

## Whistle Blower Protection

### A. Definitions

1. Improper governmental action means the following:
  - a. Any action taken by a district officer or employee in the performance of official duties and in violation of any federal, state, or local law or rule,
  - b. An abuse of authority,
  - c. A substantial and specific danger to the public health or safety, or
  - d. A gross waste of public funds.

This definition does not apply to personnel actions, including, but not limited to, employee complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of local government collective bargaining laws, alleged labor agreement violations, reprimands, or any action that may be taken under RCW Chapters 41.56 or 41.59.

2. Retaliatory action means the following:
  - a. Any adverse change in the employee's employment status, or
  - b. The terms and conditions of employment, including any disciplinary action.

### B. Procedures for Reporting

Every district employee has a right to report to the appropriate person information concerning an alleged improper governmental action. Unless the employee gives written authorization for disclosure, the identity of the employee shall be kept confidential to the extent possible under law.

The employee shall submit in writing any report alleging improper governmental action. The appropriate persons to whom such a report should be submitted include a direct supervisor or principal, a school board member, and the county prosecuting attorney.

**IMPORTANT:** Except in an emergency, an employee desiring to be eligible for the non-retaliation protection outlined in this policy and procedures must submit a written report to the district superintendent *before* reporting improper governmental action to an individual not listed above as "appropriate."

### C. Procedures for Protection

School district officials and employees are prohibited from taking retaliatory action against a district employee because, in good faith and in accordance with the above procedures, the employee provided information that an improper governmental action occurred.

1. If a district employee believes retaliatory action has occurred in violation of these procedures, that employee shall deliver a written notice to the superintendent as secretary of the school board, no later than thirty days after the occurrence of the alleged retaliatory action, that specifies the alleged retaliatory action and the relief requested.
2. Upon receipt of the notice in C1., above, the district has thirty days to respond.
3. After receipt of the district's response or expiration of the time for its response, the employee may request a hearing to establish that the retaliatory action occurred and to obtain appropriate relief.

The request for hearing shall be delivered to the district within fifteen days of delivery of the district's response in C2., above, or within forty five days of the date the employee delivered the written notice.

4. Within five working days of receiving the hearing request, the superintendent/designee shall apply to the state office of administrative hearings for an adjudicative proceeding before an administrative law judge.
5. Relief granted by the administrative law judge may consist of reinstatement, with or without back pay, and such injunctive relief as found necessary. In addition, the judge may award costs and reasonable attorneys' fees to the prevailing party.
6. If the administrative law judge finds any district officer or employee to have retaliated against an employee protected by these procedures, the judge may impose a fine for up to \$3,000 or may recommend suspension or dismissal.