



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
[Chapter 357-40 WAC](#) Discipline

[Executive Order 24-02](#) State Patrol to Investigate Criminal Matters Involving DSHS Employees

Effective Date: September 21, 2020

Revised: October 19, 2022 ¹Housekeeping 2/26/24 ²Housekeeping 5/1/2025

Approved By: Original signed by Michael Williams
Interim Senior Director, Office of Justice & Civil Rights

Purpose

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

While primarily aimed at “on-duty” conduct, inappropriate off-duty conduct may also have a connection to employment at DSHS and may be subject to investigation. Examples of inappropriate off-duty conduct include misuse of a state vehicle, providing access to state resources, or other actions incompatible with official duties.

Scope

This policy applies to all DSHS employees, volunteers, contractors, work study students, and interns. 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:

- 4.09 Delegation of authority to investigate programs administered by the department
- 18.64 Standards of ethical conduct for employees
- 18.67 Workplace and domestic violence/reasonable safety accommodation
- 18.66 Discrimination, harassment, and other inappropriate behavior

DSHS forms picker

03-474 Home assignment request

Forensic investigations manager ITInvestRequest@dshs.wa.gov

Definitions

Appointing authority: Exempt management positions to whom the DSHS secretary has delegated authority to take personnel actions, as authorized in [administrative policy 4.05](#), delegation of authority – personnel actions.

Civil rights investigation: Investigations into alleged violations of section A of [administrative policy 18.66](#), discrimination, harassment and other inappropriate behaviors, which are conducted by or under the direction of the human resources division employee relations unit.

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 documenting information related to a specific allegation or set of allegations. An investigation results in a summary report for use by the appointing authority to determine the appropriate action.

Misconduct: Failure of an employee to adhere to standards expected in employment. These may include but are not limited to failure to follow lawful supervisory direction, discrimination, harassment, ethics violations, and violations of DSHS policy, CBAs, and inappropriate behavior or performance issues.

Outside investigative entity: An organization, not controlled by the appointing authority, which has the legal authority to conduct an investigation into actions of a DSHS employee. Examples include, but are not limited to, law enforcement agencies, the executive ethics board, office of the state auditor, professional licensing authorities, etc.

Retaliation: A hardship, loss of benefits, or penalty imposed on an employee as punishment for

reporting any allegation of misconduct, appearing as a witness in the investigation of a complaint, or for serving as an investigator.

Policy requirements

- A. Intakes and investigations into allegations of employee misconduct will be carried out in a timely, professional, and responsible manner that protects employee rights and privacy as well as the integrity of DSHS operations. Investigations will be conducted in accordance with applicable CBA requirements and may include, but are not limited to, informal fact-finding, acquiring signed statements from witnesses, a formal interview process, or other situation specific approaches as appropriate.
- B. Allegations of employee misconduct may come from self-reporting, other employees, volunteers, contractors, members of the public, or others doing business with DSHS.
 - 1. Employees must self-report criminal allegations, pending allegations, court-imposed sanctions or conditions, when there is a connection to the employee's job related duties or when allegations, sanctions, or conditions, could impact their employment status or background check status (e.g. suspended license when you are required to drive for your regular job duties).
 - a. Employees who are represented should refer back to the CBA in conjunction with the policy requirements.
 - 2. Employees observing or who become aware of potential misconduct must promptly report it to any supervisor in their chain of command, to their HRD business partner, or to the HRD employee investigations unit (ERU). This report may be made orally or in writing.
 - 3. When supervisors or managers become aware of alleged misconduct, within their chain of command, they must handle the issue in accordance with the direction provided by their appointing authority. Any allegation of misconduct which might potentially lead to an oral or written reprimand, suspension, reduction in pay, demotion, or dismissal must be promptly reported to the appropriate appointing authority.
 - 4. When supervisors or managers become aware of alleged misconduct, outside of their chain of command, they must report the allegation to either the accused employee's supervisor, their appointing authority, or both.
 - a. Appointing authorities, managers, or supervisors must consult with their assigned HRD business partner in determining the appropriate approach to the intake and whether an investigation is necessary.
 - 5. In circumstances where there is more than one accused employee, alleged victim, or 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 designee, who will determine the investigative approach on behalf of DSHS.

- C. The incident case management system (ICMS), or successor system, is the official record of employee investigation activities within DSHS. Each appointing authority must, either personally or through a designee, ensure that relevant investigation information and documentation is appropriately entered into the system.
1. The HRD ERU provides training on the use of the ICMS, and upon completion of the training, provides access to the system appropriate to the user's role.
- D. Intakes and investigations are conducted by or at the direction of appointing authorities, 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 appointing authority. 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.
 - b. **Civil rights investigations:** All allegations falling within section A.1.A, B, and C of [administrative policy 18.66](#), must be promptly reported by the appointing authority to the HRD ERU unit for intake.
 - c. **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. Child or adult protective services;
 - iv. Office of fraud and accountability, under authority of [administrative policy 4.09](#); and
 - v. Professional licensing authorities, such as the Department of Health, Nursing Commission.
 2. The appointing authority, following receipt of the investigative report from an investigator as outlined in D.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.

3. The appointing authority may, on occasion, decide to conduct a concurrent investigation while an outside investigation is under way. The appointing authority must consult with both the outside investigator and their assigned HRD business partner prior to implementing a concurrent investigation.
 4. Appointing authorities in consultation with their assigned HRD business partner will provide direction for intakes and investigations not included in section D.1. HRD employee investigations unit provides training on the employee investigation process, which is the primary approach used for DSHS investigations.
 - a. The HRD employee relations unit provides computer forensics investigation services for most employee investigations.
 - i. Only the HRD computer forensics investigations manager and other identified positions within DSHS that have adequate training or experience and are specifically identified and equipped to handle computer forensics will provide computer forensics services. Local IT, technology services division and enterprise technology must go through either the HRD computer forensics investigations manager or their administration specific contact.
 - ii. The appointing authority or administration specific contact must request these services through the computer forensics investigation manager in HRD or by contacting the administration's point of contact.
- E. An employee may be reassigned other duties and possibly to another location during the course of an intake, investigation, or both, if the employee's appointing authority determines the reassignment is necessary.
1. Reassignments must include consultation with the assigned [HRD consultant](#).
 2. The appointing authority must ensure the alternate assignment is noted in ICMS or successor system.
- F. Upon approval from the HRD senior director or designee, an employee may be assigned to home during the course of an intake, investigation, or both.
1. 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.
 - a. If there is a need for immediate home assignment due to safety and security issues, 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 in the senior director's absence, the DSHS's chief of staff.
 2. The employee may receive verbal notice of the home assignment.

- a. If the home assignment extends beyond 48 hours, the employee must receive written confirmation of the home assignment within five working days.
 3. 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.
- G. Witnesses are expected to cooperate and provide complete and truthful information if asked to participate in an intake or investigation. During the intake or investigation process, employees or witnesses must not discuss or share information pertaining to the investigation with anyone inside or outside DSHS except when seeking legal or union counsel, or when complying with court orders, external investigators, or law enforcement.
- H. Appointing authorities and investigators will make every effort to maintain confidentiality, though information may be shared on a “need-to-know” basis during an intake or investigation with HRD staff, the chain of command, law enforcement, or others similarly situated.
- I. 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](#), [18.22](#).
- J. 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 subject(s) of 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. Employees must not engage in any form of retaliation against anyone who has made a report of misconduct or anyone who participates in an intake or investigation. Actions that do NOT violate this policy include the appropriate exercise of supervisory responsibilities. These responsibilities include, but are not limited to:
1. Providing direction or feedback about an employee's job performance and behavior;
 2. Monitoring and follow-up actions on job performance; and
 3. Guidance to change or adjust job priorities.

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

¹ Link updates 2024 SharePoint move.

² Updates to reflect DSHS reorganization.

DSHS Official