Administrative Policy No. 18.89

Subject:	Investigations
Information Contact:	Human Resources Division
Authorizing Source:	Chapter 41.06 RCW State Civil Service Law Chapter 49.60 RCW Discrimination – Human Rights Commission (also known as Washington Laws Against Discrimination) Chapter 357-40 WAC Discipline Executive Order 24-02 State Patrol to Investigate Criminal Matters Involving DSHS Employees SHR Directive 20-01 Home and Alternative Assignment Approval
Effective Date:	September 21, 2020
Revised:	February 6, 2026 [1] Housekeeping 3/25/2026
Approved By:	**Original approved by Wendy Long** Senior Director, Human Resources Division

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Purpose

The Department of Social and Health Services (DSHS) takes allegations of employee misconduct seriously. Investigations ensure that such allegations are properly dealt with factually. Investigations provide protection for the public, employees, and DSHS by creating a record of the facts found, and when appropriate, may also serve as a basis for discipline.

The purpose of this policy is to document the authority, process, and policy for conducting fair, timely, and thorough internal investigations by the Human Resources Division Employee Relations Unit (ERU). DSHS human resources division (HRD) ERU investigates allegations of employee violations of AP 18.66 Discrimination, Harassment, Sexual Harassment, and Retaliation, or 18.97 Employee Misconduct.

DSHS is committed to providing equal employment opportunities and a workplace that is free from all forms of discrimination and harassment, including sexual harassment, retaliation, and other inappropriate behaviors.

This DSHS policy is part of the agency's overall efforts to provide a workplace free from discrimination and retaliation, pursuant to local, state, and federal laws prohibiting discrimination. This policy is also part of DSHS's commitment to fairness, removal of barriers,

and employees feeling valued and connected, and a workplace that is free from harassment, disrespect, and divisiveness.

Scope

This policy applies to all DSHS employees, interns (paid or unpaid), and volunteers.

If a provision of this policy is in conflict with a collective bargaining agreement (CBA), or where the CBA provides additional requirements, the CBA will supersede the provision in which it conflicts for represented employees.

Additional guidance

Administrative policies:

- 4.05 Delegation of authority – personnel actions
- 4.09 Delegation of authority to investigate programs administered by the department
- 18.64 Standards of ethical conduct for employees
- 18.66 Discrimination, harassment, sexual harassment and discrimination
- 18.67 Workplace and domestic violence/reasonable safety accommodation
- 18.97 Employee misconduct
- 18.98 Response to complaints of discrimination filed with an external agency

DSHS forms picker

02-763 Request for employee investigation
02-764 Employee complaint
03-474 Home assignment request
27-181 Digital forensics request form

Definitions

Allegation: A claim or assertation received by ERU alleging violations of DSHS administrative policy 18.66 or 18.97.

Alternative assignment: An appointing authority-initiated action assigning an employee to a different work location while the employee is under investigation for alleged misconduct. While on alternative assignment the employee will continue to receive regular pay and benefits.

Appointing authority: An individual lawfully authorized to appoint, transfer, layoff, reduce, dismiss, suspend, or demote employees. WAC 357-01-025

Complainant: The employee alleging a violation of AP 18.66 or AP 18.97.

Complaint: A verbal or written communication from a complainant or other individual on

DSHS Official

behalf of a complainant alleging violations of AP 18.66 or 18.97.

Database: The electronic recordkeeping system, such as the incident case management system (ICMS), or a successor system, used by DSHS to document, track, and report on all employment misconduct, employment discrimination, service discrimination, and external agency complaint investigations.

Findings of fact: Within the investigative report, the concise statement of each contested issue or allegation that is supported by relevant and necessary information and evidence, including verbal and written witness statements, relevant records, and similar evidence.

Higher standard: Holding employees in positions of authority or power, such as supervisors, managers, and appointing authorities to a higher level of scrutiny and accountability for 1) modeling appropriate behavior, 2) holding employees accountable for conduct not consistent with DSHS policies, and 3) meeting reporting and performance expectations. Steps in corrective action or progressive discipline may be bypassed based on the severity of the conduct.

Home assignment: Appointing authority-initiated action assigning an employee to their home. The employee must remain available during their designated work schedule while on home assignment. The employee will continue to receive regular pay and benefits and may or may not be assigned work.

Intake: A review of relevant information gathered as a part of or following receipt of a complaint. The intake is designed to determine whether an investigation is necessary. Information gathered during intake, including witness statements, may be incorporated into an investigation.

Investigation: The process of gathering and evaluating evidence necessary to assess possible violations of AP 18.66 or 18.97. This process can include intake through the issuance of a report that includes findings of fact.

Low-level investigations of employees: Employee investigations conducted by DSHS administration employees whose job functions do not include "employee investigation" as part of their regular responsibilities. Low-level investigations of employees must not result in any form of discipline affecting employee pay. Low-level investigations of employees must not be conducted by the supervisor of the employee subject to investigation.

Modified assignment: Appointing authority-initiated action assigning or removing a portion of an employee's work that is different from their normally assigned tasks, while the employee is under investigation for alleged misconduct. While on modified assignment the employee will continue to receive regular pay and benefits.

Respondent: DSHS employee alleged to have engaged in a violation of AP 18.66 or AP 18.97.

Submitter/Requestor: The person submitting the complaint form to ERU, which may or may not be the employee alleging harm from a violation of AP 18.66 or 18.97.

Witnesses: Parties who may have information relevant to the complaint.

Policy

The Human Resources Division (HRD) is committed to ensuring investigations are conducted in a fair, impartial, thorough, timely, and thoughtful manner.

A. Authority

1. The senior director of HRD may develop procedures for conducting investigations regarding complaints alleging a violation of administrative policy 18.66 and 18.97.

2. The HRD employee relations unit (ERU) may investigate complaints alleging a violation of administrative policy 18.66 or 18.97.

3. The senior director of HRD delegates authority to appointing authorities, in consultation with their delegated HRD business partners, to conduct low-level investigations of employees using HRD investigative processes.

B. Investigating complaints

1. HRD staff receiving verbal complaints of alleged violations of administrative policy 18.66 or 18.97 must document the complaint in writing and submit the documented complaint through the database for review.

2. Employee complaints (DSHS 02-764) are reviewed by ERU and are assessed for further investigation as follows:
    a. All complaints will be assessed for a determination of completeness to ensure there is sufficient information to proceed with an investigation. If more information is needed, ERU will contact the complainant to request additional information prior to making determination whether the investigation may proceed.
    b. If sufficient information is not submitted following the request for additional information, the complainant will be informed that no further action can be taken, and no investigation will be opened.

3. DSHS employees are required to cooperate with the investigation and answer questions fully and honestly.

DSHS Official

4. If ERU receives an internal complaint that is also under investigation with an external agency (e.g. the Equal Employment Opportunity Commission or the Washington State Patrol, etc.) the DSHS investigation will be conducted unless otherwise requested by the HRD senior director or their designee.

5. ERU investigations may include:
   a. Information gathering through obtaining verbal and written statements from the complainant.
   b. A preliminary review by obtaining verbal and written statements from the complainant and the respondent.
   c. Record gathering.
   d. A determination of all potential safety issues.
   e. The securing of all publicly available records, where appropriate.
   f. An investigation report, which may provide all relevant and necessary information, including witness interviews, and findings of fact.

6. ERU must update the database with new information as it becomes available.

7. ERU provides training to those employees within DSHS engaged in the employee investigative process, including conducting investigations.

C. Computer forensics investigations for employee investigations

1. ERU provides computer forensics investigation services for employee investigations where appropriate.
   a. Only the HRD computer forensics investigations manager and other identified positions with prior approval from ERU within DSHS that have adequate training or experience and are specifically identified and equipped to handle computer forensics will provide computer forensics services.
   b. Use the DSHS 27-181 digital forensics request for data form to request forensic investigation services.
   c. Forensic data requests must be approved by the appointing authority, the HRD senior director or their designee.

D. Safety plan requests

1. Employees may request a safety plan from their supervisor, appointing authority or HRD. See AP 18.67.
2. Supervisors, managers, and appointing authorities who identify a safety issue at any time during the investigations process must offer a safety plan to the employee, working with their assigned HRD business partner.
3. Supervisors, managers, or appointing authorities must review the safety plan

DSHS Official

with the employee as appropriate.

4. Questions on safety plans should be directed to the assigned HRD business partner.
5. Safety plans must be documented, such as in the supervisor file.

E. Investigative report

1. Upon completion of the investigation process, the investigator will analyze the information collected, make findings of fact on the complaint, and prepare an investigation report.

2. ERU will review the investigation report and findings of fact prior to sending the investigation report to the appointing authority.

3. Upon completion, the investigator sends the investigation report to the appropriate appointing authority and human resources business partner for further action in alignment with any findings of fact.
   i. In consultation with HRD, the appointing authority must take appropriate action.
   ii. Once a final decision is provided, the appointing authority, in consultation with HRD, must take action in alignment with the finding.

4. DSHS may complete the employee investigation and issue an investigative report even if the employee who was the subject of the investigation resigns prior to the appointing authority receiving the final report.
   i. The former employee/respondent may choose to voluntarily participate in the investigation.

F. Closure of investigation

1. Any disagreement between the appointing authority and ERU or the HRD business partner on the appropriate action to be taken will be presented to the HRD senior director for resolution. The Deputy Assistant Secretary, Assistant Secretary, Chief Risk Officer, or a Labor and Personnel Assistant Attorney General, may also be included.

2. The HRD business partner will send investigation closure notices to the complainant, respondent, and appointing authority.
   a. The appointing authority may notify witnesses that an investigation has been completed.
   b. The appointing authority may not provide any additional details from the investigation or the result of the investigations to parties other than the complainant and/or the respondent.

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3. Upon written request to public records a copy of the report may be provided and must be appropriately redacted, per AP 5.02 and 18.22, depending on the nature of the complaint and as required by law.

4. The HRD business partner updates the database with any action taken following the receipt of the investigation report.

G. Confidentiality and responsibilities of participants in the investigative process

1. During the intake or investigation process, participants (including the complainant, respondent, and witnesses) are asked to respect the confidentiality of the investigation process.

2. ERU will make every effort to maintain confidentiality, though information may be shared on a "need-to-know" basis during an intake or investigation with other HRD staff, appointing authorities or the "chain of command", law enforcement, or others similarly situated.

3. Investigation records and the investigation report are subject to records retention and public disclosure laws. See for example DSHS administrative policies 5.02, 5.04, and 18.22.

H. Documents and retention

1. The database, ICMS or the successor system, is the official record of all investigations within DSHS regarding alleged misconduct under AP 18.97, employee civil rights complaints under AP 18.66, and external agency complaint activities.

2. ERU will maintain records of complaints received and responded to, investigations conducted and may include negotiated settlements negotiated with external agencies.

3. ERU is responsible for maintaining all external investigation data within the database.

4. ERU will maintain a SharePoint site with training materials on the use of the database and will provide access to the system appropriate to the user's role.

5. Appointing authorities are responsible for ensuring the relevant investigation information and documentation is entered and maintained in the database on at least a daily basis.

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6. Records must be retained in accordance with the applicable retention schedule. See AP 4.05 records retention.

I. Other types of investigations

Intakes and investigations for allegations of violations of AP 18.66 or AP 18.97 are conducted by or at the direction ERU except in the circumstances outlined below.

1. Some investigations may need to be conducted, by policy or law, by investigators outside of the control of the ERU. These include:
    a. **Criminal allegations**: All allegations of potential criminal activity must be promptly reported by the appointing authority to local law enforcement or the Washington State Patrol, in accordance with executive order 24-02. See also 18.97
    b. **Outside investigative entities**: External investigators sometimes require notification from DSHS or may independently initiate investigations into potential misconduct by DSHS employees. When the appointing authority becomes aware of such allegations, reports and responses must be made in concert with applicable law. Examples include, but are not limited to:
        i. Washington State Executive Ethics Board;
        ii. Washington State Auditor;
        iii. Labor and Industries;
        iv. Child or DSHS adult protective services;
        v. Office of fraud and accountability, under authority of administrative policy 4.09; and
        vi. Professional licensing authorities, such as the Department of Health's Nursing Commission.

2. The appointing authority, following receipt of the investigative report from an investigator as outlined in I.1. of this policy, may choose to initiate further investigation or use the completed investigative report if it provides the information necessary for their use. The appointing authority must consult with their HRD business partner if further investigation is initiated.

3. The appointing authority may, on occasion, decide to conduct a concurrent investigation while an outside investigation is under way, in consultation with ERU. The appointing authority must consult with both the outside investigator and their assigned HRD business partner prior to implementing a concurrent investigation.

DSHS Official

4. Appointing authorities in consultation with their assigned HRD business partner will provide direction for intakes and investigations not included in section I.1.

5. If there is more than one respondent, or more than one alleged victim or complainant involving more than one appointing authority, the affected appointing authorities will determine amongst themselves who will take the lead in the investigation to ensure DSHS does not have multiple investigations into the same set of circumstances, including across multiple divisions or administrations who are co-located. Where allegations involve employees, appointing authorities or employees from multiple agencies (example: Department of Children, Youth and Families) all affected DSHS appointing authorities will report the allegations to the senior director of HRD or their designee, who will work on coordination through the HRBPs on the investigative approach on behalf of DSHS.

J. Alternate assignment, modified assignment, or home assignment pending the investigative process. See SHR 20-01

1. An employee may be reassigned other duties different from their normal work tasks (modified work assignment) or possibly to another work location (alternate assignment) pending the investigation, including during the intake process. The employee's appointing authority determines whether the alternate or modified assignment is necessary.
   a. Modified and alternative assignments must include consultation with the assigned HRD business partner.
   b. The appointing authority must ensure alternate and modified assignments are noted in the database.

2. Home assignment of an employee pending an investigation, including during the intake processes, is only allowed upon approval from the HRD senior director or their designee. An employee may be assigned to home pending an investigation, including intake.

3. Prior to placing an employee on home assignment, the appointing authority must request authorization by submitting the form 03-474 home assignment request to the DSHS HRD senior director or their designee.
   a. If there is a need for immediate home assignment due to safety and security issues and the HRD senior director or their designee is not available (such as a night shift or weekend shift), the appointing authority may assign the employee to home for up to 48 hours pending notification and review by the DSHS's HRD senior director or their designee.
   b. The employee may receive verbal notice of the home assignment.

DSHS Official

c. If the home assignment extends beyond 48 hours, the employee must receive written confirmation of the home assignment within five working days.
d. The start and end date of the home assignment must be entered into the human resource management system (HRMS) and the appointing authority must ensure the home assignment is noted in ICMS or successor system.
e. An employee placed on home assignment must check in with their supervisor at the beginning and end of each work shift.

4. If an appointing authority requests to extend a home assignment more than 15 days, they must complete a new 03-474 home assignment request with the justification for up to a 30-day extension, the extension must be approved by the HRD senior director or their designee. The appointing authority must submit a new 03-474 home assignment request with revised justification for each 30-day extension request, seeking approval from the HRD senior director or their designee, until the home assignment ends.

5. During and after an investigation, the employee subject to the investigation has a right to request the status and outcome from the appointing authority. Examples of a status update include interviews which are still being conducted, investigation report still being drafted, waiting for analysis of data, and so forth. At the conclusion of any investigation where the appointing authority elects to not take disciplinary action, the employee subject to the investigation must be provided with a notification that the investigation is complete and no discipline will be imposed. Appointing authorities should consult with their HRD point of contact if they have questions on the appropriate response to a specific status or outcome request.

K. Policy violations

1. Failure to comply with this policy may be grounds for discipline, up to and including termination of employment.

2. Appointing authorities, managers, supervisors, or other employees in positions of authority or power will be held to a higher standard of accountability for compliance with this policy.

[1] Removed reference to AP 20-02 and replace with AP 18-98.

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