

## **Personnel**

### **Reporting Improper Governmental Action (Whistleblower Protection) Procedures**

#### **Definitions:**

As used in this policy and procedure, the terms below will have the following meanings:

- A. "Improper governmental action" means any action by a district administrator or employee:
1. That is undertaken in the performance of the administrator or employee's official duties, whether or not the action is within the scope of the administrator or 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.
  3. Improper governmental action does not include personnel actions including, but not limited to, employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining and civil service laws, alleged labor agreement violations, reprimands, or any action that may be taken under chapter 41.08, 41.12, 41.14, 41.56, 41.59, or 53.18 RCW or RCW 54.04.170 and 54.04.180.
- B. "Retaliatory action" means: (a) any adverse change in 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 an employee that were encouraged by a supervisor or administrator.
- C. "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property.

#### **Reporting:**

Employees are encouraged to report instances that 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. When the employee reasonably believes the improper governmental action involves their 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. If requested by the supervisor or Superintendent/designee, the employee will 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.

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 will 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 when reporting improper governmental conduct will not be eligible for the protections outlined in this policy and procedure.

**Response:**

The employee's supervisor, the Superintendent, or designee will take prompt action to see that the report of improper governmental action is properly investigated.

District administrators and employees involved in the investigation will 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 will 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 conducted 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:**

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor, the Superintendent, or designee. Appropriate action to investigate and address complaints of retaliation will be taken.

If the complaint cannot be formally resolved, the employee will provide written notice to the Superintendent or designee 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 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 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 to:

Office of Administrative Hearings  
P.O. Box 42488  
2420 Bristol Court SW  
Olympia, WA 98504-2488  
(360) 407-2700

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.

**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, and the policy and procedure will be given to all new employees.

The following is a list of agencies responsible for enforcing federal, state, and local laws and investigating issues involving potential improper governmental action. Employees who have questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact their supervisor, the Superintendent, or designee.

Snohomish County Sheriff's Office  
3000 Rockefeller Ave. M/S 606  
Everett, WA 98201  
(425) 407-3999  
(800) 562-4367

Snohomish County Prosecuting  
Attorney's Office  
3000 Rockefeller Ave., M/S 504  
Everett, WA 98201  
(425) 388-3333

Snohomish County Department of Conservation and  
Natural Resources  
3000 Rockefeller Ave.  
Everett, WA 98201  
Surface Water Management:  
(425) 388-3464

WA Attorney General's Office  
Consumer Protection Division  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
1-800-551-4636

Washington Auditor's Office  
ATTN: State Employee Whistleblower Program  
P.O. Box 40031  
Olympia, WA 98504-0031  
(360) 902-0370

Washington Department of Ecology  
300 Desmond Drive SE or P.O. Box 47600  
Lacey, WA 98504-7600  
(360) 407-6000

WA. Human Rights Commission  
711 South Capitol Way, Suite 402  
Olympia, WA 98504-2490  
(800) 233-3247

WA. Dept. of Labor & Industries  
P.O. Box 44000  
Olympia, WA 98504-4400  
(360) 902-5799

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

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

Snohomish County Health Department  
3020 Rucker Avenue  
Everett, WA 98201  
(425) 339-5200

U. S. Department of Education  
Office of the Inspector General  
915 2nd Ave.  
Seattle, WA 98174  
Audits: (800) MIS-USED

Environmental Protection Agency  
Criminal Investigations  
1200 Sixth Avenue, CID-073  
Suite 900  
Seattle, WA 98101-9797  
(206) 553-8306

Equal Employment Opportunity Comm.  
(EEOC) 909 First Ave., Suite 400  
Seattle, WA 98104-1061  
(800) 669-4000

Federal Emergency Mgmt. Agency  
(FEMA)  
130 - 228th Street, Southwest  
Bothell, WA 98021-8627  
(425) 487-4600

U S Department of Labor  
Occupational Safety and Health  
300 Fifth Ave., Suite 1280  
Seattle, WA 98104  
(206) 757-6700

National Transportation Safety Board  
Washington, DC  
429 L'Enfant Plaza SW  
Washington D.C., DC 20594  
(202) 314-6000

U S Department of Transportation  
1200 New Jersey Ave SE, 7th Floor

(360) 725-6000

Washington, DC 20590  
(202) 366-1959  
(800) 424-9071

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