
Personnel

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 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 be 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
Rowe 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 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 Department or County Sheriff's Office

Local County Prosecutor's Office

Local City or County Health Dept.

Local City or County Environmental Protection Office

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

Washington Auditor's Office
Legislative Building
P. O. Box 40021
Olympia, Washington 98504-0021
(206) 753-5280

Washington Department of Ecology
3190 - 160th S.E.
Bellevue, Washington 98008-5852
(206) 649-7000

WA. Human Rights Commission
402 Evergreen Plaza Bldg., FJ-41
711 South Capitol Way
Olympia, Washington 98504-2490
(206) 753-6770

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

WA. Department of Natural Resources
P. O. Box 68
Enumclaw, Washington 98022
(206) 825-1631

Puget Sound Water Quality Authority
P. O. Box 40900
Olympia, Washington 98504
(206) 493-9300

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

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

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

Federal Emergency Mgmt. Agency
130 -228th Street S.W.
Bothell, Washington
(206) 487-4600

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

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

Washington Supt. of Public Inst.
Old Capitol Building
P. O. Box 47200
Olympia, Washington 98504-7200
(206) 753-6738

Date:

Cross References:

(cf. 5006 Unprofessional Conduct)

Legal References:

RCW 28A.400.300 Hiring and discharge of employees--Leaves for employees--
Seniority and leave benefits, retention upon transfers between schools
RCW 28A.400.340 Notice of discharge to contain notice or right to appeal if
available
RCW 28A.405.300 Adverse change in contract status of certificated employee--
Determination of probable cause--Notice--Opportunity for hearings
RCW 28A.405.310 Adverse change in contract status of certificated employee,
including non-renewal of contract--Hearings--Procedure
RCW 28A.410.090 Revocation of authority to teach
RCW 28A.400.320 Mandatory termination of classified employees
RCW 28A.405.470 Mandatory termination of certified employees
RCW 28A.400.340 Notice of discharge to contain notice of right to appeal if
available
WAC 180-86 Policies and procedures for administration of certification
proceedings
WAC 180-87 Acts of Unprofessional Conduct
WAC 180-44-060 Drugs and alcohol--Use of as cause for dismissal

Adoption Date: **MAY 16 2001**
School District Name:
Mary Walker School District