

POLICY 4095 PROCEDURES

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 that 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 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, 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 Row Six, Building 1, 4224-6th S.E., Lacey, Washington 98504-2488 (206) 459-6353.

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 that have 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 Department or County Sheriffs Office

Washington Supt. of Public Inst.
P.O. Box 47200
Olympia, Washington 98504- 7200 (360) 753-6738

Local County Prosecutor's Office Local City or County Health Dept.

Local City or County Environmental Protection Office

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

W A. Attorney General's Office
Fair Practices Division
2000 Bank of California Center
900-4th Avenue
Seattle, Washington (206) 464-6684

Environmental Protection Agency
Criminal Investigations
1200-6th Avenue
Seattle, Washington (206) 553-8306

Washington Auditor's Office
Legislative Building P.O. Box 40021
Olympia, Washington 98504-0021 (360) 753-5280

Equal Employment Opportunity Comm.
2815-2nd Avenue Suite 500
Seattle, Washington 98178 (206) 553-0968

Washington Department of Ecology
3190- 160th SE
Bellevue, Washington 98008-5852 (425) 649- 7000

Federal Emergency Mgmt. Agency
130-228th Street S.W.
Bothell, Washington (425) 487-4600

WA Human Rights Commission
402 Evergreen Plaza Bldg., FJ-41
711 South Capital Way
Olympia, Washington 98504-2490 (360) 753-6770

WA. Dept. of Labor & Industries
300 West Harrison, Room 201
Seattle, Washington (206) 281-5400

U.S. Department of Labor
Occupational Safety and Health
1111-3rd Avenue, Suite 715
Seattle, Washington 98101-3212 (206) 553-5930

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

WA. Dept. of Natural Resources
P.O. Box 68
Enumclaw, Washington 98022 (253) 825-1631

U.S. Department of Transportation
Office of Inspector General
915-2nd Avenue
Seattle, Washington 98178 (206) 553-5720

Puget Sound Water Quality Authority
P.O. Box 40900
Olympia, Washington 98504 (360) 493-9300