

## 420 Whistleblower Protection

### 1.0 Policy

The District (1) encourages reporting by its employees of improper governmental action taken by District officers or employees and (2) protects District employees who have reported improper governmental actions in accordance with the District's policies and procedures.

### 2.0 Definition of Improper Governmental Action

Any action by a District officer or employee:

- That is undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment; and
- That (1) is in violation of any federal state, or local law or rule, (2) is an abuse of authority, (3) is of substantial and specific danger to the public health or safety or (4) is a gross waste of public funds.

Improper governmental action does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, alleged violations of labor agreements or reprimands.

### 3.0 Procedures for Reporting

District employees who become aware of improper governmental actions should first raise the issue with their supervisor or manager. If requested by the supervisor or manager, the employee shall submit a written report to the supervisor or manager, or to some person designated by the supervisor or manager, 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 or manager, the employee may raise the issue directly with the Executive Director.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action. Emergency means a circumstance that, if not immediately changed, may cause injury or damage to persons or property.

The Manager or Executive Director, as the case may be, will endeavor to take prompt action to assist the District in properly investigating the report of improper governmental action. District officers and employees involved in the investigation are required to keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action should be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

District employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the District employee reasonably believes that an adequate investigation was not undertaken by the District to determine whether an improper governmental action occurred, or that insufficient action has been taken by the District to address the improper governmental action or that for other reasons the improper governmental action is likely to reoccur.

District employees who fail to make a good faith attempt to follow the District's procedures in reporting improper governmental action do not receive the protections provided by the District in these procedures.

#### **4.0 Protections Against Retaliatory Actions**

District officials and employees are prohibited from taking retaliatory action against a District employee because he or she has in good faith reported an improper governmental action in accordance with these policies and procedures.

Retaliatory action means any adverse change in the terms and conditions of a District's employee's employment.

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their Supervisor or the Executive Director. The Executive Director and/or Supervisor will endeavor to take appropriate action to investigate and address complaints of retaliation.

If the employee's Supervisor or the Executive Director do not satisfactorily resolve a District employee's complaint that he or she has been retaliated against in violation of this policy, the employee may obtain protection under this policy and pursuant to state law by providing a written notice within 30 days after the occurrence of the alleged retaliatory action to the District Board of Commissioners that:

- specifies the alleged retaliatory action and
- specifies the relief requested.

District employees are required to provide a copy of their written notice to the Executive Director. The District will endeavor to respond within 30 days to the charge of retaliatory action.

After receiving either the response of the District or 30 days after the delivery of the charge to the District, the District employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing shall deliver the request for hearing to the Executive Director within the earlier of either 15 days of delivery of the District's response to the charge of retaliatory action, or 45 days of delivery of the charge of retaliation to the District for response.

Upon receipt of request for hearing, the District may apply, within five working days, to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge:

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Office of Administrative Hearings  
PO Box 42489  
Olympia, WA 98504-2489  
(360) 753-2531  
(800) 583-8271 (Toll-free)  
(360) 586-6563 (Fax)

The District will consider any recommendations provided by the administrative law judge.

### **5.0 Responsibilities**

The Executive Director is responsible for implementing the District's policies and procedures for:

- reporting improper governmental action and
- protecting employees against retaliatory actions.

This includes ensuring that this policy and these procedures are:

- posted where employees will have reasonable access to them,
- made available to any employee upon request, and
- provided to all newly hired employees.

Supervisors, Manager and the Executive Director are responsible for ensuring the procedures are implemented within their areas of responsibility. Violations of this policy and these procedures may result in appropriate disciplinary action, including possible termination.