



Washington State Auditor's Office

Troy Kelley

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Whistleblower Investigation Report
Department of Early Learning

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

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Washington State Auditor Troy Kelley

March 19, 2015

Bette Hyde, Director
Department of Early Learning

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. 14-023 at the Department of Early Learning.

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: Robert Bouffard, Human Resource Manager
Governor Jay Inslee
Kate Reynolds, Executive Director, Executive Ethics Board
Cheri Elliott, Investigator

WHISTLEBLOWER INVESTIGATION REPORT

Assertion and results

Our Office received multiple complaints alleging two managers (Managers 1 and 2) at the Department of Early Learning (Department) were not assigning work to employees, resulting in staff being paid, but not producing any work. The complaint also alleged that when work was assigned it was not appropriate for the job classifications of employees and allocated in an unbalanced manner among staff. Manager 1 was the direct supervisor of Manager 2.

We were unable to determine whether the reported actions rose to the level of gross mismanagement.

Background

In the fall of 2013, in response to complaints regarding lack of work and other issues, the Department hired a consultant to investigate problems occurring within its Licensing and Oversight Division. The investigation found significant issues across the board related to low morale; lack of work and/or not being given meaningful work; duplicative work; favoritism; lack of training; and lack of accountability. The investigation specifically noted the most serious issues involved the two managers referenced in complaints received by our Office.

In June 2014, the Department hired a private investigator to investigate the issues of retaliation that had been asserted based on employees' participation in the first investigation. This investigation also found there was a lack of work and morale issues.

About the Investigation

During our investigation we interviewed witnesses and found the issues regarding lack of work, poor morale, and lack of accountability were still occurring as of January 2015.

Witnesses said there was either too much work for some or not enough work for others. One witness had work for the first two weeks and nothing for the remainder of the time spent at the Department. The witness sent numerous emails to Manager 2 requesting work, but after never receiving a response just stopped asking. The witness said there was "busy work" occasionally, but for the most part there was no work. The witness said the agency hired too many people and no one in the work group of nine had a full workload. The witness said both managers had work to do, but would not give it to anyone else.

Another witness said he/she was given work, but was aware other employees did not have work, adding that although some employees volunteered to help, Manager 2 would not let them. The

witness said some employees were "ran ragged" and others had no work; some literally did nothing but sit at their desks.

A witness said there was no work for the new hires and wondered why management continued to hire when they knew there was no work for the people they had. The witness thought there was plenty of work to do, but only a few people were allowed to do it. The witness was given a project that took about five hours per week to accomplish.

Another witness said the division was overstaffed and many employees had no work. Some stopped coming to work or came in late and left early, without claiming leave for their absences. The witness could not figure out why they kept hiring when there was not enough work for the staff they had. The witness said Manager 2 would not delegate work, but insisted on doing it herself.

A witness said he/she had plenty of work, but had heard that people were complaining about having none. The witness said the issue of no work continues because management has placed inexperienced people in the supervisory positions and these people do not understand the work and do not know how to delegate. The issues regarding people not coming to work and not using leave still continue. The witness said Manager 2 would delegate work but it was always to the same employees so they would have too much work. The witness said management has yet to address the issue of overstaffing and no work.

Another witness said there was work, but it was not allocated the same to all people. Some employees had nothing to do and others had way too much work. The witness said some people were fine not receiving any work. He/she thought there was plenty of work for those who wanted it. The witness said Manager 2 had way too much work and sometimes would delegate it to someone who was not capable of doing the work.

Witnesses said the problems began to arise when Manager 1 came into the division. He is described as being "arrogant" and "condescending", which is why most of the witnesses did not approach him with their concerns.

Manager 2 said she had "no idea" why employees said there was no work as there was plenty. She said there were projects that had to be bumped because they did not have enough people to do the work. She said she assigned work and the unit had twice-monthly meetings where everyone discussed what they were working on. Manager 2 said some employees were not happy about the work they had been assigned.

Manager 1 said he was not aware of the lack of work until the first investigation began. He said that the issue had not been brought to his attention directly, which he would have expected if someone was having problems getting work from Manager 2. He said Manager 2 would tell him what each person was working on. He said he did not think to ask her how much time the assignments would take as he assumed she was giving everyone 40 hours of work each week. He

said it was Manager 2's responsibility to ensure the staff had work. Manager 1 said some employees were not happy with the work they had been assigned. One witness said he/she brought up the issue of lack of work during at least three meetings where Manager 1 was present.

The Department's human resource manager said five or six people reported various issues to his department, which is why they hired someone to conduct the first investigation. After the results confirmed morale was low and a lack of work existed, the Director spoke with Manager 1, who in turn spoke with his staff directing them to go to Manager 2 or himself if they needed work. The human resource manager said he spoke with Manager 2 and she told him which employee was doing what work, but he did not know if the work kept the employee busy. He said the division has shifted work now so either everyone has work or they are no longer going to his department with issues. He said it was Manager 2's responsibility to ensure the staff had work.

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 42.40.020 - Definitions.

(4) “Gross mismanagement” means the exercise of management responsibilities in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.