

PERSONNEL

Reporting Improper Governmental Actions

A. Definitions

As used in this policy and procedure, the following definitions shall apply:

- (1) “Improper governmental action” means any action by a district officer or employee that:
 - (a) 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 position; and
 - (b) is in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.

“Improper governmental action” does not include personnel actions.

- (2) “Retaliatory action” means any adverse change in the employee’s employment status or terms and conditions of employment.
- (3) “Emergency” means a circumstance that if not immediately changed may cause damage to persons or property.

B. Reporting

Employees who become aware of improper governmental actions should report the action in writing to their supervisor. The report must state 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 should submit the written report directly to the superintendent or designee. The Director of Human Resources is designated to receive reports of improper governmental actions.

In case of emergency, 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.

Employees who fail to make a good faith attempt to follow district procedures for reporting improper governmental action shall not be eligible for the protections outlined in the policy and procedures.

C. District Response

The district shall promptly investigate any report of improper governmental action. 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 may request a summary of the investigation results. The summary will not include any resulting personnel actions which are 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 the improper governmental action directly to the appropriate government agency.

D. Protection Against Retaliation

District officers and employees are prohibited from retaliating against an employee because the employee has in good faith reported alleged improper governmental action in accordance with this policy and procedure. The district shall take appropriate action to investigate and address complaints of retaliation.

To resolve a complaint of retaliation informally, the employee may report the retaliation to their supervisor, the Superintendent or the Director of Human Resources. If the complaint is not resolved, the employee may obtain protection under this policy and state law by providing written notice to the Board of Directors no later than thirty (30) days after the occurrence of the alleged retaliation. The written notice shall specify the alleged retaliatory action and the relief requested by the employee. The Board of Directors will respond to the complaint within thirty (30) 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 shall be delivered to the board of directors within fifteen (15) days of delivery of the district's response, or within fifteen (15) days of the last day on which the board of directors could respond.

Upon receipt of a request for a hearing, the district will apply for a hearing within five(5) working days to:

Office of Administrative Hearings
P. O. Box 42488
919 Lakeridge Way SW
Olympia, Washington 98504-2488
(360) 664-2031

If a determination is made that retaliatory action has been taken against the employee, the district will consider any recommendation provided by the administrative law judge that an employee found to have retaliated against an employee be suspended with or without pay or dismissed.

The district encourages employees to report improper governmental action by any district officer or employee. Employees will be protected against retaliation for reporting improper governmental actions when the reports are made in compliance with this policy and related procedure. District officers and employees are prohibited from retaliating against an employee because the employee has in good faith reported alleged improper governmental action in accordance with this policy and related procedure.

The Superintendent will establish procedures for receiving and acting on employee reports of improper governmental actions and responding to allegations of retaliation. The procedures will include the names of district personnel and outside agencies to whom a report may be made.

Improper governmental action is defined as any action by a district officer or employee that:

- (a) 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 position; and
- (b) is in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.

E. Administration

A summary of this policy and procedure shall be permanently posted where all employees will have reasonable access to it. A copy of the policy and procedure will be made available to any employee upon request.

The following is a list of agencies responsible for enforcing federal, state and local laws and investigating issues concerning improper governmental action. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact their supervisor or the Director of Human Resources.

FRANKLIN COUNTY:

Franklin County Prosecutor
1016 N. 4th Ave.
Pasco, WA 99301
(509) 545-3543

Franklin County Sheriff's Office
1016 N. 4th Ave.
Pasco, WA 99301
(509) 545-3501

Benton-Franklin Health District
1218 N. 4th Ave.
Pasco, WA 99301
(509) 547-9737

Pasco Police Department
525 N. 3rd Ave.
Pasco, WA 99301
(509) 545-3581

STATE OF WASHINGTON:

Attorney General's Office
Fair Practices Division
1125 Washington Street
Olympia, Washington 98504-0100
(360) 753-6200

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

Dept. of Labor and Industries
P.O. Box 4400
Olympia, Washington 98504-4400
(360) 902-5800

WA Superintendent of Public Instruction
Old Capitol Building
P O Box 47200
Olympia, Washington 98504-7200
(360) 753-6738

Department of Ecology
N. 4601 Monroe
Spokane, Washington 99205-1295
(509) 329-3400

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

Dept. of Natural Resources
1111 Washington St. SE or P.O. Box 47000
Olympia, Washington 98504-7000
(360) 902-1000

Dept. of Licensing
P.O. Box 9020
Olympia, Washington
98507-9020
(360) 902-3605

FEDERAL GOVERNMENT:

U. S. Department of Education
Office of the Inspector General
915 - 2nd Ave., Seattle, WA 98174
Audits: (206) 553-7615

U S Department of Labor
Occupational Safety and Health
1111 - 3rd Avenue, Suite 715
Seattle, Washington 98101-3212
(800) 475-4020

Federal Emergency Mgmt. Agency (FEMA)
Region X email: mike.howard@fema.gov
Bothell, WA
(425) 487-4610

U S Department of Transportation
Office of Inspector General
915 - 2nd Avenue
Seattle, Washington 98178
(800) 424-9071

Equal Employment Opportunity Commission
909 First Ave., #400
Seattle, WA 98104-1061
(206) 220-6883

Environmental Protection Agency
Criminal Investigations
300 Desmond Dr. Ste 102
Lacey, WA 98503
(360) 753-9437

National Transportation Safety Board
490 L'Enfant Plaza, SW
Washington, DC 20594
(202) 314-6000

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