

REPORTING IMPROPER GOVERNMENTAL ACTION: 5271P

As used in this policy, the following terms are defined as:

Improper Governmental Action (does not include personnel actions) - 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 is: (a) in violation of any Federal, State, or local law or rule, (b) is an abuse of authority, (c) is of substantial and specific danger to the public health or safety, or (d) is a gross waste of public funds.

Retaliatory action - any adverse change in the status or terms and conditions of a staff member's employment.

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

Employees are encouraged to report instances which they believe constitute governmental misconduct.

Reporting

It is desirable for information about alleged incidents to be handled initially internally by the agency and solved informally, preferably directly by the parties involved.

Employees who become aware of actions they believe constitute improper governmental action have occurred should report such actions. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the Superintendent. If the issue involves the Superintendent, it shall be directed in writing to the President of the Board of Directors.

In a case of an 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 (e.g., 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 (see listing of government agencies found on the page 3 of these procedures). However, at the earliest opportunity after making a report to a governmental agency, the employee shall submit a written report to the Superintendent.

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

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Response

The employee's supervisor, the Superintendent, the Superintendent's designee, or President of the Board of Directors shall take prompt action to see that the report of improper governmental action is properly investigated within thirty (30) days.

Persons involved in the investigation shall keep the identity of the reporting employee(s) confidential to the extent possible under law, unless the employee(s) authorizes the disclosure of his/her identity 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

The District shall not take retaliatory action against an employee because the employee provided information in good faith and in accordance with the procedures as outlined. An employee who believes that he/she has been retaliated against for reporting an improper governmental action shall advise his/her supervisor, the Superintendent or the Superintendent's designee. Appropriate action to investigate and informally address complaints of retaliation shall be taken.

If the complaint cannot be informally resolved, the employee shall provide written notice to the Superintendent (or the President of the Board of Directors if it is alleged that the retaliatory action was taken by the Superintendent) that specifies the alleged that the retaliatory action and the relief requested by the employee. The written complaint must be filed within thirty (30) days of the alleged retaliation. The District will respond to the charge of retaliatory action and request for relief in writing within thirty (30) 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 within fifteen (15) days following the District's response or forty-five (45) days after the complaint was filed if there was not response. The District will apply for a hearing within five (5) working days.

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

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Administration

A copy of this policy will be permanently posted where all employees will have reasonable access to it and the policy will be made available to any employee who requests it. A copy of this policy and procedures will be made available to all employees through the District's net server accessible through any District computer connected to the Federal Way Public Schools. A notice will be provided to all employees annually informing them of how to access all District policies and procedures or who to contact for assistance.

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 Superintendent or designee.

Federal Way Police Department
33325 8th Ave. S.
Federal Way, WA 98003
(253) 835-6700

Auburn Police Department
340 E. Main Street
Auburn, WA 98001
(253) 931-3082

King County Sheriff
516 3rd Ave.
Seattle, WA 98104
(206)296-4155

King County Environmental Health
900 Oaksdale SW
Renton, WA 98057
(206) 296-4932

WA Superintendent of Public Instruction
Old Capitol Building
P O Box 47200
Olympia, Washington 98504-7200
(360) 753-6738

Kent Police Department
202 4th Ave. S.
Kent, WA 98032
(253) 856-5800

Des Moines Police Department
21900 11th Ave. S.
Des Moines, WA 98198
(206) 878-3301

King County Prosecutor's Office
516 3rd Ave.
Seattle, WA 98104
(206) 296-9000

King County Health Department
401 5th Ave., Suite 1100
Seattle, WA 98104
(206) 296-4600

U. S. Department of Education
Office of the Inspector General
915 - 2nd Ave., Seattle, WA 98174
Audits: (206) 553-7615

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WA. Dept. of Labor & Industries
P.O. Box 4400
Olympia, Washington 98504-4400
(360) 902-5800

WA. Human Rights Commission
711-South Capitol Way, Suite 402
Olympia, Washington 98504-2490
(360) 753-6770

Washington Department of Ecology
300 Desmond Drive or P.O. Box 47600
Lacey, Washington 98504-7600
(360) 407-6000

WA. Department of Natural Resources
1111 Washington St. SE or P.O. Box 47000
Olympia, Washington 98504-7000
(360) 902-1000

U S Department of Transportation
Office of Inspector General
915 - 2nd Avenue
Seattle, Washington 98178
(800) 424-9071

Washington Auditor's Office
Legislative Building
P O Box 40021
Olympia, Washington 98504-0021
(360) 902-0370

Federal Emergency Mgmt. Agency (FEMA)
Region X email: mike.howard@fema.gov
Bothell, WA
(425) 487-4610

U S Department of Labor
Occupational Safety and Health
1111 - 3rd Avenue, Suite 715
Seattle, Washington 98101-3212
(800) 475-4020

Equal Employment Opportunity Commission
(EEOC) 909 First Ave., #400
Seattle, WA 98104-1061
(206) 220-6883

Environmental Protection Agency
Criminal Investigations
300 Desmond Dr. Ste 102
Lacey, WA 98503
(360) 753-9437

Puget Sound Water Quality Authority
P O Box 40900
Olympia, Washington 98504-0900
(800) 547-6863 54-SOUND

National Transportation Safety Board
Washington, DC
(202) 314-6230

WA. Attorney General's Office
Fair Practices Division
Highways-Licenses Building
1125 Washington Street
Olympia, Washington 98504-0100
(360) 753-6200