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.

Improper governmental action does not include personnel actions.

B. "Retaliatory action" means any adverse change in the terms and conditions of a staff member's employment.

C. "Emergency" means 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:

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 superintendent or the person whom the superintendent has designated to receive reports of improper governmental action.

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 protection 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, the superintendent or the superintendent's designee. 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
P. O. Box 42488
919 Lakeridge Way SW
Olympia, Washington 98504-2488 (360) 664-2031

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, and the policy and procedure will be given to all new employees.

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.

Local City Police Dept or County Sheriff's Office

Local City or County Environmental Protection Office

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

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

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

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

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

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

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

Local County Prosecutor's Office

Local or County Health Department

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

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

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

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

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

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

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