



# Washington State Auditor's Office

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## Whistleblower Investigation Report Department of Health

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October 31, 2016

John Wiesman, Secretary of Health  
Department of Health

### Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. 16-005 at the Department of Health.

The State Auditor's Office received an assertion of improper governmental activity at the Department. 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  
Lynda Karseboom, Internal Auditor  
Kate Reynolds, Executive Director, Executive Ethics Board  
Cheri Elliott, Lead Investigator

# WHISTLEBLOWER INVESTIGATION REPORT

## Assertion and Results

Our Office received a whistleblower complaint asserting a supervisor at the Department of Health (Department) was not working all of her required hours.

We were unable to determine if an improper governmental action occurred.

## About the Investigation

Our Office examined data from the Department's secure remote access software (Citrix) and its internal file-share program (SharePoint). We also reviewed the subject's calendars, timesheets and email folders and conducted interviews.

The scope of our investigation was limited by the Department's ability to capture data within Citrix and SharePoint. Because of these limitations, we examined data only from October 23, 2015, through December 31, 2015.

It was asserted by the whistleblower that the subject took long lunches, left early and was not always responsive or available when teleworking. We found evidence the subject does leave a few minutes early the days she is working in the office to accommodate her vanpool, but she also arrives earlier than scheduled. Her longer lunch hours are work-related with meetings incorporated during lunch. Our focus in this report is the time spent teleworking.

At the time we requested the data, the Department was able to track only editing activity within SharePoint, so we were unable to determine whether the subject was working in SharePoint. Although the subject told us most of her work is done in SharePoint, we found only five instances when the subject made edits to tracking forms over the nine weeks we reviewed.

The subject has entered into a telework agreement with the Department, which authorizes her to work from her home every other Tuesday and every Friday. The subject uses her personal computer when working from home; because she uses her personal computer instead of a state-owned computer, we were unable to review her hard drive activity. The subject has a flexible schedule, working – over a two week period – eight nine-hour days, one eight-hour day, and a day off every other week. The subject's eight hour day and day off are on Tuesdays.

When we compared the subject's use of Citrix with her calendars, emails and timesheets, we found she recorded hours of work on her timesheet when there was no data supporting any work activity and vice versa.

We spoke with the subject, who said the Department's timekeeping system was not set up to allow for Tuesdays as a "flex" day, so she was instructed by an employee in payroll to record her Tuesday times on Friday and vice versa. Although the subject's supervisor reviewed and signed off on the subject's timesheets she was not aware of this arrangement until September 2016. She said

administrative staff should catch the errors and send them back to the subject before she receives them for sign-off.

When we discussed the discrepancies in the timesheets, data, and calendars, the supervisor said the subject has difficulties filling out her electronic timesheet and probably made mistakes. We clarified that the subject is responsible for reviewing and signing off on the timesheets for the employees she supervises, her supervisor said these were in paper format and the subject does not have problems with the paper forms.

For the time period we examined, the subject was logged into Citrix for 176 hours and 42 minutes and actively working within Citrix for 40 hours and 14 minutes. "Active time," as defined by the Department's employee who collected the data, is when the person is "actively typing, and moving the mouse." It should be noted that Citrix is not capable of tracking time spent within SharePoint.

A review of the subject's emails revealed a pattern of responding to work emails from her home computer using either Citrix or a mobile application. However, the subject consistently switched from using her home computer to responding via her cell phone after 2 p.m. on Fridays. Citrix data for Fridays showed the subject more often than not did not actively work within Citrix after 2 p.m. The subject said that it was sometimes faster for her to use her cell phone than to respond using her computer via Citrix or the mobile application. The subject's email activity did not support this occurred consistently.

When asked if something occurred every Friday that took her away from her computer, the subject said no. Her supervisor told us it is her expectation that the subject work within Citrix and when showed the Friday pattern said she was a little concerned.

We spoke with witnesses who said the subject teleworks from home more often than she works in the office. They said the subject will change her calendar late at night or early in the morning without notifying staff of the changes. The subject said she notifies her supervisor and may email the employees she supervises, but not always as they can look at her calendar to see if she is coming into the office. According to her telework agreement, the subject is allowed to work from home on Tuesdays and Fridays and any changes to this schedule must be approved by her supervisor. Her supervisor confirmed that she gives the subject permission to change her schedule.

Witnesses also said they questioned what work the subject may be doing from home as it appears she has nothing to do when in the office. Witnesses said the subject makes unnecessary work for others in the office, so it will appear as if she has work to do. The consensus was that if she had no work to do in the office, she probably has less to do from home. We spoke with her supervisor who said that employees outside of their unit do not understand the work they do.

The subject said while working from home she responds to emails and telephone calls, reviews documents and researches on the Internet.

We found two days when the subject's calendar showed she was off, along with emails stating the same, but the subject recorded nine hours of work on both days. Due to the convoluted way the subject was recording her time, we asked her to verify that she did not work or flex on these two days; she confirmed she did not.

Regarding the assertion that, at times, she was unresponsive when teleworking, her supervisor said the subject is always responsive to her and no one in the office has come to her about the subject being unresponsive. Witnesses said any complaints made regarding the subject "fall on deaf ears."

## Conclusion

Because of the lack of data, we were unable to determine whether an improper governmental action occurred.

We did determine the subject's time was not always accurately recorded on her timesheets. The subject charges some of her time to federal grants, so the accuracy of her timesheet is important to ensure payroll expenditures are charged properly.

We recommend the Department consult with the subject and provide clear guidance on how her monthly timesheets should be completed.

## Department's Response

*The Department of Health thanks the Auditor's Office for the opportunity to respond to this Whistleblower report. We take allegations of wrong-doing by staff very seriously and appreciate the investigators' work and final recommendations. While the investigation did not evidence wrong-doing, this process has helped us identify some areas where we, as an agency, can improve.*

*In accordance with the Governor's Executive Order 16-07, we and many of our sister agencies are moving towards a more modern work environment. These efforts are intended to help attract and retain a talented work force, reduce our carbon footprint, and control costs while producing better work for the people of Washington. Strategies like telework are key to this initiative. But moving towards a culture of it's what we do, not where we do it, is not a simple matter and will take time and effort to get there. While some positions may always lend themselves to a more traditional work environment, others do not. This shifts the focus from adhering to a strict, eight to five schedule at a desk, to outputs and outcomes. Where this shift takes place, assessments of key cards logins and visual accountability are not effective evidence of whether or not the expected work is being completed and time is being used appropriately.*

*In this particular situation, the supervisor fully understood the work being done by the subject and was comfortable that the subject's performance was commensurate with the time based on milestones and work expectations. Those not as familiar with the work may not have understood that, and it may not have appeared that work was meeting expectations through the use of traditional and simplistic tracking methods. Identifying outputs and outcomes is where we can*

*continue to find ways to improve transparency – and therefore accountability – as part of this culture shift.*

## **State Auditor’s Office Concluding Remarks**

We thank Department 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.