



Washington State Auditor's Office

Troy Kelley

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Whistleblower Investigation Report
Department of Social and Health
Services

For the period July 1, 2014 through June 30, 2015

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Washington State Auditor Troy Kelley

May 4, 2015

Kevin Quigley, Secretary
Department of Social and Health Services

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. 15-003 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. 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: Andrew Colvin, Public Disclosure and Ethics Administrator
Governor Jay Inslee
Kate Reynolds, Executive Director, Executive Ethics Board
Jennifer Wirawan, Investigator

WHISTLEBLOWER INVESTIGATION REPORT

Assertion and results

Our office received an assertion that a Department of Social and Health Services employee used her state-issued computer for shopping and browsing non-work-related websites. It was also alleged that the subject used her work email account for non-work-related purposes.

We found reasonable cause to believe an improper governmental action occurred.

About the Investigation

As authorized by state law (RCW 42.40.040(5)(d)), we referred this matter to the Department of Social and Health Services (Department). The Department investigated and reported its findings to us. We came to our conclusion after a review of the investigation and related documentation.

The Department obtained the subject's hard drive and created a report based on the subject's Internet use from June 26, 2013 through September 9, 2014. The data collected was sporadic relative to dates due to the Internet history files being overwritten through the computer's normal processes. Because the hard drive was partially overwritten, the Department was able to determine that the subject used her computer for non-work-related purposes throughout the reported period, but was unable to measure the duration of the activity.

The Department also obtained and reviewed the subject's email during the same period. In its review, the Department found 12 non-work-related emails related to things such as shopping and membership programs. This use was de minimis in nature.

We interviewed the subject who confirmed she used her work computer for non-work-related purposes. She said she browsed the Internet primarily on her lunch breaks for things such as shopping, reading articles, and real estate listings. She said during the 14 weeks she was on alternate assignment her non-work-related browsing increased as she had few job responsibilities and spent the majority of her shift with nothing to do.

Agency's Plan of Resolution

The Department of Social and Health Services (DSHS) is in receipt of the Washington State Auditor's draft report on Whistleblower Case No. 15-003. This report is related to an assertion of improper governmental action at the agency by an employee using a state computer for shopping and browsing non-work-related websites. As noted in the report, your office referred the matter to the department to conduct the investigation.

DSHS agrees that the investigation provided reasonable cause to believe an improper government action occurred. The subject employee in this matter resigned before the investigation was completed and no longer works for the Department. If the employee had not

resigned, the Department would have further reviewed the matter to determine any appropriate disciplinary action.

When logging onto work computers, Department employees are reminded about limitations on personal use of their state-provided internet access. Also, as part of an annual review process, employees are required to review applicable policies, including DSHS Administrative Policy 18.64 Standards of Ethical Conduct and Administrative Policy 15.15 Use of Electronic Messaging System and the Internet.

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 42.52.160 - 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.