



**Office of the Washington State Auditor**  
**Pat McCarthy**

**Whistleblower Investigation Report**  
**Department of Social and Health**  
**Services**

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June 1, 2017

Bill Moss, Secretary  
Department of Social and Health Services

**Report on Whistleblower Investigation**

Attached is the official report on Whistleblower Case No. 17-007 at the Department of Social and Health Services.

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.

If you are a member of the media and have questions about this report, please contact Assistant Director for Communications Kathleen Cooper at (360) 902-0470. Otherwise, please contact Whistleblower Manager Jim Brownell at (360) 725-5352.

Sincerely,

Pat McCarthy  
State Auditor  
Olympia, WA

cc: Governor Jay Inslee  
Andrew Colvin, Public Disclosure/Ethics Administrator  
Kate Reynolds, Executive Director, Executive Ethics Board  
Jennifer Wirawan, Investigator

# WHISTLEBLOWER INVESTIGATION REPORT

## Assertions and results

Our Office received a whistleblower complaint asserting two Department of Social and Health Services (Department) employees (Subjects 1 and 2) engaged in improper governmental actions.

**Assertion 1:** Subjects 1 and 2 failed to submit leave for hours not worked.

We found no reasonable cause to believe an improper governmental action occurred.

**Assertion 2:** Subjects 1 and 2 used state resources for non-work-related purposes.

We found reasonable cause to believe Subject 1 used state resources for non-work-related purposes. We found no reasonable cause to believe Subject 2 used state resources for non-work-related purposes.

## About the Investigation

We obtained and examined the subjects' timesheets, leave slips, building entry logs and emails for September 1, 2015, through August 1, 2016. Both subjects received new computers shortly before this investigation; as a result, we did not obtain hard drive information.

### Assertion 1

Due to the nature of their positions, both subjects routinely work away from the office, and outside of regular business hours. They were permitted to flex their time throughout the week as long as they worked the required 40 hours each week.

We reviewed building entry logs and found that neither subject consistently used their key card to enter the building. There is no requirement for staff to use the staff entrance, and the front door is unlocked during business hours.

We found neither subject accurately documented work hours on their timesheets. Both timesheets reflected the number of hours scheduled, but not actually worked.

Subject 1 said her supervisor told her to record the number of hours she worked each day. Subject 1 said her failure to complete her timesheet accurately was "laziness" on her part. We spoke with her supervisor, who said she has been working with Subject 1 regarding this issue for over a year.

Subject 2 said she was told to record her hours as scheduled but track the hours she actually worked to ensure she worked the required amount of time. We spoke with her supervisor, who said she expects her staff to fill out their timesheets accurately but does not remember telling Subject 2 to do so.

We examined the subjects' leave slips and found they consistently used leave for absences from work. Therefore, we found no reasonable cause to believe an improper governmental action occurred.

## **Assertion 2**

Because both subjects had recently received new computers, and the hard drives from their old computers were no longer available, our investigation was limited to reviewing each subject's email communications.

We found Subject 1 sent and received more than 200 personal emails during an eight-month period, with a high of 54 emails in November 2015. She sent and received emails regarding topics such as her child's education, child support, and a vehicle loan. We also found Subject 1 used the Department's printer and scanner for personal documents.

During an interview, Subject 1 said she used her state email because writing an email on her computer was easier than stopping what she was doing and using her personal cell phone. She acknowledged her personal use of the Department's printer and scanner, but said she believed it was minimal.

State ethics law (WAC 292-110-010(3)(a)) permits the de minimis personal use of state resources as long as the use meets certain criteria, including that the use is brief and infrequent. Subject 1's use of state resources for non-work-related purposes was neither brief nor infrequent. Therefore, we found reasonable cause to believe an improper governmental action occurred.

Subject 2 sent and received 14 personal emails during the same eight-month period. Her use of state resources for non-work-related purposes was brief and infrequent. Therefore, we found no reasonable cause to believe an improper governmental action occurred.

## **Department's Plan of Resolution**

*Thank you for the opportunity to review and respond to the State Auditor's Office (SAO) draft report on Whistleblower Case No. 17-007. The Department of Social and Health Services (DSHS) takes the assertions seriously and appreciates the assistance of the State Auditor's Office in developing important facts in its investigation.*

*In accordance with applicable collective bargaining agreements and agency policy, the Department will afford the employee an opportunity to respond to the Auditor's report. Based on the outcome of that process the Department will take appropriate action, which may include formal disciplinary action up to and including dismissal.*

## **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(1) 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.