	699	59	758
Total	2194	236	2430

As the chart below indicates, the county residents who contact our office for assistance represent a variety of income levels and we strive to provide them all with accurate information that will assist them in making decisions about their homes.

Assessed Property Value	Sales Surveys
\$0-200K	21
\$201-300K	30
\$301-400K	26
\$401-500K	24
\$501-700K	35
\$701K-1M	18
Over \$1M	12
Total	166