



Washington State Auditor's Office

Troy Kelley

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Whistleblower Investigation Report

Department of Enterprise Services

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

Published February 17, 2015

Report No. 1013623





Washington State Auditor Troy Kelley

February 17, 2015

Chris Liu, Director
Department of Enterprise Services

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. WB 14-025 at the Department of Enterprise Services.

The State Auditor's Office received an assertion of improper governmental activity at the Agency. 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
OLYMPIA, WA

cc: Francis McElroy, Internal Audit Manager
Governor Jay Inslee
Kate Reynolds, Executive Director, Executive Ethics Board
Jennifer Wirawan, Investigator

WHISTLEBLOWER INVESTIGATION REPORT

Assertion and results

Our office received an assertion that a Department of Enterprise Services employee used her state computer for non-work-related purposes.

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

About the Investigation

Our Office obtained the subject's hard drive and created a report based on the data retrieved. Because the subject received a new computer in July of 2013, our review of her Internet history was limited to the months of July 2013 to April 2014.

Our review showed her use of the Internet for non-work-related purposes for the months of July 2013 through January 2014 was brief and infrequent. However, her use in February through April was beyond de minimis as it was not brief or infrequent. During this time she accessed her personal email and bank accounts, movie review sites, online encyclopedia pages, and movie rental sites.

The subject's non-work-related browsing activity is summarized below:

- February 2014, 148 minutes over a seven day period.
- March 2014, 528 minutes over a 19 day period.
- April 2014, 504 minutes over a 16 day period.

In addition, on 84 occasions the subject accessed her personal email account.

In an interview with the subject, she confirmed she used her state computer for non-work-related purposes. She said she browsed the Internet during down times and because she was unclear of her assigned duties, what was expected of her, or who her supervisor was.

Agency's Plan of Resolution

We appreciate the State Auditor's Office bringing this concern to our attention. The Department takes its responsibility of ensuring employees are making efficient use of state time seriously. It has an "Acceptable Use of Information Technology Assets" policy (ETS.01.01) which specifically addresses allowable use of state resources. The policy states that "an employee's failure to comply with the policy may result in administrative or legal action, including but not limited to dismissal from employment or contract termination". The agency's "Ethics" policy (CNL.01.02) also addresses acceptable use and informs employees use of agency systems is monitored. Yearly, all employees are required to review both policies and acknowledge that they understand.

Additionally, agency employees see a warning – legal notice screen prior to accessing agency systems. There is language within the notice which states “This device and software are the property of the State of Washington, any unauthorized access or use of the system is prohibited and could be subject to criminal and civil and/ or administrative action”. By clicking OK the employee is acknowledging that they understand.

The employee who is the subject of this investigation has since departed the agency for a position at another state agency. We will forward a copy of this investigative report to the employee’s current employer for any action they deem necessary.

State Auditor’s Office Concluding Remarks

We thank Agency 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.