

Subject:
**Reporting Improper Governmental Action
And Whistle Blower Protection Policy**

Number: 05-12
Original Issue:
Approval:

Policy Statement: It is the policy of the Vashon Park District (VPD) to encourage reporting by its employees of improper governmental action taken by VPD Board members or employees and to protect VPD employees who have reported improper governmental actions in accordance with the policies and procedures below.

Definitions

As used in this policy, the following terms shall have the meanings indicated:

A. "Improper governmental action" means any action by a VPD Board member or employee:

1. That is undertaken in performance of the Board member's or employee's official duties, whether or not the action is within the scope of the employee's employment; and
2. That 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 or 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-employment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, or reprimands.

B. "Retaliatory action" means any adverse change in the terms and conditions of an employee's employment, including but not limited to: denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, letters of reprimand, demotion, transfers, reassignment, reduction in pay, denial of promotion, suspension, dismissal or any other disciplinary action resulting from a report of improper governmental conduct.

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

Procedures for Reporting

VPD employees who become aware of improper governmental actions should raise the issue first with their supervisor. The employee shall submit a written report to the supervisor 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 in writing with the Executive Director, or if it involves the Executive Director, the employee may raise the issue directly in writing with any member of the VPD Board.

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 in writing to the appropriate management or Board authority with responsibility for investigating the improper action. The individual receiving the report shall take prompt action to assist in properly investigating the report of improper governmental action. VPD Board members and/or employees involved in the investigation shall 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 shall 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. Employees who fail to make a good-faith attempt to follow the District's procedures in reporting improper governmental action shall not receive protections provided by VPD in these procedures.

Protection Against Retaliatory Actions

VPD Board members and employees are prohibited from taking retaliatory action against an employee because he or she has in good faith reported an improper governmental action in accordance with these policies and procedures. 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 shall take appropriate action to investigate and address complaints of retaliation.

If the employee's supervisor or the Executive Director does not satisfactorily resolve an 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 to a VPD Board member that:

- A. Specifies the alleged retaliatory action.
- B. Specifies the relief requested.

Employees shall provide a copy of their written charge to a VPD Board member no later than thirty (30) days after the occurrence of the alleged retaliatory action. The VPD Board shall respond within thirty (30) days to the charge of retaliatory action. After receiving either the response of the Board or thirty (30) days after the delivery of the charge to the Board, the 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 should deliver the request for hearing to the Mayor or his/her designee within the earlier of either fifteen (15) days of delivery of the City's response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to the City for response. Upon receipt of request for hearing, the City shall apply within five (5) working days to the State of Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge:

Office of Administrative Hearings
2424 Heritage Court SW #302
Olympia, WA 98504-2488
(360) 664-8717

VPD Responsibility

VPD is responsible for implementing policies and procedures for reporting improper governmental action and for protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures are permanently posted where all employees will have reasonable access to them; are made available to any employee upon request; and are provided to all newly-hired employees.

Board members and VPD managers are responsible for ensuring the procedures are fully implemented within their areas of responsibility.

Agencies

A list of agencies responsible for enforcing federal, state and local laws and investigating other issues involving improper governmental action is available in Human Resources.

Applicability:

This policy applies to all regular employees of the VPD.