



Procedure Name	STATE EMPLOYEE MISCONDUCT REPORTING (WHISTLEBLOWER)
Policy Number	627.01
Date Adopted	6/4/85
Date(s) Revised	2/01, 3/11, 6/22

RCW 42.40 was enacted to encourage employees of the State of Washington to report any improper governmental action by a state employee to the Office of State Auditor. "Improper governmental action" means any action that violates state law, abuses authority, wastes public funds or endangers public health or safety.

Each agency or department of state government is responsible for providing each employee upon entering public employment a written summary of the procedures for reporting improper governmental action as established by the State Auditor. Therefore, this administrative regulation is being adopted in order to inform all employees of these procedures.

Employees shall be notified by each department or agency of state government each year of the procedures and protections under this chapter.

Note in the last paragraph of the summary the following: "Before notifying the State Auditor, employees shall make a good faith attempt to report any improper actions to the agency head." All employees at Grays Harbor College are encouraged to make the effort to report any employee misconduct to the president of the college or to the Chief Executive Human Resources.

RCW 42.40.020(6)(a) "Improper governmental action" means any action by an employee undertaken in the performance of the employee's official duties:

- (i) Which is a gross waste of public funds or resources as defined in this section;
- (ii) Which is in violation of federal or state law or rule, if the violation is not merely technical or of a minimum nature;
- (iii) Which is of substantial and specific danger to the public health or safety;
- (iv) Which is gross mismanagement;
- (v) Which prevents the dissemination of scientific opinion or alters technical findings without scientifically valid justification, unless state law or a common law privilege prohibits disclosure. This provision is not meant to preclude the discretion of agency management to adopt a particular scientific opinion or technical finding from among differing opinions or technical findings to the exclusion of other scientific opinions or technical findings. Nothing in this subsection prevents or impairs a state agency's or public official's ability to manage its public resources or its employees in the performance of their official job duties. This subsection does not apply to de minimis, technical disagreements that are not relevant for otherwise improper governmental activity. Nothing in this provision requires the auditor to contract or consult with external experts regarding the scientific validity, invalidity, or justification of a finding or opinion; or

(vi) Which violates the administrative procedure act or analogous provisions of law that prohibit ex parte communication regarding cases or matters pending in which an agency is party between the agency's employee and a presiding officer, hearing officer, or an administrative law judge. The availability of other avenues for addressing ex parte communication by agency employees does not bar an investigation by the auditor.

(b) "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.