



Policy HR 5.1 Reporting Improper Governmental Action

Adopted by the Library Board of Trustees: 01/24/2013

The Library will comply with the Washington State Whistleblower Act as identified in RCW 42.41. The purpose of the Whistleblower Act is to encourage government employees to disclose improper governmental actions of local government officials and employees, to protect local government employees who make good-faith reports to appropriate governmental bodies, and to provide remedies for such individuals who are subjected to retaliation for having made such reports.

Employees are strongly encouraged to report a complaint as soon as possible and at least within twelve months of becoming aware of a possible infraction.

I. Definitions

Improper governmental action means any action by a local government officer or employee:

- a. 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
- b. 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. (RCW 42.41.020)

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 the local government collective bargaining and civil service laws, alleged labor agreement violations, or reprimands. (RCW 42.41.020)

Retaliatory action is defined as:

- a. Any adverse change in a local government 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 a local government employee that were encouraged by a supervisor or senior manager or official. (RCW 42.41.020)

2. Reporting procedure

A NOLS employee who becomes aware of improper governmental action should raise the issue, if they are comfortable in doing so, with their immediate supervisor. If not comfortable in reporting the matter to their immediate supervisor, the employee may report it to the Library Director or the Chair of the Library Board of Trustees.

NOLS will keep confidential the name of the person filing the complaint unless the complainant agrees to release his/her name in writing, or release of the complainant's identity is required by law or reasonably necessary to investigate the complaint.

The employee should submit a written statement stating in detail the basis for his/her belief that improper governmental action has occurred. The employee should provide specific details including dates of the improper governmental action, what occurred, and the names and contact information of witnesses that may have knowledge of the improper governmental action. If the employee has any relevant documentation in support of the complaint, copies of this documentation should be included in the complaint.

In the case of emergency, when the employee reasonably 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 Library Director, the Chair of the Library Board of Trustees, the local county prosecutor, or the State Auditor's office.

3. Investigation

NOLS shall take prompt action to investigate the allegations of improper governmental action.

After the investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, but will not necessarily have access to any personnel actions taken as a result of the investigative findings. Upon completion of the investigation, the Library will take action to correct the improper governmental action should it exist.

All employees and members of the Board of Trustees are required to participate in the investigation and are responsible for providing truthful information.

4. Protection against alleged retaliatory action

It is unlawful for any NOLS official or employee to take retaliatory action against an employee as a result of the employee making a whistleblower complaint in good faith in accordance with the provisions of state law. Should an employee believe he/she has been retaliated against for making a whistleblower complaint, the employee must file a complaint no later than (30) days after the occurrence of the alleged retaliatory action. Such a complaint may be filed with the Library Director, the Chair of the Library Board of Trustees, or one of the following state agencies: Washington State Labor and Industries at www.lni.wa.gov, the Washington State Human Rights Commission at www.hum.wa.gov or the Washington State Auditor's Office at www.sao.wa.gov.

Employees are accountable for making a good-faith attempt to follow the Library's reporting procedures when reporting improper governmental action. An employee found to have made such a complaint in bad faith may be disciplined up to and including termination.

5. Administration

The Library Director and Library Board of Trustees are responsible for ensuring the Library's compliance with this policy.

The Library Director is further responsible for implementing the protections of this policy and assuring that employees learn of this policy, its procedures and its protections, by ensuring that the policy and procedures are:

- a. Permanently posted where all employees will have reasonable access to them;
- b. Made available to any employee upon request; and
- c. Provided to all newly-hired employees.

Branch managers, department heads and supervisors are responsible for ensuring that this policy and its procedures are fully implemented within their areas of responsibility.