

PERSONNEL

Reporting Improper Governmental Action

Definitions.

- A. “Improper governmental action” means any action taken by a District officer or employee in the performance of official duties and which 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. This does not include personnel actions, including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the collective bargaining agreement(s), reprimands, or any action that may be taken under RCW 41.59.
- B. “Retaliatory action” means any adverse change in the employee’s employment status, or the terms and conditions of employment, including any disciplinary action.
- C. “Emergency” means a circumstance that if not immediately charged may cause damage to persons or property.

1. Procedures for Reporting.

Every District employee has a right to report to the appropriate person information concerning an alleged improper governmental action. The identity of the employee shall be kept confidential to the extent possible under law, unless the employee gives written authorization for disclosure.

The appropriate persons for reporting improper governmental action are the Superintendent of Central Kitsap School District, Executive Director for Curriculum and Instruction, the Executive Directors of Elementary and Secondary Teaching and Learning, the Executive Director for Human Resources, the Executive Director for Business and Operations, and the Kitsap County Prosecuting Attorney.

Other administrators and supervisors who are notified of “improper governmental action” should advise the employee to report in writing to a person listed in the preceding paragraph in order to receive the protection of the policy.

In order to be eligible for the protection of this policy, an employee must submit a WRITTEN report to the District 72 hours before reporting improper governmental action to an individual not listed as appropriate above, except in the case of an emergency. The report must include the specific allegation(s), the date(s) the incident(s) occurred, the individuals involved,

and any witnesses. Notice to a CKSD administrator or supervisor who is not listed above is not sufficient to invoke the protection of the policy and procedure.

2. Procedures for Protection.

It is prohibited for any school District official or employee to take retaliatory action against a District employee because the employee provided information in good faith, in accordance with the above procedures, that an improper governmental action occurred.

1. If a District employee believes retaliatory action has occurred in violation of these procedures, that employee shall deliver a written notice to the superintendent, in the superintendent's capacity as secretary of the school board, not later than thirty days after the occurrence of the alleged retaliatory action. The notice must specify the alleged retaliatory action and the relief requested.
2. Upon receipt of the notice in 1 above, the District has thirty days to respond.
3. After receipt of the District's response or expiration of the time for its response, the employee may request a hearing to establish that the retaliatory action occurred and to obtain appropriate relief. The request for hearing shall be delivered to the District within fifteen days of delivery of the District's response in 2 above, or within fifteen days of the last day of which the District could respond.
4. Within five working days of receiving the hearing request, the superintendent/designee shall apply to the state office of administrative hearings for an adjudicative proceeding before an administrative law judge (ALJ).
5. Relief granted by the ALJ may consist of reinstatement, with or without back pay, and such injunctive relief as may be found necessary. In addition, an ALJ may award costs and reasonable attorneys' fees to the prevailing party.
6. Any District officer or employee found to have retaliated against an employee protected by these procedures may be fined by the ALJ up to \$3,000 and the ALJ may recommend suspension or dismissal.

3. Notice.

This notice shall be posted in a place at each work site in Central Kitsap School District where employees will have reasonable access to it.

Central Kitsap School District School Board Policy 5271 and associated Procedure 5271P forbid retaliation against an employee who follows the policy and procedure in making a good faith report of improper governmental action. This is a summary of the policy and procedure. Improper governmental action is an action in connection with official duties that violates the law, abuses authority, creates a specific public health or safety risk, or is a gross waste of public funds. The policy does not include personnel actions.

Allegations may be reported to:

Central Kitsap School District:

Superintendent - (360) 662-1615

Executive Directors of Elementary/Secondary Teaching & Learning –
(360) 662-1630

Executive Director for Curriculum & Instruction – (360) 662-1710

Executive Director for Human Resources – (360) 662-1680

Executive Director for Business and Operations – (360) 662-1650

Kitsap County Prosecutor – (360) 337-7174

To be protected by the District policy and procedure, you must report an allegation in writing to one of the officials listed above, 72 hours before reporting to someone who is not on the list and is not a CKSD official, except in an emergency. An emergency is “a circumstance that if not immediately changed may cause damage to persons or property.”

The identity of an employee who makes a report and wishes to remain anonymous will be kept confidential to the extent possible under law.

Any employee who believes retaliation has occurred because the employee reported improper governmental action, may give the superintendent written notice within 30 days. The District shall respond within 30 days.

If the complaint is not resolved it may be referred to an administrative hearing, after which an employee who was the subject of retaliation may be reinstated, attorneys fees awarded, fines imposed, and termination or suspension of a retaliating official or employee recommended.

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