



Washington State Auditor's Office

Troy Kelley

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Whistleblower Investigation Report

Pierce College

Pierce County

For the period July 1, 2013 through June 30, 2014

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Report No. 1012832





Washington State Auditor Troy Kelley

October 27, 2014

Michele Johnson, Chancellor
Pierce College

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. WB 14-017 at 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: Choi Halladay, Vice President of Administrative Services
Governor Jay Inslee
Kate Reynolds, Executive Director, Executive Ethics Board
Josh Collette, Investigator

WHISTLEBLOWER INVESTIGATION REPORT

Assertion and Results

Our Office received a whistleblower complaint asserting two employees at Pierce College used state resources for non-work-related activity. The complaint also asserted one subject was using state resources to support outside organizations.

In both cases we found reasonable cause to believe improper governmental actions occurred.

About the Investigation

Consistent with the state Executive Ethics 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 policy also states that any use for the purpose of supporting, promoting the interest of, or soliciting for an outside organization, such as private business or a nonprofit organization, is prohibited at all times.

Subject One

After receiving several complaints of inappropriate use of state resources from the subject's coworkers, the College initiated an internal investigation on October 8, 2013. The College reviewed files on the subject's hard drive, email folders, print log and long distance phone log. However, it did not have the resources to review the subject's Internet browsing activity.

The subject no longer works for the College and chose not to be interviewed during our investigation.

We obtained a copy of the subject's hard drive and email folders. Because some of the Internet history files had been overwritten through the computer's normal processes, the data collected was sporadic relative to dates. Our review of the subject's Internet use covered 47 days, between October 23, 2013, and March 11, 2014. During this time period, there were 40 days when non-work-related browsing activity occurred. Also, it appears the subject made three online purchases and a payment to a local community center during work hours. The subject's activity also included the following:

- Updating profiles on social networking sites.
- Shopping for clothing.
- Streaming music from Internet radio and viewing videos.
- Browsing personal interest and dating sites.
- Searching for religious-based youth treatment centers.
- Searching personal travel related topics such as cruises, airline flights and hotels.

We found the subject spent over 4,500 minutes browsing non-work-related websites over the 40 days. On 31 of the 40 days the subject browsed the Internet in excess of 60 minutes.

Subject Two

We obtained a copy of the subject's hard drive and email folders. Because some of the Internet history files had been overwritten through the computer's normal processes, the data collected was sporadic relative to dates. Our review of the subject's Internet use covered 28 days, between October 8, 2013, and March 7, 2014. The subject's non-work-related browsing activity totaled 875 minutes and included the following:

- Updating profiles on social networking sites.
- Shopping for clothing and cosmetics.
- Viewing videos online.
- Browsing of personal interest and dating sites.
- Online banking, which included paying personal bills.
- Two online purchases made during work hours.

During an interview with the subject, she confirmed she used her state computer during work hours for non-work-related Internet browsing, to make purchases and pay personal bills.

We reviewed the subject's email activity from January 1, 2013 through March 7, 2014. We found the subject used her College email account to exchange over 250 non-work-related emails with coworkers, of which over 200 of these emails were with her supervisor.

During an interview the subject's supervisor acknowledged she exchanged emails with the subject, but explained the emails were meant to boost morale and not misuse state resources. The emails included the sharing of pictures and links to non-work-related websites.

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 250 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 has separated Subject One from employment, and has begun appropriate disciplinary action with Subject Two.

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

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

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.

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.

