



Office of the Washington State Auditor
Pat McCarthy

Whistleblower Investigation Report
Department of Social and Health
Services

Published January 14, 2019

Report No. 1023078





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January 14, 2019

Cheryl Strange, Secretary
Department of Social and Health Services

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. 18-023 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.

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 Assistant Director of State Audit Troy Niemeyer at (360) 725-5363.

Sincerely,

Pat McCarthy
State Auditor
Olympia, WA

cc: Governor Jay Inslee
Rick Meyer, External Audit Compliance Manager
Kate Reynolds, Executive Director, Executive Ethics Board
Cristopher de la Peña, Investigator

WHISTLEBLOWER INVESTIGATION REPORT

Assertion and Results

Our Office received a complaint that a Department of Social and Health Services (Department) employee (subject) was given permanent use of a state vehicle to commute from her residence in Clark County to her office in Tacoma.

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

Background

The Office of Financial Management (OFM) published the State Administrative and Accounting Manual (SAAM) to provide for the accountability of state assets. The SAAM provides policies regarding the financial and administrative affairs of the state, and minimum requirements that state agencies must meet.

Chapter 10 of the SAAM outlines the policies and procedures for state employee travel and reimbursement. According to these policies, the cost of the daily commute between a traveler's official residence and official station are a personal obligation of the traveler and are not reimbursable.

The Department of Enterprise Services (DES) published the Enterprise-Wide Transportation Policy to provide guidance on the economical, efficient and effective use and management of state-owned or -leased passenger motor vehicles for the conducting of official state business. The policy allows employees the use of state vehicles to commute from their residence to their duty station under certain circumstances. The policy states:

Travel between the duty station and official residence may be approved by the agency head or authorized designee . . .

About the Investigation

The Department gave our Office vehicle mileage logs from February 8, 2017, through February 7, 2018, position appointment letters, Travel and Expense Management System (TEMS) reimbursement request reports and emails from August 1, 2017, through January 31, 2018.

The subject received an appointment as Acting Deputy Regional Administrator effective January 16, 2017. The appointment letter for the acting position listed her official duty station as being in Vancouver. The subject received an appointment as the Deputy Regional Administrator effective January 1, 2018. The appointment letter for this position also listed her official duty station as being in Vancouver. The letter authorized the subject access to a state vehicle for travel to the regional office in Tacoma at least two days a week.

We found the subject used state vehicles to travel to Tacoma a total of 102 times over a 52 week period, an average of 1.9 times per week. Part of the assertion stated the subject was given permanent use of a state vehicle. We found the subject used a total of three different state vehicles but used one vehicle for 85 percent of her travel. The subject also received travel reimbursements for three separate trips to Tacoma using her personal vehicle.

During an interview the subject said she would travel to Tacoma using a state vehicle from her assigned office in Vancouver. She said that when she traveled back and forth to Tacoma she would keep the vehicle at her home and then return the vehicle to the Vancouver office when she was not using it. The subject said the Regional Administrator told her she was allowed to keep the state vehicle at her home when she was traveling to Tacoma. The subject said she asked the Regional Administrator to give her this permission in writing, did not get it right away and eventually forgot.

In an interview, the Regional Administrator said that when the subject traveled to Tacoma she was required to be present from 8 AM to 5 PM. The Regional Administrator said this required the subject to leave and return at hours the Vancouver office was closed and no other employees were present. She said the parking lot at the office was unsecured and it would not be safe for the subject to be there so early in the morning and late in the evening. She said this was reasonable justification to allow the subject to take the vehicle to her home.

Our Office asked the Department liaison if the Regional Administrator was authorized to allow an employee to take a vehicle to their residence. The liaison verified that the Regional Administrator was authorized to give an employee permission to take a state vehicle to their residence.

The subject's official station designated on her appointment letters for both Acting Deputy Regional Administrator and as the Deputy Regional Administrator was the office in Vancouver. For the subject's travel to Tacoma to be considered her commute, the subject's official station would have to be designated as Tacoma. Her use of state vehicles to travel to Tacoma and the reimbursement for use of her personal vehicle for that travel was allowable.

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

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:

Assertion 1:

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.