

Tumwater School District  
Administrative Procedures

## **REPORTING IMPROPER GOVERNMENTAL ACTION**

### **DEFINITIONS**

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

- A. "Improper governmental action" means action by a District officer or employee and:
  - 1. Is undertaken in the performance of official duties, whether or not the action is within the scope of the job; and
  - 2. Is in violation of any federal, state or local law or rule, (ii) is an abuse of authority, (iii) is of substantial danger to 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 employment.
- C. "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property.

### **REPORTING**

Employees who become aware of actions 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 the basis for the belief that an improper governmental action has occurred.

Where the employee believes the improper action involves her 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 person or property may result if action is not taken immediately, or where the employee has a legal obligation to report (for example, suspected child abuse), the employee may report the improper action directly to the appropriate agency.

Employees must make a good faith attempt to follow this policy and procedure in reporting improper governmental conduct in order to be eligible for the protections outlined.

### **RESPONSE**

The employee's supervisor, the Superintendent or the Superintendent's designee shall take prompt action to ensure 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.

After an investigation has been completed, the reporting employee may receive a summary of the investigation results, except to the extent of resulting personnel actions that must be kept confidential. The employee may report information directly to the appropriate government agency if they believe an inadequate investigation was completed, the action may reoccur or that insufficient action has been taken.

## **RETALIATION**

Employees who believe 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 specifying the alleged retaliatory action and the relief requested by the employee. The written complaint must be filed within thirty days of receiving the written notice.

If the employee alleging retaliation received 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, no later than 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 fifteen working days to:

Office of Administrative Hearings  
PO Box 42488, 2420 Bristol Court SW  
Olympia, WA 98504-2488  
(360) 407-2700

Should the administrative law judge find that an employee has improperly retaliated against a whistleblower, the district will consider recommendations made by the administrative law judge regarding any findings of retaliation.

The District will consider recommendations made by the administrative law judge regarding any finding of retaliation against an employee reporting improper governmental action.

## **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 page lists 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.

**IMPLEMENTED: October 2, 2014**

Tumwater School District  
Board of Directors  
621 Linwood Ave SW  
Tumwater, WA 98512  
360-709-7000

Thurston County Sheriff's Office  
2000 Lakeridge Drive SW, Bldg 3  
Olympia, WA 98502  
360-786-5500

Thurston County Prosecuting Attorney  
2000 Lakeridge Drive SW, Bldg 2  
Olympia, WA 98502  
360-786-5540

WA Atty Gen, Labor & Personnel Division  
PO Box 40145  
Olympia, WA 98504-0145  
360-753-6200

Washington Department of Ecology  
PO Box 47600  
Olympia, WA 98504-7600  
360-407-6000

WA Department of Labor & Industries  
PO Box 44810  
Olympia, WA 98504-4810  
360-902-5799

US Department of Education Region X  
915 2<sup>nd</sup> Ave, Suite 3310  
Seattle, WA 98174-1099  
206-607-7900

Equal Employment Opportunities Comm.  
909 1<sup>st</sup> Avenue  
Seattle, WA 98104-1061  
800-669-4000

US Dept of Labor, Occ.I Safety & Health  
1111 3<sup>rd</sup> Avenue, Suite 715  
Seattle, WA 98101-3212  
206-398-8039

Tumwater Police Department  
555 Israel Road SW  
Tumwater, WA 98501  
360-754-4200

Thurston County Public Health Department  
412 Lilly Road NE  
Olympia, WA 98506-5132  
360-867-2500

Washington Auditor's Office  
Insurance Building  
PO Box 40021  
Olympia, WA 98504-0021  
360-902-0370

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

WA Department of Natural Resources  
PO Box 47000  
1111 Washington Street SE  
Olympia, WA 98504-7000  
360-902-1000

WA Superintendent of Public Instruction  
Old Capitol Building  
PO Box 47200  
Olympia, WA 98504-7200  
360-725-6000

Environmental Protection Agency  
Criminal Investigations  
1200 6<sup>th</sup> Avenue, Suite 900  
Seattle, WA 98101  
206-553-1200

Federal Emergency Management Agency  
130 228<sup>th</sup> Street SW  
Bothell, WA 98021-8627  
425-487-4600

National Transportation Safety Board  
505 S 336<sup>th</sup> St, Suite 540  
Federal Way, WA 98003  
253-874-2880

US Department of Transportation, Region X  
915 2<sup>nd</sup> Avenue, Suite 3142  
Seattle, WA 98174-1002