



Washington State Auditor's Office

Government that works for citizens

Whistleblower Investigation Report

Department of Social and Health Services

Published August 18, 2016

Report No. 1017291





Washington State Auditor's Office

August 18, 2016

Patricia Lashway, Acting Secretary
Department of Social and Health Services

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. 16-007 at the Department of Social and Health 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: Governor Jay Inslee

Andrew Colvin, Discovery/Ethics Administrator

Kate Reynolds, Executive Director, Executive Ethics Board

Jacque Hawkins-Jones, Investigator

WHISTLEBLOWER INVESTIGATION REPORT

Assertion and results

Our Office received a whistleblower complaint asserting a Department of Social and Health Services (Department) area administrator (subject) allowed a social worker (employee) to bring her child to work for extended periods of time. The employee was allowed to bring her child to work until it was time to take the child to school. The employee dropped off and picked up her child from school and did not submit leave for the time away from the office.

We found no reasonable cause to believe the subject committed an improper governmental action.

About the Investigation

We conducted interviews and examined the employee's leave and timecards from September 1, 2015, through March 15, 2016, which were reviewed and approved by her supervisor.

We interviewed the subject, who told us she manages two offices and has supervisors who report to her, but she does not directly supervise the social workers. She said all leave and monthly timecards are submitted to the supervisors for approval. Each supervisor is responsible for ensuring their employees' time and attendance is accurate. She does not get involved in employee attendance issues unless it is brought to her attention by a supervisor or the payroll office. She said the supervisor has not approached her with any concerns regarding this particular employee's leave.

We spoke with the supervisor who said she allows the employees she supervises to bring their children into the workplace if they are in a "tough spot". She allows employees to leave work to pick up or drop off their children, as long as they make up their time. She does not monitor whether the time is made up, but trusts her employees to do so. She said employees may combine their breaks or shorten their lunch periods to make up the time. The supervisor confirmed the employee brings her child into the workplace and the child sits in the employee's cubicle and colors or plays with toys. She said she has no concerns regarding the employee's time.

Although the supervisor told us none of her employees bring their children to work on a regular basis, the employee told us she had brought her child in regularly – twice a week – and had done so since she began working at that office. Witnesses confirmed this pattern of behavior, stating that it had occurred throughout the school year.

Witnesses also said that, contrary to what the supervisor told us, the child has been disruptive to staff, but the supervisor can shut her door to the disruption. Witnesses said the employee takes advantage of the situation and the supervisor allows her to do so.

The collective bargaining agreement (CBA) for these employees grants one 15-minute break for each half shift of three hours or more, which is to be taken at or near the middle of each half shift. It also states breaks and lunches are not to be combined. When we brought this language to the attention of the subject, she said her offices do not follow the CBA regarding lunches and breaks. Because the social worker positions have varying work shifts, the social workers are allowed to adjust their schedules as long as it does not interfere with their work.

Because the subject is not responsible to ensure the employee's reported time and attendance are accurate, we found no reasonable cause to believe she committed an improper governmental action.

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 42.52.070 – Special Privileges.

Except as required to perform duties within the scope of employment, no state officer or state employee may use his or her position to secure special privileges or exemptions for himself or herself, or his or her spouse, child, parents, or other persons.