

POLICY SECTION 5000 - PERSONNEL

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:
 - 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.

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 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 may 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 reoccur, the employee may report information about the improper governmental action directly to the appropriate government agency.

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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 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, 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 five working days to:

Office of Administrative Hearings
P.O. 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, and should the administrative law judge recommend that the retaliator be suspended with or without pay or dismissed, the District will consider such recommendation.

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.



PROCEDURE ESTABLISHED February 12, 1996
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Olympia School District
Board of Directors
Knox 111 Administrative Center
111 Bethel Street NE
Olympia, WA 98506
(360) 596-6117

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 Attorney General's Office
Labor and Personnel Division
P.O. Box 40145
Olympia, WA 98504-0145
(360) 753-6200

Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
(360) 407-6000

WA Department of Labor & Industries
P.O. Box 44810
Olympia, WA 98504-4810
(360) 902-5799

US Department of Education Region X
915 2nd Avenue, Suite 3310
Seattle, WA 98174-1099
(206) 607-7900

Equal Employment Opportunities- Comm.
909 1st Avenue
Seattle, WA 98104-1061
(800) 669-4000

US Department of Labor
Occupational Safety & Health
1111 3rd Avenue, Suite 715
Seattle, WA 98101-3212
(206) 398-8039

Olympia Police Department
601 Fourth Ave. East
P.O. Box 1967
Olympia, WA 98507-1967
(360) 753-8300

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

Washington Auditor's Office
Insurance Building
P.O. Box 40021
Olympia, WA 98504-0021
(360) 902-0370

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

WA Department of Natural Resources
P.O. Box 47000
1111 Washington Street SE
Olympia, WA 98504-7000
(360) 902-1000

WA Superintendent of Public Instruction
Old Capitol Building
P.O. Box 47200
Olympia, WA 98504-7200
(360) 725-6000

Environmental Protection Agency
Criminal Investigations
1200 6th Avenue, Suite 900
Seattle, WA 98101
(206) 553-1200

Federal Emergency Management Agency
130 228th Street SW
Bothell, WA 98021-8627
(425) 487-4600

National Transportation Safety Board
505 S. 336th St., Suite 540
Federal Way, WA 98003
(253) 874-2880

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