



**HUMAN RESOURCES**

**Reporting Improper Governmental Action**

1. Definitions

As used in this policy and procedure, the following terms shall have the meanings set forth below:

- 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 employment**; and
  2. That:
    - (a) Is in violation of any federal, state or local law or rule;
    - (b) Is an abuse of authority;
    - (c) Is of substantial and specific danger to the public health or safety; or
    - (d) Is a gross waste of public funds.

"Improper governmental action" does not include personnel actions **or any action that may be taken under Chapter 41.56 RCW and Chapter 41.59 RCW.**

- b. "Retaliatory action" means **(a) any adverse change in the terms and conditions of a staff member's employment an employee's employment status or the terms and conditions of employment, including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal, or any other disciplinary action; or (b) hostile actions by another employee towards a local government employee that were encouraged by a supervisor or senior manager or official.**
- c. "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property.

2. Reporting

- a. An employee who becomes aware of actions that **he/she** believes **in good faith** constitute improper governmental action should raise the issue with the supervisor of the employee whose action is being reported. If that supervisor is not the reporting employee's supervisor, then the reporting employee may choose to report the matter to **her/his their** own supervisor first. If requested by either 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.

- b. Where the employee reasonably believes the improper governmental action involves **his or her** **their** own 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.
- c. In case of **an** emergency where the employee believes that damage to persons or property may result if **action change** 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.
- d. District employees who fail to make a good faith attempt to follow **this Policy 5271** and **this** procedure in reporting improper governmental **conduct action** shall not be eligible for the protections outlined.

### 3. Response

- a. The supervisor of the employee under investigation, the superintendent or designee shall take prompt action to see that the report of improper governmental action is properly investigated.
- b. Persons involved in the investigation shall keep the identity of the reporting employee(s) confidential to the extent possible under law, unless the employee(s) authorize the disclosure of their identities in writing.
- c. 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 governmental agency.

### 4. Retaliation

- a. Employees who believe that they have been retaliated against for reporting an improper governmental action **in good faith** should advise the executive director of human resources, the superintendent or designee. The person receiving the report shall see that appropriate actions to investigate and address complaints of retaliation have been taken.
- b. If the complaint cannot be informally resolved, the employee shall provide written notice to the superintendent **or designee** that specifies **(i)** the alleged retaliatory action and **(ii)** the relief requested by the employee. The written complaint must be **filed within delivered no later than** thirty days **after the occurrence** of the alleged retaliation. The district will respond to the complaint within thirty days of receiving the written notice.
- c. If the employee alleging retaliation receives no response from the district **within thirty days** or objects to the district's response, the employee may request a hearing **to establish a retaliatory action occurred and to obtain appropriate relief** before a state administrative law judge. The request for a hearing must be delivered, in writing, to the superintendent **or designee** either **within** fifteen days **following of delivery of** the district's response, or forty-five 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 424889  
Olympia, WA 98504-24889  
(360) 407-2700  
(800) 558-4857 (Toll-free)

- d. 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.

## **5. Intimidation Prohibited**

**A district official or employee may not use their official authority or influence, directly or indirectly, to threaten, intimidate, or coerce an employee for the purpose of interfering with that employee's right to report or disclose information concerning an improper governmental action.**

## **65. Administration**

- a. 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.
- b. Employees having questions about these agencies or the procedures for reporting improper governmental action or desiring a list of agencies responsible for enforcing federal, state and local laws and investigating issues involving potential improper governmental action should contact the district's human resources office.

Cross reference: [Board Policy 5271](#)

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Adopted: November 16, 1998  
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