

XXII. REPORTING IMPROPER GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST RETALIATION (WHISTLE BLOWER'S POLICY)

A. Policy Statement:

1. It is the policy of the Whitman County Rural Library (1) to encourage reporting by its employees of improper governmental action taken by Whitman County Rural Library officers or employees and (2) to protect Whitman County Rural Library employees who have reported improper governmental actions in accordance with Whitman County Rural Library's policies and procedures.

B. Definitions:

1. As used in this policy, the following terms shall have the meanings indicated:
 - i. Improper Government Action:
 - a. Any action by a Whitman County Rural Library officer or employee 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 that (1) is in violation of any federal, state, or local law or rule (2) is an abuse of authority, (3) is of substantial and specific danger to the public health or safety or (4) is a gross waste of public funds.
 - b. "Improper governmental action" does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands.
 - ii. Retaliatory Action:
 - a. Any adverse change in the terms and conditions of Whitman County Rural Library employee's employment.
 - iii. Emergency:
 - a. A circumstance that if not immediately changed may cause damage to persons or property.

C. Procedures for Reporting:

1. Whitman County Rural Library employees who become aware of improper governmental actions should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by 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 with the Human Resources Director of Whitman County Rural Library.
2. 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 to the appropriate government agency with the responsibility for investigating the improper action.

3. The supervisor, or the Library Director, as the case may be, shall take prompt action to assist Whitman County Rural Library is properly investigating the report of improper governmental action. Whitman County Rural Library officers and employees involved in the investigation shall keep the identity for reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of 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.
4. Whitman County Rural Library Employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the Whitman County Rural Library employee reasonably believes that an adequate investigation was not undertaken by Whitman County Rural Library to determine whether an improper governmental action occurred, or that insufficient action has been taken by Whitman County Rural Library to address improper governmental action or that for other reasons that improper governmental action is likely to recur.
5. Whitman County Rural Library employees who fail to make a good-faith attempt to follow Whitman County Rural Library's procedures in reporting improper governmental actions shall not receive the protections provided by the Whitman County Rural Library in these procedures.

D. Protection Against Retaliatory Actions:

1. Whitman County Rural Library officials and employees are prohibited from taking retaliatory action against a Whitman County Rural Library Human Resources Director. Whitman County Rural Library officials and supervisors shall take appropriate action to investigate and address complaints of retaliation.
2. Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor or the Whitman County Rural Library Human Resources Director. Whitman County Rural Library officials and supervisors shall take appropriate action to investigate and address complaints of retaliation.
3. If the employee's supervisor or Library Director, as the case may be, does not satisfactorily resolve a Whitman County Rural Library employee's complaint that he or she has been retaliated against in violation of this policy, the Whitman County Rural Library employee may obtain protection under this policy and pursuant to the state law by providing a written notice to the Library Board of Trustees:
 - i. Specifies the alleged retaliatory action and
 - ii. Specifies the relief requested.
4. Whitman County Rural Library employees shall provide a copy of their written charge to the Library Board of Trustees no later than thirty (30) days after the delivery of the charge to Whitman County Rural Library, the Whitman County Rural Library employee may request a hearing before a state administrative law judge to establish that a retaliatory action

occurred and to obtain appropriate relieve provided by law. An employee seeking a hearing should deliver the request for hearing to the Library Director within the earlier of either fifteen (15) days of delivery of the Whitman County Rural Library’s response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to Whitman County Rural Library for response.

5. Upon receipt of request for hearing, Whitman County Rural Library shall apply within five (5) working days to the State Office Administrative Hearings for an adjudicative proceeding before an administrative law judge:

- i. Office of Administrative Hearings

- PO Box 42488

- Olympia, WA 98504-2488

- 360-664-8717

6. Whitman County Rural Library will consider any recommendation provided by the administrative law judge that the retaliator be suspended with or without pay, or dismissed.

E. Responsibilities:

1. The Library Director is responsible for implementing Whitman County Rural Library’s policies and procedures for (1) reporting improper governmental actions and (2) for protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures are (1) permanently posted where all employees will have reasonable access to them, (2) are made available to any employee upon request, and (3) are provided to all newly hired employees. Elected officials, department heads, and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility. Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including dismissal.

F. List of Agencies:

1. Following is a list of agencies responsible for enforcing federal, state, and local laws and investigating other issues involving improper governmental action. Employees having questions about these agencies or procedures for reporting improper governmental action are encouraged to contact the Library Director.

2. Whitman County:

- i. Whitman County Rural Library
S. 102 Main
Colfax, WA 99111
509-397-4366

- iii. Whitman County Public Health
Department Administrator
N. 310 Main
Colfax, WA 99111
509-397-6280

- ii. Whitman County Prosecutor
PO BOX 30
Colfax, WA 99111
509-397-6250

- iv. Whitman County Sheriff
PO Box 470
Colfax, WA 99111
509-397-6266

3. State of Washington
 - i. Attorney General's Office
1125 Washington St. SE
PO Box 40100
Olympia, WA 98504-0100
360-753-6200
 - ii. Human Rights Commission
Great Western Building, #416
W. 905 Riverside
Spokane, WA 99201-1099
509-456-4473
 - iii. State Auditor's Office
Legislative Building
PO Box 40021
Olympia, WA 98504-0021
360-902-0360
 - iv. State Department of Ecology
Eastern Regional Office
4601 N. Monroe, Suite 202
Spokane, WA 99205
509-456-2926
 - v. Department of Labor & Industries
Employment Standards
901 N. Monroe St. Suite 100
Spokane, WA 99201
509-324-2600
 - vi. State Liquor Control Board
Enforcement Office
111 N. Vista Road, Suite 3d
Spokane, WA 99201
509-625-5513
 - vii. Department of Natural Resources
PO Box 47001
Olympia, WA 98504-7001
360-902-1004
4. United States
 - i. Department of Agriculture
Office of Inspector General
1000 2nd Avenue
Seattle, WA 98104
 - ii. Alcohol, Tobacco, & Firearms
Law Enforcement Office
920 W. Riverside Ave.
Spokane, WA 99201
509-353-2862
 - iii. U.S. Attorney
3600 Seafirst Fifth Ave. Plaza
Seattle, WA 98104
 - iv. Department of Commerce
2001 6th Ave, Suite 650
Seattle, WA 98121
206-553-5615
 - v. Consumer Product Safety
Commission
1111 3rd Ave, 810
Seattle, WA 98101
206-553-5276
 - vi. U.S. Customs Service
Office of Enforcement
1000 Second Avenue, Suite 2300
Seattle, WA 98101
206-553-7531
 - vii. U.S. Department of Education
Office of the Inspector General
915 Second Avenue
Seattle, WA 98174-1099
206-220-7800
 - viii. Environmental Protection Agency
Eastern Regional Office
N. 4601 Monroe, Suite 202
Spokane, WA 99205-1295
 - ix. Equal Opportunity Commission
Federal Office Building
909 First Avenue, Suite 400
Seattle, WA 98104-1061
206-220-6883
 - x. Federal Emergency Management
Agency
Washington State Emergency
Mgmt. Division
Building 20, M/S: TA-20

- Camp Murray, WA 98430-5122
253-512-7200
- xi. Federal Trade Commission
Northwest Region
2896 Federal Building
915 Second Ave.
Seattle, WA 99174
206-220-6363
- xii. General Services Administration
PO Box 41000
Olympia, WA 98504-1000
360-902-7300
- xiii. Department of Health
1112 SE Quince St.
PO Box 47890
Olympia, WA 98504-7890
360-236-4010
- xiv. Department of Housing & Urban
Development
909 1st Ave, Suite 200
Seattle, WA 98104-1000
206-220-5101
- xv. Interstate Commerce Commission
1300 S. Evergreen Park Drive SW
Olympia, WA 98504-7250
360-664-1160
- xvi. Department of Interior
U.S. Fish & Wildlife Services
Regional Director
8702 N. Division
Spokane, WA 99218
509-456-4082
- xvii. Department of Justice
Drug Enforcement Administration
1124 W. Riverside Ave, Suite
L300
Spokane, WA 99201
509-353-2964
- xviii. Department of Labor
Occupational Safety & Health
(OSHA)
1111 Third Ave, Suite 715
Seattle, WA 98101-3212
206-553-5930
- xix. National Transportation Safety
Board
915 2nd Ave.
Seattle, WA 98174
206-220-7754
- xx. Department of Transportation
Office of Inspector General
915 2nd Ave. 664
Seattle, WA 98174
206-220-7754
- xxi. Department of Treasury
Bureau of Alcohol, Tobacco, &
Firearms
Seattle, WA 98101
206-220-6450
- xxii. Department of Veterans Affairs
Office of the Inspector General
2030 9th Ave. 210
Seattle, WA 98121
206-553-2706