

### **Reporting Improper Governmental Action**

The district encourages the reporting of improper governmental actions by any district officers or employees and will protect employees against retaliatory employment actions for reporting improper governmental actions when the reports are made in compliance with this operational procedure. District officers and employees are prohibited from taking retaliatory action against an employee because the employee has in good faith reported alleged improper governmental action in accordance with this operational procedure.

As used in this operational procedure, the following terms are defined as follows:

- 1. Improper Governmental Action** (does not include personnel actions) is any action by a district officer or employee that:
  - 1.1 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
  - 1.2 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, and is a gross waste of public funds.
- 2. Retaliatory action** is any adverse change in the status or terms and conditions of a staff member's employment.
- 3. Emergency** is a circumstance that if not immediately changed may cause damage to persons or property.
- 4. Reporting**

It is desirable for information about alleged incidents to be initially handled internally by the agency and to be solved informally, preferably directly by the parties involved. Employees who become aware of actions that they believe constitute improper governmental action should raise the issue first with their immediate supervisor within ten (10) working days, so that appropriate action can be taken. If requested by the supervisor, the employee shall submit a written report 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/her supervisor, the employee may raise the issue directly with the superintendent. If the issue involves the superintendent, it shall be directed, in writing, to the president of the Board of Directors.

In case of an 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, such as 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; a sample listing is found in these operational procedures. However, at the earliest opportunity after making a report to a governmental agency, the employee shall submit a written report to the superintendent.

District employees who fail to make a good-faith attempt to follow the operational procedures as outlined in reporting improper governmental conduct shall not be eligible for the protections outlined.

## **5. Response**

The employee's supervisor, the superintendent or designee, or president of the Board of Directors shall take prompt action to see that the report of improper governmental action is properly investigated within thirty (30) days.

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) authorizes in writing the disclosure of his/her identity.

After completion of the investigation, the reporting employee shall receive a summary of the investigation results, except to the extent that resulting personnel actions must be kept confidential.

## **6. Retaliation**

The district shall not take retaliatory action against an employee because the employee provided information in good faith and in accordance with procedures. An employee who believes that he/she has been retaliated against for reporting an improper governmental action shall advise his/her supervisor, the superintendent, or the personnel director. Appropriate action to investigate and informally address complaints of retaliation shall be taken.

If the complaint cannot be informally resolved, the employee shall provide written notice to the superintendent (or president of the Board of Directors if it is alleged that the retaliatory action was taken by the superintendent) that specifies the alleged retaliatory action and the relief requested by the employee. The written complaint must be filed within thirty (30) days of the alleged retaliation. The district (superintendent or board president) will respond to the charge of retaliatory action and request for relief in writing within thirty (30) days of receiving the written notice.

If the employee alleging retaliation receives no response from the either the district superintendent or board president 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 (15) days following the district's response or forty-five (45) days after the complaint was filed if there was no response. The district will apply for a hearing within five (5) working days.

The district will consider any recommendation provided by the administrative law judge; any employee found to have retaliated against the employee(s) who report improper governmental action may be suspended with or without pay or may be dismissed.

## **7. Administration**

This operational procedure will be accessible in district operational procedure manuals. Copies of the operational procedure is available on website and to any employee who requests it.

Listed below are those governmental agencies responsible for enforcing federal, state and local laws and investigating issues involving potential improper governmental action.

Yakima City Police Department  
Yakima County Sheriff  
Yakima County Prosecutor's Office  
Yakima County Health Department  
Washington State Attorney, General Fair Practices Division  
Washington State Auditor  
Washington State Department of Ecology  
Washington State Human Rights Commission  
Washington State Department of Labor and Industries  
Washington State Department of Natural Resources  
U.S. Department of Education, Office of the Inspector General  
U.S. Environmental Protection Agency, Criminal Investigation  
Equal Opportunity Commission  
Federal Emergency Management Agency  
U.S. Department of Labor Occupational Safety and Health  
National Transportation Safety Board  
U.S. Department of Transportation, Office of Inspector General

Cross References:

(cf.: 3201 – Student Rules, Regulations and Conduct: Teacher and Staff Rights and Responsibilities)  
(cf.: 5222 – Evaluation of Staff)  
(cf.: 5240 – Resolution of Staff Complaints)

Legal Reference:

RCW 42.412.010 Local Government Whistleblower Protection

Adoption Date:

961022  
000613  
090615