



Office of the Washington State Auditor
Pat McCarthy

Whistleblower Investigation Report
Department of Fish and Wildlife

Published August 20, 2018

Report No. 1022008





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Kelly Susewind, Director
Department of Fish and Wildlife

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. 18-030 at the Department of Fish and Wildlife.

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 Director of 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
Mario Cruz, Internal Auditor
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 Fish and Wildlife (Department) program manager (subject) allowed an employee to use a state vehicle to commute from the city of his residence to his assigned workstation in another city. The complaint also asserted the employee started clocking his workday at the start of his commute.

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

Background

The Department has various programs dedicated to the preservation of threatened and endangered species throughout the state. The employee referenced within this report is one of a group of people involved in the recovery and monitoring of one of these threatened species.

About the Investigation

The employee lives in a city about one hour away from his assigned workstation. His duties include fieldwork in three specific areas, all of which are within 30 miles of his assigned workstation and over 40 miles from his official residence. Although time spent on the sites varies throughout the year, he was not at the sites daily.

According to the employee, he often needed to be at the fieldwork sites very early in the morning and thought it was more advantageous for the state if he drove directly from the office located in his residence city, instead of commuting to his official workstation to retrieve a state vehicle, and depart to the sites from that location. For that reason, he requested a vehicle that would remain at the office located in his residence city. According to his supervisor and the subject, the employee stated this arrangement would be more economical for the state.

Neither his supervisor nor the subject was aware the employee was regularly leaving the vehicle in his residence city. Although the supervisor works in that office, both he and the subject told our Office they thought it was happening only occasionally, with the vehicle remaining, most of the time, at the assigned workstation.

Before this investigation was initiated, the subject became aware of concerns regarding the following of policies related to, among other things, the use of state vehicles. In response to these concerns, he initiated a conversation with various staff during a monthly teleconference to ensure overall clarity on the allowable use of state vehicles.

It was during the teleconference that the subject became aware the employee was leaving the vehicle in his residence city and driving directly to his fieldwork sites. The subject then analyzed the distances between the fieldwork sites and the two offices and determined that the sites were closer to the employee's workstation and therefore the car should remain at that office. He clarified

that occasionally a vehicle can be taken home or left at an office closer to the residence, if it saves time and miles for the state and with a supervisor's permission.

In response to the decision to move the vehicle back to his workstation, the employee informed the subject that starting from the office in his residence city reduced his total drive time, allowing him to balance his work and personal needs.

Nevertheless, the subject instructed the employee to return the vehicle to his workstation. Although the request was made before the filing of the complaint with our Office, it was not until our Office notified the Department of the investigation that the subject checked on the vehicle and found that due to extenuating circumstances, the vehicle had not been moved. The vehicle was moved within three weeks of initiating this investigation.

Regarding the assertion that the employee counted his commute as work time, according to the employee, he began his workday *after* he picked up the vehicle in his residence city to drive to the fieldwork sites. Considering the subject's opinion that the employee should have been driving to his workstation to pick up the vehicle, we asked his opinion on whether the commute to the field should have been on the clock. The subject said that an employee must be on the clock to drive a state vehicle. However, he said the situation should never have occurred in the first place because the use of the state vehicle was for the benefit of the employee, not the agency.

We found a breakdown in supervision and communication, and a misunderstanding regarding vehicle use policies. We did not find the subject extended a special privilege to the employee and ended the vehicle use when he found out it was occurring on a regular, as opposed to an occasional, basis.

Therefore, we found no reasonable cause to believe an improper governmental action occurred.

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 42.52.070 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.

RCW 42.52.020 Activities incompatible with public duties.

No state officer or state employee may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature, that is in conflict with the proper discharge of the state officer's or state employee's official duties.