

Northshore School District

ADMINISTRATIVE PROCEDURE

5271 P

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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 is (a) a gross waste of public funds or resources, (b) in violation of any federal, state, local law or rule, (c) preventing the dissemination of scientific opinion or altering technical findings, (d) of substantial and specific danger to the public health or safety, or (e) gross mismanagement.

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, stating in detail the basis for the employee's belief that an improper governmental action has occurred.

Where the employee believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the superintendent/designee. Where the employee believes the improper governmental action involves the superintendent, the employee may raise the issue directly with the board.

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 or the superintendent/designee shall take prompt action to see that the report of improper governmental action is properly investigated. In the event that the report involves the superintendent, the board 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 inadequate investigation was 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 or the superintendent/designee. Employees who believe that they have been retaliated against by the superintendent for reporting an improper governmental action should advise the board. 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/designee - or in the case of a complaint against the superintendent, to the board - 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 - or in the case of a complaint against the superintendent, the board'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/designee either fifteen days following receipt of a 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
2420 Bristol Court SW
P.O. Box 42488
Olympia, Washington 98502
(360) 407-2700

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 Human Resources, or the superintendent/designee.

Local City Police Department or County Sheriff's Office
 Local County Prosecutor's Office
 Local City or County Health Department
 Local City or County Environmental Protection Office

Washington State Attorney General's Office Fair Practices Division PO Box 40100 Olympia, WA 98504-0100 (360) 753-6200	Office of Superintendent of Public Instruction (OSPI) Old Capital Building PO Box 47200 Olympia, WA 98504 (360) 725-6000
Washington State Auditor's Office Insurance Building Capital Campus 302 Sid Snyder Avenue SW Olympia, WA 98504-0021 (360) 902-0370	U.S. Department of Education 400 Maryland Avenue, SW Washington, DC 20202 (800) 647-8733
Washington State Department of Ecology PO Box 47600 Olympia, WA 98504-7600 (360) 407-6000	U.S. EPA, Region 10 1200 Sixth Avenue, Suite 900 Seattle, WA 98101 (800) 424-4372
Washington State Human Rights Commission 711 S. Capitol Way, Suite 402 Olympia, WA 98504-2490 (360) 753-6770	U.S. Equal Employment Opportunity Commission (EEOC) Federal Office Building 909 First Avenue, Suite 400 Seattle, WA 98104-1061 (800) 669-4000
Washington State Department of Labor & Industries PO Box 44000 Olympia, WA 98504-4000 (360) 902-5800	Federal Emergency Management Agency (FEMA) Federal Regional Center 130 228 th Street, SW Bothell, WA 98021-8627 (425) 487-4600

Washington State Department of Natural Resources PO Box 47000 Olympia, WA 98504-7000 (360) 902-1000	U.S. Department of Labor Occupational Safety and Health Administration 300 Fifth Avenue, Suite 1280 Seattle, WA 98104 (206) 757-6700
The National Transportation Safety Board 490 L'Enfant Plaza, SW Washington, DC 20594 (202) 314-6000	U.S. Department of Transportation 1200 New Jersey Ave, SE Washington, DC 20590 (202) 366-4000
Puget Sound Partnership 326 East D Street Tacoma, WA 98421 (360) 484-1232	

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