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POLICY 70-30

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Policy Approved By

Date

DISCLOSING IMPROPER GOVERNMENTAL ACTIONS (Whistleblower Program)

SEE ALSO: Chapter 42.40 RCW, State Employee Whistleblower Protection Act; State Auditor's Office Summary of Provisions and Protections of the State Employee Whistleblower Act.

This policy applies to all employees of the Washington State Parks and Recreation Commission.

The purpose of this policy is to inform employees about their rights and responsibilities under the State Employee Whistleblower Protection Act. This Act provides an avenue for state employees to report suspected improper governmental activity and authorizes the State Auditor's Office to investigate assertions of improper governmental activity. Improper governmental action is any action by an employee undertaken in the performance of the employee's official duties that:

- Results in a gross waste of public funds or resources;
- Is in violation of federal or state law or rule, if the violation is not merely technical or of a minimum nature;
- Is of substantial and specific danger to public health or safety;
- Is gross mismanagement; or,
- Prevents dissemination of scientific opinion or alters technical findings.

(Definitions of the above terms can be found in Chapter 42.40 RCW.)

1. Employees Encouraged to Disclose Improper Governmental Actions

Employees are encouraged to disclose, to the extent not expressly prohibited by law, improper governmental actions. Assertions of improper governmental activity must be filed in writing, within one year of the asserted occurrence.

Assertions must be filed directly with the State Auditor's Office or with a "public official." "Public Officials" within Parks are the Director, the Human Resources (HR) Director, or the HR Investigations and Ethics Manager. (If the complaint is against an HR staff member, a complaint may be filed with the Administrator of Policy and Governmental Affairs.) "Public Officials" outside of Parks are the Attorney General's Office and the Executive Ethics Board. Public officials are required to pass the assertion on the State Auditor's Office for investigation and to act with discretion and in a non-retaliatory fashion.



Assertions can be reported using the Whistleblower Reporting Form, found on the State Auditor's website at www.sao.wa.gov or in a separate letter. The report should include:

- A detailed description of the improper governmental action(s)
- The name of the employee(s) involved
- The agency, division and location where the action(s) occurred
- When the action(s) occurred
- Any other details that may be important for the investigation – other witnesses, documents, evidence, etc.
- If you know it, the specific law or regulation that has been violated
- Your name, address and phone number

Each assertion should be noted separately and supported with as much specific information as possible. Supplying detailed information contributes to a thorough and efficient investigation. The employee making the assertion must make a reasonable attempt to ascertain the correctness of the information furnished. An employee who knowingly furnishes false information may be subject to disciplinary action.

2. State Auditor's Office Responsible for Investigating

The State Auditor's Office retains sole authority to determine whether assertions – whether submitted to the Auditor's Office or a state agency – warrant an investigation. The State Auditor's Office is responsible for investigating assertions of alleged improper governmental activity, including providing all parties involved in the investigation – the state agency, the whistleblower and the subject of the investigation, written notification regarding the assertions and the opportunity to respond. The State Auditor's Office must have the investigation completed within one year of the receipt of the assertion(s).

3. Interference with Employee's Intent to Disclose is Prohibited

RCW Chapter 42.40.030 specifically prohibits direct or indirect interference with the filing of a whistleblower disclosure. Employees shall not directly or indirectly use or attempt to use their authority or influence to intimidate, threaten, coerce, command, or influence any employee in relation to a disclosure.

4. Retaliation is Prohibited

The Whistleblower Program provides protections and remedies for retaliation. Consistent with RCW 49.60.210, retaliation is an unfair labor practice that may be reported to the Human Rights Commission. Those who retaliate shall be penalized under the law. At a minimum, a letter of reprimand is placed in the retaliator's personnel file.

5. Confidentiality is Maintained

The identity of the whistleblower shall be kept confidential throughout the investigative process, unless the auditor determines that the information has been provided in other than good faith.



6. Director or Designee Cooperates with Investigation

The Director or designee cooperates with the State Auditor investigator and must preserve evidence in the case. The Director or designee may provide information relevant to the investigation, and may respond to the auditor's draft report. If the investigation finds cause to believe improper government activity did occur, the Director or designee is responsible for taking the appropriate corrective action(s).

7. Human Resources Office Informs Employees of Policy and Procedure

The Human Resources Office is responsible for providing information to new employees, and to all employees annually, regarding the reporting of improper governmental actions according to the Whistleblower Program.

The State Auditor's Office investigates whistleblower assertions, reports the results, and, if the investigation finds cause to believe improper governmental activity did occur, follows up with the appropriate agency until corrective action is taken.