

## Reporting Improper Governmental Action

Definitions: As used in this policy and procedure, the following terms shall have the meanings indicated.

- A. "Improper governmental action" means any action by a district officer or employee:
1. That is undertaken in the performance of the officer or employee's official duties, whether or not the action is within the scope of the employee's job; and
  2. 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.
  3. Improper governmental action does not include personnel actions.
    - "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 the local government collective bargaining and civil service laws, alleged labor agreement violations, reprimands, or any action that may be taken under chapter 41.08, 41.12, 41.14, 41.56, 41.59, 04 53.18 RCW or RCW 54.04.170 and 54.04.180.
- B. "Retaliatory action" means any adverse change in the terms and conditions of a staff member's employment based on reporting of improper governmental actions.
- C. "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property.

### Reporting

Employees who become aware of actions that they believe constitute improper governmental action should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor or designee, stating in detail the basis for the employee's belief that an improper governmental action has occurred.

Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the director of human resources. If the action involves the director of human resources, then the employee is to raise the issue directly with the Superintendent.

In case of emergency where the employee believes that damage to persons or property may result if action is not taken immediately, or where the employee has a legal obligation to report (for instance, where child abuse is suspected), the employee shall report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.

District employees who fail to make a good faith attempt to follow this policy and procedure in reporting improper governmental conduct shall not be eligible for the protections outlined.

### **Response**

The employee's supervisor, the superintendent or the superintendent's designee shall take prompt action to see that the report of improper governmental action is properly investigated.

Persons involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employees authorize the disclosure of their identities in writing.

After an investigation has been completed, the reporting employee shall receive a summary of the investigation results, except to the extent that resulting personnel actions must be kept confidential. If a reporting employee reasonably believes that an adequate investigation was not done by the district, that insufficient action has been taken, or that the improper governmental action is likely to recur, the employee may report information about the improper governmental action directly to the appropriate government agency.

### **Retaliation**

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor, or the director of human resources. Appropriate action to investigate and address complaints of retaliation shall be taken.

If the complaint cannot be informally resolved, the employee shall provide written notice to the superintendent that specifies the alleged retaliatory action and the relief requested by the employee. The written complaint must be filed within thirty days of the alleged retaliation. The district will respond to the complaint within thirty days of receiving the written notice.

If the employee alleging retaliation receives no response from the district or objects to the district's response, the employee may request a hearing before a state administrative law judge. The request for a hearing must be delivered in writing to the superintendent either fifteen days following the district's response, or 45 days after the complaint was filed, if there was no response.

The district will apply for a hearing within five working days to:

Office of Administrative Hearings  
PO Box 42488  
2420 Bristol Ct SW  
Olympia, Washington 98502  
(360) 664-8717

The district will consider any recommendation provided by the administrative law judge that an employee found to have retaliated against an employee who reported improper governmental action be suspended with or without pay or dismissed.

### **Administration**

A summary of this policy and procedure will be permanently posted where all employees will have reasonable access to it. The policy and procedure will be made available to any employee

who requests them. The following is a list of agencies responsible for enforcing federal, state and local laws and investigating issues involving potential improper governmental action. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact their supervisor, the director of human resources.

Poulsbo Police Department  
PO Box 98  
Poulsbo, WA 98370  
(360) 779-3113

Kitsap County Prosecutor's Office  
614 Division Street, MS-35  
Port Orchard, WA 98366  
(360) 337-7174

Kitsap County Health Dept  
345 6<sup>th</sup> St, Suite 300  
Bremerton, WA 98337  
(360) 337-5235

WA. Attorney General's Office  
800 Fifth Avenue, Ste 2000  
Seattle, WA 98104  
(206) 464-7744

Washington Auditor's Office  
WA State Capitol  
PO Box 40021  
Olympia, WA 98504-0021  
(360) 902-0370

Washington Department of Ecology  
PO Box 47600  
Olympia, WA 98504-7600

WA Human Rights Commission  
711 South Capitol Way, Ste 402  
Olympia, WA 98504-2490  
(800) 233-3247

WA Dept. of Labor & Industries  
PO Box 44000  
Olympia, WA 98504-4000  
(800) 547-8367

WA. Department of Natural Resources  
PO Box 47000  
11111 WA Street SE  
Olympia, WA 98504-7000  
(360) 902-1000

Puget Sound Water Quality Authority  
PO Box 40900  
Olympia, WA 98504  
(206) 493-9300

U.S Department of Education  
Office of the Inspector General  
915 - 2nd Avenue  
Seattle, WA 98178  
Audits: (206) 553-0657  
Investigations: (206) 553-1482

Environmental Protection Agency  
Criminal Investigations  
1200 - 6th Avenue, Ste 900  
Seattle, WA 98101  
(206) 553-1200

Equal Employment Opportunity Comm.  
Federal Office Building  
909 1st Avenue, Suite 400  
Seattle, WA 98104-1061  
(800) 669-4000

WA Emergency Mgmt Agency  
Building 20, MS JA-20  
Camp Murray, WA 98430-5722  
(253) 512-7000

U.S Department of Labor  
Occupational Safety and Health  
PO Box 44600  
Olympia, WA 98504-4600  
(360) 902-5495

National Transportation Safety Board  
19518 Pacific Highway South  
Seattle, WA 98188  
(206) 764-3782

US Department of Transportation  
Office of Inspector General  
915 2nd Avenue, #644  
Seattle, WA 98174  
(206) 220-7754

Washington Supt of Public Inst.  
Old Capitol Building  
PO Box 47200  
Olympia, WA 98504-7200  
(360) 725-6000

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