

Washington State Auditor's Office
Whistleblower Investigation Report

Pierce College

Report No. 1012012

Issue Date
May 29, 2014



Washington State Auditor
Troy Kelley

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Michele Johnson, Chancellor
Pierce College

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. WB 14-006 at the Pierce College.

The State Auditor's Office received an assertion of improper governmental activity at the College. This assertion was submitted to us under the provisions of Chapter 42.40 of the Revised Code of Washington, the Whistleblower Act. We have investigated the assertion independently and objectively through interviews and by reviewing relevant documents. This report contains the result of our investigation.

Questions about this report should be directed to Whistleblower Manager Jim Brownell at (360) 725-5352.

Sincerely,

TROY KELLEY
STATE AUDITOR

cc: Mr. Choi Halladay, Vice President of Administrative Services
Governor Jay Inslee
Evelyn Lopez, Acting Executive Director, Executive Ethics Board

Whistleblower Investigation Report

State of Washington Pierce College

ASSERTIONS AND RESULTS

Our Office received a whistleblower complaint asserting two administrative assistants at Pierce College were using state resources for personal gain. The complaint also asserted one of the subjects was using state resources to conduct an outside business.

We found reasonable cause to believe an improper governmental action occurred.

One subject's personal use of the Internet was more than de minimis in nature. During a four-week period, the subject made four purchases and browsed nonwork-related websites in excess of eight hours.

The second subject used her College email to conduct business for a waste management association and a parent teacher association.

ABOUT THE INVESTIGATION

Consistent with the State Executive Board's rule regarding use of state resources, Pierce College employees are allowed very limited personal use of workplace computers, electronic mail, and Internet. The College's policy stipulates use of such resources must:

- Have little or no cost to the state.
- Be brief in duration and occurs infrequently.
- Not interfere with the performance of the employee's official duties.
- Not disrupt or distract from the conduct of College business.
- Not compromise the security or integrity of state property, information, or software.

The policy also stipulates that any use for the purpose of supporting, promoting the interest of, or soliciting for an outside organization, such as private business or nonprofit organization, is prohibited at all times.

Our Office received both of the subjects' hard drives and created reports based on the data retrieved regarding Internet and email use.

Subject One

We reviewed the subject's email and Internet browsing activity from July 21, 2013 through August 17, 2013. We found electronic receipts from retail stores were sent to the subject's work email. On July 25, 2013, the subject purchased a five-week membership to a fitness club through a website. We also found on August 1, 2013, purchases were made through a website for massages, a facial package and a window washing service.

In addition to time spent browsing shopping websites, we found the subject also browsed entertainment, home decorating and health-related websites.

The subject's personal browsing activity (in minutes) is summarized in the table below:

	Shopping	Entertainment	Other	Total
Week of July 21, 2013	75	38	42	155
Week of July 28, 2013	57	73	14	144
Week of August 4, 2013	62	39	7	108
Week of August 11, 2013	51	41	18	110
	245	191	81	517

The subject confirmed during an interview that the purchases made during this time were not work-related. The subject also confirmed that she browsed websites for personal use as a therapy to relieve stress, but believed her use was de minimis in nature. She explained she uses a variety of websites to obtain decorating ideas for special events held for the College or its Foundation. However, we found browsing of home decorating sites that appeared to be personal in nature, such as design ideas for kitchens, bedrooms and living rooms.

Subject Two

We reviewed the subject's email and Internet browsing activity from July 26, 2012 through August 26, 2013. We found the subject's personal browsing activity was brief in duration and occurred infrequently.

However, we found the subject used her College email to conduct business for a waste management association and a parent teacher association that was more than de minimus in nature. We found the following activity in the subject's email account:

- 59 emails regarding the operations of the waste management association, with 23 of those taking place in September 2012. These messages included:
 - Customer contact lists and balances owed
 - Bank statement reconciliations
 - Permit applications and appeals
 - Health Department evaluations for sewer systems
 - Invoices
 - Correspondence with certified public accountants
- 37 emails regarding a parent teacher association for activities such as:

- The acquisition of t-shirts for a sixth grade party
- A fundraiser for holiday wreaths

During an interview with the subject, she confirmed the use of her College email account to conduct business for the two associations. She explained she did not receive a personal gain from these activities, as she was never compensated by either organization. When we asked the subject why she used her College email account to conduct these activities, she explained she was not aware it was something she was not allowed to do.

COLLEGE'S PLAN OF RESOLUTION

Pierce College takes its role of responsibly managing the resources and trust of the Taxpayers of the State of Washington seriously. The College will strive to improve training and awareness of ethics rules and laws to all staff.

Pierce College has already begun a comprehensive program of in-person ethics training for all staff and has, since the beginning of the 2014 Fiscal Year, trained approximately 85 staff members. In addition, the Human Resources Department is reorganizing the employee intake system so that all new employees receive ethics training immediately upon hire rather than waiting for the next available training session.

With respect to the individual staff members who are the subjects of this investigation, the College will counsel them individually on the specific results of the investigation and work with them to ensure compliance in the future. As in all cases of allegations of wrong-doing, internal Human Resource processes at Pierce College may indicate additional appropriate disciplinary actions as well.

The College thanks the State Auditor's Office for the professionalism of its investigation and for its communication and engagement with Pierce College during this process.

STATE AUDITOR'S OFFICE CONCLUDING REMARKS

We thank College officials and personnel for their assistance and cooperation during the investigation.

Whistleblower Investigation Criteria

State of Washington Pierce College

We came to our determination in this investigation by evaluating the facts against the criteria below:

Assertion 1: Two executive assistants at the College are using state resources for personal gain.

RCW 42.52.160 - Use of persons, money, or property for private gain.

(1) No state officer or state employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.

Assertion 2: An executive assistant at the College is using state resources to conduct an outside business.

WAC 292-110-010 - Use of state resources.

(5) Prohibited uses:

(a) Any use for the purpose of conducting an outside business, private employment, or other activities conducted for private financial gain;

(b) Any use for the purpose of supporting, promoting the interests of, or soliciting for an outside organization or group, including, but not limited to, a private business, or a political party, or supporting, promoting the interests of, or soliciting for a nonprofit organization unless provided for by law or authorized by an agency head or designee;

(e) Any use related to conduct that is prohibited by a federal or state law or rule, or a state agency policy

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