

Policy No. HR 104

Whistleblower

Applies to: All employees of the Eastern Washington State Historical Society (EWSHS)

References that apply to this policy: Listed below are some, but not all, applicable governing requirements. Note: Laws and rules may change over time and such changes may take precedence over this policy.

- Chapter 42.40 RCW (Whistleblower Act)

Effective date: January 7, 2026

History: This policy updates HR 104 as updated September 7, 2022. That policy replaced and updated BP 123, which was previously HR #108, originally enacted on February 1, 2017.

Approved by: EWSHS Board of Trustees

Purpose

This policy is to summarize the provisions found in Chapter 42.40 RCW, commonly referred to as the "whistleblower" law by the Office of the State Auditor (SAO). The statute was enacted to encourage state employees to report improper governmental actions and to protect the rights of employees making such disclosures.

Definitions

Improper Governmental Action - In general, any action by a state employee that violates state or federal law, abuses authority, wastes public funds or resources, or endangers public health and safety. For complete definition, refer to RCW 42.40.020(6).

Whistleblower Act (Chapter 42.40 RCW) - provides an avenue for state employees to report suspected improper governmental action and makes retaliation against whistleblowers unlawful.

Public Official - means the attorney general's designee or designees; the director of the agency where the employee works and an appropriate number of individuals designated to receive whistleblower reports by the head of each agency. For EWSHS, designated public officials authorized to receive whistleblower reports include the Executive Director and the People and Culture Manager.

Summary of the Whistleblower Program

The Whistleblower Act (Chapter 42.40 RCW) provides a path and protections for state employees when reporting suspected improper government action. All Washington state employees, in all branches of state government, may report a suspected improper governmental action through the Whistleblower Program. This includes temporary employees, classified and exempt civil service employees, and elected officials. Improper governmental action is defined by statute as any action by an employee undertaken in the performance of the employee's official duties which:

- Is a gross waste of public funds or resources;
- Is in violation of federal or state statute or rule;
- Is of substantial and specific danger to the public health or safety;
- Is gross mismanagement;
- Prevents dissemination of scientific opinion or alters technical findings.

Any employee found to be interfering with an investigation; taking improper governmental action; or retaliating against the persons involved in an investigation will be subject to corrective or disciplinary action up to and including termination.

The statute protects the identities of whistleblowers.

- If you file a complaint, SAO will keep confidential:
 - Your name and all other identifying information about you;
 - The name or all other identifying information about anyone who provides information during a resulting investigation.
- However, if you file a complaint and:
 - The State Auditor determines your complaint was not made in good faith; your identity will not be kept confidential;
 - You make a claim against the state for retaliation; your identity will not be kept confidential.

EWSHS Human Resources (HR) is responsible for making sure employees are aware of how and where to file a complaint. A written summary will be provided to EWSHS employees upon entering public employment and annually thereafter in accordance with RCW 42.40.070.

EWSHS shall cooperate fully with any investigation conducted pursuant Chapter 42.40 RCW and shall take appropriate action to preclude the destruction of any evidence during the course of such investigation. Should an investigation contain reasonable cause determinations, EWSHS will respond with appropriate action and a plan for resolution.

Reporting Procedure

The procedure for reporting improper governmental action and the Whistleblower Reporting form can be found at the Washington State Auditor's Office website ([Whistleblower Program | Office of the Washington State Auditor](#)). Reports must be made within one year after the occurrence of the asserted improper governmental action and can be provided to the SAO or other authorized public official.

After obtaining the form, follow the reporting procedure and send written notification of any improper governmental action to the Office of the State Auditor. Telephone calls reporting improper governmental action will not be accepted by the Office of the State Auditor. The report should include the following information:

- Complainant's contact information
- Respondent(s) contact information
- Describe what happened in detail
- Provide location of additional information to support your complaint (if any) 3.2.4 Other witnesses (if any) and contact information.
- Provide what state law(s) have been violated if known.
- Any other details that will assist in conducting an investigation.

Protection from Retaliation: The whistleblower law provides that the identities of whistleblowers are generally kept confidential. It also provides remedies for retaliation. If you believe you have been subjected to retaliatory action resulting from reporting your assertions, you may file a claim with the Washington State Human Rights Commission. The Commission will investigate the claim and take appropriate action. Civil penalties for retaliation may include a fine of up to \$5,000 and suspension for 30 days without pay.

Primary Roles and Responsibilities

Role	Responsibilities
Agency HR	Distributes Whistleblower policy to agency employees.
Authorized Public Official	Receive whistleblower reports of improper governmental action and report the assertion to the SAO within fifteen calendar days of receipt.