Reporting Improper Governmental Action

Definitions: As used in this policy and regulation, 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 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 as defined in RCW 42.41.020.

B. "Retaliatory action" means any adverse change in the terms and conditions of a staff member’s employment, or hostile actions by one employee toward another employee that were either encouraged or tolerated by a supervisor or senior manager.

C. "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property.

Reporting

Employees are encouraged to report instances which they believe constitute governmental misconduct. Employees who become aware of actions that they believe constitute improper governmental action should raise the issue first with their supervisor or Superintendent/designee. If requested by the supervisor, the employee shall submit a written report to the supervisor or Superintendent/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 regulation 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 recur, the employee may report information about the improper governmental action directly to the appropriate government agency.

Retaliation/Intimidation: A District official or employee may not use his/her official authority to threaten, intimidate or coerce an employee for the purpose of interfering with that employee’s right to disclose information concerning an improper governmental action. This does not, however, authorize an individual to disclose information prohibited by law. Employees who believe that they have been retaliated against for, or intimidated regarding 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 or intimidation shall be taken.

If the complaint cannot be informally resolved, the employee shall provide written notice to the Superintendent that specifies the alleged of retaliation or intimidation act and the relief requested by the employee. The written complaint must be filed within thirty days of the alleged act. The District will respond to the complaint within thirty days of receiving the written notice.

Appeal Hearing

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 the state Office of Administrative Hearings. The hearing decision of the administrative law judge shall be held in compliance with RCW 34.05.410 through 34.05.598 and chapter 42.41 RCW.
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 from employment.

This appeal hearing provision does not apply to allegations found to be outside the scope of Policy 5252 and the definitions identified above.

**Administration**
A summary of Policy 5252 and this regulation will be permanently posted where all employees will have reasonable access to it, the policy and regulation will be made available to any employee who requests them, and the policy and regulation will be given to all new employees. Violations of Policy 5252 and this Regulation may result in disciplinary action, up to and including dismissal.

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. The list is not exhaustive nor does the inclusion of an agency on the list imply that it will have the authority to review the employee’s complaint.

City of Tacoma, Fircrest, or Ruston Police Department or Pierce County Sheriff's Office
Pierce County Prosecutor's Office
Tacoma/Pierce County Health Department
Local City or County Environmental Protection Office

Washington Attorney General's Office
Fair Practices Division
2000 Bank of California Center
900 - 4th Avenue
Seattle, Washington 98164-1012
206.464.6684

Washington Auditor's Office
Legislative Building
P. O. Box 40021
Olympia, Washington 98504-0021
360.902.0370

Washington Department of Ecology
3190 - 160th SE
Bellevue, Washington 98008-5852
425.649.7000
Washington Human Rights Commission  
402 Evergreen Plaza Bldg., FJ-41  
711 South Capitol Way  
Olympia, Washington 98504-2490  
360.753.6770  

Washington Department of Labor & Industries  
300 West Harrison, Room 201  
Seattle, Washington  
206.281.5400  

Washington Department of Natural Resources  
P. O. Box 68  
Enumclaw, Washington 98022  
360.902.1000  

Puget Sound Water Quality Authority  
P. O. Box 40900  
Olympia, Washington 98504  
360.407.7300  

United States Department of Education  
Office of the Inspector General  
915 - 2nd Avenue  
Seattle, Washington 98178  
Audits: 206.220.7860  
Investigations: 206.220.7876  

Environmental Protection Agency  
Criminal Investigations  
1200 - 6th Avenue  
Seattle, Washington  
206.553.8306  

Equal Employment Opportunity Commission  
2815 - 2nd Avenue, Suite 500  
Seattle, Washington 98178  
206.220.6883  

Federal Emergency Management Agency  
130 - 228th Street SW  
Bothell, Washington  
425.487.4600
United States 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
206.870.2200

United States Department of Transportation
Office of Inspector General
915 - 2nd Avenue
Seattle, Washington 98178
206.220.7754

Washington Superintendent of Public Instruction
Old Capitol Building
P. O. Box 47200
Olympia, Washington 98504-7200
360.753.6738

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