

Great Rivers Behavioral Health Administrative Services Organization

Policy Title:	Whistleblower	Policy No. 4007.01
Category:	Compliance	Date Adopted: 04/10/2020 Date Revised: 04/21/2021 Date Reviewed: 04/21/2021
Reference:	Washington State Health Care Authority Contracts with Great Rivers Behavioral Health Administrative Services Organization Washington State RCW Title 41 and 42 Washington State RCW 42.41 Whistleblower Protection Act of 1989	

Purpose & Scope

- 1.1. This policy implements and affirms Washington State RCW Title 42 with respect to the rights and protection of employees from retaliatory actions for employees who in good faith report what they believe to be improper actions of government entities. This policy also implements procedures to follow for reporting improper governmental action.
- 1.2. This policy encourages employees to put their names to allegations, because appropriate follow-up inquiry and investigation may not be possible unless the source of the information is identified. Concerns expressed anonymously will be investigated based on the availability of information, but consideration will be given to:
 - 1.2.1. Seriousness of the issue raised;
 - 1.2.2. Credibility of the concern; and
 - 1.2.3. Likelihood of corroborating the allegations from other sources.

Definitions

- 2.1. **Improper Governmental Action**
 - 2.1.1. An improper governmental action is any action by a Great Rivers Behavioral Health Administrative Services Organization (Great Rivers BH-ASO) 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 that person's employment, and that 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.
 - 2.1.2. Improper governmental action does not include Personnel/Human Resources 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, reprimands, or any action that may be taken under applicable chapters under RCW Title 41.
- 2.2. **Retaliatory Action**

- 2.2.1. Retaliatory action means any adverse change in an employee's employment status or the terms and conditions of employment, including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal, or any other disciplinary action; or hostile actions by another employee toward an employee that were encouraged by a supervisor or senior manager.

Reporting Improper Governmental Actions

- 3.1. Every Great Rivers BH-ASO employee has the right to report to the appropriate person or entity information concerning an alleged improper governmental action. An employee may make such a report to any of the following:
 - 3.1.1. The employee's Supervisor;
 - 3.1.2. Human Resources Representative;
 - 3.1.3. Great Rivers BH-ASO Compliance Officer;
 - 3.1.4. Great Rivers BH-ASO Chief Executive Director (CED);
 - 3.1.5. The Great Rivers BH-ASO Governing Board;
 - 3.1.6. The County Prosecuting Attorney;
 - 3.1.7. The State Attorney General;
 - 3.1.8. The State Auditor
- 3.2. Except in the case of an emergency (a circumstance that if not immediately changed, may cause damage to persons or property), the employee will submit a written report to one of the Great Rivers BH-ASO representatives listed above before the employee provides information of an improper governmental action to a person or an entity who is not a public official or who is one of the non-Great Rivers BH-ASO individuals listed above.
- 3.3. An employee who fails to make a good faith attempt to follow this policy will not receive the protection of RCW 42.41.
- 3.4. An employee making a report of alleged improper governmental action should describe in detail the basis for his or her belief that improper governmental action has taken place or is about to take place.
- 3.5. Any Great Rivers BH-ASO representative listed above who receives a report will initiate an appropriate fact-finding investigation and will establish and lead and/or delegate the fact-finding plan and actions.
- 3.6. Alternatively, a Great Rivers BH-ASO representative receiving such a report may suggest, when appropriate, that the employee submit a report with a law enforcement agency or some other appropriate agency. The results of an investigation undertaken by or under the direction of any such Great Rivers BH-ASO representative shall, to the extent appropriate, be communicated to the employee who filed the report.
- 3.7. The identity of a reporting employee shall be kept confidential to the extent possible under law, subject to the necessary scope of the fact-finding, unless the employee authorized the disclosure of his or her identity in writing.
- 3.8. It is unlawful for Great Rivers BH-ASO or any of its representatives or employees to take retaliatory action against a Great Rivers BH-ASO employee because the employee

provided information in good faith, and in accordance with the provisions of RCW 42.41 and this policy, that an improper governmental action occurred.

Reporting Retaliatory Action

- 4.1. The employee shall provide a written notice of the charge of retaliatory action to the Great Rivers BH-ASO Compliance Officer, Human Resources representative, CED, or the Great Rivers BH-ASO Governing Board.
 - 4.1.1. The notice must specify the alleged retaliatory action and the relief requested.
 - 4.1.2. When the employee reasonably believes that the improper governmental action may involve the immediate supervisor or where the corrective action is beyond the authority of the supervisor, the employee may report the improper action or retaliation allegations with the next appropriate level of management, a manager in another department, or the Human Resources representative.
- 4.2. The notice of charge must be delivered no later than 30 days after the occurrence of the alleged retaliatory action.
 - 4.2.1. The recipient of the charge will coordinate with Human Resources and other Executive Team members to conduct the necessary fact-finding and issue a response to the charge of retaliatory action and request for relief within 30 days from the receipt of the charge.
 - 4.2.2. Within 15 days of the response, the employee may request a review for reconsideration to establish that a retaliatory action has indeed occurred and to obtain appropriate relief.

POLICY SIGNATURE

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Trinidad A. Medina
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6/24/2021

Trinidad Medina,
Chief Executive Director

Date