POLICY NO. 1365
Adopted: 8-25-93
Revised: 2-8-23

REPORTING IMPROPER GOVERNMENTAL ACTION

POLICY:

The District encourages the reporting, consistent with district's procedures, of improper governmental action by any District officer or employee and will protect employees against retaliatory employment actions for reporting improper governmental actions when the reports are made in compliance with this policy and related procedures.

District officers and employees are prohibited from taking retaliatory action against an employee because the employee has in good faith reported alleged improper governmental action in accordance with this policy and related procedures.

The Superintendent/designee shall establish procedures for receiving and acting on employee reports of improper governmental actions and responding to allegations or retaliation.

Legal references: Ch.42.41 RCW Local Government Whistle Blowers Protection

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PROCEDURES:

Definitions:
As used in this policy and procedure, the following terms will 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 including, but not limited to, employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the collective bargaining and civil service laws, alleged labor agreement violations, or reprimands.

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:

1. Upon becoming aware of improper governmental action, the employee should report the complaint in writing to his/her immediate supervisor except in a situation where the complaint is against the immediate supervisor. In such a case, the complaint will be filed with the superintendent or the person whom the superintendent has designated to receive reports of improper governmental action. If requested by the supervisor or superintendent/ designee, the employee will submit a written report to the supervisor or superintendent/designee, stating in detail the basis for the employee's

belief that an improper governmental action has occurred.

2. 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 will report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.

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

4. The supervisor/investigator must conduct a prompt and effective investigation of the complaint.

5. The investigator should protect the identity of the reporting employee to the extent provided by law unless the employee authorizes disclosure in writing.

6. The reporting employee should be advised that an investigation is occurring.

7. After the investigation has been concluded and all relevant facts have been documented and reported to the Superintendent, the Superintendent/designee should determine:

   A. what action be taken to address the improper government action, and
   B. what personnel steps are required.

8. The reporting employee should be informed of the final result to the extent allowable under personnel practices typically used by the District. 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.

   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 County Prosecutor's Office
Local City or County Environmental Protection Office	Local or County Health Department
WA. Attorney General's Office Consumer Protection Division 800 Fifth Avenue, Suite 2000 Seattle, WA 98104 1-800-551-4636	U. S. Department of Education Office of the Inspector General 915 - 2nd Ave., Seattle, WA 98174 Audits: (800) MIS-USED
Washington Auditor's Office Insurance Building Capitol Campus P.O. Box 40021 Olympia, Washington 98504-0021 (360) 902-0370	Environmental Protection Agency Criminal Investigations 300 Desmond Dr. Ste. 102 Lacey, WA 98503 (360) 753-9437
Washington Department of Ecology 300 Desmond Drive or P.O. Box 47600 Lacey, Washington 98504-7600 (360) 407-6000	Equal Employment Opportunity Comm. (EEOC) 909 First Ave., #400 Seattle, WA 98104-1061 (800) 669-4000
WA. Human Rights Commission 711 South Capitol Way, Suite 402 Olympia, Washington 98504-2490 (800) 233-3247	Federal Emergency Mgmt. Agency (FEMA) 130 - 228th Street, Southwest Bothell, WA 98021-8627 (425) 487-4600
WA. Dept. of Labor & Industries P.O. Box 44000 Olympia, Washington 98504-4400 (800) 547-8367	U S Department of Labor Occupational Safety and Health 1111 3rd Ave # 715 Seattle, WA 98101-3216 (206) 553-5930
WA. Department of Natural Resources 1111 Washington St. SE or P.O. Box 47000 Olympia, Washington 98504-7000 (360) 902-1000	National Transportation Safety Board Washington, DC 429 L'Enfant Plaza SW Washington D.C., DC 20024 (202) 314-6000
U S Department of Transportation Office of Inspector General Complaint Intake Unit, Mail Stop 7886 1401 Constitution Avenue, N.W. Washington, DC 20230 (800) 424-5197	WA Superintendent of Public Instruction Old Capitol Building P O Box 47200 Olympia, Washington 98504-7200 (360) 725-6000

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Retaliation:

1. All those involved in the reporting should be assured that there will be no retaliation.

2. 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 will be taken.

3. If the complaint cannot be informally resolved, the employee will provide written notice to the superintendent/designee 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.

4. 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) 407-2700

5. 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.