

	Whistleblower Policy Adopted 2/83 Reviewed 9/97, 6/05, 03/06, 9/08 October 2012	
Human Resources	Administrative Policy 2-020	Page 1 of 3

1.0 Whistleblower Policy Objective

The Whistleblower Act provides an avenue for state employees to report suspected improper governmental actions and protection when making such disclosures. The Whistleblower Act is set out in Chapter 42.40 RCW. The objective of this Policy is to provide information regarding the reporting of suspected improper governmental action(s).

2.0 Definitions

2.1 Improper governmental action means any action by an employee undertaken in the performance of the employee's official duties which:

- 2.1.1 Is a gross waste of public funds or resources;
- 2.1.2 Is in violation of federal or state law or rule, if the violation is not merely technical or of a minimum nature;
- 2.1.3 Is of substantial and specific danger to the public health or safety;
- 2.1.4 Is gross mismanagement; or
- 2.1.5 Prevents the dissemination of scientific opinion or alters technical findings without scientifically valid justification, unless state law or a common law privilege prohibits disclosure. RCW 42.40.020(6)(a)(v).

Improper governmental action does not include personnel actions, for which other remedies exist, 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 state civil service law, alleged labor agreement violations, reprimands, claims of discriminatory treatment, or any action which may be taken under Chapter 41.06 RCW, or other disciplinary action except as provided in RCW 42.40.030. RCW 42.40.020(6)(b).

2.2 Good faith means the individual providing the information or report of improper governmental activity has a reasonable basis in fact for reporting or providing the information. An individual who knowingly provides or reports, or who reasonably ought to know he or she is providing or reporting, malicious, false, or frivolous information, or information that is provided with reckless disregard for the truth, or who knowingly omits relevant information is not acting in good faith. RCW 42.40.020(3).

2.3 Gross mismanagement means the exercise of management responsibilities in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation. RCW 42.040.020(4).

- 2.4 Gross waste of funds means to spend or use funds or to allow funds to be used without valuable result in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation. RCW 42.40.020(5).
- 2.5 Public Official means the attorney general's designee or designees; the director or equivalent in the agency where the employee works; an appropriate number of individuals designated to receive whistleblower reports by the head of each agency; or the Executive Ethics Board. RCW 42.40.020(7).
- 2.6 Whistleblower means:
- 2.6.1 An employee who in good faith reports alleged improper governmental action to the auditor or other public official, initiating an investigation by the auditor; or
- 2.6.2 An employee who is perceived by the employer as reporting, whether they did or not, alleged improper governmental action to the auditor or other public official, initiating an investigation by the auditor. RCW 42.40.020(10)(a).

3.0 How to Report Improper Governmental Action(s)

- 3.1 Any current Washington State employee may report a suspected improper governmental action through the Whistleblower Program. This includes temporary employees, classified and exempt civil service employees and elected officials. RCW 42.40.020(2) and (8).
- 3.2 Whistleblowers are allowed to file their assertions of suspected improper governmental actions through the following:

3.2.1 College Public Officials:

Richard Cummins, President
Bill Saraceno, Senior Vice President for Administration
Camilla Glatt, Vice President for HR & Legal Affairs

The designated public official will forward the assertions to the State Auditor's Office within 15 calendar days of receipt.

3.2.2 State Auditor's Office:

Mail: Washington State Auditor Office
Attention: State Employee Whistleblower Program
P.O. Box 40031
Olympia, WA 98504-0031

Facsimile: (360) 586-3519

E-Mail: whistleblower@sao.wa.gov

Web: <http://www.sao.wa.gov/EN/Pages/default.aspx>

- 3.3 Whistleblower assertions may be submitted anonymously and will be reviewed by a panel after the preliminary investigation is completed and it is determined that a full investigation is warranted. The panel includes the Director for Special Investigation, Special Investigations Program Coordinator, Director of Legal Affairs, and Assistant Attorney General.

- 3.4 For an improper governmental action to be investigated by the State Auditor's Office, it must be provided to the Auditor within one year after occurrence of the action. RCW 42.40.040(1)(a).
- 3.5 Whistleblowers must file assertions in good faith. Employees cannot knowingly report false, malicious or frivolous information, recklessly disregard the truth or omit relevant information in order to report in good faith. RCW 42.40.020(3). Identities of any person, who in good faith provides information in a whistleblower investigation, as determined by the auditor, will be provided confidentiality. RCW 42.40.040(5)(c).
- 3.6 The State Auditor's Office can be contacted directly at (360) 902-0378 or one may gain more detailed information about the Whistleblower Act and Program at the State Auditor's website referenced above.

4.0 Protection

- 4.1 Whistleblowers are entitled to protection from reprisal or retaliatory action as a result of their status as whistleblowers. If you feel you are being retaliated against as a result of filing an assertion, providing information during an investigation, or are believed to have filed a whistleblower report or provided information, you may file a claim with the Washington State Human Rights Commission at the following address:

402 Evergreen Plaza Building
P.O. Box 42490
711 South Capitol Way
Olympia, WA 98504-2490
<http://www.hum.wa.gov/>

Whistleblowers have two years in which to file a whistleblower retaliation complaint. RCW 49.60.230(2).

5.0 Notification

- 5.1 Employees shall be notified each year of the procedures and protections under this Policy. The annual notices shall include a list of public officials authorized to receive whistleblower reports. The list of public officials authorized to receive whistleblower reports shall also be prominently displayed in all agency offices. RCW 42.40.070.